

## MINUTES OF STAFFORD TOWN BOARD MEETING OF OCTOBER 12, 2009

### PRESENT:

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

### OTHERS PRESENT:

Betty Loncz - Deputy Town Clerk  
Steven Boldt - Highway Superintendent  
Approximately 10 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 Pacer to accept the minutes of the September 14, 2009, Public Hearing for the proposed Gymnastics facility as presented by the Deputy Town Clerk. All approved. **Motion** carried.

**Motion** made by Councilman Mowery sec. by Councilman Pacer to accept the minutes of the September 14, 2009, regular Town Board Meeting, as presented by the Deputy Town Clerk. All approved. **Motion** carried.

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

### OLD BUSINESS:

#### **1. Yearly Financial Audit Report Review:**

**Motion** made by Councilman Panek, sec. by Councilman Vicary to accept the 2008 Financial Audit Report prepared by Freed Maxick & Battaglia, P.C. All approved. **Motion** carried.

### NEW BUSINESS:

#### **1. Local Law 1-2009:**

- **Resolution 26-2009 to Introduce Local Law for Zoning Law Upgrade.**

Supervisor Clement read Resolution 26-2009 to introduce Local Law for Zoning Law Upgrade as follows:

**RESOLUTION NO. 26-2009 DATED: Oct. 12, 2009**

#### **RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW #1 of 2009**

**WHEREAS**, the Town Board of the Town of Stafford, New York desires to consider adopting legislation to enact comprehensive changes to the Town of Stafford Zoning Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Stafford, New York that proposed Local Law #1 of 2009 entitled "A Local Law to Enact Comprehensive Changes to the Zoning Law", which proposed Local Law is now in its final form as appears by a copy thereof hereto attached, be and the same hereby is introduced for adoption; and

**BE IT FURTHER RESOLVED** that said proposed Local Law be laid upon the desks of the members of this Town Board on this date and remain there and a copy thereof be kept on file in the office of the Town Clerk until November 9, 2009, and that a public hearing be held on the 9<sup>th</sup> day of November, 2009, at 7:30 p.m. at the Stafford Town Hall, 8903 Route 237, Stafford, New York, on the advisability of enacting said proposed Local Law; and

**BE IT FURTHER RESOLVED** that a copy of said proposed Local Law be mailed to each member of the Town Board not in attendance at this meeting in a postpaid, properly addressed and securely closed envelope in a post box within the Town of Stafford, New York not less than (10) ten calendar days, exclusive of Sunday, prior to the date of said public hearing; and

**BE IT FURTHER RESOLVED** that the Town Clerk shall cause notice of said public hearing to be published once in The Daily News at least ten (10) days prior to the date of said public hearing, which notice shall contain the time and place of said hearing, the title and purpose thereof, as well as a statement that a copy of said proposed Local Law is on file in the Town Clerk's Office; and

**BE IT FURTHER RESOLVED** that this matter shall be referred to the Genesee County Planning Board and the Town of Stafford Planning Board for consideration; and

**BE IT FURTHER RESOLVED** that at least ten (10) days prior to the public hearing, written notice of any proposed regulations, restrictions or boundaries of districts within the Town and amendments thereto be served personally or given by mail by the Town to each person or persons required to be notified pursuant to New York State Town Law Section 264 (2).

Dated: October 12, 2009

**Motion** made by Councilperson Mowery to approve the Resolution as presented. Seconded by Councilman Vicary

Approved on Roll Call as follows:

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

Motion passed unanimously. **Motion** carried.

It was suggested by Chairman Vicary that a map be included with this.

A **Motion** was made by Councilman Vicary and Sec. by Councilman Pacer to set November 9, 2009 at 7:00 PM for a Public Hearing regarding Local Law 01-2009. All approved. **Motion** carried.

A **Motion** was made by Councilman Vicary and Sec by Councilman Pacer to Authorize Supervisor Clement to sign and date Zoning Law FAF forms. All approved. **Motion** carried.

SEQR forms will be reviewed at the Nov. 9<sup>th</sup> Town Board Meeting

## **2. Amy Mathisen Gymnastics Facility:**

The official name of the facility is MCA Gymnastics. The Town Board reviewed and attempted to complete the full SEQR. A very lengthy discussion was held. Items discussed were driveway issues, buffer zones, storm water retention pool, and total acreage of property, and after much deliberation a **Motion** was made by Councilman Vicary, sec. by Councilman Panek to table completion of the SEQR. All approved. **Motion** carried.

## **3. 2009 TENTATIVE TOWN BUDGET ADOPTION:**

Deputy Town Clerk presented a copy of the Tentative Preliminary Budget for 2010 to each member of the Town Board. Supervisor Clement stated that Water District figures are incorrect and would be changed. This does not affect the Tax Rate as proposed.

Councilperson Mouery stated her objection to the rate of pay for the Second Inspector assisting the Zoning Enforcement Officer. Her reason is that to date he has not attended any classes as required; therefore should not receive the same hourly rate that the ZEO is paid.

There was no other discussion and no modifications were made to the 2010 Tentative budget as presented. A **Motion** was made by Councilman Pacer, sec. by Councilman Vicary to accept the Tentative 2010 Budget and set November 9, 2009, for a Public Hearing for Preliminary Budget. The Motion was approved on Roll Call as follows:

Supervisor Robert S. Clement	Yes
Councilperson Michelle Mouery	No
Councilman Robert Pacer	Yes
Councilman Ronald T. Panek	Yes
Councilman David G. Vicary	Yes

**Motion** carried.

The Town Clerk will now prepare the 2010 Preliminary Budget and post a legal notice stating that copies of the 2010 Preliminary Budget will be available for public inspection upon request at the Town Clerk's Office. Also, a Public Hearing relative to the Town of Stafford 2010 Preliminary Budget will be advertised in the Batavia Daily News for Monday November 9, 2009 at 7:20 pm at the Stafford Town Hall.

