

MINUTES OF STAFFORD TOWN BOARD MEETING OF June 14, 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 _5_ members of the Community per sign in form

Supervisor Clement called the meeting to order at 8:14 p.m., followed by Pledge to the Flag.

Motion made by Councilman Pacer sec. by Councilman Mullen to accept the minutes of the May 10, 2010, regular Town Board Meeting, as presented by the Town Clerk. All approved. **Motion** carried.

Motion made by Councilman Pacer sec. by Councilman Mullen to accept the minutes of the May 10, 2010, Public Hearing Meeting, for LL1 -2010 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 May as submitted by the Supervisor. All approved. **Motion** carried

OLD BUSINESS:

1. Local Law #1-2010 -- Amended Zoning Map:

Supervisor Clement explained to the Board members that a notice for the May 10, 2010 Public Hearing regarding LL1 -2010 was never published in the Batavia Daily News prior to the meeting and therefore violated the legality of the Public Hearing and the subsequent adoption of Local Law #1 -2010 by Resolution 15-2010 at the Regular Board meeting of May 10, 2010.

Consequently, a **Motion** was made by Councilman Pacer and seconded by Councilman Panek to Rescind Resolution 15 -2010 adoption of LL1 -2010 which was acted upon at the May 10, 2010 Town Board Meeting.

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 17-2010:**

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

RESOLUTION NO. 17-2010 DATED: June 14, 2010
**RESOLUTION TO RESCHEDULE A PUBLIC HEARING FOR
PROPOSED LOCAL LAW #1 of 2010**

WHEREAS, a proposed Local Law #1 of 2010 was introduced before the Town Board on March 8, 2010, and

WHEREAS, a Public Hearing on the advisability of adopting proposed Local Law was held on May 10, 2010, before this Town Board, and

WHEREAS, after this Public Hearing the Town Board passed a Resolution adopting said Local Law #1 of 2010, and

WHEREAS, thereafter, it was ascertained by the Town Clerk that The Daily News did not properly publish the Notice of this Hearing at least ten (10) days in advance, as required by law, and

WHEREAS, the Town Board intends to reschedule a Public Hearing and thereafter consider the advisability of adopting said Local Law after proper publication of a Notice of Hearing,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Stafford, New York that a public hearing be rescheduled and held on the 12th day of July, 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 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

Dated: June 14, 2010

MOVED BY: Councilman Vicary

SECONDED BY: Councilman Pacer

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. Water District #8 Status:

Supervisor Clement read a copy of a letter that was sent to the NYS Comptroller's Office on June 3rd, 2010 by Town Attorney Kevin Earl regarding Water District #8. He then stated that unofficially he has heard that the application to the NYS Comptroller's office for Establishment of Water District #8 has been approved and that he will be contacting Town Attorney Kevin Earl to verify.

NEW BUSINESS:

1. Fireworks Permit Approval -- Stafford Fire Dept.

Town clerk Kershenski presented an application for a Permit recently submitted by the Town of Stafford Fire Department to conduct a Fire Works Display during their Summer Carnival. Each Board member reviewed copies of the Permit Application and the associated licenses and Insurance Liability forms provided by the Fireworks Company. The application and associated licenses and Insurance forms were to the satisfaction of the Board Members so a **Motion** was thus made by Councilman Pacer and seconded by Councilman Vicary to approve issuance of the requested Fireworks Permit and to authorize Supervisor Clement to sign the Permit accordingly. The Motion was passed.

2. Sleds of Stafford

- **Landowner Permission form :**

Town Clerk Kershenski presented to the Board Members a form from the Sleds of Stafford Snowmobile Club requesting permission to use Town of Stafford land for designated snowmobile trails. After a brief discussion and review of the request form, a **Motion** was made by Councilman Pacer and seconded by Councilman Panek to allow the Sleds of Stafford to keep the marked trail system in previously set terms for the 2010 – 2011 season. The Motion was passed.

3. Raffle Consent form:

Supervisor Clement introduced a Raffle Consent Form from the Rochester Eye & Tissue Bank to sell raffle tickets in the Town of Stafford to benefit the Katie Star Memorial Fund: A **Motion was made by:** Councilperson Pacer and second by Councilperson Vicary to approve the sale of the Raffle Tickets in the Town of Stafford and authorize Supervisor Clement to sign the Consent Form accordingly. The Motion was passed.

