**7-9-2015 – REGULAR BOARD MEETING**

Present:

Councilman Cheryl L. Earl

Councilman Leonard R. Hochadel

Councilman David L. Montgomery

Councilman Douglas J. Morrell

Supervisor Beverly Gambino

Also Present:

Attorney for the Town David DiMatteo

Highway Superintendent Donald Hopkins

Town Clerk Betsy A. Marsh

12 guests

The Sardinia Town Board held its Regular Town Board meeting for July on July 9, 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 Gerard Whittington, followed by a moment of silence.

**The minutes of the June 11, 2015 Regular Board meeting were approved as submitted by the Town Clerk, on a motion by Gambino, seconded by Morrell, and carried, 5 ayes, 0 noes.**

**Warrant #7 of 2015, including vouchers #1120 through #1182, totaling $44,794.91, of which the General Fund was $16,507.69; the Highway Fund was $25,139.38; the Fire District Fund was $2,267.75; and the Lighting District Fund was $880.09, was approved for payment on a motion by Earl, seconded by Hochadel, and carried, 5 ayes, 0 noes.**

**Departmental Reports:**

Councilman Morrell stated that this coming Monday, bid specs for the Town Hall roof project will be here from the Town’s engineers, Chatfield Engineering. He stated bids are to be submitted by August 3, 2015, and will be opened at the August 11th meeting. Mr. Morrell stated there may also be a pre-construction meeting scheduled.

Councilman Montgomery had nothing to report.

Councilman Earl asked if the escrow account check from Mark I has been received by the Town, and Supervisor Gambino informed that it has been received.

Councilman Hochadel reported that he attended the Springville Control Center meeting held on June 18th and stated that not much had been discussed, other than that they are still looking for per diem dispatchers. He also stated that, concerning the Music in the Park, he has put together a schedule of concerts for the next 6 weeks, which he would like to see held on Wednesday evenings from 6 PM until 8 PM, rain or shine, starting July 15th, 2015, if approved by the Board. He read the schedule, which included the Gene Hilts Band on 7/15; Roger Hill on 7/22; the Pete Boberg Band on 7/29; Rose Wagner and Ken Spencer on 8/15; Rockslide on 8/12; and the Paul Zittle Band on 8/19. **Mr. Hochadel distributed the list to Board members, and on a motion by Gambino, seconded by Hochadel, and carried, 5 ayes, 0 noes, the schedule, as well as the dates and times, were approved by the Board.**  Supervisor Gambino stated she would make up a flier for distribution, and the schedule will be run in the Pennysaver. Councilman Hochadel also congratulated the Chaffee-Sardinia Little League C and D teams for winning their respective League championships.

Town Disaster Coordinator Jerry Whittington reported on the house numbering project. He gave the Board a packet containing a draft letter to be sent out to Town residents, a letter to the Board explaining the project, and a price sheet for costs. He stated that this will be an Eagle Scout project for a Boy Scout who lives in East Aurora, but whose grandfather lives in Sardinia, and stated that the Scout will be attending a Board meeting in the near future. Mr. Whittington stated he has been in touch with the Boy Scouts of America and everything is in place, and the Erie County sign shop was the least expensive and will be doing the signs. The Highway Superintendent suggested that the signs were only going to be 4 feet high and may get covered with snow during a bad winter. There was a discussion on whether the signs should be vertical or horizontal, and the Highway Superintendent felt that horizontal would be most practical in the winter. Councilman Earl and Councilman Montgomery felt that people should not be forced to have the signs, but the Attorney pointed out that the Town Code already forces them, and there is a penalty for violation of the Code. Mr. Whittington stated that if someone absolutely refused, he would not force the issue. Responsibility for replacement or repair was discussed, and it was felt that the signs would be like water lines, in that the property owner is responsible, but the Town is providing them, for them for free. Mr. Whittington stated that the Eagle Scout Project needs to be completed by the end of the year. He stated he is hoping to work with the Fire Dept. and the Highway Superintendent and have it done by the end of the year, and wants to put the signs where they will not be a hindrance to the snow plows. Councilman Montgomery asked if Mr. Whittington had checked with the Cattaraugus County DPW sign shop, stating that when he was in charge of working on the project, they had the cheapest price. Mr. Whittington stated he would call them for a quote. Supervisor Gambino stated she feels this is a good project and it was started a long time ago, and she would like to see it finished. Councilman Earl stated she would like to see the Boy Scout do some fund raising for the project. **Supervisor Gambino then made a motion, seconded by Morrell, to give Disaster Coordinator Whittington and the Eagle Scout candidate Approval to go ahead with the project, with the maximum cost to be $14,084.00. Carried, 4 yes, 1 no, with Hochadel, Montgomery, Morrell, and Gambino voting aye, and Earl voting no.**

