

TOWN OF OAKFIELD

BOARD MEETING

MAY 10, 2011

The meeting was called to order at 7:00 pm by Deputy Supervisor James Veazey, followed by the Pledge to the Flag.

PRESENT: Councilpersons Veazey, Glor, Kabel and Cianfrini, Superintendent of Highways Dennis, Code and Zoning Officer Smith, Town Clerk Haacke, Assessor Flansburg

ZONING & CODE OFFICER

Mr. Smith wrote an order to comply to a South Pearl Street Road resident; there is garbage and junk on the property. Two letters were sent to the resident, one regular mail the other certified; the certified confirmation has yet to be received by the Town. Mr. Smith knows she received the letter regular mail because she called him and asked for an extension of time to comply. She is elderly and the people who she has hired did not show up. Mr. Smith gave a ten (10) day extension, to May 20, 2011.

Two permits have been issued for pools and two zoning permits for agricultural buildings.

ASSESSOR

New York State requires the Assessor to sit with the tax roll for two hours prior to grievance day; this is the assessor's night. Mr. Flansburg is scheduled to be in the office until 9:00 pm this evening. The tentative roll is done; just waiting on the state to determine if we are at 100%.

LITTLE LEAGUE

Shelly D'Alba was here to represent Little League. A letter was written to Supervisor Dodd regarding the play schedule for the 2011 season. As soon as Little League has the All Star Schedule that will be forwarded to the Supervisor as well. Mrs. D'Alba asked the Board if they had time to consider the request of Mr. Bradt at last month's meeting, which was to construct a cement pad near the batting cages to store the dirt. A **motion** was made by Councilperson Glor, seconded by Councilman Kabel and carried by unanimous vote to allow the Little League to construct a cement pad near the batting cages.

SUPERINTENDENT OF HIGHWAYS

Road work---summer work has begun

- Ditches have been cleaned of garbage, including tv's, tires, etc.

- Cemeteries have been graded off

- In the process of cutting trees

- Culvert pipe on Hutton Road

- Scheduling roadwork

Buildings & Grounds---all the electric upgrades have been done at the Town Building and the Town is now PESH compliant.

Survey costs---to have all the land the Town of Oakfield owns surveyed will cost \$3,700.00. Should the surveys be done, permanent pipes will be placed at the boundaries. Judge Road cemetery must be done because of the additional ground for future burials. The Recycling Center must also be done, it was

discussed that the Town would Quit Claim the portion of the pond at the Rec Ponds. It was stated by Councilman Cianfrini that he would contact Mr. Townsend should the Town decide to go forward with the surveys to have him draw up a meets and bounds description to form a description of a deed so the Town is completely out of that area. The Town does however, want to keep the driveway. Payment for this will come from General Fund.

A **motion** was made by Councilman Cianfrini, seconded by Councilperson Glor and carried by unanimous vote to commission Greg Townsend to do the surveys of all town land as recommended by Superintendent Dennis.

Cemeteries---there are two spring burials left; they are being scheduled
The mowers are to be mowing the cemeteries two times per week.

Park---everything is fixed and working well.

Equipment---Superintendent Dennis requested permission to place an ad for sealed bids on the old one ton truck. The new one is in. He recommends a minimum sealed bid of \$10,000.00 for the truck which included the plow. The truck is 12 years old, and this dollar figure is based on Kelly Blue Book. A **motion** was made by Councilman Kabel, seconded by Councilperson Glor and carried by unanimous vote to sell the one ton with a minimum bid of \$10,000.00 with plow. The bids will be awarded at the June 14th Board meeting.