4. WD #5

- **Resolution 18-2010**
 - **Bond Anticipation Note Resolution:**

Supervisor Clement off the following Resolution for the Town Board to consider regarding Water District #5 Bond Anticipation Note:

RESOLUTION NO. 18-2010 DATED: June 14, 2010

BOND ANTICIPATION NOTE RESOLUTION AUTHORIZING THE ISSUANCE OF \$404,000 BOND ANTICIPATION NOTES 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 June 14, 2010

WHEREAS, Water District #5 is a water district of the Town of Stafford in the County of Genesee (the "Town"), duly established by the Town Board of the Town (the "Town Board"), 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; and

WHEREAS, by resolution duly adopted by the Town Board on July 13, 2009, entitled "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 (the "Bond Resolution")", the Town is authorized to issue its serial bonds in the aggregate principal amount of \$404,000 in order to finance certain water system improvements as described therein; and

WHEREAS, the Town Board has determined that it would be prudent to issue bond anticipation notes to finance such improvements in advance of the issuance of said serial bonds, such bond anticipation notes to be repaid with the proceeds of said 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 of Stafford, in the County of Genesee, shall issue its bond anticipation notes in the aggregate principal amount of \$404,000 (the "Bond Anticipation Notes") pursuant to the Local Finance Law of New York, in order to finance the specific purpose described in the Bond Resolution, to wit, the construction of a water system in Water District #5 of the Town. The Bond Anticipation Notes are issued in anticipation of the sale of the serial bonds authorized by the Bond Resolution, which bonds are for an assessable improvement.

Section 2. The Bond Anticipation Notes shall be redeemed from the proceeds of the sale of the serial bonds authorized by the Bond Resolution in the amount of \$404,000; provided that if such serial bonds are not sold, then the Bond Anticipation Notes shall be redeemed from any unencumbered balance in any fund which may be applied to the payment thereof, or by a budgetary appropriation.

Section 3. No bond anticipation notes have previously been issued in anticipation of the sale of such serial bonds. Therefore, the Bond Anticipation Notes are not renewal notes.

Section 4. The Bond Anticipation Notes shall mature one year after the date on which they are issued.

Section 5. Subject to the terms and contents of the Bond Resolution, 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 Bond Anticipation Notes, and the power to sell and deliver said Bond Anticipation Notes 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 Bond Anticipation Notes issued pursuant to this resolution and the Town Clerk is hereby authorized to affix the corporate seal of said Town to any of said Bond Anticipation Notes and to attest such seal.

Section 6. It is hereby determined that the permission of the State Comptroller for the issuance of said Bond Anticipation Notes is not required, pursuant to paragraph 4 of Local Finance Law § 104.10, because the permission of the State Comptroller to the establishment of Water District #5 of the Town was granted on May 12, 2009.

Section 7. 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 Bond Anticipation Notes 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 8. This resolution shall take effect immediately upon its adoption

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

Supervisor Clement presented the following documents regarding WD #5 and asked the Board Members to review them and authorize his signature on such documents. They will then be returned to Clark Patterson Lee Associates for processing.

- **NYSDOH Permit to administer water mains WD #5**

A **Motion** was made by Councilman Pacer and seconded by Councilman Vicary to authorize Supervisor Clement to sign the NYSDOH Permit to administer water mains in WD #5.

The Motion was passed.

- **Plans for Public Water supply improvement**

A **Motion** was made by Councilman Pacer and seconded by Councilman Mullen to authorize Supervisor Clement to sign the Plans for Public Water supply improvement agreement in WD #5.

The Motion was passed.

- **NYSDEC Joint Application form for WD #5**

A **Motion** was made by Councilman Panek and seconded by Councilman Pacer to authorize Supervisor Clement to sign NYSDEC joint application form for WD #5.

The Motion was passed.

- **NYSDEC permission to inspect property form**

A **Motion** was made by Councilman Panek and seconded by Councilman Mullen to authorize Supervisor Clement to sign the NYSDEC permission to inspect property form for WD #5.

The Motion was passed.

5. Recreation Program:

- **Board Meeting report:**

Supervisor Clement presented the Recreation Committee's recent Board Meeting report for review and discussion by the Town Board members. After a brief review and discussion, a **Motion** was made by Councilman Pacer and seconded by Councilman Panek to accept the Recreation Program Board Meeting report as presented. A motion was passed.

6. GAM Meeting:

- Report by Ron Panek regarding May, 2010 meeting:

Councilman Panek gave a brief report regarding the recent GAM meeting that was hosted by the Town of Darien. Councilman Pacer is scheduled to attend the June 17th GAM meeting sponsored by the Town of Pavilion.

