

## MINUTES OF STAFFORD TOWN BOARD MEETING OF April 12, 2010

### PRESENT:

R. Clement -Supervisor  
D. Vicary -Councilman  
R. Panek -Councilman  
D. Mullen -Councilman  
R. Pacer -Deputy Supervisor

### OTHERS PRESENT:

Walt Kershenski - Town Clerk  
Steven Boldt - Highway Superintendent  
Eric Weiss - Clark, Patterson, Lee Assoc.  
Kevin Earl - Town Attorney  
Approximately \_12\_ members of the Community per sign in form

Supervisor Clement called the meeting to order at 8:10 p.m., followed by Pledge to the Flag.

**Motion** made by Councilman Pacer sec. by Councilman Panek to accept the minutes of the March 8, 2010, regular Town Board Meeting, 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 March 8, 2010 Public Hearing meeting for Public Hearing to consider establishment of WD #8 Revised as presented by the Town Clerk. All approved. **Motion** carried.

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

### OLD BUSINESS:

#### **1. Resolution 07-2010**

Supervisor Clement advised the Board Members that before we can submit an application to the State Comptroller's office for the Revised Water District #8, we must formally rescind the application for the Original Water District #8. Therefore Supervisor Clement introduced the following resolution for the Town Board to Review and approve:

**RESOLUTION NO. 7-2010 DATED: April 12, 2010**

#### **RESOLUTION TO WITHDRAW APPLICATION TO THE OFFICE OF THE STATE COMPTROLLER FOR WATER DISTRICT NO. 8**

**WHEREAS**, on January 12, 2009, the Town Board of the Town of Stafford, New York, adopted a "Resolution and Order for Establishment of Water District No. 8 for a Portion of the Town of Stafford" regarding a project to construct and install approximately 13,750 linear feet of eight (8) inch water main along portions of Sweetland Road and Transit Road located within the Town, and

**WHEREAS**, on March 19, 2009, the Town filed an Application with the Office of the State Comptroller requesting approval of the aforesaid Water District No. 8, which was designated by the Comptroller's Office as File No. 2009-17, and

**WHEREAS**, after the filing of said Application, the Office of the Comptroller received numerous letters from residents of the proposed Water District opposing establishment of the same, and

**WHEREAS**, in response to this opposition, the Town Board has determined that it would be best to discontinue Water District No. 8 as previously proposed, and

**WHEREAS**, since the filing of the aforesaid Application, the Town has taken all steps to create and establish a revised Water District No. 8 that includes all of the previous properties, as well as additional properties, thereby lowering the estimated yearly cost for all benefited properties.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Stafford, New York, that the aforesaid Application to the Office of the State Comptroller, filed March 19, 2009, designated as File No. 2009-17, is hereby withdrawn for the reasons set forth herein, and be it further

**RESOLVED** that the Town Clerk is hereby authorized and directed to file a certified copy of this Resolution with the Office of the State Comptroller, and be it further

**RESOLVED** that upon receipt of this Resolution, the Town Board does hereby request that the Office of the State Comptroller take no further action regarding the previous Water District No. 8.

DATE: April 12, 2010

MOVED BY: Councilman Vicary

SECONDED BY: Councilman Panek

Approved on Roll Call as follows:

Supervisor Robert S. Clement	Yes
Councilman Donald Mullen	Yes
Councilman Robert Pacer	Yes
Councilman Ronald T. Panek	Yes
Councilman David G. Vicary	Yes

## 2. **Resolution 08-2010:**

Supervisor Clement introduced the following resolution for the Town Board to Review and approve:

**RESOLUTION NO. 8-2010 DATED: April 12, 2010**

### **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 March 8, 2010, 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: April 12, 2010

MOVED BY: Councilman Pacer

SECONDED BY: Councilman Vicary

Approved on Roll Call as follows:

Supervisor Robert S. Clement	Yes
Councilman Donald Mullen	Yes
Councilman Robert Pacer	Yes
Councilman Ronald T. Panek	Yes
Councilman David G. Vicary	Yes

### **3. Stafford/Leroy Seniors Status Report :**

Catherine Stone, President of the Leroy/Stafford Seniors Organization addressed the Town Board members. She gave a general overview of the program and noted that there is regular participation from Town of Stafford residents in various programs and events sponsored by the Seniors Organization. She described some of the activities that are organized by the group such as trips, monthly meetings with entertainment and discount programs available in Stafford and Leroy such as Golfing at Sweetland Pines. Catherine noted that one issue she has difficulty with is advertising for various activities and events in a cost effective manner. She publishes an article in the Town Newsletter two times a year and also posts notices on the Town Hall Bulletin Board and has the Town Clerk post notices for her on the Town Web Site. She also provided the Town Board members, with a comprehensive budget report for the year so they would see how monies allocated by Stafford and Leroy are being spent.

