**5-14-2015 – REGULAR BOARD MEETING**

Present:

Councilman Leonard R. Hochadel

Councilman David L. Montgomery

Councilman Douglas J. Morrell

Supervisor Beverly Gambino

Absent:

Councilman Cheryl L. Earl

Also Present:

Attorney for the Town David DiMatteo

Highway Superintendent Donald Hopkins

Town Clerk Betsy A. Marsh

Approx. 15 guests

The Sardinia Town Board held its Regular Town Board meeting for May on May 14, 2015 at the Sardinia Town Hall/Community Center. Supervisor Gambino called the meeting to order at 6:30 PM with the Pledge to the Flag, led by Veteran Jim Wiedemann.

The minutes of the March 19, 2015 Special Emergency Hearing concerning the Dennies barn on Rt. 39 were briefly discussed by the Supervisor. Those minutes were done before the April meeting, but the Clerk had not received the transcripts from the Court reporter, so therefore, did not distribute them to Board members. The Supervisor stated that they have now been distributed, including the transcripts, and approval of those can now be voted on, along with the April 9th meeting, and the April 22nd Work Session. She stated that the resolution to send out the RFP’s for demolition of 12880 Schutt Rd. was adopted at that Work Session. Councilman Montgomery stated that he would like a correction made in those Work Session minutes to reflect that Councilman Morrell was supposed to speak to Caretaker Al Hansen about the elevator, not him. The Clerk stated she would make that correction. **On a motion by Montgomery, seconded by Morrell, all three sets of minutes, with the correction, were approved. Carried, 4 ayes, 1 absent, 0 noes.**

**Warrant #5 of 2015, including vouchers #994 through #1060, totaling $39,975.87, of which the General Fund was $24,986.14, the Highway Fund was $11,646.70, the Lighting District Fund was $1,075.80 and the Fire District Fund was $2,267.75, was approved for payment on a motion by Hochadel, seconded by Morrell, and carried, 4 ayes, 1 absent, 0 noes.**

**Departmental Reports:**

Councilman Morrell stated that the Town has received the engineering report concerning the Town Hall roof, and both levels of the roof are in bad shape and need to be repaired. He stated that once the roof is repaired, the elevator can then be repaired. Mr. Morrell stated that the engineering firm estimates that the lower roof level will cost $73,050 to repair, and the upper level will cost approximately $123,600, for a total of $196,650 to repair both levels. Councilman Morrell stated that in his opinion, the Town should get the repairs going as soon as possible while the weather is good, and so that the elevator can be repaired and running again. **Board members agreed, and on a motion by Gambino, seconded by Hochadel, Chatfield Engineers will be requested to put together a bid package for the repairs.**  **Carried, 4 ayes, 1 absent, 0 noes.**

Councilman Montgomery stated that the well testing program has been completed and 23 wells were tested. Mr. Montgomery also reported that the Senior Citizens have contacted him and requested Town funding for 2 trips, one in August to Erie PA., and one in September to the Lucille Ball Museum in Jamestown. He stated that the Town’s cost would not exceed $3,500 per trip. **On a motion by Hochadel, seconded by Montgomery, funding for those trips was approved in an amount not to exceed $3,500 per trip. Carried, 4 ayes, 1 absent, 0 noes**. Robert Churchof Rt. 39 asked what the water tests showed. Mr. Montgomery explained that the results have been received and distributed to the property owners, and he is not at liberty to give out the results, but that all were within normal ranges.

Councilman Hochadel reported that he attended the Springville Control Center meeting held on April 16th. He stated that Tim Horner of the Village of Springville, was on hand and announced that there will be a 60’ x 60’ hanger constructed behind the hospital to house a Mercy Flight helicopter, who will be at the Hospital for 24 hour a day coverage. Mr. Hochadel stated there will also be 2 garages constructed to house a Rural Metro ambulance, possibly two there, since, currently, Rural Metro has quite often not been available. Councilman Hochadel also stated that the Board had discussed having music in the Park again, and stated he would be willing to contact bands and arrange the concerts. Supervisor Gambino stated she would like to have these events starting after the Firemen’s Carnival, and asked that if anyone had any ideas for bands or artists, to please contact the Town.

