

## MINUTES OF STAFFORD TOWN BOARD MEETING OF May 10, 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.  
Approximately \_7\_ members of the Community per sign in form

Supervisor Clement called the meeting to order at 7:35 p.m., followed by Pledge to the Flag.

**Motion** made by Councilman Pacer sec. by Councilman Vicary to accept the minutes of the April 12, 2010, regular Town Board Meeting, as presented by the Town Clerk. All approved. **Motion** carried.

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

### OLD BUSINESS:

#### 1. Local Law #1-2010:

- Review Full Environmental Assessment Form:

Supervisor Clement read instruction form from Attorney Kevin Earl regarding the legal procedure required to complete the Full Environmental Assessment form. Then he and the Board Members reviewed all 20 questions contained in Part 2 and concluded that no change need be made to any of the attorney recommended responses to the questions. Therefore, the next step is to authorize a Negative declaration Resolution stating that the zoning map amendments proposed in LL1 -2010 will have no adverse effect on the environment.

- Resolution 14-2010 Negative Declaration:

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

**RESOLUTION NO. 14-2010 DATED: May 10, 2010**

#### **RESOLUTION TO ADOPT A NEGATIVE DECLARATION**

**WHEREAS**, in accordance with the State Environmental Quality Review Act (SEQR), the proposed Local Law #1 of 2010 to provide changes to certain areas upon the Zoning Map of the Town of Stafford, N.Y., is a Type 1 Action; and

**WHEREAS**, the Stafford Town Board acting as Lead Agency has reviewed the SEQR Full Environmental Assessment Form; and

**WHEREAS**, it has been determined that the proposed amendments will not have an adverse impact on the environment.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Stafford, New York hereby directs the Supervisor to prepare the Negative Declaration Notice of Determination of Non-Significance with regard to Local Law #1 of 2010, that makes revisions to the Zoning Map of the Town of Stafford, N.Y.

Dated: May 10, 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

- **Resolution 14-2010 Adopt LL1-2010:**

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

**RESOLUTION NO. 15-2010 DATED: May 10, 2010**

**RESOLUTION ADOPTING LOCAL LAW #1 OF 2010**

**WHEREAS**, proposed Local Law #1 of 2010 of the Town of Stafford entitled “A Local Law to Amend the Zoning Map of the Town of Stafford, N.Y.”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on March 8, 2010, and a copy thereof was kept with the Town Clerk and copies were both laid upon the desks of the members of said Town Board and mailed to each member of the Town Board not in attendance at said meeting, at least ten (10) days, exclusive of Sundays, prior to its final passage; and

**WHEREAS**, 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 was 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); and

**WHEREAS**, a public hearing on the advisability of enacting said proposed Local Law was held on May 10, 2010, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

**WHEREAS**, all required referrals to the Genesee County Planning Board and the Stafford Town Planning Board, as well as all required publications and postings, have been properly completed; and

**WHEREAS**, the Town Board of the Town of Stafford, New York, is of the opinion that adoption of said proposed Local Law #1 of 2010 is in the best interests of the Town of Stafford, New York,

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Stafford, New York that said proposed Local Law #1 of 2010, be and the same hereby is adopted, and such Local Law shall be entered in the minutes of the Stafford Town Board; and

**BE IT FURTHER RESOLVED**, that the "Zoning Map of the Town of Stafford, N.Y." is hereby amended as more fully set forth in said Local Law, as per the revised Zoning Map annexed thereto; and

**BE IT FURTHER RESOLVED**, that certified copies of said Local Law #1 of 2010 be filed with the New York State Secretary of State in accordance with Law; and

**BE IT FURTHER RESOLVED**, that a summary of the provisions pursuant to Local Law #1 of 2010 be published once in The Daily News and that an affidavit of publication thereof be filed with the Town Clerk; and

**BE IT FURTHER RESOLVED**, that this Local Law shall become effective as provided by law upon its filing in the Office of the Secretary of State.