### **4. LL1-2010:**

- **Town Planning Board Decision:**
- **County Planning Board Decision:**

Supervisor Clement noted that he has received written statements from both the Town Planning Board Chairman and the County Planning Board Chairman approving the adoption of LL1-2010 which will amend the Town of Stafford Zoning Map.

- **Set Date & Time for Public Hearing:**

A **Motion** was made by councilman Pacer and seconded by Councilman Vicary to hold a Public Hearing regarding LL1-2010 on May 10, 2010 at 7:30 PM. The Motion was passed.

### **NEW BUSINESS:**

\*\*\*. **Bruce Scofield -- Permit Application:**

Mr. Bruce Scofield addressed the Board Members requesting approval to proceed with implementation of a Transfer Station business on Sanders Road on the site of the Previous Waste Management Transfer Station property. He provided the Board Members with a Site Plan for reference and review. He described how the transfer station would be set up and operated and the potential daily trash and recyclable tonnage the site would be capable of handling per day. After a lengthy discussion with Board Members regarding this new proposed business, the Board Members advised Mr. Scofield that the Site Plan he presented was inadequate. They recommended that he submit a more detailed, comprehensive site plan for the Board to review. It was stressed that all potential details of the operation must be carefully disclosed in order for the Board members to make a fair assessment of the scope of the business. If it then meets their approval, it will be forwarded to the Town Planning Board for their review and decision. The Town Attorney, Kevin Earl recommended that Mr. Scofield hire an engineering firm to assist him in formulating a detailed site and business plan. Mr. Michael Fox a neighboring resident of the proposed transfer station on Sanders Rd., spoke in opposition to the proposed business.

**1. Loan Resolution WD #5:**

Supervisor Clement present a Water District #5 Loan Resolution to the Board Member for their review and action. This Resolution provides authorization for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its Water facility to serve an area lawfully within its jurisdiction in the Town of Stafford.

A **Motion** was then made by Councilman Pacer and seconded by Councilman Vicary to accept the Loan Resolution and authorize Supervisor Clement to sign such resolution.

○ **Approve & sign Pg. 2**

A **Motion** was then made by Councilman Pacer and seconded by Councilman Vicary to approve the Loan Resolution and authorize Supervisor Clement to sign such resolution.

Approved on Roll Call as follows:

Supervisor Robert S. Clement	Yes
Councilman Donald Mullen	Yes
Councilman Robert Pacer	Yes
Councilman Ronald T. Panek	Yes
Councilman David G. Vicary	Yes

○ **Forward to Loan Closing Procedures**

The signed Loan Resolution will be forwarded to the Loan Closing meeting for final processing.

**2. Proposal for new lights at Emery Park :**

Town Clerk Kershenski presented a quote proposal from Roanoke Electric to upgrade the Town Parks lights with new energy efficient lighting systems. After review by the Board

Members, it was agreed to authorize Roanoke Electric Co. to install the new lighting systems.

### **3. Planning Board recommendation:**

The Town of Stafford Planning Board Chairman, Mr. William VanAlst sent a letter to the Town Board Members dated March 25, 2010 stating as such:

*It was noted that the recommendation of the Planning Board to include removal of line b "Accessory Apartments" from Section 313, Subsection A, Paragraph 7 of the Zoning Law was not included as part of the Local Law. It is the consensus of the Planning board that said line should be removed. However, if it is to be left in, then a definition of "Accessory Apartment" should be added to Article 1, Section 106, as part of Local Law #1 of 2010.*

After a brief discussion amongst the Board Members regarding this letter it was suggested that the Supervisor discusses the issue with the County Planning Chairman. No further action was taken or recommended at this time.

### **5. GAM Meeting:**

- Report by Ron Panek regarding March 18th 2010 meeting:

Councilman Panek gave a brief report regarding the recent GAM meeting that was hosted by the City of Batavia. It was noted by Councilman Panek that the focus of the meeting was a presentation given by Carol McTague, a Sr. Municipal Consultant for the NYS Department of Public Service, regarding their assistance with municipality's and their renewal contracts with cable companies. After Councilman Panek gave a brief synopsis of her presentation, a **Motion** was made by Councilman Panek and seconded by Councilman Pacer to participate with GAM as a group with any further franchise contract negotiations with Time Warner Cable Co. The Motion was passed.

