

MINUTES OF STAFFORD TOWN BOARD MEETING OF July 13, 2009

PRESENT:

R. Clement -Supervisor
D. Vicary -Councilman
R. Panek -Councilman
M. Mouery -Councilman
Steven Boldt - Highway Superintendent

ABSENT:

R. Pacer -Deputy Supervisor

OTHERS PRESENT:

Walter Kershenski -Town Clerk
Approximately 9 members of the Community per sign in form

Supervisor Clement called the meeting to order at 7:31 p.m., followed by Pledge to the Flag.

Motion made by Councilman Mouery sec. by Councilman Panek to accept the minutes of the June 8, 2009, Regular Town Board Meeting as presented by the Town Clerk. **Motion** carried.

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

OLD BUSINESS:

1. Comprehensive Plan Amendments:

• **County Referral Notice of Action**

Supervisor Clement presented to the Town Board members the Genesee Count Planning Board Zoning Referral Notice of Final Action that was recently received regarding the Town of Stafford Comprehensive Plan Amendments. After a brief review and discussion of the County Planning Board decision and explanation, A **Motion** was made by Councilman Panek and seconded by Councilman Mouery to Agree with the County Planning board Recommendations and approve the proposed Comprehensive Plan Amend ments. The Motion was passed by a vote of 4 yeas and 0 nays.

Roll Call vote as follows: Councilman Vicary Yes Councilman Mouery Yes
Councilman Panek Yes Councilman Pacer Absent Supervisor Clement Yes

2. Zoning Law Upgrades:

• **Referral to County Planning Board:**

Supervisor Clement stated that because the Comprehensive Plan upgrades have been approved, it is now necessary to forward the proposed Zoning Law Ch anges to the County Planning Board for their approval. Submission must be by August 6, 2009.

Motion by: Councilperson Panek and Second by: Councilperson Vicary to Refer the proposed Zoning Law changes to the County Planning board for their approval at their August 13th Planning Board Meeting and to schedule a public hearing on the Zoning Law Changes for 7:00 pm on Aug. 10, 2009.

Passed by a vote of 4 yeas and 0 nays.

Roll Call vote as follows: Councilman Vicary Yes Councilman Mouery Yes
Councilman Panek Yes Councilman Pacer Absent Supervisor Clement Yes

NEW BUSINESS:

1. Resolution 19-2009:

Supervisor Clement proposed the following resolution for the Town Board Members for their consideration regarding WD #5:

RESOLUTION NO. 19-2009 DATED: July 13, 2009

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$404,000 SERIAL WATER DISTRICT #5 BONDS OF THE TOWN OF STAFFORD, IN THE COUNTY OF GENESEE, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COST OF CONSTRUCTING A WATER SYSTEM IN WATER DISTRICT #5.

Dated July 13, 2009

WHEREAS, Water District #5, hereinafter described, is a water district of the Town of Stafford in the County of Genesee, duly established by the Town Board of said Town, and, as such, proposes to construct, maintain and operate a water system for said District in accordance with Article 12 of the Town Law of New York, and the purpose, hereinafter described, is a special improvement authorized by said Article 12;

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

Section 1. The Town of Stafford, in the County of Genesee, shall issue its serial bonds of the aggregate principal amount of \$404,000 (the "Serial Bonds") pursuant to the Local Finance Law of New York, in order to finance the specific purpose hereinafter described.

Section 2. The specific purpose to be financed pursuant to this resolution is the construction of a water system to provide a safe and reliable potable water supply and fire protection to certain residences in Water District #5 of said Town, consisting of the installation of all required water lines, appurtenances and connections necessary for the operation of such system, connection thereof to water mains and establishment of lateral line connections to permit commercial, residential and other connections thereto, and including the acquisition of any necessary rights -of-way and easements in accordance with and at the locations stated in the map and plan referred to in the order adopted by the Town Board of said Town on January 12, 2009, establishing said District pursuant to Article 12 of the Town Law of New York.

Section 3. It is hereby stated that (a) the maximum cost of said purpose as estimated by the Town Board is \$900,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of said purpose, except for a \$496,000 grant which the Town intends to procure from Rural Development, an agency of the U.S. Department of Agriculture; (c) the Town Board plans to finance the Town's cost of said purpose entirely from funds raised from the issuance of such Serial Bonds and from said grant; and (d) the cost of such improvement is to be paid by assessments upon benefited real property in an area less than the area of said Town.

Section 4. It is hereby determined that said purpose is an object or purpose described in Local Finance Law § 11.00, and that the period of probable usefulness of said purpose is forty (40) years. The final redemption date of the bonds to be issued will not extend beyond December 31, 2048.

Section 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five (5) years.

