

TOWN OF OAKFIELD

BOARD MEETING

JUNE 8, 2010

The meeting was called to order at 7 pm by Supervisor Dodd, followed by the Pledge to the flag.

Present: Supervisor Dodd, Councilpersons Glor, Veazey, Kabel and Cianfrini, Town Clerk Haacke, Assessor Flansburg, Zoning/Code Officer Smith and Attorney Kevin Earl.

Town Attorney Kevin Earl:

Mr. Earl presented the following resolution:

RESOLUTION TO AUTHORIZE ALTERNATIVE WATER SUPPLY SOURCE AND FOR OPERATIONS AND MAINTENANCE OF WATER FACILITIES

WHEREAS, on June 9, 2010, the Town of Oakfield established Water District No. 2 for a portion of the Town of Oakfield, and

WHEREAS, the Town of Oakfield, the Village of Oakfield and the County of Genesee entered into a "WATER SUPPLY AGREEMENT County of Genesee and Village/Town of Oakfield", dated March 27, 2001, (hereinafter referred to a "Water Supply Agreement"), and

WHEREAS, financing for the construction of Water District No. 2 is to be obtained from the United States Department of Agriculture (USDA) with a debt service upon the loan to be repaid over a period of thirty-eight (38) years, and

WHEREAS, the aforesaid Water Supply Agreement will expire prior to the loan repayment period, and

WHEREAS, the regulations of the USDA require that certain conditions apply when contracts affecting the supply of water covering a period of time that is shorter than the repayment period of a loan.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Oakfield, New York, that I confirms that the forty (40) year period of the aforesaid Water Supply Agreement is the maximum length permissible pursuant to New York State Law, and

BE IT FUTHER RESOLVED that it is confirmed that the Water Supply Agreement with the County of Genesee is dependent upon a similar Agreement with the ultimate supplier of water to the County of Genesee, namely, the Monroe County Water Authority, as well as being dependent upon an Agreement between the County of Genesee and City of Batavia regarding water supply and the use of City of Batavia facilities necessary to transmit this water to the Town of Oakfield, and

BE IT FURTHER RESOLVED that it is confirmed that the County of Genesee has numerous similar Agreements with other Towns for the supply of water, which are all inter-related, and

BE IT FUTHER RESOLVED that it is hereby determined that it would be impractical for the Town of Oakfield to renegotiate its Water Supply Agreement with the County of Genesee without all of the other related Agreements being amended, and this could not be done within a time period that would be feasible to allow the Water District No. 2 project to proceed, and

BE IT FUTHER RESOLVED that the Town of Oakfield does hereby express its intention of negotiate a renewal of the Water Supply Agreement before it expires, in conjunction with the negotiations by and among all other Towns in Genesee County having water supply contracts, the City of Batavia and Monroe County Water Authority, and

BE IT FUTHER RESOLVED that in the event that the aforesaid Water Supply Agreement is not renewed and is terminated before the repayment period of the USDA loan, the Town of Oakfield shall build its own water supply source and water supply delivery system, and provide for the operation and maintenance of these facilities.

Dated June 8, 2010

MOVED BY: Councilman Cianfrini

SECONDED BY: Councilman Kabel

Approved on Roll Call as follows:

| | |
|----------------------|---------|
| Supervisor Dodd | Yes |
| Councilman Cianfrini | Yes |
| Councilwoman Glor | Yes |
| Councilman Kabel | Yes |
| Councilman Veazey | Abstain |

Passed (4-0-1)

WATER DISTRICT #3

Currently the Town is holding off on Water District #3 until Rural Development has more funding. Attorney Kevin Earl and Assessor Flansburg are working with the Town Engineers to correct some items in the proposed district. Currently, there are some corner properties that houses are not within the district, and a few homes that have already paid the debt service for Water Improvement. At this time the Engineers believe we should move forward with what can be completed so we are that much closer should money become available.

PURCHASE OF LAND AT FIVE CORNERS FROM USG

In the proposed purchase agreement submitted by the United States Gypsum Company, the Town is to pay \$15,000.00 for the land plus all expenses; including the abstract. These expenses may be charged back to the Water District at a later date.

At this time Councilman Kabel made a **motion** to approve the purchase of the land at Five Corners from the United States Gypsum at a cost of \$15,000.00 plus abstract and filing fees not to exceed \$2,500.00, seconded by Councilman Veazey and carried by unanimous vote.