Mini Excavator---Superintendent Dennis attended the Village Board meeting last night to discuss having the Village pass a motion that should the Town purchase the mini excavator the Village could use the machine through shared services. Currently, the town rents a machine from Ray Smith, and one is always available should the Town need the machine but they never know where it's going to be. Neighboring Towns want to use the mini excavator. At the County Highway meetings, each town discusses who will buy what piece of equipment so they can all use them through shared service. The money for this piece of equipment will come from fund balanced in the DA & DB funds. This machine has a 10 year life expectancy. A **motion** was made by Councilman Cianfrini, seconded by Councilperson Glor and carried by unanimous vote to purchase the mini excavator for \$56,000.00 and trailer for \$7,600.00 on Federal Bid. A roll call vote went as follows:

Deputy Supervisor Veazey	Aye
Councilperson Glor	Aye
Councilman Kabel	Aye
Councilman Cianfrini	Aye

Passed (4-0)

Public works---Superintendent Dennis took a ride around with Blue Heron Construction last week; he is getting antsy to get this restoration complete. Superintendent Dennis will call them tomorrow to see why they have not been here this week to start.

Library---the heating is done and Dennis Rettke has asked that the Town simply write him a letter of thank you for the donation he has made to the Library through his work. A **motion** was made by

Councilman Kabel seconded by Councilperson Glor and carried by unanimous vote to send a letter of thanks and accept the donation from Dennis Rettke.

Water Standards---the Town needs to set a meeting date with the Village and Clark Patterson to review these standards. It was also stated that the Town and Village should have another cooperation meetings. Deputy Supervisor Veazey will contact Mayor Pastecki to set a date once we get dates from Clark Patterson.

PESH---it is a requirement of PESH that all employees of the Town who draw a paycheck have ID badges. Superintendent Dennis has a sample badge and the badges cost \$10 each through the county. It was decided that the Town would have the pictures take on May 25th from 2pm-5pm.

TOWN CLERK

Minutes---The minutes of the April 12, 2011 Board meeting were approved. A **motion** was made by Councilman Cianfrini, seconded by Councilperson Glor and carried by unanimous vote to approve the minutes as submitted.

Bills---the following bills were submitted for approval:

General Fund	118-154	\$17,276.15
Part Town B	13-14	117.03
Highway DA	54-66	5,955.36
Highway DB	11-14	1,279.37
	TOTAL	\$24,627.91

A **motion** was made by Councilman Cianfrini, seconded by Councilperson Glor and carried by unanimous vote to approve the bills as submitted.

The following Proclamations were submitted for Board approval:

Whereas, many years ago Americans joined together to demonstrate concern for the environment, creating an informed public whose collective action resulted in the passage of sweeping new laws to protect our air, water, and land; and

Whereas, Earth Day is a national and international call to action for all citizens to join in a global effort to save the planet; and

Whereas, Earth Day activities and events will educate all citizens on the importance of acting in an environmentally sensitive fashion by recycling, conserving energy and water, using efficient transportation, and adopting a more ecologically sound lifestyle;

Now, therefore, the Town of Oakfield would like to thank

JAMIE LINDSLEY

SAMANTHA PANGRAZIO

For her hard work and leadership in the efforts of the April 23, 2011
2nd Annual OAKFIELD COMMUNITY EARTH DAY CLEAN-UP.

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And;

Whereas, only 2% of all registered Boy Scouts in the world obtain the Eagle Scout Rank, the highest ranking in Scouting; and

Whereas, Ryan Boyle had earned his merit badges including all the required merit badges for the Eagle Rank; and

Whereas, Ryan Boyle has successfully completed all the rank requirements for Eagle; and

Whereas, Ryan Boyle has successfully completed his Eagle Project and Eagle Board of Review; and

Whereas, Ryan Boyle has demonstrated his leadership ability by building bird houses, building park benches and mulching the Town Park of the Town of Oakfield as well as many other community acts;

Now, therefore the Town of Oakfield urges our citizens to pay special tribute to this very special member of our community.

A **motion** was made by Councilman Kabel, seconded by Councilperson Glor and carried by unanimous vote to present the Proclamations to the recipients as submitted.

The Oakfield Betterment Committee will be having a fireworks display on the evening of September 4, 2011 as part of the Days in the Park celebration. A letter was requested from the Town from Young Explosives in order for the company to get a permit for the event.

Young Explosives Corporation
PO Box 18653
Rochester, NY 14618

Dear Ms. Calev,

The Town of Oakfield does not have a permit process for pyrotechnics, but the Town is aware of Article 405 regarding Firework Permits.

