

TOWN OF OAKFIELD

BOARD MEETING

APRIL 10, 2012

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

Present: Deputy Supervisor Veazey, Councilpersons Glor, Kabel and Martin, Town Clerk Haacke and Assessor Flansburg.

Minutes—a motion was made by Councilperson Glor, seconded by Councilman Kabel and carried by unanimous vote to approve the minutes of the March 13, 2012 meeting as submitted.

CODE/ZONING

Code Enforcement Officer Mikolajczyk was not present.

Zoning Officer Glor sent the following report; three permits were issued and one violation.

ASSESSOR

The tentative roll will be complete by the end of the week; must be complete by May 1st.

HIGHWAY SUPERINTENDENT

Superintendent Dennis was out of town so the report was made by the Town Clerk.

Road Work—Oakfield Highway is currently trimming trees with the County.

The Oakfield Highway Department is also working with the Towns of Batavia and Alabama.

Buildings & Grounds—mowing has started and the yards have been rolled.

The Town is still waiting to hear word on the Joint Court Facility grant application that was submitted with Elba.

Waiting on Overhead Door regarding the truck bay.

Cemeteries—Scheduled spring burials.

Mowing has started.

Grounds are rolled.

Parks—Mowing has started.

Basket Ball hoop and backboard are up and being used.

Grounds have been rolled.

Highway Department hauled dirt for Little League.

Superintendent is working with the Little League President on other work in the park.

The sound system in the park will remain tabled until May.

Equipment Update—Councilmen Kabel and Martin presented a bid on an XUV to be used for winter burials as well as other uses throughout the Town.

Three prices on XUVs were presented to the Board, it was stated that Superintendent Dennis did not want the vehicle that runs on diesel fuel.

A **motion** was made by Councilman Kabel, seconded by Councilman Martin and carried by unanimous vote to have the Superintendent of Highways order the 825i XUV (John Deer) at the cost of \$12,584.04.

Public Works Update—Water Districts 3, 4, 5,6,7,8 and 9 are all being worked on. New District 9 is Albion, Fisher, East Shelby, Burns, Crane and Podunk Roads. The feed for this district will come from the Town of Shelby.

Keeler Construction will start restoration on the transmission line April 10.

Library—the electric is done.

The library sign will be installed soon.

Councilman Kabel added that he was contacted by the mason who is to fix the loose bricks on the chimney; the mason should be here next week. The approximate cost is \$400.00.

Superintendent Dennis also wanted the meeting with DEC mentioned. The meeting minutes were distributed to the Board and Assessor Flansburg gave a brief review of what will be done in cooperation with the Towns of Shelby and Barre. Assessor Flansburg also reviewed new Water District 9.

TOWN CLERK

The following bills were submitted for approval:

General Fund	90-118	\$9463.82
Highway DA	29-35	2590.76
Highway DB	7	1153.72
Part Town B	9-12	942.76
Special District	1	48859.25
	TOTAL	\$63010.31

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

The following resolutions were presented for Water District 3:

TOWN OF OAKFIELD
WATER DISTRICT NO. 3
LATERAL RESTRICTIONS RESOLUTION

WHEREAS, the Town Board of the Town of Oakfield has created the Town of Oakfield Water District No. 3 pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Maltby Road, Fox Road, Drake Street (NYS Route 262), and Fisher Road; and

WHEREAS, part of the land area within Water District No. 3 is also within Genesee County Agricultural District No. 2; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 2; and

WHEREAS, the New York State Department of Agriculture and Markets (“Department”) has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District,

NOW THEREFORE BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction - Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Oakfield imposes the following conditions, as warranted or recommended on the management of water/sewer lines located along the portions of Maltby Road, Fox Road, Drake Street (NYS Route 262), and Fisher Road, included in Water District No. 3, within an agricultural district:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be extended to the fifth and subsequent parcels

where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident's property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (3) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

STATE OF NEW YORK:

COUNTY OF GENESEE: ss

TOWN OF OAKFIELD:

I, Melissa Haacke, Town Clerk of the Town of Oakfield, Genesee County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Oakfield on the 10th day of April, 2012, with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

DATED: 2012

(SEAL)

Melissa Haacke, Town Clerk

A **motion** was made by Councilman Martin, seconded by Councilperson Glor and carried by unanimous vote to approve the Lateral Restriction Resolution for Water District 3.