The Highway Superintendent stated that the Spring trash pickup was done in 1½ days. He stated that the only problem they had was that people were putting out things that they could not pick up such as electronics, despite the ads run by the Town. He stated he would like to get together with Tom Lewis of Waste Management and see if the fliers that they sent out for their Hazardous Waste and Electronic Waste drop off day could be improved for next year. Mr. Hopkins stated that the road sweeping has finally been completed, he and his crew have been in the Parks cleaning and mowing, and the prisoners will be here again tomorrow to clean off the park fences. Mr. Hochadel asked if the fences could be fixed, and Mr. Hopkins stated he would look at them and see if it can be done by his department. The Highway Superintendent stated that he will start working on the pool on June 1st and will be draining, cleaning and filling it. He stated that the Rec Department is targeting June 20th for the pool opening date, and he will be bringing up Bromine prices at the June meeting. He stated that concerning the bleachers at the ball fields, 2 sets from Manion Park will be moved to Veterans Park after the Carnival. He asked Board members what they would like done with the old bleachers. He stated that the boards are shot and the frames are not in great shape, but are still useable. He suggested the Town put them up for sale on Auctions International. **After a brief discussion, on a motion by Gambino, seconded by Hochadel, the Board agreed the old bleachers at Veterans Park should be listed for sale on Auctions International. Carried, 4 ayes, 1 absent, 0 noes.** The Highway Superintendent stated that a letter has been received from Mike Asklar of Erie County Highway Dept., stating that they have reviewed the Town’s request for a speed reduction, and will be lowering the speed limit on Genesee Rd. to 45 mph for a distance of .6 miles, west of the existing 35 mph speed limit currently in place. Mr. Hopkins also stated that the Town will be getting an additional $5,000 in CHIPS funding for “Winter Recovery” repairs. He stated he will be using that money for repairs to Wagner and Olin Roads. Mr. Hopkins presented the annual Agreement to Spend Town Highway Funds, which included recycling and chip sealing Domes Rd. from Allen to Mehm Rd., and chip sealing Reed Rd., Davis Hill Rd., Pratham Rd., and East Schutt Rd., for a total expenditure of $150,000. **On a motion by Hochadel, seconded by Morrell, the Board approved the 2015 Agreement to Expend Town Highway Funds. Carried, 4 ayes, 1 absent, 0 noes.** Mr. Hopkins stated that they will be putting up the flags next week, and there are 4 or 5 that are ripped and need replacement. He stated that we have purchased them from Carrot Top Industries in the past, and their prices are reasonable. He stated the cost is $34.50 each if you buy 3 or more, and he recommended that the Town purchase 12 flags. **On a motion by Gambino, seconded by Hochadel, the Board approved the purchase of 12 flags. Carried, 4 ayes, 1 absent, 0 noes.**

The Highway Superintendent stated that he has discussed with the Board the purchase of a pickup truck and a 1 ton truck.

He stated he estimates the cost to be around $52,000 for the truck, with trade-in. He stated he would like to have permission to put out to bid for a 1 ton cab, chassis, and plow. **On a motion by Gambino. Seconded by Hochadel, Mr. Hopkins was authorized to get together a bid for a cab, chassis, and plow. Carried, 4 ayes, 1 absent, 0 noes.**

Attorney DiMatteo stated that, in regards to the roof repair, if the Town has not budgeted for the cost, or if they do have enough in the budget to pay for the repair, it could always take out a Bond, or a BAN (Bond Anticipation Note), which has interest rates lower than 2%. The Supervisor stated there is a fund for capital improvements in the amount of $250,000.00, which requires Board approval to spend. The Attorney discussed the Bond vs. BAN, and whether a capital improvement fund could be used for a roof repair. He suggested that the Supervisor contact the Town’s accounting firm. The Supervisor asked if the Town could pay for half, and purchase a BAN for the other half. Attorney DiMatteo felt that was an option. He also stated that, concerning the music in the Park, the Town may hear from a company called BMI (Broadcast Music, Inc.) for a license to use the music. He stated this has become very common because most of the music played by bands such as the ones the Town would pay to play would be copywrited by other artists. He stated that the license cost will depend on how many concerts are planned. Attorney DiMatteo informed that Mark I has requested that the Town again review their sewer and water systems, the Town Engineers have reviewed and feel that it will come in under $5,000. He stated that Mark I’s attorney wants the escrow account capped at $5,000.00. Mr. DiMatteo didn’t feel this is a good idea, in the event that cost over-runs occur. He stated he has no problem with sending them monthly engineering bills, and if their account runs out, having work stopped until the account is replenished, but doesn’t feel it is the Town’s responsibility to pay for a private entity to make money, or start a sub-division. He stated that the law clearly states it is the applicant’s responsibility Planning Board member Robert Church asked if this is the water district formation, which he worked on several years ago, and was told, no, it is for the private systems for the proposed Townhouses project. Mr. DiMatteo stated he has an agreement drawn up for the escrow account for payment of the engineering services, has sent it to Mark I, and they can either sent the Town a check for $5,000.00, or it is dead in the water. The Supervisor asked for a motion to authorize her to sign the agreement if Mark I comes forward with the money, and specifying that he has 5 days to replenish the account if it goes over $5,000.00. After a brief discussion there was no motion or second to authorize the execution of that agreement. In ongoing litigation matters, Attorney DiMatteo stated he had appeared in State Supreme Court yesterday on the Diamond Saw assessment lawsuit, and there is no update on the Concerned Citizens vs. Town of Sardinia and Gernatt Asphalt. Concerning the condemned house at12880 Schutt Rd., he stated that the asbestos report has come in, and the inspector stated to treat the house as if it is full of asbestos because whether it is, or not, is unknown, because the house is in such bad shape, they could not enter without a possible floor collapse. The Attorney also reported that the State Office of Historic Preservation has determined that it is not a historic structure, therefore, the Town is free to disassemble it. He stated that the Town went out to bid on it, but no bids were received. He asked the Board if they would like to re-bid and send out more RFP’s. The Board felt they should also be sent to local contractors. Councilman Montgomery felt that the septic system should also be filled in, and Board members agreed, therefore, that will also be included in the RFP’s. **On a motion by Montgomery, seconded by Morrell, RFP’s will again be sent out for the demolition, with the filling in of the septic system included in the scope of the work, with bids to be returned to the Town for opening at the June 11th Board meeting, and the project is to be advertised locally. Carried, 4 ayes, 1 absent, 0 noes.**

