

## MINUTES OF STAFFORD TOWN BOARD MEETING OF December 14, 2009

### PRESENT:

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

### OTHERS PRESENT:

Walt Kershenski - Town Clerk  
Steven Boldt - Highway Superintendent  
Approximately 8 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 November 9, 2009, regular Town Board Meeting, as presented by the Town Clerk. All approved. **Motion** carried.

**Motion** made by Councilman Mouery sec. by Councilman Vicary to accept the minutes of the November 9, 2009, Public Hearing Meeting regarding adoption of LL1-2009 as presented by the Town Clerk. All approved. **Motion** carried.

**Motion** made by Councilman Pacer sec. by Councilman Panek to accept the minutes of the November 9, 2009, Public Hearing Meeting regarding adoption of 2010 Budget as presented by the Town Clerk. All approved. **Motion** carried.

**Motion** made by Councilman Panek sec. by Councilman Pacer to accept the minutes of the November 9, 2009, Public Hearing Meeting regarding adoption of 2010 Fire Contract as presented by the Town Clerk. All approved. **Motion** carried.

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

### OLD BUSINESS:

#### 1. Amendment No. 2 to MCWA Lease Agreement :

- Letter/Instruction from Kevin Earl, Town Attorney

Supervisor Clement explained that the Town had some money left over from the establishment of Water District #4 so therefore it was used to purchase some Water Purification equipment for the Town. He then introduced the following resolution for consideration regarding an amendment to the MCWA Lease Agreement regarding the implementation of a Water Purification system at the MCWA tank located at Temperance Hill in the Town of Stafford:

- Resolution 32-2009

RESOLUTION NO. 32-2009 DATED: December 14, 2009

#### **RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE RETAIL LEASE AGREEMENT WITH THE MONROE COUNTY WATER AUTHORITY**

**WHEREAS**, the Town of Stafford needs to extend the effective term of its Retail Lease Agreement with the Monroe County Water Authority, for the reasons set forth in the Recitals of a proposed "Amendment No. 2 to the September 12, 2001 Retail Lease Agreement With the Town of Stafford", and

**WHEREAS**, the Town and the Monroe County Water Authority (MCWA) have reached an agreement with regard to the proposed installation, maintenance and ownership of a disinfection byproduct removal system to be located at the MCWA tank located at Temperance Hill, and

**WHEREAS**, the proposed terms and conditions relating to this system are set forth in a letter, dated November 20, 2009, from the Executive Engineer for the MCWA, namely, Richard J. Metzger, P.E.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Stafford, New York, that the proposed revisions set forth in the “Amendment No. 2 to the September 12, 2001 Retail Lease Agreement With the Town of Stafford” are hereby approved, and the Town Supervisor is hereby authorized and directed to execute this Amendment on behalf of the Town of Stafford, a nd

**BE IT FURTHER RESOLVED** that the terms and conditions in the aforesaid letter, dated November 20, 2009, are hereby approved and the Town Supervisor is hereby authorized and directed to execute this letter on behalf of the Town of Stafford.

Dated: December 14, 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

- **MCWA Lease Agreement Terms Letter**

The Terms Letter offered by MCWA regarding the amendment to the Lease Agreement was signed by Supervisor Clement.

- **Retail Lease Agreement**

Both copies of the MCWA Retail Lease Agreement were signed by Supervisor Clement.

Town Clerk Kershenski will forward a certified copy of Resolution 32-2009, the Signed Lease Agreement Terms Letter and both signed copies of the Retail Lease Agreements to MCWA to be executed by them and copies returned to us for filing.

## **2. Resolution of Bonding of Tax Collector Office :**

Supervisor Clement presented the following Resolution for Bonding of the Town Tax collector: and a Motion was made by Councilman Vicary and seconded by Councilman Panek to approve the Town Clerk Bonding Resolution. The motion was passed by a vote of  5  to  0 .

