

MINUTES OF STAFFORD TOWN BOARD MEETING OF March 09, 2009

PRESENT:

R. Clement -Supervisor
D. Vicary -Councilman
R. Panek -Councilman
R. Pacer -Deputy Supervisor
M. Mouery -Councilman

ABSENT:

Steven Boldt - Highway Superintendent

OTHERS PRESENT:

Walter Kershenski -Town Clerk
Approximately 6 members of the Community per sign in form

Supervisor Clement called the meeting to order at 7:30 p.m., followed by Pledge to the Flag.

Motion made by Councilman Mouery sec. by Councilman Panek to accept the minutes of the February 09, 2009, Regular Town Board Meeting as presented by the Town Clerk. **Motion** carried.

Motion made by Councilman Pacer, sec. by Councilman Panek to accept the financial report as submitted by the Supervisor. **Motion** carried

OLD BUSINESS:

1. RESOLUTION 02-2009:

- **Rescind Resolution 02-2009 of Feb. 9, 2009**

Supervisor Clement stated that Resolution 02 -2009 which was adopted at the Feb. 9, 2009 meeting was incorrect because it was acted upon before the Town Attorney made final changes to the Retail Water Supply Agreement with the Town of Batavia. Therefore a **Motion** was made by Councilman Pacer and seconded by Councilman Vicary to Rescind Resolution 02 -2009 of Feb. 9, 2009. Motion was passed. Supervisor Clement then presented to the Board Members the most current version of the Retail Water Supply Agreement with the Town of Batavia that was approved and signed by the Town of Batavia and forwarded to the Town of Stafford to act upon. Upon review of the Agreement, the following Resolution was offered by Supervisor Clement:

- **Approve a Retail Water supply Agreement with theTown of Batavia
Revised Resolution 02-2009**

RESOLUTION NO. 02-2009 DATED: March 9, 2009

**RESOLUTION TO APPROVE A RETAIL WATER SUPPLY AGREEMENT
WITH THE TOWN OF BATAVIA**

WHEREAS, the Town of Batavia has entered into agreements with Genesee County to be supplied with water and has developed a water distribution system of its own, and has authority to sell or provide water from its distribution system to customers, including other municipalities outside of the Town of Batavia, and

WHEREAS, the Town of Batavia has duly formed pursuant to the provisions of Article 12 of the Town Law, the Ellicott Street Road and Townline Road Water District within its Town, and

WHEREAS, the Town of Stafford has duly formed pursuant to the provisions of Article 12 of the Town Law, Water District No. 6, and

WHEREAS, the Towns of Batavia and Stafford entered into a "Town of Stafford and Batavia Water Districts Intermunicipal Agreement", dated September 13, 2007, whereby provisions were made to jointly construct the water facilities to service both of the aforesaid Water Districts within the respective Towns, and

WHEREAS, the Town of Stafford on behalf of the Water District No. 6 desires to have the Town of Batavia provide water for Water District No. 6, and the Town of Batavia desires to supply water to the properties within said District.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Stafford, New York, that the Supervisor is hereby authorized and directed on behalf of the Town of Stafford to execute a proposed "Towns of Batavia and Stafford Retail Water Supply Agreement", a copy of which is annexed and made part of the minutes of the Town Board, and be it

FURTHER RESOLVED that upon the completion of the execution of the aforesaid "Towns of Batavia and Stafford Retail Water Supply Agreement", employees of the Town are hereby authorized and directed to take all steps necessary to effectuate all terms and conditions set forth in said Agreement.

Dated: March 9, 2009

MOVED BY: Councilman Pacer

SECONDED BY: Councilman Vicary

Approved on Roll Call (5-0) as follows:

Supervisor Robert S. Clement	Yes
Councilwoman Michelle Macon-Mourey	Yes
Councilman Robert Pacer	Yes
Councilman Ronald T. Panek	Yes
Councilman David G. Vicary	Yes

2. RECREATION PROGRAM DIRECTOR APPOINTMENT :

Motion by Councilman Mouery seconded by Councilman Pacer To appoint Stephanie D'Alba as Director of the Town of Stafford Recreation Program and Rebecca Elmore as Recreation Program Supervisor.

