

MINUTES OF STAFFORD TOWN BOARD MEETING OF July 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
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 Pacer sec. by Councilman Mullen to accept the minutes of the June 12, 2010, regular Town Board Meeting, as presented by the Town Clerk. All approved. **Motion** carried.

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

OLD BUSINESS:

1. WD #8 Comptroller Notice of Approval:

Supervisor Clement presented to the Board Members a Letter and Order of approval for establishment of Water District #8 in the Town of Stafford from the New York State Dept. of Audit and Control and that Water District #8 cost is not to exceed \$1,074,000. Supervisor Clement commented that because of the current state of the economy that is it is unlikely that any grant funds would now be available to move forward with establishment of this water district at this time.

2. Scofield Transfer Station status :

Supervisor Clement presented to the Board Members a Notice of Zoning Referral Final Action from the County Planning Board that was recently received regarding a Special Use Permit for Bruce Scofield to operate a Recyclables Handling and Recovery facility at 8620 Sanders Road in the Town of Stafford. The County Planning Board's decision was to approve the Special Use Permit with Modifications as noted on the Final Action form. Supervisor Clement then read a letter that he recently received from the Town Planning Board regarding this Special Use Permit Application which included a list of 10 recommendations to be considered by the Town Board Members. Each item was separately reviewed and it was determined by the Board Members that each was satisfactorily addressed by Mr. Scofield. After further discussion amongst the Board Members, a **Motion** was made by Councilman Vicary and seconded by Councilman Panek to schedule a Public Hearing at 7:00 PM on August 9, 2010 regarding the Special Use Permit for Bruce Scofield to operate a Recyclables handling and Recovery facility at 8620 Sanders Road in the Town of Stafford.

Following said Public Hearing then the Town Board can consider issuing the Special Use Permit based on public input, building code inspection reports and private structural engineering inspection reports provide by Mr. Scofield.

3. **Walkway Easement:**

Supervisor Clement presented to the Board an Easement Contract that was recently negotiated between the Town of Stafford and the Stafford Fire Dept. (the Owner) to permit a walkway to be constructed through their property that would provide access from Emery Park to the Stafford Country Club. After a brief discussion amongst the Board Members no further action was taken.

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

• **Resolution 19-2010**

Supervisor Clement off the following Amended Resolution for the Town Board to consider regarding Adoption of Proposed Local Law #1 -2010 amending the Zoning Map of the Town of Stafford.

RESOLUTION NO. 19-2010 DATED: July 12, 2010

AMENDED 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, at which time all interested persons were heard; and

WHEREAS, the Town Board on May 10, 2010 passed a “Resolution Adopting Local Law #1 of 2010”, and

WHEREAS, subsequently it was determined by the Town Clerk that a Notice of Hearing was not properly published in the official newspaper of the Town as required by law, and

WHEREAS, the Town Board rescheduled and held a Public Hearing on July 12, 2010, 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: July 12, 2010

MOVED BY: Councilman Pacer

SECONDED BY: Councilman Panek

Passes by a vote of 5 yeas 0 nays

Roll Call vote as follows:

Councilperson Vicary	Yes
Councilperson Mullen	Yes
Councilperson Panek	Yes
Councilperson Pacer	Yes
Supervisor Clement	Yes

NEW BUSINESS:

1. Planning Board Zoning Law change request.

Supervisor Clement presented an email that he recently received from Town Attorney Kevin Earl along with a copy of a letter to Mr. Earl received from the Town Planning Board requesting advice on a possible proposed change to the Town of Stafford Zoning Laws restricting accessory apartment size to 35% of the floor area of the principal use. This pertains to Section 313, Par. A, item 7 of the Town Zoning Laws. Town Attorney Earl was asking in this email as to how the Town Board wanted him to proceed on this Zoning Change request made by the Planning Board. After a brief discussion amongst the Board members regarding this request, it was unanimously decided that no change as requested by the Town Planning Board was necessary and that no action should be taken accordingly.

2. Resolution 20-2010:

- **Authorization to close 2009 Highway Reserve Fund**

The Town Bookkeeper submitted the following Resolution to be reviewed and approved by the Town Board members per recommendation of the Town Auditing firm regarding closing of the Highway Reserve Fund for 2009:

RESOLUTION NO. 20-2010 DATED: July 12, 2010

Authorization to Close Highway Reserve Fund

WHEREAS, the Highway Capital Reserve Fund amt. of **\$25,065.00** was transferred to Highway General Fund Accounts by Resolution 31-2009 which was approved at the Town Board meeting of November 9 2009

NOW, THEREFORE,

BE IT RESOLVED, that the Highway Capital Reserve Fund be officially closed .