- **Roll Call vote as follows:**

Councilman Vicary	<u>Yes</u>
Councilman Panek	<u>Yes</u>
Councilman Mouery	<u>Yes</u>
Councilman Pacer	<u>Yes</u>
Supervisor Clement	<u>Yes</u>

APPROVAL OF OFFICIAL UNDERTAKING  
For Tax Collection Officer

[The Official Undertaking/Bond must be filed with the County Clerk  
and have attached thereto the approval of the Town Board as set forth below.]

APPROVAL OF THE Stafford TOWN BOARD

We, the undersigned members of the Town Board of the Town of  
Stafford, County of Genesee, State of New York, do hereby approve the  
attached undertaking or bond as to its form, manner of execution, amount and sufficiency thereof,  
and to the sureties named thereon. Said undertaking or bond shall be conditioned that the  
collector of the taxes shall well and truly keep, pay over and account for all moneys and property  
coming into her/his hands as such collector.

Witnessed this 14th day of DECEMBER, 2009.

Supervisor Robert J. Clement  
Council Member David Vicary  
Council Member [Signature]  
Council Member Michelle Nason-Mowery  
Council Member John A. Kaen

~ Town Seal ~

[Approval may also be in the form of a copy of the Resolution  
with the corresponding certification of the Town Clerk.]

Pursuant to Sections 25, 35, 36 and 37 of the Town Law of the State of New York

**NEW BUSINESS:**

**1. Resolution 33-2009:**

- **Introduce LL#1-2010 to amend Zoning Map**

Supervisor Clement introduced the following Resolution for consideration by the Town Board regarding a Local Law to amend the Town Zoning Map relative to the new Town Zoning Laws:

**RESOLUTION NO. 33-2009 DATED: December 14, 2009**

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW #1 of 2010**

**WHEREAS**, the Town Board of the Town of Stafford, New York desires to consider adopting legislation to amend the "Zoning Map of the Town of Stafford, N.Y.", which was established in Section 201 of the Town of Stafford Zoning Law, adopted on October 26, 1987, as amended through December 14, 1998.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Stafford, New York that proposed Local Law #1 of 2010 entitled "A Local Law to Amend the Zoning Map of the Town of Stafford, N.Y.", 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 February 8, 2010, and that a public hearing be held on the 8<sup>th</sup> day of February, 2010, 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: December 14, 2009

MOVED BY: Councilman Pacer

SECONDED BY: Councilman Mouery

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

2. **Resolution 34-2009:**

• **Transfer Funds & Purchase of Dump Box for a Highway Truck**

Supervisor Clement introduced the following resolution on behalf of the Highway Superintendent's request to purchase a new Dump Box for a Highway Department Truck:

**RESOLUTION NO. 34-2009 DATED: Dec. 14, 2009**

**Authorization to Transfer 2009 Budget Funds & Purchase Truck Dump Box**

**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 Dump Box for Highway Dept. Truck #805 per Henderson Truck Equipment contract # PC -63865 award #21206.

Highway Fund DA5142.4, Snow Removal Contractual \$9,600.00 to:  
Highway Fund DA5130.2 Machinery Equipment \$9,600.00

**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 for purchase of said dump box from Henderson Truck Equipment.

**Offered by: Councilperson Pacer**  
**Second by: Councilperson Panek**

Passes by a vote of 4 yeas 0 nays and 1 Abstention.

Roll Call vote as follows:

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

3. **Zoning Change Request:**

• **Brian Wormley Property corner of Rt. 5 & Fargo Rd.**

CEO/ZEO Lester Mullen requested that the Town Board consider a request by Brian Wormley to permit him to rent apartments on property he owns on the North West Corner of Fargo Rd. & Rt. 5. These apartments currently are on the second floor above a commercial establishment. After a brief discussion amongst the Board Members and the

CEO the consensus of opinion was that this would set precedence and then other similar requests would have to be dealt with in a similar manner. This request does not conform to the current Zoning Laws.

Therefore, a **Motion** was made by Councilman Vicary and seconded by Councilman Mourey to deny the request by Brian Wormley to rent apartments on the North West corner of Fargo Rd. & Rt. 5.