Motion was passed.

3. TEAMSTERS CONTRACT STATUS -- R. PACER:

Councilman Pacer stated that there have been no recent meetings and therefore nothing new to report at this time. A meeting with Union Representatives will be scheduled for March 11, 2009. Town Clerk Kershenski brought to the Board Members attention that The Highway Superintendent recently submitted a Voucher for payment for the purchase of new Safety Shoes. After a brief discussion, it was noted that the Highway Superintendent is not a member of the Union. Therefore he is not eligible for compensation for Shoes per the Terms of the Teamsters Contract, but he could be reimbursed from his budgeted Contractual Fund Account.

NEW BUSINESS:

1. TOMPKINS INSURANCE UPDATE -- DAVID BOYCE

David Boyce, a representative from Tompkins Insurance Company gave a brief presentation to the Town Board Members regarding the current scope and status of the Insurance Coverage that the Town has with his Company. He mentioned the recent settlement reached with a claim for an injury that was incurred by a youth at Emery Park. He Also covered issues with Blanket and special coverages, Umbrella Coverages, Auto Policies, Crime Policies, Contractor Liabilities, and Policies for Highway Dept. Equipment. He noted that that there exists a special Bonding Policy amount for the Town Clerk & Court Clerk because of the volume of money they handle and noted that all employees are Bonded for a minimum of \$10,000. In conclusion, he presented to the Town, the 2009/2010 Insurance Program Detailed Policy report to be filed with the Town Clerk.

2. WATER DISTRICTS STATE COMPTROLLER APPLICATIONS:

Supervisor Clement offered the following Resolutions for Consideration in regards to Water Districts number 5, 7 & 8 in the Town of Stafford.

- **RESOLUTION 09-2009 WD#5**

RESOLUTION NO. 09-2009 DATED: March 9, 2009

RESOLUTION TO AUTHORIZE APPLICATION TO STATE COMPTROLLER FOR WATER DISTRICT NO. 5

WHEREAS, the Town Board of the Town of Stafford, adopted a Resolution on January 12, 2009, establishing a water district on portions of the Roanoke and the East Bethany -LeRoy Roads in the Town of Stafford, and

WHEREAS, this Resolution was subject to approval of the Office of the State Comptroller, Department of Audit and Control, and

WHEREAS, said Resolution authorized the Town Supervisor, assisted by the Town Attorney and Town Bond Counsel, to prepare the necessary application to the State Comptroller.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Stafford as follows:

- (1) That the annexed application was prepared at the direction of the Stafford Town Board.
- (2) The Town Board has reviewed this application and believes the contents of the application to be accurate.
- (3) The Town Board has determined that Water District No. 5, for which permission is sought, is in the public interest and will not constitute an undue burden on the properties which will bear the cost thereof.
- (4) The cost of the proposed improvements is to be assessed in whole or in part against the benefited area, and the Town Board has determined that all real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded.

DATE: March 9, 2009

MOVED BY: Councilman Pacer

SECONDED BY: Councilman Vicary

Approved on Roll Call as follows:

Supervisor Robert S. Clement	Yes
Councilwoman Michelle Macon-Mourey	Yes
Councilman Robert Pacer	Yes
Councilman Ronald T. Panek	Yes

Councilman David G. Vicary

Yes

- **RESOLUTION 10-2009 WD#7**

RESOLUTION NO. 10-2009 DATED: March 9, 2009

**RESOLUTION TO AUTHORIZE APPLICATION TO STATE COMPTROLLER
FOR WATER DISTRICT NO. 7**

WHEREAS, the Town Board of the Town of Stafford, adopted a Resolution on January 12, 2009, establishing a water district on portions of the Fargo and Clipnock Roads in the Town of Stafford, and

WHEREAS, this Resolution was subject to approval of the Office of the State Comptroller, Department of Audit and Control, and

WHEREAS, said Resolution authorized the Town Supervisor, assisted by the Town Attorney and Town Bond Counsel, to prepare the necessary application to the State Comptroller.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Stafford as follows:

- (1) That the annexed application was prepared at the direction of the Stafford Town Board.
- (2) The Town Board has reviewed this application and believes the contents of the application to be accurate.
- (3) The Town Board has determined that Water District No. 7, for which permission is sought, is in the public interest and will not constitute an undue burden on the properties which will bear the cost thereof.
- (4) The cost of the proposed improvements is to be assessed in whole or in part against the benefited area, and the Town Board has determined that all real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded.