The Oakfield Betterment Committee will be sponsoring a Fireworks Display on Sunday, September 4, 2011, with a rain date of September 5, 2011. This display will take place in the Town/Village of Oakfield.

Please accept this letter as the Town of Oakfield's acceptance of the Firework Display on this weekend.

Sincerely,

James Veazey,
Deputy Supervisor

A **motion** was made by Councilman Cianfrini, seconded by Councilman Kabel and carried by unanimous vote to have Deputy Supervisor Veazey sign the letter for pyrotechnics allowing the Oakfield Betterment Committee to have the fireworks display.

The Insurance Committee which consists of Councilperson Glor and Councilman Kabel met with Dan Hale of Shepard, Maxwell and Hale along with Melissa Haacke as Co Chair of the Oakfield Betterment Committee regarding Special Event Insurance for the Days in the Park Event. It had been suggested by various other insurance companies that the Betterment Committee should look into going under the umbrella of the Town's Insurance. After some discussion with the Board it was determined that the Town would get a Special Events quote and the Betterment Committee would get some stand alone quotes and revisit the subject when the quotes for this insurance become available.

Town Clerk Haacke stated that she has again inquired with Brent from Clark Patterson regarding the \$60,000.00 that had to be transferred from General Fund to cover a check for Water District 2. Mrs. Haacke has spoken with Kathy Dear from Stuart Brown's office but with no resolution. Brent stated that he would look into the matter and get back to the clerk so that the \$60,000.00 could be returned to General Fund.

Town Clerk Haacke stated the Dog Renewals are complete and will be mailed at the end of this month.

The Clerk also reported that there have been several Service Charges on the Justice Account over the last couple of months. The total cost has been \$170, which is continuing to place the account in the red. It was recommended that the Town Clerk talk to Sherrie at the Branch in Oakfield.

The Town received a letter from the insurance company regarding the Carroll claim at the Library. The insurance company is closing the case at this time due to lack of response.

Smoke Free Now presented the following resolution to the Board:

Town of Oakfield
3219 Drake St.
Oakfield, NY 14125

Town of Oakfield Tobacco-Free Resolution

Section 1: Rationale

WHEREAS, the Town believes that tobacco use in the proximity of children and adults engaging in or watching outdoor recreational activities at Town-owned or operated facilities is detrimental to their health and can be offensive to those using such facilities; and

WHEREAS, the Town has a unique opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free policy, rule enforcement, and adult-peer role modeling on Town-owned outdoor recreational facilities; and

WHEREAS, the Town believes parents, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

WHEREAS, the tobacco industry advertises at and sponsors recreational events to foster a connection between tobacco use and recreation; and

WHEREAS, cigarettes, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the Town's recreational facilities, and pose a risk to toddlers due to ingestion; and

WHEREAS, the Town Board determines that the prohibition of tobacco use at the Town's recreational facilities serves to protect the health, safety and welfare of the citizens of our Town.

THEREFORE, be it resolved that tobacco use is prohibited in outdoor recreational facilities. No person shall use any form of tobacco at or on any Town-owned or operated outdoor recreational facilities, including the restrooms, spectator and concession areas. These facilities include [Elroy D. Parkins Park, also known as Little League Park].

Section 2: Enforcement

1. Appropriate signs shall be posted in the above specified areas.
2. The community, especially facility users and staff, will be notified about this policy.
3. Staff will make periodic observations of recreational facilities to monitor for compliance.
4. Any person found violating this policy may be subject to immediate ejection from the recreation facility for the remainder of the event.

Section 3: Effective Date

This policy statement is effective immediately upon the date of adoption, which is May 10, 2011.

Appropriate Town Official Date

A motion was made by Councilman Cianfrini, seconded by Councilman Kabel and carried by unanimous vote to approve participation in Smoke Free Now.

A roll call vote went as follows:

Deputy Supervisor Veazey	Aye
Councilperson Glor	Aye
Councilman Kabel	Aye
Councilman Cianfrini	Aye

Passed (4-0)

SUPERVISOR

The Supervisor's report is available for review.