Approved on Roll Call as follows:

| | |
|----------------------|-----|
| Supervisor Dodd | Yes |
| Councilman Cianfrini | Yes |
| Councilwoman Glor | Yes |
| Councilman Kabel | Yes |
| Councilman Veazey | Yes |

Passed (5-0)

**RESOLUTION TO SEEK LEAD AGENCY STATUS AND
ENGINEERING OPINION REGARDING THE ENVIRONMENTAL REVIEW
FOR THE FOX CREEK RV RESORT PROJECT**

WHEREAS, the Town of Oakfield received an “Application for Special Use Permit”, dated March 2, 2009, from Michael Dilcher regarding a project to establish up to 280 campsites in a proposed recreational vehicle resort to be located upon a parcel of land on Fox Road consisting of what was estimated at that time to be approximately 34 acres of land, and

WHEREAS, the Applicant proposed development of these campsites in three phases and requested permission to proceed with the first phase for up to 80 campsites, and

WHEREAS, the Town of Oakfield made a determination that this project could not be segmented into three phases for environmental review, and therefore, rejected the Application until such time as proper documentation was submitted for review of the entire project, and

WHEREAS, the Applicant subsequently submitted documentation and a Full Environmental Assessment Form relating to a proposed project called the Fox Creek RV Resort to establish 267 campsites on this Fox Road property, and

WHEREAS, the Town of Oakfield submitted this documentation for engineering review by the Clark Patterson Lee Firm, and

WHEREAS, upon recommendation of this Engineering Firm, the Town made a determination that the Application and the Full Environmental Assessment Form, Part 1 was not complete and therefore would not be considered further until modified, and

WHEREAS, a subsequent Full Environmental Assessment Form, Part 1 was presented, and

WHEREAS, on January 14, 2010, the Genesee County Planning Board recommended disapproval of the project as submitted at that time, and

WHEREAS, the Applicant removed his Application on January 22, 2010, until such time as the Town of Oakfield's Engineering Firm could undertake further review, and

WHEREAS, the Applicant submitted additional amendments and provided further information thereafter, including revisions to a proposed, Part 1 of the Full Environmental Assessment Form, and

WHEREAS, the Town Board received a letter, dated May 7, 2010, from Clark Patterson Lee advising that the Applicant had provided adequate information to move forward with the environmental review process, and

WHEREAS, on May 11, 2010, a new Application was filed with all of the updated documentation and information that the Applicant is submitting to be considered in support of a request for a Special Use Permit concerning the campsite project.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Oakfield, New York, that the current Application, documentation, information and Full Environmental Assessment Form, Part 1, filed on May 11, 2010, is now deemed complete with regard to the request to establish a 267 unit campsite upon property located at 7060 Fox Road in the Town of Oakfield, which will allow the Town to first move forward with its consideration of the Application as required by the State Environmental Quality Review Act (SEQR), and

BE IT FURTHER RESOLVED that the Town of Oakfield seeks to establish the Town Board as the Lead Agency for this SEQR review, and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and directed to forward a "Notice of Intent to Establish Lead Agency", plus a "SEQR Lead Agency Coordination Request" and a "Public Notice", to the six involved and interested agencies listed in the aforesaid Notice, and

BE IT FURTHER RESOLVED that the Town does hereby authorize the Clark Patterson Lee Engineering Firm to review the Part 1 of the Full Environmental Assessment Form, as most recently

submitted by the Applicant, and to provide the Town with proposed responses to Part 2 and Part 3 of this document, with the cost of the same to be charged back to the Applicant as part of the Town's review process.

Dated: June 8, 2010

MOVED BY: Councilman Veazey

SECONDED BY: Councilwoman Glor

Approved on Roll Call as follows:

| | |
|------------------------------|-----|
| Supervisor Kenneth A. Dodd | Yes |
| Councilman Michael Cianfrini | Yes |
| Councilwoman Carol Glor | Yes |
| Councilman Timothy Kabel | Yes |
| Councilman James Veazey | Yes |
| Passed (5-0) | |

RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW #1 of 2010

WHEREAS, the Town Board of the Town of Oakfield, New York desires to consider adopting legislation to amend the Town of Oakfield Zoning Ordinance, adopted on August 11, 1981, as amended, in order to revise certain provisions set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Oakfield, New York that proposed Local Law #1 of 2010 entitled "A Local Law to Amend Certain Town of Oakfield Zoning Ordinance Provisions" 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 July 13, 2010, and that a public hearing be held on the 13th day of July, 2010, at