DATE: March 9, 2009

MOVED BY: Councilman Panek

SECONDED BY Councilman Pacer

Approved on Roll Call as follows:

Supervisor Robert S. Clement	Yes
Councilwoman Michelle Macon-Mourey	Yes
Councilman Robert Pacer	Yes
Councilman Ronald T. Panek	Yes
Councilman David G. Vicary	Yes

- **RESOLUTION 11-2009 WD#8**
RESOLUTION NO. 11-2009 DATED: March 9, 2009

**RESOLUTION TO AUTHORIZE APPLICATION TO STATE COMPTROLLER
FOR WATER DISTRICT NO. 8**

WHEREAS, the Town Board of the Town of Stafford, adopted a Resolution on January 12, 2009, establishing a water district on portions of the Sweetland and Transit Roads in the Town of Stafford, and

WHEREAS, this Resolution was subject to approval of the Office of the State Comptroller, Department of Audit and Control, and

WHEREAS, said Resolution authorized the Town Supervisor, assisted by the Town Attorney and Town Bond Counsel, to prepare the necessary application to the State Comptroller.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Stafford as follows:

- (1) That the annexed application was prepared at the direction of the Stafford Town Board.
- (2) The Town Board has reviewed this application and believes the contents of the application to be accurate.
- (3) The Town Board has determined that Water District No. 8, for which permission is sought, is in the public interest and will not constitute an undue burden on the properties which will bear the cost thereof.
- (4) The cost of the proposed improvements is to be assessed in whole or in part against the benefited area, and the Town Board has determined that all real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded.

DATE: March 9, 2009

MOVED BY Councilman Vicary

SECONDED BY: Councilman Panek

Approved on Roll Call as follows:

Supervisor Robert S. Clement	Yes
Councilman Robert Pacere	Yes
Councilwoman Michelle Macon-Mourey	Yes
Councilman Councilman Ronald T. Panek	Yes
Councilman David G. Vicary	Yes

3. WATER DISTRICTS NEGATIVE DECLARATIONS :

- Resolution 07-2009 --- Water District #7

RESOLUTION NO. 07-2009 DATED: March 9, 2009

SEQR RESOLUTION - NEGATIVE DECLARATION WD7

At a meeting of the Town Board of the Town of Stafford held on the 9th day of March, 2009, at the Town Hall in said Town, Councilman Pacer moved adoption of the following resolution; Councilman Vicary seconded the motion:

WHEREAS,

1. In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Stafford announced its intent to serve as lead agency on December 8, 2008, to conduct an environmental review of a project to construct public water supply improvements to serve the Town of Stafford Water District No. 7. The proposed action will improve the quality and quantity of water available to area residents.
2. The Stafford Town Board has determined that the proposed action is a Type I action as defined under SEQR, as portions of the project area are located within a Genesee County Agricultural District.
3. The Stafford Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
4. On January 14, 2009, the Stafford Town Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated the full Environmental Assessment Form. Comments received from these agencies are addressed in the Negative Declaration.
5. The Town will continue to work with Federal, State and local agencies until all necessary permits and approvals have been obtained.
6. The Stafford Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED,

The Stafford Town Board declares that it will serve as Lead Agency for the extension of public water supply facilities to serve the Town of Stafford Water District No. 7; and,

The Stafford Town Board declares that, based on the Environmental Record which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

Approved on Roll Call as follows:

Supervisor Robert S. Clement	Yes
Councilman Robert Pacere	Yes
Councilwoman Michelle Macon-Mourey	Yes
Councilman Councilman Ronald T. Panek	Yes
Councilman David G. Vicary	Yes

