

**TOWN OF OAKFIELD**

**BOARD MEETING**

**JUNE 9, 2009**

Supervisor Dodd called the meeting to order at 7:00 PM followed by the Pledge to the Flag.

**PRESENT:** Supervisor Dodd, Councilmen Day, Veazey, Kabel and Cianfrini, Highway Superintendent Dennis, Attorney Kevin Earl, Town Clerk Haacke, Deputy Clerk Denny, Justice Graham, Code Officer Tom Smith, Tom Carpenter and Brent Rozack of Clark Patterson Engineers.

Supervisor had Town Clerk Haacke read the "Resolution and Establishment of Water District No. 2;" which is as follows:

**RESOLUTION AND ORDER FOR ESTABLISHMENT  
OF WATER DISTRICT NO. 2 FOR A PORTION OF  
THE TOWN OF OAKFIELD**

**WHEREAS**, the Town Board of the Town of Oakfield, duly adopted a Resolution directing Kenneth A. Dodd, the Town Supervisor of the Town of Oakfield to file a map, plan and report as prepared by the Town's engineer for providing the facilities, improvements or services in a portion of the Town of Oakfield, wherein a water district was proposed to be established, as hereinafter described, and

**WHEREAS**, after the said Town Supervisor duly filed said map, plan and report in the office of the Town Clerk of the Town of Oakfield on March 25, 2009, and the said Town Board, did on May 12, 2009, duly adopt an Order reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same are on file in the Town Clerk's Office for public inspection and specifying that said Town Board shall meet at the Town Hall on the 9<sup>th</sup> day of June, 2009, for the purpose of conducting a public hearing on such proposal to establish the water district with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and

**WHEREAS**, a “Petition to Request Water District “ was filed in the Oakfield Town Clerk’s Office on May 4, 2009, which was signed by a number of owners within said district, which was greater than the percentage required by law, and

**WHEREAS**, the improvements proposed are as follows: a project to provide a safe and reliable potable water supply and fire protection to certain residences in the proposed Water District No. 2. The overall project will consist of the construction and installation of approximately 8,900 linear feet of eight (8) inch and 2,500 linear feet of twelve (12) inch water main along portions of Lewiston Road, Maltby Road, North Pearl Street and Albion Road; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, and other improvements and costs incidental thereto (referred to herein as “water improvement”), and

**WHEREAS**, copies of the aforesaid said Order for a Public Hearing were duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

**WHEREAS**, the evidence offered at such hearing requires that the Town Board make the determinations hereinafter made;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Oakfield, in the County of Genesee, that it be and hereby is determined as follows:

(1) The aforesaid “Petition to Request Water District” was signed, and acknowledged or proved or authenticated, as required by law and is otherwise sufficient.

(2) The Notice of Hearing was published and posted as required by law and is otherwise sufficient.

(3) That all the property and property owners, within the proposed water district are benefited thereby.

(4) That all of the property and property owners benefited are included within the proposed water district.

(5) It is in the public interest to establish the proposed water district as hereinafter described; and be it

**FURTHER RESOLVED**, that the Town Board does hereby approve the establishment of a Water District as hereinafter described to be known as the Town of Oakfield Water District No. 2. Said Water District being described on **EXHIBIT A**, attached hereto and made a part hereof; and be it

**FURTHER RESOLVED** that the maximum amount proposed to be expended for such water improvement is \$758,200.00, which is planned to be financed by the issuance of serial bonds in the amount not to exceed \$758,200.00, offset by any funds received from the United States of America, and/or the State of New York, and/or the County of Genesee, and/or local grants; including, but not limited to, a USDA Rural Development Agency grant, of approximately \$338,200.00, and be it

**FURTHER RESOLVED** that the proposed annual debt service (assuming 31.5 units) is estimated to be approximately \$701.00 per typical property user in the proposed district, which is a single family home, and be it

**FURTHER RESOLVED** that a typical household uses 60,000 gallons of water per year and the estimated cost of the water to be purchased by the water district's users is a total of \$3.00 per 1,000 gallons used, to be purchased from the Village of Oakfield, together with a \$20.00 per quarter flat fee; thereby the average household can expect to additionally pay approximately \$260.00 per year for water purchase above and beyond the debt service, and be it

**FURTHER RESOLVED** that based upon the foregoing estimates, the total annual cost of the typical property in the proposed district is estimated to be \$961.00 per year, and be it

**FURTHER RESOLVED** that payment of the debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the water district, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as shall be in just proportion of the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds, as the same shall become due and payable, and be it