Attorney DiMatteo stated that concerning the 12889 Schutt Rd. property, the Town has now received a letter from the Buffalo Erie Niagara Land Improvement Corporation or BENLIC, giving the Town the go ahead to demolition the property. He stated that everything has been approved, and the SEQR review has been done, and the Town is now in a position to officially award the bid, sign a contract with the contractor, and move along with the demolition. The following resolution, to be known as Resolution #25 of 2015, was then moved for adoption on a motion by Hochadel, seconded by Morrell:

**RESOLUTION #25 – 2015**

**RESOLUTION TO AWARD THE BID FOR DEMOLITION OF 12889 SCHUTT RD.**

**WHEREAS,** there is a structure located at 12889 Schutt Road, SBL #326.06-2-11 which has been abandoned for approximately 10 years following the death of the owner; and

**WHEREAS,** since this time has passed, the house on the property has fallen into significant disrepair and has become a great threat to public health, safety and welfare and has been the subject of several zoning violations; and

**WHEREAS,** the Zoning Officer for the Town of Sardinia has made multiple attempts to contact the alleged members of the estate of the owner of the property to no avail and the Town Board has deemed this structure to be dangerous and a significant threat to the public and believes it would be in the best interest of the Town residents to demolish the structure; and

**WHEREAS,** the Town Board of the Town of Sardinia has been approached with an opportunity through Buffalo Erie Niagara Land Improvement Corporation “BENLIC” to provide funding through the Office of the Attorney General “OAG” to demolish the structure and remediate the property; and

**WHEREAS,** in accordance with the New York State Office of Historic Preservation (SHPO) the Town Board extended an inquiry to SHPO to review the property and ensure that the same is not part of the New York State Historic Registry, and on May 7, 2015, SHPO confirmed that this structure was not part of the State Historic Registry; and

**WHEREAS,** accordingly, the Town Board of the Town of Sardinia deems this action a Type II action under the New York State Environmental Quality Review Act 6NYCRR 617.2 Section (33) requiring no further action on behalf of the Town due to the fact that this structure has created an emergency situation effecting the health, safety, and welfare of the resident in the Town of Sardinia; and

**WHEREAS,** in accordance with the Town’s Procurement Policy and Section 103 of the General Municipal Law of the State of New York the Town solicited bids from several contractors in the immediate area for demolition, asbestos abatement and remediation of the property; and

**WHEREAS,** the Town Board received two (2) regular bids and one (1) alternate bid from two (2) contractors and the bids were as follows:

United Demolition Regular Bid with disposal $13,999.00

United Demolition Alternate Bid without disposal $ 9,999.00

Southern Erie Construction with disposal $20,885.00; and

**WHEREAS,** in accordance with Section 103 of the General Municipal Law of the Stated of New York the Town has selected the lowest responsible bidder, United Demolition with the alternate bid of $9,999.00, this would entail the Town disposing of the debris once the demolition is complete; and

**WHEREAS, in** accordance with an Agreement with BENLIC and the Office of the Attorney General, the selected contractor was required to comply with rigorous standards in order to assure that the Town would be reimbursed by OAG for the demolition; and

**WHEREAS,** on July 9, 2015, BENLIC approved the hiring of United Demolition as the official contractor for this project pending review of their licensing and references.

**NOW ON A MOTION OF** Councilman Hochadel, which has been duly seconded by Councilman Morrell, therefore be it

**RESOLVED,** in accordance with the New York State Office of Historic Preservation (SHPO) the Town Board extended an inquiry to SHPO to review the property and ensure that the same is not part of the New York State Registry, on May 7, 2015 SHPO confirmed that this structure was not part of the State Historic Registry; and be it further

**RESOLVED,** accordingly, the Town Board of the Town of Sardinia deems this action a Type II action under the New York State Environmental Quality Review Act 6 NYCRR 617.2 Section (33) requiring no further action on behalf of the Town due to the fact that this structure has created an emergency situation effecting the health, safety and welfare of residents in the Town of Sardinia; and be it further

**RESOLVED,** in accordance with an Agreement with BENLIC, the Town of Sardinia and the Office of the Attorney General, the selected contractor was required to comply with rigorous standards in order to ensure that the Town would be reimbursed by OAG for the demolition; and be it further

**RESOLVED,** on July 9, 2015, BENLIC approved the hiring of United Demolition as the official contractor for this project pending review of their licensing and references; and be it further

**RESOLVED,** that the Town Board of the Town of Sardinia officially awards the contract for demolition of 12889 Schutt Rd. to United Demolition in the amount of $9,999.00, with the start date to be determined upon approval of BENLIC and the Office of the Attorney General.