- **Resolution 08-2009 --- Water District #8**

RESOLUTION NO. 08-2009 DATED: March 9, 2009

SEQR RESOLUTION - NEGATIVE DECLARATION WD8

At a meeting of the Town Board of the Town of Stafford held on the 9th day of March, 2009, at the Town Hall in said Town, Councilman Mouery moved adoption of the following resolution; Councilman Vicary seconded the motion:

WHEREAS,

4. In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Stafford announced its intent to serve as lead agency on December 8, 2008, to conduct an environmental review of a project to construct public water supply improvements to serve the Town of Stafford Water District No. 8. The proposed action will improve the quality and quantity of water available to area residents.
5. The Stafford Town Board has determined that the proposed action is a Type I action as defined under SEQR, as portions of the project area are located within a Genesee County Agricultural District.
6. The Stafford Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
7. On January 15, 2009, the Stafford Town Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated the full Environmental Assessment Form. Comments received from these agencies are addressed in the Negative Declaration.
8. The Town will continue to work with Federal, State and local agencies until all necessary permits and approvals have been obtained.
9. The Stafford Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED,

The Stafford Town Board declares that it will serve as Lead Agency for the extension of public water supply facilities to serve the Town of Stafford Water District No. 8; and,

The Stafford Town Board declares that, based on the Environmental Record which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project .

Approved on Roll Call as follows:

Supervisor Robert S. Clement	Yes
Councilman Robert Pacere	Yes
Councilwoman Michelle Macon-Mourey	Yes
Councilman Councilman Ronald T. Panek	Yes
Councilman David G. Vicary	Yes

4. TAX COLLECTOR'S REPORT -- WALT KERSHENSKI

Tax Collector Kershenski gave the following report of Tax Collections for the Month of February 2009. A Warrant Payment disbursement check was given to the Genesee County Treasurer for Collections in February.

March 06, 2009

Genesee County Treasurer
County Bldg. #1
Main and Court St.
Batavia, New York 14020

Dear Scott:

Enclosed is Check #304 in the amount of \$ **73,785.68**, which represents the Tax Collection for the Town of Stafford for the month of February 2009.

<u>Adjusted TOTAL WARRANT</u>	\$ 1,597,087.17
Feb. 6 Amt. Pd. Supervisor	\$ 254,667.00
Feb. 5 Amt. Pd. County Treas.	\$ 917,363.75
Amt. Collected Feb 2009	\$ 74,515.00
Amt. deducted for Feb 2009 P&I	\$ (729.32)

3/06/09 Amt. Pd. County Treasurer for tax collected February 2009	\$ 73,785.68

Walt Kershenski, Town Clerk / Tax Collector

The following report was given to the Town Supervisor regarding the Pilot Tax Program in the Town of Stafford. A check for Pilot Tax payments was given to the Supervisor as noted in this report.

a. Report to Town Supervisor regarding Pilot Tax Program:

March 6, 2009

Robert Clememt
Supervisor, Town of Stafford
P.O. Box 52
Stafford, NY 14143

Dear Bob:

Enclosed is Check #305 in the amount of \$ **235.06**, which represents payment in full to the Town of Stafford for the 2009 PILOT tax program.

Sincerely,

Walter Kershenski
Tax Collector

5. GAM MEETING:

Councilman Mouery gave a brief report of the content of the recent GAM meeting that was Hosted By the Town of Batavia on Feb. 19th, 2009. She stated that the main topic of conversation was the discontinuance on Sept. 1, 2009 of the City of Batavia sponsored County Ambulance service. She feels that because of all the ramifications and issues involved it will come down to a last minute decision on how ambulance service will be provided for the Towns in Genesee County. Rosemary Christian gave a brief presentation on Flood Plain Management in Genesee county.

Councilman Pacer is scheduled to attend the March 19, 2009 meeting. The location has yet to be determined.

6. HIGHWAY DEPT. -- MISC:

• **HIGHWAY Shared Services Contract Review:**

Supervisor Clement presented a copy of the Highway Shared Services Agreement which was approved by the Town of Stafford for a 5 year period beginning on March 13, 2006. Part of the terms of this contract is that it be reviewed each year by the Town Board. After a brief review and discussion, it was determined that the contract was still acceptable as written and thus no action need be taken at this time. This contract is set to expire on March 12, 2011 at which time it can be renewed for another 5 year term.

