**1-8-15 – REGULAR BOARD MEETING**

Present:

Councilman Cheryl L. Earl

Councilman Leonard R. Hochadel

Councilman David L. Montgomery

Supervisor Beverly Gambino

Absent:

Councilman Douglas J. Morrell

Also Present:

Attorney for the Town David DiMatteo

Highway Superintendent Donald Hopkins

Town Clerk Betsy A. Marsh

7 guests

The Sardinia Town Board held its Regular Town Board meeting for January on January 8, 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, followed by a Moment of Silence.

The minutes of the December 11, 2014 Regular Board meeting were submitted by the Deputy Town Clerk, and the December 29, 2014 Public Hearing on proposed Local Law #1 of 2015 to repeal the TRUST Law, and the December 29, 2014 End of the Year meeting, were submitted by the Town Clerk. Councilman Montgomery wanted an addition to the December 11, 2014 minutes to include information on the rain barrels discussed during his report that evening, which was announced at the Erie County Water Quality meeting he had attended. He asked that the fact that the rain barrels can be obtained by anyone interested by contacting Mr. Montgomery, have downspouts, and are being donated by Coca Cola, and the schools will be painting them, be included in the minutes**. On a motion by Earl, seconded by Montgomery, the minutes were approved, with the additional information added to the 12/11/2014 Regular meeting minutes. Carried, 4 ayes, 1 absent, 0 noes.**

The approval of the bills was the next item on the agenda. The Supervisor explained that there were 2 sets of bills to approve, one being the bills from 2014, and the other the first bills for 2015. It was decided by the Board to approve each Warrant separately.

**Warrant #14 of 2014, including vouchers #784 through #794, totaling $4,431.83, of which the General Fund was $2,753.75, the Highway Fund was $659.00, and the Lighting District Fund was $1,019.08; and on a motion by Earl, seconded by Montgomery, those bills were approved for payment, carried, 4 ayes, 1 absent, 0 noes.**

The Supervisor stated that the next approval was for Warrant #1 of 2015. Councilman Earl asked if the Town had received a notification of the Firemen’s points for 2014 or an audit of the LOSAP program. The Supervisor stated that we have not received the points total, but their year runs differently than the Town’s, and goes from March to March. Councilman Earl stated we should ask for a list of the current Firemen so that we don’t pay on people who have left the Fire Company, and so we can pick up any new Firemen on the Life insurance. Supervisor Gambino stated that LOSAP Administrator Gene Heater had emailed and asked how much had been budgeted for the program, and then sent a bill for that exact amount. She suggested Councilman Earl call him with her questions, and Ms. Earl stated she would do so.

**Warrant #1 of 2015, including vouchers #795 through #806, totaling $44,373.32, of which the General Fund was $37,120.00, the Highway Fund was $5,352.69, and the Fire District Fund was $2,000.00, was then approved for payment on a motion by Earl, seconded by Hochadel, and carried, 4 ayes, 1 absent, and 0 noes.**

**Departmental Reports:**

Councilman Montgomery asked if the Town would like to conduct a water testing program this year. He stated it had been quite a few years since one had been done, and last time, he had taken the samples to the Erie County Health Dept. The matter was discussed and the Board felt water testing should be done again. Mr. Montgomery was asked to get prices for the testing from Erie County and 2 other companies.

Councilman Hochadel reported that he had attended the December Springville Control Center Board meeting and the topic of discussion was that Helmich Fire Control Center and North Collins Control Center were both closing and Evans Control would be doing the dispatching for the companies served by them. He stated that the Springville Control dispatcher positions have now all been filled.

Councilman Earl reported that NYS now has a program called Rural Broadband Connect, and are giving grants for expansion of broadband internet service to areas where there is none currently. She stated there is a website, [www.broadbandmap.ny.gov](http://www.broadbandmap.ny.gov), where you can go and report how you get your internet, and the State can then ascertain where there is service and where there is not. She stated that the grant applications are due February 17, 2015. She asked if anyone had any thoughts. After discussion, it was felt that the Town should contact grant writers and find one familiar with the program.