Dated: May 10, 2010

MOVED BY: Councilman Pacer

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. **Adam Morgan** --- **Financial Advisor:**

Did not show up.

### 3. **Bruce Scofield** --- **Transfer Station Permit Applications:**

Mr. Bruce Scofield petitioned the Town Board Members to Grant him a Special Use Permit to implement a Solid Waste Recycling and Transfer Station in the Town of Stafford on Sanders Road. The location of this facility would be where the former Waste Management Transfer Station was located. Mr. Scofield has plans to purchase this property and refurbish it and reopen it for business. He presented the Board with a Cover Letter briefly describing the project, along with a Site Plan, a completed Zoning Permit Application, a completed Agricultural Data Statement Form, and a To Do list of repairs and improvements that he would perform at the site. After a question and answer session with the Board members regarding Mr. Scofield's proposal and comments from a homeowner who resides adjacent to the project site, it was recommended that Mr. Scofield must develop a written 'Scope of Operation' with guidelines on how the business will operate and that he must elicit the services of an engineer to assist in the design and operation of the facility. Once these requirements are met, the Board then set forth the following recommended procedure for Mr. Scofield to follow for applying for the Special Use Permit to run this Business. First he must submit his application and associated documentation to the Town Planning Board by May 11, 2010 for their review and recommendation on May 19, 2010. Then the same must be submitted to the County Planning board by June 3, 2010 for their review and recommendation on June 10, 2010. Then if all goes well, the Town Board can review the recommendations from the Town & County Planning boards at their June 14, 2010 meeting and set a date for a Public Hearing on July 12, 2010. Mr. Scofield agreed to this procedure and will try to meet the deadlines with the suggested documentation for submission to the Town and County Planning Boards.

A **Motion** was then made by Councilman Vicary and seconded by councilman Pacer to designate the Town Board to act as the Lead Agency regarding the Special Use Permit Application by Mr. Scofield to implement a Solid Waste Recycling and Transfer Station in the Town of Stafford on the Sanders Road. The Motion was passed

A **Motion** was made by Councilman Panek and seconded by Councilman Vicary to refer Mr. Scofield's Special Use Permit application to implement a Solid Waste Recycling and transfer Station in the Town of Stafford along with a written scope of operation to the County Planning Board by June 3, 2010 and the Town Planning Board by May 11, 2010. The Motion was passed.

### 4. **Zoning Board of Appeals Meeting:**

Supervisor Clement received a letter and an email from concerned citizens bring to the attention of the Town Board that the Zoning Board of Appeals frequently conducts monthly meetings with nothing on their Agenda. Their concern was that the Town was paying the ZBA members for meeting and conducting no Town Business. Supervisor Clement stated that this issue was addressed several years ago and the conclusion at that time was that even though there was no Agenda Items and therefore no business to discuss, it was appropriate for the ZBA members to meet .

No action was taken on this Agenda item.

## **NEW BUSINESS:**

### **1. WD #8R:**

- **Completion of SEQR Process:**
  - **SEQR Resolution -- Negative Declaration**  
**SEQR RESOLUTION - NEGATIVE DECLARATION**

### **TOWN OF STAFFORD WATER DISTRICT NO. 8 (REVISED)**

At a meeting of the Town Board of the Town of Stafford held on the 10<sup>th</sup> day of May, 2010, 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 March 8, 2010, to conduct an environmental review of a project to construct public water supply improvements to serve the Town of Stafford Water District No. 8 (Revised). 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 March 16, 2010, 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. 8 (Revised); 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.

Passes by a vote of  5  yeas and  0  nays.