6:30 p.m. at the Oakfield Town Hall, 3219 Drake Street, Oakfield, 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 Oakfield, 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 Oakfield 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: June 8, 2010

MOVED BY: Councilman Veazey

SECONDED BY: Councilwoman Glor

Approved on Roll Call as follows:

| | |
|------------------------------|-----|
| Supervisor Kenneth A. Dodd | Yes |
| Councilman Michael Cianfrini | Yes |
| Councilwoman Carol Glor | Yes |
| Councilman Timothy Kabel | Yes |
| Councilman James Veazey | Yes |

Passed (5-0)

At this time Supervisor Dodd stated that the Genesee County Planning Board has rejected the Smart Growth recommendations from all areas except for the Town of Batavia.

ZONING & CODE OFFICER

The issue of a Zoning Violation where the owner of the property lives out of state; the certified letter sent to him was rejected and returned to the Town. Attorney Earl is looking into what can be done from here. Another resident who was in violation has been fined.

ASSESSOR

Mr. Flansburg is currently working on correcting the boundaries of Water District #3.

HIGHWAY SUPERINTENDENT

(Highway Superintendent Dennis was at Highway School, his report was given by Assessor Flansburg and Town Clerk Haacke)

Road Work—Fisher Road is done and the Highway Department has received a lot of comments on how nice it is. Superintendent Dennis tells people that, thanks to the Town Board for providing the money to do the work. Superintendent Dennis thanked the Town Board on behalf of himself.

Road Striping has also started.

Town Board was asked by Superintendent Dennis to pass a resolution for the Town to continue to mow the State Roadsides, even if the state cannot pay us at this time. A **motion** was made by Councilman Cianfrini, seconded by Councilman Veazey and carried by unanimous to mow the State Roadsides even if the state cannot pay us at this time.

A Roll Call vote went as follows:

| | |
|----------------------|-----|
| Supervisor Dodd | Yes |
| Councilman Veazey | Yes |
| Councilwoman Glor | Yes |
| Councilman Kabel | Yes |
| Councilman Cianfrini | Yes |

Passed (5-0)

BUILDINGS & GROUNDS

The Committee on Buildings and Grounds will meet with Superintendent Dennis on a possible Building Expansion at a time to be determined.

CEMETERIES

Superintendent Dennis would like the Board to know that part-time and full-time highway men put extra effort into getting ready for Memorial Day. Thank you to them.

PARKS

The park is looking good and is very busy. Superintendent Dennis still poses the question of who will unlock the bathrooms on the weekend.

EQUIPMENT UPDATE

The new 720 John Deer Mower is down, but under warranty; Z&M has lent us a mower.

PUBLIC WORKS UPDATE

Water line bid date?

LIBRARY

Currently, Superintendent Dennis has yellow traffic barriers to protect the A/C unit which he will install soon.

At this time Supervisor Dodd stated that future Library Walk –abouts be done by the Buildings and Grounds Committee.

The Board decided that bathrooms at the park will be left open and we will see how that goes.

Highway Superintendent Dennis and Town Clerk Haacke received bids from local companies on the Recycling Center. In reviewing the bids for Refuse, paper, mixed glass, plastics and scrap iron it was decided that Modern Disposal & Ed Arnold Scrap Processors will remain Town Vendors.

A **motion** was made by Councilman Veazey, seconded by Councilman Kabel and carried by unanimous vote to continue using Modern Disposal for refuse and cardboard.

In addition, a **motion** was made by Councilman Veazey, seconded by Councilwoman Glor and carried by unanimous vote to continue with Ed Arnold Scrap Processing for plastic, metal cans and scrap iron.

Superintendent Dennis has researched the purchase of a new mower; zero turn for the cemeteries. He recommends purchasing an Exmark Lazer Z model LZASZZK484. The purchase price will be \$4,599.00. The price quoted includes \$4,000.00 in trade from the old mower. Two line item transfers will have to be made to pay for the new mower; from A8810.2 \$4,000.00 and A8810.4 \$599.99 to A8810.2.

A **motion** was made by Councilman Veazey, seconded by Councilman Cianfrini and carried by unanimous vote to approve the purchase of the Exmark Lazer along with the line item transfers.

****the minutes are amended in the July minutes to reflect a change to the pricing.

Superintendent Dennis also submitted a bid for a new pickup truck; since this is on State bid, only one was required. The current truck is three years old, and the Town has been purchasing every three years. The price quote on the new truck is \$36,176.94. Two line item transfers will be required to make this purchase; from DA5130.2 \$35,000.00 and DA5130.2a to DA5130.2. Superintendent Dennis would also like approval to sell the present pickup by sealed bid from a minimum of \$18,000.00.