Highway Superintendent Donald Hopkins reported that at the December 11, 2014 meeting, he was given approval to list 2 surplus Highway vehicles on Auctions International, which he did. He stated that he had spoken to the representative of Auctions International, and for $30.00 per vehicle, they would come out and take multiple pictures of the vehicles to help in the sale. He stated he had them do that, and feels that the Town got better prices than expected because of the pictures, and stated it only cost $60.00, and feels it was well worth it. Mr. Hopkins reported that the final bids on the vehicles were:

2001 Chevy pickup truck $4,000

1994 4X4 International plow truck $16,800

Mr. Hopkins stated that he actually had people stop by the Highway Garage and look at the trucks first hand. He stated that the next step is for the Town to accept or decline the bids. He stated that Auctions International lets the bidders know if the bid was accepted, and then they have 10 days to pay for the vehicle. **On a motion by Hochadel, seconded by Earl, the final bids for the surplus trucks were accepted by the Board. Carried, 4 ayes, 1 absent, 0 noes.**

The Town’s Disaster Coordinator Gerry Whittington reported that, concerning the forecasted incoming lake effect storm, the Governor’s office contacted Erie County Emergency Management and informed that they have shut down the NYS Thruway, Rt. 400, and Rt. 219 for this evening until further notice. He stated that there is still no one telling drivers not to get off on those routes, and there are no driving bans as of now. The Highway Superintendent stated they have had no complaints about their snow removal, but sometimes they get complaints about the State and County, and that’s nothing new.

Supervisor Gambino reported that she received the Fire Company’s Treasurer’s report. She also reported that at the end of last month, she attended D-Land training in Buffalo through the Erie County Emergency Management Services. She stated that you can put in a ticket through the County for help such as sand bags, pickup trucks, etc. and everyone see it and can then offer help, if available. Mr. Whittington stated he had met with FEMA and submitted the costs incurred during the November storm by the Town, which was mostly Fire Company costs and Highway overtime.

Attorney DiMatteo stated he would talk about the Tax Relief Program, Local Law #3 of 2013. He stated that this was the program that **was so sorely greeted by the State Comptroller’s office and their audit. Mr. DiMatteo stated that a public hearing was held at an earlier date on a Local Law to repeal that law. He stated that the methodology used to adopt Local Law #3 of 2013 was criticized by the State for being inappropriate and not legal, and they recommend that the Town take it off the books, or will be hearing** more from the State. He stated he doesn’t know how much farther the Town wants to go with the rebate program, but stated he doesn’t feel it is worth the court challenge. Mr. DiMatteo stated he looked at the law and how it was adopted and echoed the State Comptroller’s sentiments. He stated that in order to give such rebates, the municipality needs to have special legislation passed by the State Legislature. He stated that that the Board can now consider the resolution to adopt Local Law #1 of 2015 repealing the TRUST Law. He asked if there were any questions or comments. There were none**. A motion was then made by Hochadel, seconded by Gambino to adopt Resolution #2 of 2015, repealing Local Law #3 of 2013, as follows:**

**RESOLUTION #2 of 2015**

**Repealing Local Law No. 3 of 2013 “Town Relief under Sardinia Taxes Law or (TRUST)**

**WHEREAS,** the Town Board of the Town of Sardinia adopted Local Law No. 3 of 2013 entitled “Town Relief Under Sardinia Taxes or “TRUST” ” on August 8, 2013, thereafter said Local Law was filed with the New York State Department of State; and

**WHEREAS,** following a yearly audit of the Town of Sardinia, the office of the New York State Comptroller determined that Local Law No. 3 of 2013 contained unlawful content; and

**WHEREAS,** In accordance with the same, the office of the New York State Comptroller has advised that Local Law No. 3 of 2013 be repealed in its entirety and removed from the Town of Sardinia’s Local Laws; and

**WHEREAS,** due to the fact that Local Law No. 3 of 2013 contains unlawful content, the Town Board of the Town of Sardinia wishes to repeal said Local Law by the adoption of Local Law No. 1 of 2014 entitled “Repealing Local Law No. 3 of 2013 “Town Relief Under Sardinia Taxes Law or (TRUST)”; and

**WHEREAS,** a Notice of Public Hearing was duly published in the Town’s official newspaper and said public hearing was held on December 29, 2014 at which time all parties in attendance were provided an opportunity to speak or provided written comment in favor of or in opposition to the proposed local law; and

**WHEREAS,** that the Town Board of the Town of Sardinia feels it is in the best interests of the Town of Sardinia to adopt said law.