Roll Call vote as follows:

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

**2. Freed Maxick & Battaglia:**

- Town Auditing Services:
- Statement of 'Terms of Engagement' Agreement:

Supervisor Clement presented a Statement of 'Terms of Engagement' agreement to the Town Board members to review and authorize him to sign for auditing Services for the Year 2010 from Freed Maxick & Battaglia. Stuart Brown Associates will need a copy of this agreement as part of the requirements to obtain Grants and Loans for WD #5 and another copy will then be returned to Freed Maxick & Battaglia. Supervisor Clement and the Town Bookkeeper expressed displeasure with auditing services rendered by Freed Maxick & Battaglia for the 2009 audit and recommended that another auditing firm should possibly be hired for the 2011 audit. Councilman Panek stated that if another auditing firm is to be solicited, then the Bookkeeper needs to develop detailed auditing service specifications that will be used as a guideline in bidding out the service. Also the topic of the Town Court audit was discussed. The Bookkeeper stated that the Court financial audit is conducted separately from the Town financial audit. It was suggested by the Board Members that the Town Bookkeeper needs to obtain copies of the final Court financial audit report.

A **Motion** was made by Councilman Vicary and seconded by Councilman Panek to authorize Supervisor Clement to sign the 'Terms of Engagement' agreement with Freed Maxick & Battaglia authorizing them to perform the 2010 financial audit for the Town of Stafford for a fee not to exceed \$6,600 and the AUD compilation fee of \$1,100.

The Motion was passed.

**3. Resolution 13-2010:**

Supervisor Clement introduced the following Resolution for review and action by the Town Board regarding Fund Transfer requests by the Town Bookkeeper for Water District disbursements:

**RESOLUTION NO. 13-2010 DATED: May 10, 2010**

**Authorization to Transfer Funds**

**WHEREAS,** the following fund transfers amounts for the year 2010 are being requested by the Town of Stafford Financial Bookkeeper as follows:

General Money Market Fund	\$140,000.00
Water 'H' Fund	\$140,000.00

**NOW, THEREFORE,**

**BE IT RESOLVED, that** the Stafford Town Board hereby authorizes the Town of Stafford Financial Bookkeeper to execute the above stated funds transfer for Town of Stafford Water District disbursements and that these funds will be repaid when Rural Development monies are received.

**Offered by: Councilperson Pacer**

**Second by: Councilperson Vicary**

Passes by a vote of  5  yeas and  0  nays.

Roll Call vote as follows:

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

**4 Quotation for Town Urn Planting for 2010:**

Town Clerk Kershenski presented a quote for approval by the Town Board Members for Flower Urn planting and maintenance for the Town Hall, Parks and Cemetery in Stafford.

A Motion was made by Councilman Panek and seconded by Councilman Pacer to approve the quote the proposal for Flower Urn planting and maintenance for the Town Hall, Parks and Cemetery in Stafford by Everlasting Plantings and Care Co.

Motion was passed

**5. Budget Report -- Stafford Historical Society:**

The Stafford Historical Society presented a copy of their Budget to the Stafford Town Board for their reference and review. It will be filed according ly in the Town Clerk's office.

## 6. GAM Meeting:

- Report by Don Mullen regarding April 15, 2010 meeting:

Councilman Mullen gave a brief report regarding the recent GAM meeting that was hosted by the Town of Oakfield. Councilman Panek is scheduled to attend the April 15th GAM meeting sponsored by the Town of Darien:

## 7. **Resolution 16-2010:**

Supervisor Clement introduced the following Resolution for review and action by the Town Board regarding a Bid Award for Surplus Equipment by the Highway Dept.:

**RESOLUTION NO. 16-2010 DATED: May 10, 2010**

### **Board Resolution Pursuant to Bid Award of Surplus Equipment**

**Whereas:** The Stafford Town Board authorizes receipt at the Stafford Town Hall of Online bids for Highway Department Surplus Equipment; and

**Whereas:** the bid Receipt date was Tuesday May 7th, 2010 at the Stafford Town Hall.

**Now, therefore, be it resolved that,** The Stafford Town board hereby awards bids for the Highway Department Surplus Equipment as Follows:

- 1 Lot #1 – 1995 Dump Box \$2,300.00
- 2 Lot #2 – 2001 Highway Dander \$600.00
- 3 Lot #3 – 1995 Harder Sander \$210.00

This Resolution was presented to the Stafford Town Board at the May 10th, 2010 regular meeting and a motion was made by Councilman Pacer, and seconded by Councilman Mullen. The motion was passed by a vote of   5   to   0  .