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

#### **4. Schooling for assistant ZEO/CEO, Kevin Wolff :**

CEO/ZEO Lester Mullen requested on behalf of assistant CEO/ZEO Kevin Wolff that he be paid \$125 per day while attending training sessions regarding ZEO/CEO certification. After a brief discussion amongst the Board Members, it was agreed that Kevin Wolff be reimbursed for the cost of the training session and for mileage only.

#### **5. Set Dates:**

Supervisor Clement set the following dates for the Year End Financial meeting and the 2010 Organizational meeting:

- **Year End financial meeting -- Dec. 31, 2009 at 10:00 AM**
- **2010 Organization meeting -- Jan 11, 2010 at 7:30 PM**

#### **6. GAM Meeting:**

Supervisor Clement reported on the November meeting that was held in Byron. The main topic was the pending legislation that was being introduced by Assembly Stephen Hawley & Dan Burling regarding rescinding of the DEC Open Burn Laws recently implemented in the State of NY. Also Mercy Flight reported that their operation has been very successful in Genesee County since implementation last January.

Next meeting will be December 17, 2009. Councilman Panek will attend. The Village of Oakfield will host this meeting.

#### **7. Codification Project Status – Walt Kershenski, Town Clerk**

Town Clerk Kershenski gave a Status Report regarding the Town Laws Codification Project that he is working on with General Code Co. He has discussed the current Editorial Analysis phase of the Draft Manuscript with the Town Supervisor, Councilman Panek, ZEO/CEO Lester Mullen, Planning Board Chairman William Vanalst and Town Attorney Kevin Early. It has been generally agreed that a date be set for a workshop session to be held to review and act upon the Editorial Analysis questions of the Draft Manuscript. Once the Analysis is resolved, then the information can be sent back to General Codes Co. for final implementation and a Final Manuscript can be printed and distributed to the Town per the terms of the agreement. This will complete the original terms of the project. A proposal will be made later this year to then implement an electronic WEB enabled copy of the Town Local Laws Manuscript which can be attached to the Town of Stafford WEB site. Any future new Local Laws, Zoning Laws or updates will be supplied to General Codes Co to implement into the Manuscript so it will thus be kept current at all times. Walt will talk to Ron Richenberg, Chairman of the Zoning Board of Appeals about assigning a member of the ZBA to the project team.

#### **8. Fire Department New Members approval :**

The Stafford Fire Department has submitted the name of Gary Stote for Town Board approval as a new active member of the Stafford Fire Department:

A **Motion** was made by Councilman Pacer and seconded by Councilman Vicary to approve Gary Stote as a new Active Fire Department member.

Motion was passed.

**9. Resolution 35-2009:**

- **Rescinding of DEC open burn laws:**

Supervisor Clement presented the following resolution for consideration regarding pending legislation that was being introduced by Assembly Stephen Hawley & Dan Burling regarding rescinding of the DEC Open Burn Laws recently implemented in the State of NY.

After a brief discussion it was generally agreed that there was not enough information and there was concern that the burn regulations would become the responsibility of the Town. Therefore no action was taken regarding the resolution.

RESOLUTION NO. 35-2009 DATED: Dec. 14, 2009  
 RESOLUTION SUPPORTING LEGISLATION TO RESCIND NYSDEC OPEN BURN LAWS

**WHEREAS**, on October 14, 2009 new legislation on "Open Burn" went into effect; and

**WHEREAS**, prior to this new legislation, open burning of garbage, refuse and rubbish in rural communities was a longstanding means of eliminating waste material, as many rural communities do not have waste management facilities and/or apparatus to transport waste material to such facilities; and

**WHEREAS**, under the current law the DEC adopted regulations banning open burn and removing the previous exemption for Towns with populations of 20,000 or less; and

**WHEREAS**, rescinding the recently adopted legislation would significantly help the rural residents and communities during this difficult financial time.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Stafford Town Board hereby supports Assembly bills A07414 and A09213 to rescind the "Open Burning Law" and be it

**FURTHER RESOLVED** that the Town Clerk is hereby directed to forward copies of this resolution to Governor David Patterson, Assemblyman Stephen Hawley, and Senator Michael Ranzenhofer.