Councilman Mullen is scheduled to attend the April 15th GAM meeting sponsored by the Village of Oakfield:

### **8. Miscellaneous:**

- **Water District #7 Report**

Mr. Eric Weiss an Engineer from Clark Patterson Associates gave a report on the status of Water District #7 on the Fargo & Sweetland Roads. He stated that all the main lines are in and all service laterals are implemented. Land restoration has begun and driveways are being repaired. Eric explained that there is some money left over from USDA from Water District #4 & Water District #7 and the Town therefore needs to determine where the money can be spent to benefit Water Districts #4 & #7 else it needs to be returned to USDA. Therefore after a brief discussion of options on how best to invest the excess money to benefit WD # 4 & #7, a **Motion** was made by Councilman Pacer and seconded by Councilman Vicary to use the excess funds from USDA to reimburse people in WD #7 for their Water Main hookups and also to implement an aeration facility to be built on the site of the MCWA Water Towers on Rt. 5 at Temperance Hill behind the NYS Dept. of Transportation facility. The motion was passed.

Mr. Weiss also noted that it has been determined that Clark Patterson Associates requires additional 4-weeks of construction inspection services for Water District #7. Therefore, Mr. Weiss presented to the Board Members an 'Amendment to Owner-Engineer Agreement' which details the remaining services that need to be done to finish the WD #7 project and the reasons for these requirements. The additional cost of these services by Clark Patterson Associates will be \$9,920.00. After a brief discussion amongst the board members and Mr. Weiss and a review of the Amended Agreement, a **Motion** was made by Councilman Pacer and seconded by Councilman Vicary to accept the Amended Agreement and authorize Supervisor Clement to sign this Agreement accordingly.

Approved on Roll Call as follows:

Supervisor Robert S. Clement	Yes
Councilman Donald Mullen	Yes
Councilman Robert Pacer	Yes
Councilman Ronald T. Panek	Yes
Councilman David G. Vicary	Yes

- **Tax Collectors Report -- Walter Kershenski**

April 12, 2010  
Genesee County Treasurer  
County Bldg. #1  
Main and Court St.  
Batavia, New York 14020

Dear Scott:

Enclosed is Check #314 in the amount of \$ **80,974.50** which represents the Final Tax collection Payment for the Town of Stafford for 2010.

**Adjusted TOTAL WARRANT            \$ 1,554,164.52 \_\_\_\_\_**

**Jan. 2010 Amt. Pd. Supervisor            \$ 230,194.00**

**Jan. 2010 Amt. Pd. County Treas.       \$ 959,676.50**

**Amt. Collected Feb 2010                \$ 50,277.97**

**Amt. deducted for Feb 2010 P&I        \$ (485.99)**

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**Amt. Pd. County Treasurer              \$ 49,791.98**  
**for tax collected February 2010**

**Amt. Collected March 2010 + Interest \$ 83,295. 25**

**Amt due Town for Bank Interest,  
Penalties, Mailing Fees &              \$ -2320.75**  
**10 cents overpayment**

**4/12/2010 Amt Pd. To County Treasurer \$ 80,974.50**  
**March 2010**

*Walt Kershenski* Tax Collector, Town of Stafford

GENERAL FUND Pre-Pay

**Motion** by Councilman Mullen, sec by Councilman Pacer to pay  
Abstract #06Vouchers #100 – #103 in the amount of \$36,334.38

GENERAL FUND

**Motion** by Councilman Vicary, sec by Councilman Panek to pay  
Abstract #07Vouchers #104 – #151 in the amount of \$46,581.27

HIGHWAY FUND Pre-Pay

**Motion** by Councilman Mullen, sec by Councilman Pacer to pay  
Abstract #05Voucher #57 in the amount of \$731.32

HIGHWAY FUND

**Motion** by Councilman Vicary, sec by Councilman Pacer to pay  
Abstract #06 Voucher #058 - #069 in the amount of \$8,037.09

WATER FUND

**Motion** by Councilman Mullen, sec by Councilman Pacer to pay  
Abstract #04 Voucher #011 - #017 in the amount of \$136,900.71

**Motion** made by Councilman \_\_\_\_\_ and seconded by Councilman \_\_\_\_\_ to adjourn the regular  
Town Board Meeting \_\_\_\_\_ pm **Motion** carried and meeting was thus adjourned.

Dated April 12, 2010  
*Approved at May 10, 2010 meeting*

Walter Kershenski Town Clerk