#### **4. Town Hall New Phone System proposal:**

A discussion was held about the Time Warner Business Class 3 in 1 Services being offered. This would be an upgrade and of great savings compared to the current provider of phone services. A **Motion** was made by Councilman Panek, Sec. by Councilman Pacer to proceed with Time Warner Business Class Communications as presented. All approved. **Motion** Carried.

#### **5. Fire Department Contract:**

A **Motion** was made by Councilman Pacer and seconded by Councilman Panek to propose the sum of \$75,955 to be included in the Contract for Fire Protection between the Stafford Fire Dept. and the Town of Stafford and a Public Hearing to be held Nov. 9th, 2009 at 7:10 pm on the new Fire Contract proposal .

#### **6. Stuart Brown Proposal for Services for Water District #8:**

A **Motion** was made by Councilman Vicary and Sec. by Councilperson Mouery to accept Stu Brown's proposal for services for Water District #8. All approved. **Motion** carried.

#### **7. GAM Meeting:**

Councilman Panek reported on the September meeting he attended.

Next meeting will be October 15, 2009. Councilperson Mouery will attend. The Town of Bethany will host this meeting.

## 8. Stafford Fire Dept. New Member Approval

A **Motion** was made by Councilman Pacer and Sec. by Councilman Vicary to accept the Fire Department's recommendation to approve Christopher and Sarah Bobo for membership. All approved. **Motion** carried.

## 9. Quote approval to paint Court Room and Court Clerk's Office.

A formal quote was submitted by Murray Call of Stafford Painters to paint the Town Hall Court room and office. After a brief discussion a **Motion** was made by Councilman Panek and Sec. by Councilman Pacer to table the request for painting so that additional bids may be obtained and to include the total interior of the Town Hall for painting. All approved. **Motion** passed.

## 10. Highway Department

Highway Superintendent Steve Boldt spoke on the statewide ban on open burning, effective October 14, 2009. The new regulation enacted by the Department of Environmental Conservation is intended to reduce the impacts of pollutants.

- **Resolution 25-2009 Budget Fund Transfer:**

**RESOLUTION NO. 25-2009 DATED: Oct. 12, 2009**

### Authorization to Transfer 2009 Budget Funds

**WHEREAS**, the following fund transfers for the year 2009 budget are being requested by the Town of Stafford Highway Superintendent for Highway expenditures for purchase of a Sander Box for Highway Dept. Truck #805 per State Contract # PC63865:

Highway Fund DA5142.4, Snow Removal Contractual \$9,000.00 to:  
Highway Fund DA5130.2 Machinery Equipment \$9,000.00

**NOW, THEREFORE,**

**BE IT RESOLVED, that** the Stafford Town Board hereby authorizes the Town of Stafford Financial Bookkeeper to transfer the above stated funds for the year 2009 Budget for Highway expenditures to the designated accounts.

**Offered by: Councilperson Vicary**

**Second by: Councilperson Pacer**

Passes by a vote of  5  yeas and  0  nays.

### Roll Call vote as follows:

Councilperson Vicary	<u>Yes</u>
Councilperson Mourey	<u>Yes</u>
Councilperson Panek	<u>Yes</u>
Councilperson Pacer	<u>Yes</u>
Supervisor Clement	<u>Yes</u>

**Motion** carried.

## **11. Water District #7 Contract Award**

Nine bids were received in the Town Clerk's office by 11:00 AM. October 9, 2009, and publicly opened by Supervisor Clement and Eric Wiess of Clark, Patterson, Lee engineers. Mr. Wiess is reviewing the contract proposals to insure that bids meet specifications.

**Motion** made by Councilman Pacer, Sec. by Councilperson Mouery to hold a Special Meeting on Thursday, October 22, 2009, at 4:00 PM for the purpose of awarding the contract for the construction of Water District #7. All approved. **Motion** carried.

## **12. ABSTRACT PROCESSING AND VERIFICATION**

### GENERAL FUND Prepay

**Motion** by Councilman Mowery, sec by Councilman Pacer to pay  
Abstract #17(Vouchers #393- #394 in the amount of \$1851.90.  
All approved. **Motion** carried

### GENERAL FUND

**Motion** by Councilman Panek, sec by Councilman Vicary to pay  
Abstract #18(Vouchers #395- #439) in the amount of \$85,262.83.  
All approved. **Motion** carried.

### HIGHWAY FUND Prepay

**Motion** by Councilman Mouery , sec by Councilman Pacer to pay  
Abstract #12(Voucher #156 - #157) in the amount of \$12,958.64.  
All approved. **Motion** carried.

### HIGHWAY FUND

**Motion** by Councilman Mouery, sec by Councilman Pacer to pay  
Abstract #13(Voucher #158- #170) in the amount of \$21,722.14.  
All Approved. **Motion** carried.

### WATER FUND

**Motion** by Councilman Mouery, sec by Councilman Pacer to pay  
Abstract #12(Voucher #29 - #32) in the amount of \$36,989.62.  
All approved. **Motion** carried.

**Motion** made by Councilman Pacer and seconded by Councilman Panek to adjourn at 10:12 PM. All approved. **Motion** carried and meeting was thus adjourned.

Dated Oct. 12, 2009  
*Approved at Nov 9, 2009 meeting*

Betty Loncz, Deputy Town Clerk