**Offered by:**

**Second by:**

Passed by a vote of \_\_\_ yeas and \_\_\_ nays.

**Roll Call vote as follows:**

Councilperson Vicary \_\_\_\_\_  
 Councilperson Mourey \_\_\_\_\_  
 Councilperson Panek \_\_\_\_\_  
 Councilperson Pacer \_\_\_\_\_  
 Supervisor Clement \_\_\_\_\_

**10: Water District Status Reports #7 & 8: R. Clement:**

- **WD#7:**

Supervisor Clement reported that two easements are currently being processed in WD #7 and that a 'BAN' Bond closing is scheduled for this Thursday Dec. 17, 2009 with Five Star Bank and Attorney Tim Cashmore.

- **WD#8:**

Currently working on Pre Eligibility determination and preparations for circulation of sign up petitions by December 15, 2009.

**11. Resolution 36-2009:**

Supervisor Clement presented the following Resolution for consideration regarding a 2009 budget fund transfer regarding Water District payments:

**RESOLUTION NO. 36-2009 DATED: December 14, 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 Financial Bookkeeper for H Fund expenditures:

From General Fund **\$15,000.00** to: H Fund Water Accounts

**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 General Fund to the designated H Fund accounts to be repaid when funds are received.

**Offered by: Councilperson Panek**

**Second by: Councilperson Vicary**

Passes by a vote of 4 yeas, 0 nays and 1 Abstention.

Roll Call vote as follows:

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

**12. Miscellaneous:**

• **Painting Specifications regarding Town Hall**

Supervisor Clement reported that Murray Call recently submitted a bid to paint the Town Hall Court Room & Office. It was suggested that instead of just the Court area a quote should be solicited to paint all of the interior offices, hall & foyer in the Town Hall. Walt will contact Murray Call and ask him to draw up specifications for painting the interior of the Town hall except for the Museum and the Town Clerk's Office. Then Bids can be solicited accordingly.

• **Highway Dept. Health Ins. prescription Co -pays**

After a Brief discussion regarding Highway Department Health Ins. prescription Co-pay, It was suggested by supervisor Clement that an executive session should be held to further discuss this personnel issue.

**ABSTRACT PROCESSING AND VERIFICATION**

GENERAL FUND PREPAY

**Motion** by Councilman Panek, sec by Councilman Vicary to pay  
Abstract #21(Vouchers #486 – #492 in the amount of \$20,553.24

GENERAL FUND

**Motion** by Councilman Mouery, sec by Councilman Pacer to pay  
Abstract #22(Vouchers #493 – #533 in the amount of \$45,397.32

HIGHWAY FUND PREPAY

**Motion** by Councilman Vicary, sec by Councilman Panek to pay  
Abstract #16(Voucher #189 - #190) in the amount of \$5,999.37

HIGHWAY FUND

**Motion** by Councilman Panek, sec by Councilman Pacer to pay  
Abstract #17(Voucher #191 - #206) in the amount of \$5,346.60

WATER FUND PREPAY

**Motion** by Councilman Vicary, sec by Councilman Pacer to pay  
Abstract #14(Voucher #34 - #35) in the amount of \$5,509.81

WATER FUND

**Motion** by Councilman Vicary, sec by Councilman Mouery to pay  
Abstract #15(Voucher #36 - #38) in the amount of \$1,939.89

**Motion** made by Councilman Panek and seconded by Councilman Pacer to adjourn the regular Town Board Meeting at 9.02 pm and thus initiate an executive session to discuss Highway Department personnel issue regarding Health Care insurance Co-Pay payments policy. All Board members and Town Bookkeeper would participate in the executive session. All approved. **Motion** carried and meeting was thus adjourned.

The Executive Session was subsequently adjourned at 9:31 PM.

Dated Dec. 14, 2009  
*Approved at Jan. 11, 2009 meeting*

Walter Kershenski Deputy Town Clerk