**Upon roll call vote, Earl, aye, Hochadel, aye, Montgomery, aye, Morrell, aye, Gambino, aye. So Resolved, 5 ayes, 0 noes.**

Attorney DiMatteo stated the Planning Board received an application for a Site Plan Review from Scott Barone, doing business as Reliable Auto. He stated that the property, on the corner or Rt. 16 and Rt. 39, has been a used car lot in the past, but not for more than a year, therefore the Town Zoning Ordinance requires approvals. He stated that the Planning Board has approved his application, sent it on to the County, who has approved, but the SEQR now needs to be done, and the Town Board needs to hold a Public Hearing. He stated it is an approved use in the district, but the Town still needs to go through the process. He stated that the only possible other involved agencies would be the State Dept. of Motor Vehicles, the State DOT, and the Town of Sardinia. Mr. DiMatteo stated the Town should send notice to those agencies that we received a short Environmental Assessment Form, and that the Town is probably going to declare a Negative Declaration because historically, it has been a used car lot and there will no physical change in the lot, or use. He stated the Board needs to pass a resolution declaring Lead Agency and setting up a public hearing. On a motion by Gambino, seconded by Morrell, the following resolution, to be known as Resolution #26 of 2015, was moved for adoption:

**RESOLUTION #26 – 2015**

**TO SEEK LEAD AGENCY STATUS AND SCHEDULE A PUBLIC HEARING**

**WHEREAS,** the Town of Sardinia Planning Board has received an application from Scott Barone, doing business as Reliable Auto, asking for approval to sell used cars at the property located at 12390 Olean Rd. in the Town of Sardinia; and

**WHEREAS,** the Planning Board has given its approval to the application; and

**WHEREAS**, the Town Board, as required by the Town of Sardinia Zoning Ordinance, must now conduct the SEQR Review of the proposed project and hold a Public Hearing on the proposal;

**NOW BE IT HEREBY RESOLVED, that** the Sardinia Town Board hereby declares itself as Lead Agency for the SEQR Review, and, further, will hold a Public Hearing on the matter on August 13, 2015, at 6:15 PM at the Sardinia Town Hall, 12320 Savage Rd., Sardinia, NY.

**Upon roll call vote, Earl, aye, Hochadel, aye, Montgomery, aye, Morrell, aye, Gambino, aye. So Resolved, 5 ayes, 0 noes.**

Attorney DiMatteo stated that, concerning the Diamond Saw assessment matter, he has spoken to the Assessor, Thelma Hornberger, and the numbers remain where they are, and he doesn’t feel there is any reason to back off.

Highway Superintendent Donald Hopkins reported that the bromine purchased for the pool is working as well as the Diamond brand purchased last year, but is $30.00 cheaper per 50# pail. He stated he purchased 2 more pails, and would now like to purchase 6 more pails. **On a motion by Earl, seconded by Hochadel, the Highway Superintendent was authorized to purchase 6 more pails of bromine for the pool. Carried, 5 ayes, 0 noes.** Mr. Hopkins also stated that he has received only 1 truck bid, from West Herr Ford. He stated he has been told that it is because there are no incentives as yet on new trucks. He stated that the West Herr bid remains sealed, and proposed that the Town re-bid the truck for bid opening at the August meeting. He stated he will contact West Herr Ford and ask if they would like to re-submit the bid, or re-bid for the August meeting**. On a motion by Earl, seconded by Hochadel, the Highway Superintendent was authorized to run an ad again and put the truck up for bid for the August 2015 meeting. Carried, 5 ayes, 0 noes.** Mr. Hopkins reported that the final bid on the old bleachers on Auctions International is $460.00, and he is very happy with that bid. He stated he has several other surplus items that he would like to list on Auctions International, also, including the old flail mower, a bike rack, and a couple of newer truck tires, and would like Board authorization to do so. **On a motion by Hochadel, seconded by Earl, Mr. Hopkins was authorized to list those surplus items for sale on Auctions International. Carried, 5 ayes, 0 noes.** The Highway Superintendent informed that, concerning the possible resurfacing of the tennis courts, as discussed at last month’s meeting, he has contacted a company called Courts and More, and they have given a quote of $23,152.00 to resurface the court. He stated that he had just the cracks filled earlier this spring. The matter was discussed, and it was felt that the project could possibly be put out to bid next year, and the money included in the 2016 Town Budget. It was suggested that that eh Town include it on the list of projects for CDBG application, but the Supervisor stated that it would probably not be eligible, since the Town of Sardinia is no longer considered to be a “low income” area. Mr. Hopkins was asked to get a couple of more quotes for the August meeting, to compare cost. Mr. Hopkins stated that he has been asked by a resident of Savage Rd. and Gales Court to be able to purchase a small strip of land adjoining his property which is currently owned by the Town as Road right-of- way, but is wider than the rest of the road right-of-way. He stated that the resident has been mowing the strip for years, and it is unknown why that small strip was included in the right-of-way to begin with. The Supervisor stated she has spoken to the Assessor about it, and she stated that the Town probably need to request the original Subdivision plan filed with Erie County when the subdivision was built, sometime in the 1970’s. She stated she will pursue that, and will speak to the Attorney about it. Mr. Hopkins also stated that the Town Highway Superintendents Assoc. members have all received proposed Shared Services Agreements between the Towns and NY State DOT. Mr. Hopkins felt that the Agreement was more geared toward the suburbs, and in the rural areas, we do more for them than they do for us. No action was taken on the Agreement, and it will be sent to the Attorney for review. The Supervisor stated she noticed that Middle Rd. had been patched, and asked if the Town or the County had patched the holes. Mr. Hopkins stated that it had been the County Highway Dept. She asked if they had also patched Matteson Corners Rd., since she had received complaints about the condition of that Road, and was informed that the County had done half of that road. Mr. Hopkins stated that the new engineer for the County is trying to do a good job, but he did some work and was then told that he was out of money in his budget. Mr. Hopkins stated that the last thing he would like to discuss is the Park. He stated that no one can control the weather, but after this year’s Carnival, the Park was in horrible condition. He stated if anyone else had left it that way, the Town would have gone after them, or called the Sheriff’s Dept. He stated he felt that he would have liked an offer of assistance to fix the damage from the Fire Company. He stated he has rolled it and repaired as well as possible. The Board discussed the matter, and the possibility of asking for a contract or a deposit next year was suggested. The walkway through the middle of the shelters was also discussed, and Mr. Hopkins stated they seeded it twice last year, and will do it again at the end of the summer. Some Board members felt it may be better off being blacktopped again.

