

## TOWN OF OAKFIELD

### BOARD MEETING

APRIL 14, 2009

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

**Present:** Supervisor Dodd, Councilmen Veazey, Day, Kabel, Cianfrini, Town Clerk Haacke, Zoning Officer Smith, Historian Kruppenbacher, Jim Duval, Genesee County Planning Board

**Residents:** Bob & Sherry Chamberlain, Mike & Donna Dilcher, Guy & Margot Poole, Dave Sheehan, Fred & Diane Oaksford, Mike & Pam Pedro, Karl Dilcher, Jr.

Supervisor Dodd welcomed all who were present, gave a short dissertation on the night's events and stated that he would allow the residents to speak briefly of their concern; however, since this was not a public hearing no action would take place.

#### ZONING & CODE OFFICER

Officer Smith stated that he met with the Genesee County Planning Board last month on Mr. Dilcher's paperwork. The Planning Board determined that Mr. Dilcher needs to complete a Type 1 SEQR regarding the campground project, a form Officer Smith is not familiar with.

Jim Duval from the Genesee County Planning Board was present to explain this SEQR form.

It is Mr. Dilcher's responsibility to complete his portion of the SEQR by the 28<sup>th</sup> of this month; it will then be presented to the Town Planning Board, then to the County Planning Board.

Mr. Duval explained to the Town Board and the residents that a SEQR (State Environmental Quality Review) was a process intended to get "everything" out on the table. There is no "yes" or "no" answer at the end of the SEQR process, but it is to help the Planning Board. Mr. Duval explained that this was a Type 1 SEQR because the land for the campground is located in an Agricultural District. The Town Board would want to solicit to be lead agency in this project, and would have to contact the Town Planning Board, DEC, County Health Department, and the Army Corp of Engineers for approval. Once all outside agencies are contacted, there is a 30 day time period for said agencies to get back to the Town with their approval.

Mr. Dilcher completes part 1 of the Type 1 SEQR, the Town Board completes part 2.

The SEQR must be complete and accurate before it can be approved.

At this time Supervisor Dodd allowed the residents to ask questions and make comments.

One resident of Fox Road asked about the letters of concern that the neighbors on Fox Road wrote to the Town Board; when will the Board review the letters?

Supervisor Dodd stated the letters have been looked at and reviewed, but without a formal application from Mr. Dilcher for the camp ground, the Board cannot respond.

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Another resident had concerns with the Town and Village Cooperation Meeting minutes regarding Water District #3. This resident wanted to know how it was possible that without a formal application from Mr. Dilcher, how the Town could put the camp site on an application with the Federal Government for funding Water District #3.

Supervisor Dodd explained that the Water Districts are triggered by a certain number of users, without this proposed camp ground included in the application, there are probably not enough users for a Water District at a reasonable cost to the residents.

Another resident asked what would be the time frame for a potential water district in this area. This resident made the comment that the new water tower may have to be installed first. Supervisor Dodd told the residents that a new Water Tower would have no bearing on the Town's Water District plans. At this time, it could be approximately two years for this district to be created.

Another resident stated that talk of Village water in this area has been going on for years. Supervisor Dodd stated that there have been no past plans for water, but the potential was always there should there be growth in the community.

Another resident who had submitted a letter to change some zoning regulations asked where that request stood, Supervisor Dodd stated that this has been passed on to the Town Planning Board for review and recommendations.

One resident did some mapping research on line and discovered the northwest corner of Mr. Dilcher's property has some wetlands. His question was if the wetlands were State or Federal and if this information would appear on the SEQR. Mr. Duval stated that they may be Federal in which case the Army Corp of Engineers would be involved.

Another resident asked how many homes are needed for a Water District-Supervisor Dodd stated approximately 30-35, but that was not written in stone.

The final question was if the camp site does not exist then will the water district not exist? Supervisor Dodd stated that he was not sure but if a water district were to be formed it would be more expensive without the camp ground.

**HIGHWAY SUPERINTENDENT (REPORT PRESENTED BY SUPERVISOR DODD)**

ROAD WORK UPDATE: working with oil companies on roadwork for summer

Prices are still stabilizing

CHIPS funding restored to last year level

Spent two weeks doing trees with National Grid, few more to do.

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BUILDINGS & GROUNDS-all ok

CEMETERIES-Planning spring burials with Mike Zakes; there are two bodies in the vault.  
Men are cleaning up from winter.

PARKS-Lining up ground works, trees & shrubs, grass planting.

EQUIPMENT UPDATE-all up to date

PUBLIC WORKS UPDATE-working with Village DPW and Town of Batavia Water Department on South Pearl Street Road.

Working with Clark Patterson-Tom Carpenter on water & sewer

LIBRARY-Electrician will be back to fix outside lights.