Section 6. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Local Finance Law §§ 50.00 and 56.00, the power to prescribe the terms, form and contents of said Serial Bonds, and the power to sell and deliver said Serial Bonds in accordance with Local Finance Law §§ 57.00 and 60.00, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any Serial Bonds issued pursuant to this resolution and the Town Clerk is hereby authorized to affix the corporate seal of said Town to any of

said Serial Bonds and to attest such seal. Each interest coupon, if any, representing interest payable on such Serial Bonds shall be authenticated by the facsimile signature of the Town Supervisor.

Section 7. It is hereby determined that, due to the fact that said Serial Bonds are for a special improvement authorized by Article 12 of the Town Law, this bond resolution is not subject to permissive referendum, pursuant to paragraph b.1(2) of Local Finance Law § 35.00.

Section 8. It is hereby determined that the issuance of the Serial Bonds is subject to the permission of the State Comptroller therefore pursuant to paragraph 4 of Local Finance Law § 104.10.

Section 9. This resolution shall be published in full by the Town Clerk of said Town, together with a notice in substantially the form prescribed by Local Finance Law § 81.00, and such publication shall be in The Daily News, a newspaper published in the City of Batavia, New York, and having a general circulation in said Town. The validity of said Serial Bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money; or if the provisions of law which should have been complied with as of the date of publication of this resolution were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations were authorized in violation of the provisions of the Constitution of New York.

Section 10. The Town has expended and may expend funds from its general operating account to pay on an interim basis portions of the costs described in the resolution. The Town hereby declares its official intent to reimburse from the proceeds of the Serial Bonds, without interest, any such advances.

Section 11. This resolution shall take effect immediately upon its adoption.

Offered by: Councilperson Vicary

Second by: Councilperson Panek

Passed by a vote of 4 yeas and 0 nays.

Roll Call vote as follows:

Councilperson Vicary	Yes
Councilperson Mourey	Yes
Councilperson Panek	Yes
Councilperson Pacer	Absent
Supervisor Clement	Yes

2. Resolution 18-2009:

Supervisor Clement proposed the following resolution for the Town Board Members for their consideration regarding WD #7:

RESOLUTION NO. 18-2009 DATED: July 13, 2009

Town of Stafford
Water District No. 7
Field Investigation – Potential Bog Turtle Habitat

At a meeting of the Town Board of the Town of Stafford held on July 13, 2009, Councilman Vicary moved adoption of the following resolution; Councilman Panek seconded the motion and was passed.

WHEREAS, the Town is considering the extension of public water improvements within Water District No. 7, which involves the installation of 11,055 feet of water main along portions of Fargo, Sweetland and Clipnock Roads, and

WHEREAS, an environmental review is required for the construction of the proposed water system improvements within Water District No. 7, and

WHEREAS, based upon an analysis of information regarding endangered and/or threatened species potentially located within the project area, it has been determined that a field investigation to assess the potential for bog turtle habitat is necessary to complete the environmental review of the proposed action,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Stafford authorizes Stantec Consulting Services to prepare a bog turtle habitat investigation. The Town acknowledges that the fee for the study is \$1,200.00, and acknowledges that the Town is responsible for payment of this fee.

3. Resolution 20-2009:

Supervisor Clement proposed the following resolution for the Town Board Members for their consideration regarding WD #7:

RESOLUTION NO. 20-2009 DATED: July 13, 2009

RESOLUTION OF OFFICIAL INTENT WITH RESPECT TO THE \$368,000 SERIAL WATER DISTRICT #7 BONDS OF THE TOWN OF STAFFORD, IN THE COUNTY OF GENESEE.

Dated July 13, 2009

WHEREAS, Water District #7 is a water district of the Town of Stafford in the County of Genesee, duly established by the Town Board of said Town, and, as such, proposes to construct, maintain and operate a water system for said District in accordance with Article 12 of the Town Law of New York, and the purpose, hereinafter described, is a special improvement authorized by said Article 12;

WHEREAS, by bond resolution duly adopted by the Town Board on June 8, 2009 (the "Bond Resolution"), the Town Board authorized the issuance of its bonds in the aggregate principal amount of \$368,000 (the "Serial Bonds") in order to finance the specific purpose described therein,

WHEREAS, the Town wishes to establish its official intent to reimburse its general operating account from the proceeds of the Serial Bonds for various expenses which it has paid or may pay prior to the issuance of the Serial Bonds,

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

Section 1. The Town has expended and may expend funds from its general operating account to pay on an interim basis portions of the costs described in the Bond Resolution. The Town hereby declares its official intent to reimburse from the proceeds of the Serial Bonds, without interest, any such advances.

Section 2. This resolution shall take effect immediately upon its adoption.

Offered by: Councilperson Vicary
Second by: Councilperson Mouery

Passed by a vote of 4 yeas and 0 nays.
Roll Call vote as follows:

Councilperson Vicary	Yes
Councilperson Mourey	Yes
Councilperson Panek	Yes
Councilperson Pacer	Absent
Supervisor Clement	Yes

4. Water District Status Reports :

Supervisor Clement reported that there have been no updates from the State Comptroller's office regarding the unit cost threshold for Water District #8. He spoke recently to Assemblyman Hawley regarding the delay with a ruling on WD #8 from the State and Mr. Hawley stated that he would look into the matter and see if he could find out what the status is.