#### Roll Call vote as follows:

Councilman Vicary	Yes
Councilman Mullen	Yes
Councilman Panek	Yes
Councilman Pacer	Yes
Supervisor Clement	Yes

## 8. **Miscellaneous:**

- **Dave Vicary Emery Park Expansion:**

Councilman Vicary gave a brief status report regarding the expansion & renovation project regarding Emery Park. He displayed a proposed park map and briefly described the proposed enhancements that are depicted on the map. Councilman Vicary then announced that the Park enhancement committee would have a meeting on May 25<sup>th</sup>, 2010 to work on plan for the project and then a Public meeting would be held regarding the Park expansion on June 14, 2010 at 7:00 pm. Councilman Vicary requested that the Town Clerk advertise this meeting accordingly in the Batavia Daily News. A discussion then ensued regarding a walkway from Emery Park to the Stafford Country Club. A **Motion** was then made by Councilman Panek and seconded by Councilman Vicary to authorized development of an easement for a walkway from Emery Park to the Stafford Country Club

The Motion was passed

- **Ron Panek – Issue of Water Unit charge for Land Locked Property:**

Councilman Panek addressed an issue related to a proposed Water District on the Covell Rd. in the Town of Stafford. He stated that there is property that is owned by Mr. Barber in the Covell Rd. area that has no frontage on Covell Rd. and can only be accessed by way of an existing easement. Mr. Barber therefore feels that because of this situation, he should not be responsible to pay a Water Unit charge if a Water District is implemented on the Covell Rd.. Councilman Panek did some research and found reference to NYS Law Section 199 that addresses this type of situation stating that to be included in a proposed water district the owners of real estate must be fronting or abutting on either side of the highway. Therefore, based on this law, a **Motion** was made by Councilman Panek and seconded by Councilman Vicary to abide by NYS Law Section #199 stating that because Mr. Barber has no frontage property on the Covell Rd. and that the only access to his property from the Covell Rd. is by way of easement he cannot be included in the proposed water district and consequently not be responsible for a Water Unit charge as such. The Motion was passed.

- **Motion to adjourn to Executive Session:**

A **Motion** was made by Councilman Vicary and seconded by Councilman Pacer to adjourn the Regular Town Board meeting at 9:50 pm and open an executive session. Motion was passed. The Town Clerk, Highway Superintendent and Bookkeeper were invited to attend the Executive Session. The session was closed at 10:07 PM

**ABSTRACT PROCESSING AND VERIFICATION**

GENERAL FUND Pre-Pay

**Motion** by \_\_\_\_\_, sec by \_\_\_\_\_ to pay  
Abstract #08 Vouchers #152 – #154) in the amount of \$1,726.37

GENERAL FUND

**Motion** by \_\_\_\_\_, sec by \_\_\_\_\_ to pay  
Abstract #09 Vouchers #155 – #196) in the amount of \$58,175.80

HIGHWAY FUND Pre-Pay

**Motion** by \_\_\_\_\_, sec by \_\_\_\_\_ to pay  
Abstract #07 (Voucher #70) in the amount of \$731.32

HIGHWAY FUND

**Motion** by \_\_\_\_\_, sec by \_\_\_\_\_ to pay  
Abstract #08 Voucher #071 - #085) in the amount of \$37,314.41

WATER FUND

**Motion** by \_\_\_\_\_, sec by \_\_\_\_\_ to pay  
Abstract #05 Voucher #018 - #019) in the amount of \$9,838.00

MEDICAL FUND

**Motion** by \_\_\_\_\_, sec by \_\_\_\_\_ to pay  
Abstract #1 Voucher #01 - #007) in the amount of \$944.60

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

Dated May 10, 2010  
*Approved at June 14, 2010 meeting*

Walter Kershenski Town Clerk