**FURTHER RESOLVED** that each property will also have to pay for service from their home to the road right-of-way, incurring estimated one time costs of approximately \$100.00 for a meter, plus approximately \$10.00 per linear feet of pipe, plus potential well abandonment or separation charges of approximately \$200.00; as well as any internal plumbing charges, and be it

**FURTHER RESOLVED** that this Resolution and Order is not subject to a permissive referendum; and be it

**FURTHER RESOLVED** that within ten (10) days after the adoption hereof, the Town Clerk shall post and publish as provided by law a Notice setting forth the date of the adoption of this Resolution and Order and containing an abstract of this Resolution and Order concisely stating the purpose and effect hereof; and be it

**FURTHER RESOLVED**, that this Resolution and Order is subject to approval by the Office of the State Comptroller, Department of Audit and Control, and be it

**FURTHER RESOLVED**, that the Town Supervisor, assisted by the Town Attorney and Town Bond Counsel will prepare an application to the Office of the State Comptroller, Department of Audit and Control for approval of the formation of this Water District, and be it

**FURTHER RESOLVED**, that the Town Clerk be and he hereby is authorized and directed to record a certified copy of this Resolution and Order in the Office of the Genesee County Clerk, and to file a certified copy of this Resolution and Order in the Office of the State Department of Audit and Control, within ten (10) days hereof.

DATE: June 9, 2009

MOTION BY: Councilman Cianfrini

SECONDED BY: Councilman Kabel

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	Abstain

Passed (4-0-1)

Supervisor Dodd's next order of business was the Special Use permit on Fox Road, Tax Map Number 6-1-37. A resolution was presented to the Board written by Town Attorney Kevin Earl, before this was read Councilman Cianfrini made a statement.

Councilman Cianfrini stated that to avoid conflict regarding this particular property and matter he should reclude himself from any and all voting and discussion.

The resolution reads as follows:

### **RESOLUTION TO REJECT AN APPLICATION FOR A SPECIAL USE PERMIT**

**WHEREAS**, Michael Dilcher submitted an Application for a Special Use Permit to develop a Recreational Vehicle Park and Campgrounds on Fox Road in the town of Oakfield, and

**WHEREAS**, the Town Board is the Agency that makes a determination regarding Special Use Permits for these uses, and

**WHEREAS**, a full Environmental Assessment Form was submitted with this Application, and

**WHEREAS**, the Town Attorney has reviewed this Full Environmental Assessment Form and rendered an opinion in writing to the Town Board stating that he recommends that this

Application be rejected since the Environmental Review should be for all three phases proposed for this project with a maximum of 280 campsites, rather than just phase one entailing up to 80 campsites.

**NOW THEREFORE BE IT RESOLVED** by the Town Board of the Town of Oakfield, New York, that a Special Use Permit Application by Michael Dilcher for a project involving establishing a Recreational Vehicle Park and Campgrounds on Fox Road in the town of Oakfield is hereby rejected , and no further action shall be taken upon an application for this project until such time as a new application is submitted encompassing an environmental evaluation of all three proposed phases, which could ultimately establish up to 280 campsites using the entire parcel consisting of 31.964 acres.

Dated: June 8, 2009

MOVED BY: Councilman Veazey

SECONDED BY: Councilman Day

Approved on Roll Call as follows:

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

Passed (4-0-1)

At this point Attorney Kevin Earl gave a brief overview of why he recommended rejecting the Special Use permit and application at this time.

Also addressed at this time was a letter from Attorney Mark Boylan, who has been retained by certain residents of Fox Road. Mr. Boylan is asking for a 90 day moratorium on campsites. Town Attorney Kevin Earl stated that a moratorium is discretionary.

Supervisor Dodd stated that the Board should get an opinion from the Town Planning Board, the meeting which the Planning Board held was a public meeting, not a Public Hearing. Councilman Kabel agreed that out of respect for the members of our Planning Board, the Town Board should get their input.

A **motion** was made by Councilman Day, seconded by Councilman Veazey and carried by unanimous vote to have Attorney Kevin Earl draw up local law for the moratorium on campsites once the Board hears from the Town Planning Board.

A roll call went as follows:

Supervisor Dodd	Yes
Councilman Veazey	Yes
Councilman Day	Yes
Councilman Kabel	Yes
Councilman Cianfrini	Yes

Passed (5-0)

Supervisor Dodd also spoke with Mayor Pastecki regarding the Addendum to the Water Contract, Supervisor Dodd stated that the Mayor has no problem with the Addendum and that Attorney Kevin Earl will draw up the contract.