**TOWN CLERK**

Minutes: The minutes from the March 10, 2009 meeting were approved. A **motion** was made by Councilman Day, seconded by Councilman Kabel and carried by unanimous vote.

Bills: The following bills were submitted for approval:

|              |        |             |
|--------------|--------|-------------|
| General Fund | 75-103 | \$13,196.07 |
| Part Town B  | 11-14  | 607.43      |
| Highway DA   | 45-55  | 3,252.72    |
| Highway DB   | 7-8    | 991.93      |
| Library      | 24-47  | 8,731.03    |
| Water SW     | 2      | 129.05      |
| <br>         |        |             |
| TOTAL        |        | \$26,908.23 |

A **motion** was made by Councilman Veazey, seconded by Councilman Day and carried by unanimous vote to pay bills as submitted.

Town Clerk Haacke presented a resolution to the Town Board regarding the positions of Town Clerk, Tax Collector and Superintendent of Highway to remain as elected positions. Prior to New York State's budget being passed without this verbiage, Governor Patterson wanted these three positions changed to appointed positions, therefore taking the voting rights of the citizens away. The resolution is as follows:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF OAKFIELD, GENESEE COUNTY, NEW YORK IN OPPOSITION TO CHANGE THE TOWN CLERK, RECEIVER OF TAXES AND SUPERINTERNDENT OF HIGHWAYS POSITIONS FROM ELECETED TO APPOINTED**

**WHEREAS**, the Offices of Town Clerk, Receiver of Taxes and Superintendent of Highways in New York State are elective offices pursuant to Section 20 of Town Law of the State of New York, and

**WHEREAS**, legislation has been introduced in New York State Legislature, Senate bill 56-A and Assembly Bill A.156, which has been included in the Budget Bill under Part NN, Sections 26-28, amending Town Law to permit towns to make the offices of Town Clerk, Receiver of Taxes and Highway Superintendent appointive positions subject only to a permissive referendum rather than a mandatory referendum, and

**WHEREAS**, Municipal Home Rule Law 23(2) (e) already provides that a town may adopt a local law changing the office of Town Clerk, Receiver of Taxes and Superintendent of Highways from elected to appointed positions, with said law requiring a mandatory referendum, thereby allowing all of the voting residents of the Town of Oakfield their very important right to vote for or against such a proposal before any change could occur, and

**WHEREAS**, the Town Board of the Town of Oakfield goes on record as supporting the Town Clerk, Receiver of Taxes and Superintendent of Highways remain as elected positions.

**WHEREAS**, there would be no financial benefit or savings to the Town in making these changes from elective to appointive offices, and

**WHEREAS**, the election process helps to maintain the independent nature of the Town Clerk, Receiver of Taxes and highway Superintendent's offices and creates additional checks and balances in local government.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board of the Town of Oakfield, Genesee County, New York does hereby go on record as **opposing** any change in the existing New York State Statutes, specifically Senate bill 56-A and Assembly Bill A.156, which have been included in the Budget Bill under Part NN, Section 26-28, providing for a change in the positions of Town Clerk, Receiver of Taxes and Highway Superintendent in the Town of New York State from an elected to an appointed position through the process of a permissive referendum, thereby avoiding a mandatory referendum taking away the very important rights of the electorate in Oakfield to vote on this matter before a change can occur, and

**BE IT FURTHER, RESOLVED**, that a copy of this Resolution be transmitted to the Governor, the Attorney General, the Senate Majority Leader, the Speaker of the Assembly, the Majority Leader of the Assembly, the Minority Leader of the Senate, the Minority Leader of the Assembly, and the Chairpersons of the Senate and Assembly Local Government Committees, Senator Michael Ranzenhofer 61<sup>st</sup> District Assemblyman Stephen Hawley, 139<sup>th</sup> Assembly District.

A **motion** was made by Councilman Day, seconded by Councilman Veazey and carried by unanimous vote that the Town Board of the Town of Oakfield believes the positions of Town Clerk, Receiver of Taxes and Superintendent of Highways remain elected positions as decided by the residents.

A proposal for an audit of the 2009 books was submitted to the Town by Freed Maxick & Battaglia, PC for the proposed Water District #2. This audit would take place in 2010 to ensure the USDA that the Town's record keeping is in proper order.

A **motion** was made by Councilman Veazey, seconded by Councilman Kabel and carried by unanimous vote to accept the proposal for audit.