Supervisor Gambino reported she has received a thank you letter from Meals on Wheels of WNY for the $2,000.00 donation; has received the Fire Company’s Treasurer’s report for the month; and a letter concerning the Fire Company’s fund drive, including the annual Carnival on June 26, 27, and 28, and the annual Tool Raffle on September 13.

**Unfinished Business:**

Supervisor Gambino stated that the first resolution is to appoint Lori Whittington as the Town’s representative on the Erie County Environmental Management Council. **The following resolution, to be known as Resolution #18 of 2015, was then moved for adoption by Morrell, seconded by Montgomery:**

**RESOLUTION #18 - 2015**

**APPROVAL OF LORI WHITTINGTON TO REPRESENT THE TOWN OF SARDINIA ON THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL**

 **WHEREAS,** the Sardinia Town Board recognizes the need for representation to the Erie County Environmental Management Council (ECEMC) and

 **WHEREAS,** the Sardinia Town Board has been requested by ECEMC to appoint a representative to this council for a 2-year term expiring on May 31, 2017 and

 **WHEREAS,**  Lori Whittington has confirmed interest in this Council and will report back to the Town Supervisor on a monthly basis, if possible, regarding activities of this committee; and

 **NOW, THEREFORE, BE IT RESOLVED, the** Sardinia Town Board hereby approves the appointment of Lori Whittington to represent the Town of Sardinia at the monthly meetings and provide the Town Supervisor with a monthly report for a 2-year term on the ECEMC, expiring on May 31, 2017.

**Upon roll call vote, Earl, absent, Hochadel, aye, Montgomery, aye, Morrell, aye, Gambino, aye. So Resolved, 4 ayes, 1 absent, 0 noes.**

Supervisor Gambino stated that the next resolution is to appoint pool and recreation staff, per the recommendations of the Youth Board. She also noted that orientation will be held on June 3rd**. The following resolution, to be known as Resolution #19 of 2015, was moved for adoption on a motion by Hochadel, seconded by Morrell:**

**RESOLUTION #19 - 2015**

 **APPROVAL OF POSITIONS**

 **WHEREAS,** the Sardinia Town Board has received recommendations from the Sardinia Youth Board to fill the following positions with individuals listed at the pay rate posted

 POSITION NAME RATE OF PAY per hour

 Lifeguard/WSI – return Casie Neil $12.76

 Lifeguard/WSI – return Nicole Schwab $12.76

 Lifeguard – return Jenna Boza $11.65

 Lifeguard – return Brittany Czerwwinski $11.65

 Lifeguard – return Andrew Mumbach $11.65

 Lifeguard – return Kenny Dabolt $11.65

 Lifeguard – return Heather Slomba $11.65

 Rec. Attendant – return Sidney Danielson $10.55

 Rec. Attendant – return Megan Hanrahan $10.55

 Rec. Attendant – return Molly Darling $10.55

 Rec. Attendant – return Shania Hilts $10.55

 Rec. Director - return Courtney Wittmeyer $12.76

 Lifeguard – new Emily McAfee $10.55

 Lifeguard – new Marcus Hopkins $10.55

 Lifeguard – new Gavin Hurley $10.55

 Lifeguard – new Nathan Schiener $10.55

 Lifeguard – new Adam Fridman $10.55

**NOW, THEREFORE, BE IT RESOLVED,** the Sardinia Town Board hereby approves the above listed personnel for the 2015 summer recreation season.