SEQR RESOLUTION - NEGATIVE DECLARATION

TOWN OF OAKFIELD WATER DISTRICT NO. 3

At a meeting of the Town Board of the Town of Oakfield held on the 10th day of April, 2012, at the Town Hall in said Town, Councilman Kabel moved adoption of the following resolution; Councilman Martin seconded the motion:

WHEREAS,

1. In accordance with the New York State Environmental Quality Review regulations (SEQR), the Town Board of the Town of Oakfield announced its intent to serve as Lead Agency on February 14, 2012, to conduct an environmental review of a project to construct public water supply improvements to serve the Town of Oakfield Water District No. 3. The proposed action will improve the quality and quantity of water available to area residents.
2. The Oakfield Town Board has determined that the proposed action is a Type I action as defined under SEQR, as portions of the project area are located within a Genesee County Agricultural District.
3. The Oakfield Town Board, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above.
4. On February 22, 2012, the Oakfield Town Board notified the Involved and Interested Agencies of its intention to act as Lead Agency for this project and circulated the full Environmental Assessment Form. Comments received from these agencies are addressed in the Negative Declaration.
5. The Town will continue to work with Federal, State and local agencies until all necessary permits and approvals have been obtained.

6. The Oakfield Town Board has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED,

The Oakfield Town Board declares that it will serve as Lead Agency for the extension of public water supply facilities to serve the Town of Oakfield Water District No. 3; and,

The Oakfield Town Board declares that, based on the Environmental Record which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

STATE OF NEW YORK:

COUNTY OF GENESEE: ss

TOWN OF OAKFIELD:

I, Melissa Haacke, Town Clerk of the Town of Oakfield, Genesee County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Town Board of the Town of Oakfield on the 10th day of April 2012, with the original thereof now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

DATED: 2012

(SEAL)

Melissa Haacke, Clerk

A memorandum from Stuart Brown's office for Water District 3 referencing the NYSDOT Smart Growth Checklist was also presented to the Board. According to Colin Brennan of NYSDOT, the checklist will be required as part of the application for a Highway Work Permit for construction within the right-of-way of NYS Route 262 (Drake Street). The checklist itself can be obtained from the Water District 3 progress book located in the office of the Town Clerk. A **motion** was made by Councilperson Glor, seconded by Councilman Martin and carried by unanimous vote to sign the Negative SEQR Declaration.

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The Town and County Taxes are complete and returned to the Treasurer's office. The town collected \$4649.94 in fees and penalties. Less than 10% of the warrant amount was returned to the County.

Petitions for Water District 3 are ready to be passed; currently Marc Johnson has the petitions he is responsible for and the Town Clerk is waiting on Joel D'Alba to pick up his petitions. Since there is a time constraint on the petitions if Mr. D'Alba does not pick up the petitions by Wednesday of this week another resident will be contacted to pass them.

An auditor from the Comptroller's office will begin an audit of the books beginning April 11th.

The Town Clerk will be off the next three days of April and will attend the Town Clerk's Convention April 22-24th.

LIBRARY LIAISON

There wasn't an actual meeting because of the Easter holiday.

OLD BUSINESS

Public Hearing for Water District 3 will be introduced at the May 8th meeting if all goes well with the petitions.

A Public Information meeting will be scheduled regarding the Landfill. Superintendent Dennis and Town Clerk Haacke will gather information on the cost of operating the landfill. The Town will also bid out town wide garbage pickup for cost analysis.

NEW BUSINESS

The Town is looking for someone to replace Kevin Veazey on the Planning Board. The Clerk will run an ad in the newspaper.

The following resolution was presented to the Board to congratulate the Elba Girls Basketball Team:

Whereas, the Elba Girls Basketball Team, is to be recognized and honored for their outstanding 2012 season; and

Whereas, by its extraordinary efforts, this dynamic team has won the state title; and

Whereas, the excellent performance, dedication and commitment of these young women, along with their coaching staff, have proven to be a source of admiration and inspiration to the citizens of Elba; and

Now, therefore...honor the Elba Basketball Team and coaching staff for their outstanding achievements and commend them for their display of sportsmanship and leadership.

A **motion** was made by Councilperson Glor, seconded by Councilman Martin and carried by unanimous vote to send a letter of congratulations to the Elba Girls Basketball Team.

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With Barbara Smith submitting her resignation as Court Clerk to become a Justice in Byron; Justice Graham requests the Board to approve his appointment of Pam Denny as the new Court Clerk. A **motion** was made by Councilman Kabel, seconded by Councilperson Glor and carried by unanimous vote to approve Pam Denny as the new Court Clerk.

At this time Deputy Supervisor Veazey asked the Government Class in the audience if they had questions or comments. One gentleman suggested that the Town write the new owners Allen's Foods a welcome letter thanking them for keeping Oakfield's facility open. The Town Board liked the idea and will write that letter.

Will no further business to come before the Board, a **motion** was made by Councilman Martin, seconded by Councilman Kabel and carried by unanimous vote to adjourn the meeting at 8:12 pm.

Respectfully submitted,

Melissa M. Haacke
Town Clerk