5. Highway Dept Union contract Status:

Councilman Mouery had no report at this time. Councilman Pacer has been working with the Union officials and the Town Highway Dept. Union representative but he was absent from this meeting so therefore no current status is known. It was reported by Mr. Douglas Snell a Stafford Highway Department Union Member that they were currently in the process of transferring the Health Insurance plan to a different Insurance Company. No further action could be taken at this time. It was anticipated that a new Contract would be presented for review at the Aug. 10, 2009 Town Board Meeting.

6. Town ZBA Board Member issue :

- **Accept resignation of Richard Smith .**

Supervisor Clement presented to the Board a letter of resignation from Zoning Board of Appeals member , Mr. Richard Smith. After a brief discussion regarding the resignation by Mr. Smith, a **Motion** was made by Councilman Vicary and seconded by Councilman Panek to accept the resignation and authorized Town Clerk Kershenski to advertise for a replacement member. The Motion was passed.

7. GAM MEETING:

Councilman Panek gave a brief report of the recent GAM meeting that was hosted By the Town of Pavilion on June 18th, 2009. Main Topics of discussion were an update on Ambulance Service Provider and the Legislature Term Issue. Genesee County Highway Superintendent Hens gave a presentation on the status of the Genesee County Airport upgrade project. No meeting schedule for July and August. Councilman Mouery volunteered to attend the Sept. 2009 meeting.

8. Chamber of Commerce Travel Guide :

- **Application for Community Page :**

Linda Call a representative of the Stafford Historical Society spoke to the Town Board members advocating that the Town Consider sponsoring a Community advertisement page in the Genesee County Chamber of Commerce travel guide. After a brief discussion by the Board Members it was decided that sponsoring a Community Advertisement page is expensive and that there not a significant return on the investment for the Town or any businesses in the Town.

Linda Call and Jean Ianni requested on behalf of the Stafford Historical Society that Ultraviolet window shades be purchased for the Museum to protect valuable artifacts in the Museum. They requested that they be purchased from Town Hall funds. After a brief discussion, a **Motion** was made by Councilman Panek and seconded by Councilman Mouery to allocate a maximum amount of \$700 from the to purchase Ultraviolet shading for the Museum windows. The Motion was passed.

A **Motion** was made by Councilman Vicary and seconded by Councilman Mouery to amend the budget to transfer funds to pay for the Ultraviolet shading for the Museum windows. The Motion was passed.

9. HIGHWAY Dept STATUS - S. Boldt:

- **Councilman Pacer & Councilman Mouery :**

Councilman Pacer was absent from the meeting and therefore no further information was available at this time. The Union members are currently in the process of transferring their health insurance plan to a new provider. This is still pending at this time.

10. Miscellaneous:

- **Meeting with Mercy EMS:**

Town Clerk Kershenski presented a notice he recently received from the County soliciting attendance at a meeting with EMS regarding County Ambulance Services. No one on the Board is available to attend this meeting.

- **Zoning & Code Enforcement Status update:**

ZEO/CEO Lester Mullen gave a brief report of the status of Zoning and Code enforcement in the Town. He stated that the new assistant ZEO/CEO, Mr. Kevin Wolff has assimilated his duties well and that they have been addressing several ongoing zoning violations in the Town with notification letters and deadlines for compliance.

- **Youth Recreation program:**

Rebecca Elmore resigned from her position of Recreation program Supervisor effective immediately. An ad was placed in the Batavia Daily News for a replacement. Scott Laird was hired as the new Supervisor of the Youth Recreation Program.

ABSTRACT PROCESSING & VERIFICATION:

GENERAL FUND Prepay

Motion by Councilman Mouery sec by Councilman Panek to pay
Abstract #11 Vouchers #240- #244 in the amount of \$37,171.30
Motion Passed

GENERAL FUND

Motion by Councilman Panek sec by Councilman Mouery to pay
Abstract #12 Vouchers #245- #297 in the amount of \$10,712.37
Motion Passed

HIGHWAY FUND

Motion by Councilman Mouery sec by Councilman Vicary to pay
Abstract #08 (Voucher #100- #129) in the amount of \$190,219.99
Motion Passed

WATER FUND Pre-Pay

Motion by Councilman Mouery sec by Councilman Panek to pay
Abstract #8(Voucher #21) in the amount of \$270
Motion Passed

WATER FUND

Motion by Councilman Vicary sec by Councilman Panek to pay
Abstract #9(Voucher #22-#23) in the amount of \$977.40
Motion Passed

Motion made by Councilman Panek and seconded by Councilman Vicary to adjourn at 9:25 PM. **Motion** was carried and meeting was thus adjourned.

Dated July 13, 2009
Approved at August 10, 2009 meeting

Walter Kershenski, Town Clerk