Sally Bell from the Oakfield Betterment Committee was in attendance regarding the Betterment Committee's letter to use the Library property for Labor Daze, as well as bleachers. A **motion** was made by Councilman Veazey, seconded by Councilman Kabel and carried by unanimous vote to allow the Betterment Committee to use the Library Property and bleachers for Labor Daze 2009.

## **ZONING AND CODE ENFORCEMENT**

Office Smith stated that the Planning Board is trying to combine all changes to existing ordinances at one time.

## **ASSESSOR**

SEE ATTACHED REPORT

## **HIGHWAY SUPERINTENDENT**

Roadwork-roadsides are being mowed, scheduling roadwork

Highway Superintendent Dennis received a letter from the State stating that there is no money to reimburse the Town for roadside mowing of State Roads. The Highway Superintendent wanted the Board's input as to whether the Highway Department should still mow the roads and eat the cost. Superintendent Dennis did reiterate to the Board that the residents are still paying taxes and it would benefit them. On a **motion** by Councilman Cianfrini, seconded by Councilman Day and carried by unanimous vote to have the Highway Department continue to mow state road sides.

Buildings & Grounds-everything is up to date

Cemeteries-the chain link fence on the Maple Avenue side of Cary Cemetery has been removed, Superintendent Dennis wanted a decision from the Board as to whether they wanted to put up a new fence or just pull the posts. A short discussion followed. A **motion** was made by Councilman Veazey, seconded by Councilman Cianfrini and carried by unanimous vote to pull the posts.

Parks-Expansion is complete as far as the property goes.

Grass and fertilizer has been done; grass is finally growing

No complaints from the residents

With Superintendent Dennis talking about the Park Expansion, Supervisor Dodd asked the Board to refer to a letter he drafted on June 5, 2009 asking the Board to approve a BAN to complete the project.

The memo is as follows:

June 5, 2009

From: Ken Dodd

To: Town Council

Re: Town Park Expansion Proposal

In order for us to complete the expansion of our Town Park the following items are being considered:

30 ft X 60 ft shelter		\$31,030.00
8 ft Picnic Table (quantity 18 @ \$615)		\$11,070.00
Wheel Chair Table (quantity 2 @ \$565)		\$ 1,130.00
Picnic Grills with Pedestals (quantity 6@ \$168)		\$ 1,008.00
Black Top Pad 40ft X 70 ft		\$ 8,085.00
	SUBTOTAL	\$52,323.00
Plays cape		\$17,426.00
	TOTAL	\$69,749.00
Approximate shipping & handling		3,222.00
	GRAND TOTAL	\$72,971.00
		(23,222.00)
	Needed to complete	<b>\$50,000.00</b>

Donations from our community to help with these items are as follows:

Rettke Heating	136.00 grill
GYP	272.00 grills
Lutz Sales	136.00 grill
Diane Gerould	100.00
Becker	100.00
Jim & Marlene Veazey	500.00
Lamb-Veazey Farms	2,500.00
Dr. Barcomb	50.00
Modern Disposal	700.00 picnic table w/handicap
Allen's Food	1,000.00
Betterment Committee	798.00 picnic table & grill
Lion's Club	5,000.00

The total cost to complete the park (excluding scrubs, trees and final landscaping which can be completed in 2010) is \$72,971.00. The donations total \$11,222.00 and we have \$12,000.00 in our 2009



budget for this project; which leave us with a short fall of \$49,749.00. This amount I am proposing we bond so that we can finish this project by late summer.

Specific information about each proposed item can be obtained from Alan Dennis if you wish to review the items proposed.

Supervisor Dodd stated that the Town currently does not have outstanding Bonds. Once the Pavilion was up, the Town Clerk's office would take reservations for parties held at the site.

Highway Superintendent Dennis also stated that \$10,000.00 worth of top soil was donated by Lamb-Veazey Farms. RKK allowed the Town to use equipment at no charge and Jeff Worthington put in a lot of time to help complete what has been accomplished at the park so far.

Councilman Veazey asked if it would be possible to include the cost of the Library windows in with this bond. The Library received a grant for a 50/50 grant to replace windows. At this time, the Library is looking to replace the windows on the Drake Street side. Buildings and Grounds has yet to put this project for windows out to bid. Councilman Veazey stated it should then be a \$60,000.00 BAN with \$10,000.00 going to the Library project if feasible.

A **motion** was made by Councilman Veazey, seconded by Councilman Day and carried by unanimous vote to move ahead with a \$60,000.00 BAN for the Park/Library project; however if the Library windows are more than \$22,000.00 then the BAN will only be for the \$50,000.00.

Equipment-the 2003 truck has a hole in the clutch housing. This is the oldest truck in the Highway Department. It will be flat bed out for repair tomorrow.

