

TOWN OF OAKFIELD

BOARD MEETING

NOVEMBER 9, 2011

Supervisor Cianfrini called the meeting to order at 7:00 pm followed by the Pledge to the Flag.

Present: Councilpersons Veazey, Glor, Kabel and Martin, Supervisor Cianfrini, Assessor Flansburg, Superintendent of Highways Dennis, Justice Graham, Clerk Haacke

MINUTES

A **motion** was made by Councilman Veazey, seconded by Councilman Kabel and carried by unanimous vote to approve the minutes of the October 11, 2011 meeting.

BUDGET

Supervisor Cianfrini stated that there would be one change to the budget; there was not enough money budgeted for health care expenses for the 2012 budget, even though the employees will be contributing to their health care in the coming year. The following line items must be adjusted:

A9060.8	\$500
DA9060.8	\$900
DB9060.8	\$900

A **motion** was made by Councilman Veazey, seconded by Councilperson Glor and carried by unanimous vote to approve the budget changes for Health Care premiums.

With no further discussion, a **motion** was made by Councilman Kabel, seconded by Councilman Veazey and carried by unanimous vote to approve the Budget with changes to Health Care.

A roll call vote went as follows:

Supervisor Cianfrini	Yes
Councilman Veazey	Yes
Councilman Glor	Yes
Councilman Kabel	Yes
Councilman Martin	Yes
Passed (5-0)	

TOWN JUSTICE

The court has been busy; Justice Graham projects that the Town will see increased revenue over last year.

The Criminal Justice Advisory Council has established house arrest for certain cases; since Genesee County does not house female inmates.

There is a limited basis to use electronic devices.

ZONING OFFICER

Mr. Glor was not present; however he did provide the following report to the Board:

3981 Batavia-Oakfield Townline Road	Shed Permit
7149 Orchard Park	Shed Permit
6880 Albion Road	Additional Chemical Storage
6436 Albion Road	Shed Permit

CODE ENFORCEMENT OFFICER

Mr. Mikolajczyk was not present; however he did provide the following report to the Board:

Investigated a report of a building being constructed on the old Rod & Gun Club property off Fisher Road. I drove back to what seemed like Albion Road but was unable to find any such building.

Issued letters of expired building permits to:

Oakfield Rod & Gun Club: spoke with Brian Glor on this matter and he stated they were not installing the basement door at this time.

Mark Rebert, 2977 East Shelby Road: spoke with Brian Glor on this matter and he stated that the property needed to be rezoned to split the property to accommodate two building lots.

Charles and Linda Dana, 3260 Maltby Road: visited Charlie and we agreed to issue a new permit for the addition and a new deck.

Inspected the Coffta property, 6389 Fisher Road: inspection for rough plumbing, roof, rough electrical and insulation.

Issued a building for solar panels to be installed at 6611 Fisher Road.

Meeting with AGL Homes on Wednesday, November 9, 2011 to issue a building permit for a manufactured home being placed on Batavia-Elba Townline Road.

ASSESSOR

All future state training expenses will fall to the town.

HIGHWAY SUPERINTENDENT

Roadwork—roads to be striped

PESH—has been satisfied

Cemeteries—leaves need to be blown

Parks—installing basketball equipment and working on electric for Majestic Lights

The big excavator is back and in working order; should get another 8-10 years from this piece of equipment.

Big Trucks—two are back and complete with plowing equipment

Public Works—Last week the Village checked the valves because they believed there was a leak at North Pearl and Maltby Roads. There was chlorine in the water upon testing. Blue Heron showed up on Tuesday, they didn't want to dig because they felt there was not a leak. Dave Laney explained his findings and called in Rural Water to locate the exact location of the leak. After much prompting from DPW Supervisor Laney and Highway Superintendent Dennis, Blue Heron finally agreed to dig where Rural Water believed the leak to be; there in fact was a leak. It appears that the leak is now fixed and the repairs will be at Blue Heron's expense since the work is still under warranty. Superintendent Dennis commends DPW Supervisor Laney for the work he did in finding this leak.

The work on the Transmission line on South Pearl Street Road is going well.

Superintendent Dennis spoke with Brent Rosiek from Clark Patterson regarding Water Standards; he is still reviewing them but the Town should have them soon.

TOWN CLERK

The following bills were submitted for payment:

General	334-362	\$ 8,145.82	
Part Town	26-27	\$ 884.81	
Water	9-10	\$20,010.00	
Highway DA	116-121	\$10,913.08	
Highway DB	36-39	\$ 4,162.52	
	TOTAL		\$44,116.23

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

The insurance committee met with representatives from Tompkins insurance regarding a change to the Health Care plan for 2012; it was determined that the Town would switch to MVP E0050S. A **motion** was made by Councilperson Glor, seconded by Councilman Veazey and carried by unanimous vote to approve the change in insurance policy and submit the paperwork to Tompkins Insurance by November 21, 2011.