7. Highway Dept:

- **Quote approval for new lights**

Highway Superintendent Boldt introduced quotes for review and action by the Town Board regarding purchase and installation of new energy efficient lights in the Town Highway Garage:

A **Motion** was made by Councilman Vicary and seconded by Councilman Pacer to accept a quote by Country Line Electric for an amount of \$ 5504.50 less a rebate of \$ 1885 to supply and install new energy efficient lights in the Town Highway Garage. The Motion was passed

- **JD Loader extended Power Train Warranty:**

Highway Superintendent Boldt presented to the Town Board terms of an extended warranty agreement for their JD 644K Loader with Five Star Equipment, Inc... After review of the multiple extended warranty plan options available, the Board recommended that the two year Power Train Warranty plan be executed with Five Star Equipment for a quoted cost of \$1235.00

8. SEQR process review:

- **Recommendation letter from Kevin Earl :**

Supervisor Clement presented a letter from Town Attorney Kevin Earl regarding recommendations that the Town change its environmental review procedures. He is recommending that the Town Boards solicit public input via public hearings before making SEQR determinations. This recommendation is based on a review of a legal case that had been provided to the Town Attorney by the Genesee County Planning Board. After a brief discussion amongst the Board Members it was generally agreed to implement the recommended procedure and schedule public hearings prior to SEQR determinations. No further action was taken on this matter.

9. Retirement Reporting: Elected & Appointed Officials :

- **Resolution Std. work day reporting:**

Supervisor Clement presented the following resolution to the Board Members for their review and action regarding elected and appointed official Standard work Day retirement reporting to the NYS Comptroller. A Motion was made by Councilman Vicary and seconded by Councilman Pacer to adopt the following Standard Work Day and Reporting

Resolution.

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the The Town of Stafford hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials					
Town Clerk	Walter Kershenski	6	1/1/10 -- 1/1/14	N	20
Hwy Supt.	Steven Boldt	8	1/1/10 -- 1/1/14	N	20
Councilman	Ronald Panek	6	1/1/10 -- 1/1/14	N	44
Appointed Officials					

On this 15th day of June, 2010

Walter Kershenski
(Signature of clerk)

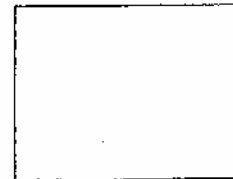
Date enacted: June 14th, 2010

I, Walter Kershenski, clerk of the governing board of the The Town of Stafford, of
(Name of Employer)
the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 14 day of June, 2010 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto
Set my hand and the seal of the

The Town of Stafford
(Name of Employer)



(seal)

8. Miscellaneous:

Representative of the Stafford Historical Society gave a brief status report of preparations for the 'Taste of Stafford' that they will be hosting at Ilette Park on July 8, 2010. They noted that the event will honor Military Veterans from the Town of Stafford and they asked the Town Board if they would authorize funds to purchase pins and flowers to be given to the the Veterans who attend the event.

A **Motion** was made by Councilman Pacer and seconded by Councilman Panek to authorize \$150 to the Stafford Historical Society to purchase Pins & Flowers for the Town of Stafford Military Veterans to be provided at the Taste of Stafford Social event on July 8, 2010. The Motion was passed.

ABSTRACT PROCESSING AND VERIFICATION

GENERAL FUND Pre-Pay

Motion by Panek sec by Vicary to pay

Abstract #10 Vouchers #197 – #200) in the amount of \$1,670.87

GENERAL FUND

Motion by Vicary sec by Mullen to pay

Abstract #11 Vouchers #155 – #196) in the amount of \$16,287.30

HIGHWAY FUND Pre-Pay

Motion by Mullen sec by Vicary to pay

Abstract #09 (Voucher #86) in the amount of \$731.32

HIGHWAY FUND

Motion by Mullen sec by Pacer to pay

Abstract #10 Voucher #087 - #0102) in the amount of \$25,693.48

WATER FUND

Motion by Panek sec by Vicary to pay

Abstract #06 Voucher #020 - #021) in the amount of \$31,135.14

MEDICAL FUND

Motion by Panek sec by Vicary to pay

Abstract #2 Voucher #08 - #013) in the amount of \$466.10

Motion made by Councilman Vicary and seconded by Councilman Panek to adjourn the regular Town Board Meeting 9:15 pm **Motion** carried and meeting was thus adjourned.

Dated June 14, 2010

Approved at July 12, 2010 meeting

Walter Kershenski Town Clerk