Bid specs will be going out on the new loader.

Superintendent Dennis has a meeting with Teitsworth Auctions for bids on old loader.

The Town of Oakfield, Town of Batavia and Village have been working on the water main breaks on South Pearl Street Road. There have been 5 breaks in the last 2 months. Superintendent Dennis feels we need to have a meeting with the Village; the Town of Batavia maintains this line. Water under the road has ruined the road itself. It has been determined that it was the water main that was leaking, and it is a bad line all the way to Galloway Road. The road needs a total reconstruction and water drainage.

Library-all electrical work is completed inside; a little more remains to be done inside.

The Highway Superintendent filed the Shared Service Agreement with the County with the Town Clerk.

#### **TOWN CLERK**

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

General	128-165	\$13,362.30
Part Town B	18-21	822.69

Highway DA	69-79	\$ 2,656.19
Highway DB	10-11	1,820.58
Library	63-75	3,831.17
	TOTAL:	\$22,492.93

Minutes: A **motion** was made by Councilman Cianfrini, seconded by Councilman Veazey and carried by unanimous vote to approve the minutes of the May Board Meeting as submitted.

Town Clerk Haacke presented a proposal from our system’s operator BAS, to implement the acceptance of credit cards. The proposal will cost the Town \$580 the first year, and \$100.00 in maintenance thereafter. The transaction fees will not be paid by the Town, anyone who uses their credit or debit card will have a 2.7% + 0.60 charge added to the balance owed. The money to pay for this additional program would come out of A1410.2-Clerk’s Equipment.

A **motion** was made by Councilman Cianfrini, seconded by Councilman Kabel and carried by unanimous vote to go ahead with the new program to accept credit cards at the Clerk’s office.

The Town received a letter from Advanta Bank, who currently held the only account for a Town credit card, the letter stated that they are going out of business and our account was closed. Town Clerk Haacke checked with M&T Bank in Oakfield, the Town can get a Visa with no annual fee, 0% interest for the first 6 months (which doesn’t matter because the Town does not carry a balance). The credit card is used by the Town to make travel arrangements and/or purchased over the phone.

A **motion** was made by Councilman Veazey, seconded by Councilman Day and carried by unanimous vote to get a credit card from M&T bank in Oakfield for Town use.

The Snow Plow Removal Agreement with the Village has expired. Superintendent Dennis has a couple of additions to make to the existing contract. After a brief discussion, the Town Board felt that this item should be on the Town and Village Cooperation Meeting Agenda.

The Town received a package from the Village asking the Town to allow the Village “Lead Agency” on the Reed Bed Project. A **motion** was made by Councilman Veazey, seconded by Councilman Cianfrini and carried by unanimous vote to have the Village be Lead Agency in the Reed Bed Project.

A letter was received from Genesee County Youth Bureau asking if the Town would participate in the Genesee County Youth Court program, which would have young people who face disciplinary action through school or law enforcement work with the Town. After a brief discussion a **motion** was made by Councilman Veazey, seconded by Councilman Kabel and carried by unanimous vote to decline the request due to lack of supervision.

The Town Clerk and Deputy Clerk are working on a newsletter that should be out in July; a Town of Oakfield scavenger hunt will be forthcoming. Also, in the month of July, the common area will be painted.

**SUPERVISOR**

The Supervisor’s report is available for review

Supervisor Dodd spoke with Mayor Pastecki, the Village Trustees have approved the Planning Board merger; this will now go on to the County for final merging direction. The discussion that ensued was one of payment to the Planning Board Members. The Town currently does not pay their Planning Board; it is done on a volunteer basis, while the Village does pay the Planning Board. Councilman Cianfrini stated that if we merge with the Village we must pay the Planning Board Members.

#### **TOWN JUSTICE**

The New York State Magistrates will meet from October 18<sup>th</sup>-20<sup>th</sup>, 2009. A **motion** was made by Councilman Veazey, seconded by Councilman Cianfrini and carried by unanimous vote to have Justice Graham attend the Magistrate Conference.

There will be a Jury Trial held at the Town July 1-2, 2009 regarding a DWI charge.

#### **LIBRARY LIAISON**

The Library is anticipating Bids on the window project

Old books went to the job corps.

Village wants to donate and plant an ornamental tree on the Pearl Street side of the Library.

With no further business to come before the Board, a **motion** was made by Councilman Veazey, seconded by Councilman Kabel and carried by unanimous vote to adjourn the meeting at 8:59 pm.

Respectfully submitted,

Melissa M. Haacke  
Town Clerk