Supervisor Gambino stated that Recreation Administrator Chris Warner has given her the number of Pool passes sold and swim lesson sign-ups for at the pool this year, as follows:

Resident Family Pool passes 2014 – 33 2015 – 24

Non- Res Family Pool passes 2014 – 13 2015 – 4

Resident Swim Lessons 2014 – 60 2015 – 64

Non Res. Swim Lessons 2014 – 27 2015 – 16

Total Lessons 2014 – 87 2015 – 80

The Supervisor stated that the decrease in the number of non-resident pool passes reflects the increased cost voted in this year.

Supervisor Gambino stated that the last item of business is the standard work day for resolution for employees, which is required by the New York State Retirement System. The following resolution, to be known as Resolution #27 of 2015, was then moved for adoption on a motion by Earl, seconded by Hochadel:

**RESOLUTION #27 - 2015**

**STANDARD WORK DAY RESOLUTION REQUIRED BY NEW YORK STATE RETIREMENT**

**WHEREAS,** the Town of Sardinia hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees’ Retirement System based on the time keeping system or the record of activities maintained and submitted by these member’s to the clerk of this body:

Part-time Constable 6 hours

Part-time Court Clerk 6 hours

Part-time Deputy Town Clerk 6 hours

Part-Time Secretary to Supervisor 6 hours

Part-time Lifeguard 6 hours

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| **Title**  **Elected Officials** | Name | Standard  Work Day | Term Begins/Ends | Participates in  Employer’s  Time Keeping  System | Days/Month |
| Supervisor | Beverly Gambino | 6 | 01/01/2014 – 12/31/2017 | N | 20 |
| Town Clerk | Betsy Marsh | 6 | 01/01/2014 – 12/31/2017 | N | 20 |
| Superintendent of  Highways | Donald Hopkins | 8 | 01/01/2014 – 12/31/2017 | N | 20 |
| Justice | Eric Place | 6 | 01/01/2015 – 12/31/2018 | N | 10 |
|  |  |  |  |  |  |
| **Title**  **Appointed Official**s |  |  |  |  |  |
| Assessor | Thelma Hornberger | 6 | 10/01/2013 – 09/30/2019 | N | 5 |

**NOW, THEREFORE, BE IT RESOLVED** that The Sardinia Town Board approves these standard work days as required by New York State Retirement System.

**Upon roll call vote, Earl, aye, Hochadel, aye, Montgomery, aye, Morrell, aye, Gambino, aye. So Resolved, 5 ayes, 0 noes.**

**There being no further business to come before the Board, on a motion by Earl, seconded by Hochadel, the meeting was adjourned at 7:26 PM. Carried 5 ayes, 0 noes.**

Respectfully Submitted,

Town Clerk