**Upon roll call vote, Earl, absent, Hochadel, aye, Montgomery, aye, Morrell, aye, Gambino, aye. So Resolved, 4 ayes, 1 absent, 0 noes.**

The Supervisor stated that the next resolution is for approval of a fund transfer within the General Fund budget. **On a motion by Morrell, seconded by Hochadel, the following resolution, to be known as Resolution #20 of 2015, was moved for adoption:**

**RESOLUTION #20 - 2015**

 **APPROVAL OF FUND TRANSFER**

**WHEREAS,** the Town of Sardinia Board approves the following transfer of funds:

**TRANSFER FROM AMOUNT TRANSFER TO\_\_\_\_\_\_\_\_**

**A1420.400 Attorney-Contractual $1450.00 A1320.400 Auditor-Annual Audit**

**Upon roll call vote, Earl, absent, Hochadel, aye, Montgomery, aye, Morrell, aye, Gambino, aye. So Resolved, 4 ayes, 1 absent, 0 noes.**

Supervisor Gambino stated the Town has received a letter from Tammy George Stevenson of Glistening Sky Fitness, asking for permission to use the Town Parks for outdoor workouts approximately twice over the course of the summer. **The following resolution, to be known as Resolution #21 of 2015, was moved for adoption by Montgomery, seconded by Hochadel:**

**RESOLUTION #21 - 2015**

**APRROVAL OF USE OF TOWN PARKS FOR OUTDOOR WORKOUTS**

 **WHEREAS,** Glistening Sky Fitness of 12970 Schutt Road, Chaffee, NY has requested the use of the town parks for outdoor workouts, over the course of the 2015 summer, and

 **WHEREAS,** Glistening Sky Fitness will be running a Playground Challenge, and 30 Minute workouts charging $5.00 per person per day, and

 **WHEREAS,** Glistening Sky Fitness would approximately use the Sardinia town parks two times over the course of the summer, and

 **WHEREAS,** Glistening Sky Fitness has checked with their insurance and has liability insurance that would cover any injuries that may come from this program, and

 **WHEREAS,** Glistening Sky Fitness agrees to hold the Town of Sardinia harmless.

**NOW, THEREFORE, BE IT RESOLVED,** the Sardinia Town Board hereby approves Glistening Sky Fitness to utilize the Sardinia Town Parks for the Playground Challenge.

**Upon roll call vote, Earl, absent, Hochadel, aye, Montgomery, aye, Morrell, aye, Gambino, aye. So Resolved, 4 ayes, 1 absent, 0 noes.**

The Supervisor stated that the final resolution is for approval of the 2015 Summer Recreation field trips schedule, and some buses will be needed for some of the trips**. The following resolution, to be known as Resolution #22 of 2015, was then moved for adoption by Hochadel, seconded by Morrell:**

**RESOLUTION #22 - 2015**

 **APPROVAL OF 2015 SUMMER RECREATION FIELD TRIPS**

1. July 23, a trip to see the Buffalo Bison’s play against Syracuse Chiefs. Game starts at 1:05pm. Cost would be $7.25 a ticket with an optional hot dog and soda coupon for $6.50. Total of $13.75
2. Fantasy Island trip (date to be determined) Tickets would be $15.00 a person with one free ticket for every ten bought. There is also an optional pavilion rental for an additional $50.00
3. Arcade and Attica children’s train on July 10. With 20 or more attending cost would be $10.00 a person
4. Buffalo Zoo trip (date to be determined) Cost would be $5.25 for ages 2-14 and $7.50 for older (must pre-pay at least 3 weeks in advanced for these prices)
5. Bowling at Arcade Lanes (dater to be determined) Cost would be $12.00 a lane with an estimated 2 lanes for a total of $24.00
6. Laser Tap trip (date to be determined) Cost would be $23.00 a person for a ½ hour for laser tag. $8.00 worth of tokens for the arcade, unlimited drinks, and one slice of pizza.

\*\*\*Fantasy Island, the Zoo, laser tag, and the Bison’s game will require busses at the same rate as last year

**($1292.50 for three trips last year - $1800.00 available in transportation line)**

**Upon roll call vote, Earl, absent, Hochadel, aye, Montgomery, aye, Morrell, aye, Gambino, aye. So Resolved, 4 ayes, 1 absent, 0 noes.**

Attorney DiMatteo stated that the Board needs to hold a brief Executive Session on litigation matters. **Therefore, on a motion by Gambino, seconded by Morrell, the Board entered into Executive Session at 7:26 PM. Carried, 4 ayes, 1 absent, 0 noes.**

**On a motion by Morrell, seconded by Hochadel, the Board returned to Regular Session at 7:31 PM, carried, 4 ayes, 1 absent, 0 noes.**

**There being no further business to come before the Board, on a motion by Morrell, seconded by Hochadel, the meeting was adjourned at 7:32 PM. Carried 4 ayes, 1 absent, 0 noes.**

 Respectfully Submitted,

 Town Clerk