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

**RESOLVED,** that the Town Board of the Town of Sardinia feels it is in the best interests of the Town of Sardinia to adopt Local Law No. 1 of 2014 entitled, **“**Repealing Local Law No. 3 of 2013 “Town Relief Under Sardinia Taxes Law or (TRUST)”.

**Upon roll call vote, Earl, no, Hochadel, aye, Montgomery, no, Morrell, absent, Gambino, aye. The vote was a tie, therefore resolution not adopted, nor defeated, 2 aye, 2 noes, 1 absent**.

The Supervisor stated that the next resolution is to conduct the annual audit of the Town and departments. She stated that the first resolution is to audit the Supervisor’s financial records, and the second is to audit the Court and the Town Clerk’s financial records. The following resolution, to be known as Resolution #3 of 2015, was then moved for adoption on a motion by Gambino, seconded by Earl:

**RESOLUTION #3 – 2015**

**Approval of Auditor and Accountant Consultant**

**WHEREAS,** The Sardinia Town budget includes fund for the Town to retain Drescher & Malecki LLPas our auditor to prepare a review of 2014 expenditures and finances of the Town at a cost not to exceed $10,750.00 and assist in consultation for the year 2015 in accounting at a cost of $125.00 per hour, and

**NOW, THEREFORE, BE IT RESOLVED,** the Sardinia Town Board approves the firm of Drescher & Malecki LLP to perform the 2014 audit and reports, to the Town Board at a cost not to exceed $10,750.00 and perform 2015 accounting assistance at a cost of $125.00 per hour.

**Upon roll call vote, Earl, aye Hochadel, aye, Montgomery, aye, Morrell, absent, Gambino, aye. So Resolved.**

Supervisor Gambino stated the next resolution is for the auditing of the Court and the Town Clerk. On a motion by Earl, seconded by Hochadel, the following resolution, to be known as Resolution #4 of 2015, was moved for adoption:

**RESOLUTION #4 – 2015**

**AUDIT ON COURT AND TOWN CLERK DEPARTMENTS FOR 2014**

**WHEREAS**, the Sardinia Town Board recognizes the need for periodic review and audit of departments with the Town, and

**WHEREAS,** it is necessary to complete these audit in order to be compliant with the State of New York Comptroller, and

**WHEREAS,** our auditor Drescher & Malecki can review the 2014 expenditures and finances of the Town of Sardinia Court and also the Town of Sardinia’s clerk’s office, and

**WHEREAS,** the cost to the Town of Sardinia for audit services for the Court is $2900.00 and the cost for the Clerk’s office is $2900.00 for a total cost of $5800.00,

**NOW, THEREFORE, BE IT RESOLVED,** The Sardinia Town board approves the firm of Drescher & Malecki to perform audits on both the Sardinia Town Court and the Sardinia Town Clerk’s office.

**Upon roll call vote, Earl, aye Hochadel, aye, Montgomery, aye, Morrell, absent, Gambino, aye. So Resolved.**

The Supervisor stated that the next resolution is to approve the use of the gym for a birthday party. On a motion by Earl, seconded by Hochadel, the following resolution, to be known as Resolution #5 of 2015, was moved for adoption:

**RESOLUTION #5 – 2015**

**APPROVAL FOR USE OF GYMNASIUM**

**WHEREAS,** the Sardinia Town Board has received a request from Leah Wiedemann to use the gymnasium for her grandson’s birthday on Sunday January 11, 2015 from 1pm – 3pm, and

**NOW, THEREFORE, BE IT RESOLVED** that the Sardinia Town Board approves the rental of the gym on January 11, 2015 upon receipt of Leah Wiedemann’s certificate of insurance.

**Upon roll call vote, Earl, aye Hochadel, aye, Montgomery, aye, Morrell, absent, Gambino, aye. So Resolved.**

Supervisor Gambino stated that the next resolution is to hire a Zumba instructor for the Winter Recreation program. She stated she had been asked to sit in on the interviews of 3 applicants for the position, and it was recommended that Town resident Tammy George-Stevenson be hired for the 6 to 8 week program. On a motion by Earl, seconded by Montgomery, the following resolution, to be known as Resolution #6 of 2015, was moved for adoption:

**RESOLUTION #6 – 2015**

**APPOINTMENT OF ZUMBA INSTRUCTOR FOR WINTER RECREATION**

**WHEREAS,** the Sardinia Town Board has received a recommendation from the Youth Board to hire Tammy George-Stevenson for the position of Zumba instructor, and

**WHEREAS,** the Zumba program will run six to eight weeks, depending on attendance starting in late January on Thursdays, and

**WHERES,** the rate of pay for this position is $25.00 hour, and the instructor is on the Town’s payroll

**NOW, THEREFORE, BE IT RESOLVED,** that the Sardinia Town Board approves the hiring of Tammy George-Stevenson for position of Zumba Instructor, for Winter Recreation.