A **motion** was made by Councilman Veazey, seconded by Councilman Cianfrini and carried by unanimous vote to go ahead with the purchase of the 2011 pickup, with the line item transfers and selling the current vehicle for minimum sealed bid of \$18,000.00.

A roll call vote went as follows:

| | |
|----------------------|-----|
| Supervisor Dodd | Yes |
| Councilman Veazey | Yes |
| Councilwoman Glor | Yes |
| Councilman Kabel | Yes |
| Councilman Cianfrini | Yes |

Passed (5-0)

Allen Goodman of Batavia spoke to Superintendent Dennis stating that his vehicle was damaged by stone being thrown from one of the tractors while the Highway men were mowing the roadside. The Estimate for Damage is \$670.14; which is for labor and supplies, no parts were needed for repair. Superintendent

Dennis would recommend to the Board that this should be paid out of fund balance and avoid putting through the Town's Insurance. A **motion** was made by Councilwoman Glor, seconded by Councilman Kabel and carried by unanimous vote to pay the Estimate of Damage direct not exceeding \$670.14.
****the minutes are amended for the total cost in the July minutes

An informational packet was presented to the Board regarding the possibility of hiring a Full/Part time employee for the 2011 year. There are pro's and con's to this, so a brief package was submitted outlining what the duties could be and cost related to this position. Since it was informational, and Superintendent Dennis just wanted the Board to have time to digest the information before Budget talks begin, no discussion was made.

TOWN CLERK

Minutes: The minutes of May 11, 2010 meeting were approved. A **motion** was made by Councilman Veazey, seconded by Councilwoman Glor and carried by unanimous vote.

Bills: the following bills were submitted for approval"

| | | | |
|-------------|---------|-------------|--------------|
| General | 156-186 | \$10,391.67 | |
| Part Town B | 8-9 | 810.30 | |
| Highway DA | 58-64 | 3,849.41 | |
| Highway DB | 16-18 | 100,741.34 | |
| | TOTAL | | \$115,792.72 |

A **motion** was made by Councilwoman Glor, seconded by Councilman Kabel and carried by unanimous vote to pay the bills as submitted.

The following resolution for the New York State Retirement reporting was presented to the Board to amend the Councilpersons and Supervisors hours.

NYS RETIREMENT REPORTING

BE IT RESOLVED, that the Town Board of the Town of Oakfield be and hereby establishes the following as a standard work day for elected and appointed officials for the purpose of determining days worked reportable to the New York State and Local Employees' Retirement System:

ALL ELECTED OFFICIALS

Supervisor

Councilperson

A flexible work schedule consisting of a minimum of 20 hours per month.

Town Clerk/Tax Collector

Five day work week, six hour day.

Superintendent of Highways

Five day work week, eight hour day.

APPOINTED OFFICIALS

Assessor

Two day work week, six hour day; and

Dated: June 8, 2010

I Melissa M. Haacke, clerk of the Town of Oakfield of the County of Genesee of the State of New York, certify that the full Board consists of five (5) members, and that five (5) of such members were present at such meeting and that five (5) of such members voted in favor of the above resolution.

A **motion** was made by Councilman Kabel, seconded by Councilman Veazey and carried by unanimous vote to amend the New York State Retirement Reporting Resolution.

SUPERVISOR

The Supervisors Report is available for review.

LIBRARY LIAISON

Councilman Veazey stated that 25 people attended the Automation Celebration at the Library. The Library is awaiting their second installment of funds from the Town. A walk-about is to set up.

GAM

Councilwoman Glor stated that Glen Steed gave a presentation on Turbines. Since no one has stepped forward to replace Melissa Cianfrini as secretary, the hosting municipality will act as secretary. The Town of Oakfield will host the GAM meeting in December. Councilwoman Glor presented the Town Clerk with a copy of a power point presentation on the Dog Licensing that was presented in Saratoga in April. Councilwoman Glor is unavailable to attend the June GAM meeting, so if anyone else is interested it is open to them.

With no further business to come before the Board, a **motion** was made by Councilman Veazey, seconded by Councilman Cianfrini and carried by unanimous vote to adjourn the meeting at 9:01 pm.

Respectfully submitted,

Melissa M. Haacke
Town Clerk