Town Attorney Kevin Earl forwarded the paperwork for the land transfer between the Library and Crazy Cheap Cars. The resolution is as follows:

**RESOLUTION TO AUTHORIZE EXCHANGE OF  
TOWN REAL PROPERTY WITH JOSEPH OGNIBENE**

**WHEREAS**, the Town of Oakfield, New York, (hereinafter referred to as the "Town"), is the owner of approximately 0.013 of an acre of land located in the northwest corner of property on the corner of Drake Street and North Pearl Street in the Village of Oakfield, used for the Haxton Memorial Library, as shown on a Survey prepared by Gregory W. Townsend, dated January 12, 2009, which is made a part of the Town Board Minutes by reference, and is more fully described in the annexed surveyor's description, entitled "Vacant Land North Pearl Street – Parcel 2", and

**WHEREAS**, Joseph Ognibene, (hereinafter referred to as "Ognibene"), is the owner in fee of approximately 0.023 of an acre of land located on the north boundary of the aforesaid Haxton Memorial Library parcel, as shown on the aforesaid Townsend Survey, and is more fully described in the annexed surveyor's description, entitled "Vacant Land North Pearl Street – Parcel 1", and

**WHEREAS**, the Town would like to obtain the said parcel from Ognibene in order to increase the available parking for the Haxton Memorial Library, and

**WHEREAS**, Ognibene would like to obtain the said parcel from the Town in order to increase the distance between his boundary line and his existing metal building as shown on the aforesaid Townsend Survey, and

**WHEREAS**, the exchange of the aforesaid two parcels will provide an equal benefit and value to both the Town and Ognibene, and

**WHEREAS**, the small parcel to be transferred to Ognibene from the Town is no longer needed for a public purpose,

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Oakfield, New York, that, subject to permissive referendum, the Supervisor of the Town is hereby authorized and directed to execute all documents that may be required to effectuate the conveyance and transfer of all rights, title and interest of the Town in the aforesaid 0.013 acre of land to Joseph Ognibene, and to accept the conveyance and transfer of all rights, title and interest in the aforesaid 0.023 acre of land from Joseph Ognibene

Dated: April 14, 2009

MOVED BY: Councilman Veazey  
SECONDED BY: Councilman Day  
Approved on Roll Call as follows:

|                              |     |
|------------------------------|-----|
| Supervisor Kenneth A. Dodd   | Yes |
| Councilman Michael Cianfrini | Yes |
| Councilman Myron Day         | Yes |
| Councilman Timothy Kabel     | Yes |
| Councilman James Veazey      | Yes |

Passed (5-0)

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The petitions for proposed Water District #2 were turned in, however, there were three (3) resident signatures missing. On the petitions, if a husband and wife were listed as owners on the deed, both needed to sign. The petitions were returned, on advice from Attorney Kevin Earl, and the signatures will be had hopefully in a week or two. At that time, Mr. Earl will draft the resolution to move forward.

#### **SUPERVISOR**

Supervisor's report is available for review.

#### **HISTORIAN**

Historian Kruppenbacher gave an update on the new sign for the Indian site. He has completed paperwork to get a new sign at little to no cost; however, he is having trouble contact the entity who will do the sign. Historian Kruppenbacher stated that the new sign will sit closer to the road.

#### **LIBRARY LIAISON**

Last Library Board meeting was held on April 1, 2009  
There will be a Library Walk about on May 12, 2009 at 6:00 pm  
Someone fixed the bike rack at the Library; no one knows who fixed, but thank you!!!  
Village will take over the lawn care this year.  
The Library was approved for a 50/50 grant for windows.

**GAM**-See attachment at end of minutes

#### **UPDATE ON WATER DISTRICT 2**

The SEQR for Water District 2 was submitted for approval from Stuart Brown & Associates. The Resolutions reads as follows:

### **TOWN OF OAKFIELD CREATION OF WATER DISTRICT NO. 2**

#### **SEQR RESOLUTION**

At a meeting of the Town Board of the Town of Oakfield held on the 14<sup>th</sup> day of April, 2009, at the Oakfield Town Hall, Councilperson Cianfrini moved adoption of the following resolution; Councilperson Day seconded the motion:

RESOLVED, that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Oakfield announces its intent to serve as lead agency to conduct an environmental review under Section 617.7 of the New York State Codes, Rule and Regulations (NYSCRR) of a project to establish the Town of Oakfield Water District No. 2. The creation of the proposed water district will allow for the extension of public water service along portions of North Pearl Street Road, Maltby Road, Lewiston Road (NYS Route 63) and Albion Road. The water system improvements will eventually involve the installation of approximately 11,400 l.f. of watermain.

FURTHER RESOLVED, that the Town Board has determined that the proposed action is an "Unlisted Action" as defined under SEQR.



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Under New Business, Supervisor Dodd received a letter from the Smoke Free Now organization asking the Town Board to pass a resolution in support of their cause.  
After a brief discussion the Board decided to respectfully decline their request.

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 8:37 pm.

Respectfully submitted,

Melissa Haacke  
Town Clerk