**Upon roll call vote, Earl, aye Hochadel, aye, Montgomery, aye, Morrell, absent, Gambino, aye. So Resolved.**

Supervisor Gambino stated that the last resolution is to transfer funds within the 2014 Town Budget to zero out the accounts. She stated that the only account that is not included is the Fire District because she needs to speak to the Town’s accountants for assistance with that. The following resolution, to be known as Resolution #7 of 2015, was then moved for adoption on a motion by Hochadel, seconded by Earl:

**RESOLUTION #6 – 2015**

**APPROVAL OF FUND TRANSFER**

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

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

A1010.400 TOWN BOARD CONTR. $350.00 A1110.410 JUSTICE PROSECUT

A1440.400 ENG. CONTR $301.23 A1620.410 OP. BLD. ELECTR

A1440.400 ENG. CONTR $140.66 A1620.420 OP. BLD. HEAT

A1440.400 ENG. CONTR $32.66 A1620.430 OP. BLD. TELEPH

A1440.400 ENG. CONTR $376.60 A1620.490 OP. BLD. REPAIRS

A1935.400 TAX CANCELL $35.20 A1910.400 UNALLOCATE INS

A5132.420 GARAGE HEAT $55.90 A5132.430 GARAGE TELEPH

A5132.420 GARAGE HEAT $335.80 A5132.440 GARAGE BLD

A5132.420 GARAGE HEAT $33.75 A5132.490 GARAGE REPAIRS

A5182.410 STREET LIGHT ARCADE $1584.47 A5182.420 STREET LIGHT ENTI

A7020.100 REC ADM PERS SERVICE $13.85 A7020.400 REC ADM CONTRA

A7110.400 PARKS CONTRAC $54.51 A7110.401 PARKS UTILITIES

A7180.200 SPEC REC FACILITIES EQ $10.71 A7180.400 SPEC REC CONTRAC

A8020.410 PLAN BOARD PLANNER $1850.00 A8040.420 ASSESSMENT REVIE

DA5110.130 GENERALREPAIR OT $949.79 DA5110.420 FUEL & LUBE

DA5110.430 GEN LABOR PARTS & LABOR $6115.07 DA5130.200 HYW MACHINERY

DA5142.120 SNOW REMOVAL PER SER $8828.39 DA5130.200 HYW MACHINERY

DA9060.800 HOSPITAL & MEDICAL $6045.54 DA5130.200 HYW MACHINERY

DA5110.450 GENERAL SIDEWALK $1000.00 DA5142.450 SAND & SALT

DA5110.490 GENERAL REPAIR $610.51 DA5142.450 SAND & SALT

DA5130.430 HWY REPAIR & MAINT $5294.67 DA5142.450 SAND & SALT

DA5142.140 SNOW REMOVAL PART TIME $2031.50 DA5142.450 SAND & SALT

DA9089.800 MEDICARE $2195.99 DA5142.450 SAND & SALT

SL5182.422 LIGHTING MILLER AVE $2.30 SL5182.423 LGT ALLEN WEST

**Upon roll call vote, Earl, aye Hochadel, aye, Montgomery, aye, Morrell, absent, Gambino, aye. So Resolved.**

**An Executive Session was needed for the Board to discuss contract negotiations and a legal matter, therefore, on a motion by Earl, seconded by Hochadel, the Board moved into Executive Session at 7:08 PM, carried 4 ayes, 1 absent, 0 noes**.

**The Town Board resumed the Regular meeting at 7:52 PM, on a motion by Earl, seconded by Hochadel, and carried 4 ayes, 1 absent, and 0 noes.**

**There being no further business to come before the Board, on a motion by Earl, seconded by Gambino, the meeting was adjourned at 7:53 PM. Carried 4 ayes, 1 absent, 0 noes.**

Respectfully Submitted,

Town Clerk