• **Resolution for Standardization :**

Supervisor Clement presented the following Resolution regarding Standardization of Highway Equipment. After review by Board Members questions came up regarding the time reference for purchase of a new Loader by the Highway Department. A **Motion** was made by Councilman Pacer and seconded by Councilman Mouery to table the Resolution until they can confer with Highway Superintendent Boldt about the implications of the Resolution. The Motion was passed.

RESOLUTION NO. 01-2009 DATED: March 09, 2009

Resolution on Standardization

WHEREAS, the Highway Department of the Town of Stafford, Genesee County, New York, presently owns 4 pieces of equipment all manufactured by the John Deere Manufacturing Company and has on hand a supply of spare parts therefore, and

WHEREAS, to purchase a different brand of equipment would be inefficient and uneconomical since alternate and additional supplies of spare parts would have to be purchased which would not be interchangeable with the ones already on hand and,

WHEREAS, for other reasons such as handling and operation of the equipment and attaching accessories it is determined by the Board desirable to purchase an additional piece of equipment of the same make as the one presently owned by the Town,

NOW, THEREFORE,

BE IT RESOLVED, that for reasons of efficiency and economy and pursuant to the authority conferred by subdivision 5 of section 103 of the General Municipal law, it is determined by this Board that there is a need for standardization in the purchase of equipment for the Town Highway Department, and

BE IT FURTHER RESOLVED that the Superintendent of Highways be and be hereby is authorized to contract for the purchase of a John Deere 644 Loader of the same model as the ones presently owned by the Town Highway Department with the lowest responsible bidder after advertisement for sealed bids and public bidding in the manner provided by the General Municipal Law.

7. ZEO/CEO EMPLOYMENT APPLICATIONS:

Town Clerk Kershenski presented to the Board Members a folder with approximated 13 applications for the advertised position of assistant Zoning Officer in the Town of Stafford. After a brief discussion by the Board Members, it was decided to schedule a Workshop Session for the Board Members on Saturday March 14th, 2009 at 9:30 AM at the Stafford Town Hall for the purpose of reviewing the potential candidates and selecting qualified applicants to be interviewed.

A **Motion** was made by Councilman Mouery and seconded by Councilman Pacer to adjourn to an Executive Session at 9:00 PM to discuss Union Contract negotiation issues. Motion was passed and the Regular Town Board Meeting was thus adjourned.

Supervisor Clement called the Regular Town board Meeting back to Order at 9:20 PM.

A directive was made by Supervisor Clement for the town Clerk to place an item on the April meeting Agenda to discuss implementation of a Building/Zoning Permit fee return Policy.

ABSTRACT PROCESSING & VERIFICATION:

GENERAL FUND (Pre-Pay)

Motion by Councilman Panek sec by Councilman Mouery to pay
Abstract #04(Vouchers #65 – #70) in the amount of \$117,057.05
Motion was passed.

GENERAL FUND

Motion by Councilman Vicary sec by Councilman Panek to pay
Abstract #05(Vouchers #71– #100) in the amount of \$46,722.16
Motion was passed.

HIGHWAY FUND

Motion by Councilman Mouery sec by Councilman Pacer to pay
Abstract #03(Voucher #26- #45) in the amount of \$20,492.41
Motion was passed.

WATER FUND (Pre-Pay)

Motion by Councilman Vicary sec by Councilman Mouery to pay
Abstract #03(Voucher #008 - #009) in the amount of \$10,257.50

WATER FUND

Motion by Councilman Panek sec by councilman Pacer to pay
Abstract #04(Voucher #010 - #012) in the amount of \$7,403.34
Motion was passed.

Motion made by Councilman Vicary and seconded by Councilman Pacer to adjourn at 9:30 PM.
Motion was carried and meeting was thus adjourned.

Dated March 9, 2009
Approved at April 13, 2009 meeting

Walter Kershenski , Town Clerk