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TOWN ATTORNEY

As presented by Barry Flansburg, the following letter was sent to the Village Attorney by Kevin Earl:

OSHLAG, SALEH & EARL

ATTORNEYS AND COUNSELORS AT LAW

216 EAST MAIN STREET
SUITE 20
BATAVIA, NEW YORK 14020

KEVIN D. EARL, ESQ.

e-mail kdelaw@gmail.com

JEFFREY D. OSHLAG, OF COUNSEL
DAVID J. SALEH, OF COUNSEL

TELEPHONE
(585) 343-6320
FAX
(585) 343-6602
SERVICE BY FAX NOT ACCEPTED

May 3, 2011

David M. DiMatteo, Esq.
87 North Main Street
Warsaw, New York 14569

RE: Village/Town of Oakfield
Water Storage Tank Purchase

Dear Mr. DiMatteo:

Thank you very much for forwarding to me the Memo, dated April 21, 2011, along with the enclosures referred to therein. I am enclosing the following that I reviewed from my research:

1. Office of Real Property Tax Services Opinion of Counsel, Volume 11:45.
2. Colleges of the Seneca v. City of Geneva.
3. Spectapark Associates v. City of Albany.

I also talked with the Town of Oakfield Assessor, Barry Flansburg. He basically stated that he would exempt the water tower and/or the Town property based upon the documentation that is provided to him. The enclosures that I provided suggest that we could have an agreement by and between the Town of Oakfield and the Village of Oakfield which would make the water storage tank part of the real property. It could then be tax exempt, since any Town of Oakfield property located within the Town that is being used for a municipal purpose would be entitled to an exemption. This would be most similar to "standard" rental agreements in which improvements built upon rental property are assessed as part of the real property.

The second alternative would be to enter into agreements pursuant to Section 406 of the Real Property Tax Law, whereby the Village of Oakfield would maintain separate title to the water storage tank and obtain exemptions by separate agreements with the School District, the County and the Town. It is my understanding that the School District and the County are willing to cooperate in this regard.


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With regard to the length of any lease or tax exempt agreements, the Town Assessor has not experienced or been made aware of any instances when the exemption has been terminated by one of the taxing authorities based upon a claim that the agreement could not bind a municipality for a period of time as long as the term set forth in any agreement. Therefore, I would suggest that the length coincide with the loan re-payment period for any bonding obtained by the Village of Oakfield for the project.

Please advise as to your thoughts on how we should proceed. The Town needs to have an agreement in place before purchasing the property.

Sincerely,

OSHLAG, SALEH & EARL

By: 
Kevin D. Earl, Esq.

KDE/kv

Enc.

Cc: Kenneth A. Dodd, Town Supervisor (w/o Enc.)
Barry Flansburg, Town Assessor (w/o Enc.)

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At this time the Town has yet to receive a letter of commitment that the water tower will sit on this parcel of land, without that commitment letter the Town will not move forward with the purchase of the property. After some discussion on the subject, Councilman Cianfrini moved to set a Public Hearing, contingent on the letter from the Village, to purchase property at Lewiston Road for the Village to place the tank. The Public Hearing will tentatively take place on Tuesday, June 14th, 2011 at 6:30 pm before the regular Town Board meeting. This was seconded by Councilperson Glor and carried by unanimous vote.

LIBRARY LIAISON

The Library Board will hold a dedication in the Honor of Norm Fagnan on May 20th from 7-8:30 pm. The actual dedication ceremony will take place at 7:30 pm. The Library Director would like to meet with the Park Recreation Director to work out some time for the children to enjoy the library during the summer months.

GAM

Mark Masse from GCEDC spoke regarding the Foreign Trade Zone.

The Town should also expect a survey regarding Health Benefit Insurance which is due May 17, 2011. Councilperson Glor was informed that the Town has received the survey and that it has already been mailed back.

COMMITTEE REPORTS

There is nothing to report on the Personnel Manual update at this time. The Personnel Committee will be setting up a time to meet with the men for contract negotiations.

With no further business to come before the Board, a **motion** was made by Councilman Cianfrini, seconded by Councilman Kabel and carried by unanimous vote to adjourn the meeting at 8:56 pm.

Respectfully submitted,

Melissa M. Haacke
Town Clerk