Offered by: Councilperson Pacer

Second by: Councilperson Vicary

Passes by a vote of 5 yeas 0 nays

Roll Call vote as follows:

Councilperson Vicary	Yes
Councilperson Mullen	Yes
Councilperson Panek	Yes
Councilperson Pacer	Yes
Supervisor Clement	Yes

3. **Town of Batavia WD:**

- **Batavia North Water District:**
- **SEQR Lead Agency coordination request response form:**

Supervisor Clement presented to the Board Members a Letter and a Response Form from Stuart Brown Associates, for a request for approval by the Town of Stafford for SEQR Lead Agency Coordination status for the Town of Batavia to establish a Water District in the Town of Batavia. The Board is asked to approve Supervisor Clement to sign the requested document and forward it to Steve Mountain the Town of Batavia Engineer.

A **Motion** was made by Councilman Panek and seconded by Councilman Vicary to authorize Supervisor Clement to sign the 'SEQR Lead Agency Coordination request response form as requested by Stuart Brown on behalf of the Town of Batavia to establish a Water District north of Batavia east of Rt. 98.

Passes by a vote of 5 yeas 0 nays

Roll Call vote as follows:

Councilperson Vicary	Yes
Councilperson Mullen	Yes
Councilperson Panek	Yes
Councilperson Pacer	Yes
Supervisor Clement	Yes

4. **GAM Meeting:**

- Report by Robert Pacer regarding June, 2010 meeting:

Councilman Pacer gave a brief report regarding the recent GAM meeting that was hosted by the Town of Pavilion. Councilman Vicary is scheduled to attend the Sept. GAM meeting sponsored by the Town of Leroy.

5. **Water District #7 Agreement Services Amendments :**

- **Authorize Supervisor signature**

Supervisor Clement presented to the Board members for their review and authorization to approve an Agreement for Services and Amendments received from Clark Patterson Lee Associates for Water District #7.

After review of said document, a **Motion** was made by Councilman Pacer and seconded by Councilman Vicary to authorize Supervisor Clement to sign the Agreement Services and Amendments documents as requested and return copies to Clark Patterson Lee Associates. The Motion was passed.

6. **Highway Dept. Surplus Lights :**

Highway Superintendent Boldt reported that new energy efficient lights are being installed in the Highway Garage and that he would like to have the old lights to be declared as surplus equipment so that he may sell or dispose of them. A **Motion** was made by Councilman Panek and seconded by Councilman Mullen to declare the old obsolete lights that are being replaced at the Town Highway Garage as obsolete equipment. The Motion was passed.

Highway Superintendent Boldt then noted that the new energy efficient lights that are being installed at the Highway Garage have \$2165 rebate associated with them. A **Motion** was then made by Councilman Pacer and seconded by Councilman Mullen to authorize Supervisor Clement to sign the rebate certificate required to apply for the \$2165 rebate for the energy efficient lights at the Highway Garage. The Motion was passed.

A **Motion** was made by Councilman Pacer and seconded by Councilman Mullen to adjourn the Regular Board Meeting at 9:02 PM and open an Executive Session. The Motion was passed and the Regular Meeting was thus adjourned.

Supervisor Clement called the Regular Town Board meeting back to order at 9:29 p.m.

ABSTRACT PROCESSING AND VERIFICATION

GENERAL FUND Pre-Pay

Motion by Councilman Mullen, sec by Councilman Vicary to pay
Abstract #12 Vouchers #238 – #240) in the amount of \$65,550.47

GENERAL FUND

Motion by Councilman Panek, sec by Councilman Pacer to pay
Abstract #13 Vouchers #241 – #296) in the amount of \$15,877.20

HIGHWAY FUND Pre-Pay

Motion by Councilman Mullen, sec by Councilman Pacer to pay
Abstract #11 (Voucher #103) in the amount of \$731.32

HIGHWAY FUND

Motion by Councilman Vicary, sec by Councilman Panek to pay
Abstract #12 Voucher #104- #116) in the amount of \$99,393.50

WATER FUND

Motion by Councilman Mullen, sec by Councilman Pacer to pay
Abstract #07 Voucher #22) in the amount of \$139.89

MEDICAL FUND

Motion by Councilman Mullen, sec by Councilman Vicary to pay
Abstract #3 Voucher #14- #18) in the amount of \$542.55

Motion made by Councilman Pacer and seconded by Councilman Mullen to adjourn the regular Town Board Meeting 9:51 pm **Motion** carried and meeting was thus adjourned.

Dated July 12, 2010
Approved at August 9, 2010 meeting

Walter Kershenski Town Clerk