Attorney Kevin Earl submitted the following resolution:

**RESOLUTION TO PARTICIPATE IN NEGOTIATIONS OR LEGAL PROCEEDINGS
REGARDING A POTENTIAL REFUND FROM TIME WARNER CABLE**

WHEREAS, the Town of Oakfield has been contacted by a Representative from the Office of the Attorney General, as well as the Attorney for the Town of Glenville, New York, regarding a potential

claim against Time Warner Cable to obtain a refund of a portion of the franchise fee that was charged to cable subscribers in the Town, in violation of the Town's Franchise Agreement; in conjunction with a few other municipalities in New York State with similar provisions in their respective Franchise Agreements, and

WHEREAS, the Office of the Attorney General has requested that the Town Board of the Town of Oakfield provide authority to become a part of any negotiations with Time Warner Cable and to be a named as a participant in a Petition to be filed with the Public Service Commission by the Attorney General's Office in the event that negotiations are not successful, and

WHEREAS, the Town Board believes that since the Town is the legal entity that is a party to the Franchise Agreement, it has the sole authority to enforce this Agreement on behalf of the affected subscribers located within the Town of Oakfield.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Oakfield, New York, that it does hereby approve participation by the Town in any negotiations or legal proceedings initiated by the Office of the New York State Attorney General against Time Warner Cable relating to disputed portions of the franchise fee, and

BE IT FURTHER RESOLVED that Town officers and employees are hereby authorized and directed to provide any information requested by the Attorney General's Office regarding this issue, and

BE IT FURTHER RESOLVED that the Town Attorney is hereby authorized and directed to communicate and participate with the Office of the Attorney General or other Town Attorneys in a similarly situated position, regarding this franchise fee refund issue.

Dated: November 9, 2011

MOVED BY: Councilman Kabel

SECONDED BY: Councilman Martin

Approved on Roll Call as follows:

Supervisor Michael Cianfrini	Yes
Councilwoman Carol Glor	Yes
Councilman Timothy Kabel	Yes
Councilman Matt Martin	Yes
Councilman James Veazey	Yes
Passed (5-0)	

The following resolution was presented to the Board:

**RESOLUTION TO INTRODUCE PROPOSED LOCAL LAW No. 1 OF 2011
AND TO SCHEDULE A PUBLIC HEARING**

WHEREAS, the Town Board of the Town of Oakfield, New York desires to consider adopting legislation establishing no stopping, standing or parking restrictions on a portion of Lockport Road, (also referred to as “no stopping zones”), also known as Town of Oakfield Local Law No. 1 of 2011.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Oakfield, New York that proposed Local Law No. 1 of 2011 entitled "A Local Law to Enact Parking Restrictions on a portion of Lockport Road in the Town of Oakfield", 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 December 13, 2011, and that a public hearing be held before this Town Board on the 13th day of December, 2011, at 6:45 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 ten (10) 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 five (5) 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.

Dated: November 9, 2011

MOVED BY: Councilperson Glor

SECONDED BY: Councilman Veazey (with modification of time for Public Hearing to 6:45 pm)

Approved on Roll Call as follows:

Supervisor Michael Cianfrini	Yes
Councilwoman Carol Glor	Yes
Councilman Timothy Kabel	Yes
Councilman Matt Martin	Yes
Councilman James Veazey	Yes
Passed (5-0)	

Stuart Brown and Associates sent a letter to the Town charging \$4000.00 to complete the initial application for Water District 3. A **motion** was made by Councilman Veazey, seconded by Councilperson Glor and carried by unanimous vote to accept Stuart Brown's proposal to complete the application.

Letters also went out to the residents of potential Water District 3 residents. The letter stated that the Genesee County Health Department will test the wells in the District; which if they test poorly could lead to more grant funding. A 51% participation level must be reached for the Health Department to issue a Letter of Support to Rural Development for the funding. The deadline to return the well survey information and the money to test is November 15, 2011; the Health Department wants to test by early December.

As directed by the Town Board, the insurance bid request has been placed in the Daily News.

The auditor from the comptroller's office has completed the risk assessment for the Town. The auditor left stating that if the Comptroller feels that the Towns needs a full audit the Supervisor will be notified; if the Town does not hear from the Comptroller in the next 60 days then no audit is required.

SUPERVISOR

The Supervisor's report is available for review

Supervisor Cianfrini met with Eric Klotzbach and Shelly D'Alba from Little League regarding areas of concern at the park.

1. It was stated that other organizations are using the stand and not cleaning it. They will place a check list of things to do before leaving the stand to keep it clean.
2. There is still a question as to who is responsible for cleaning the bathrooms. Supervisor Cianfrini agreed that a policy and procedure needs to be put in place. The Town will get a price in the spring from ARC regarding the bathroom cleaning.
3. Eric and Shelly also stated that the garbage cans are always full and often someone from Little League needs to dump them themselves.

4. A new shed will be put up by the batting cages.
5. Sometimes the park is not mowed often enough; this usually happens when it rains during the week. Little League asked if they could mow the park if they feel it necessary.

After some discussion the Board decided not to act on any of these concerns, but before Little League's season begins in the spring the Town Board needs to meet with the officer's of Little League to work out any and all issues.

GAM

The October meeting stated that United Way packets will be sent to all municipalities. The next GAM meeting will be held on November 17, 2011 at 7:00 pm at Alli's Cones and Dogs.

OLD BUSINESS

Town Trash Pickup—Supervisor Cianfrini spoke with Lucene Kauffman from Elba to see if Elba would be interested in going in a Town wide trash pick since Elba has closed their Town dump and Oakfield is considering closing the dump at the end of 2012. Ms. Kauffman stated that Elba has no interest in a Town wide trash pickup.

Supervisor Cianfrini also spoke with a couple council members from the Town of Alabama regarding the trash pickup; there was tentative interest but no commitment. Supervisor Cianfrini feels that unless something changes in the next few months Oakfield will be bidding a trash contract on its own.

Rick Caton spoke with Town representatives once again regarding the tap for water at the house on North Pearl; which he wanted the tap at the milk house. Mr. Caton stated that he is unhappy with where the tap is located, he marked where he wanted it when the work was being done and the tap of placed elsewhere. Mr. Caton is paying a debt service for water he can't use. After some discussion it was determined that the house is titled to the Estate therefore the representative of the Estate must make the request.

NEW BUSINESS

Supervisor Cianfrini and Councilperson Glor met with Village Trustees D'Alba and Armbrewster regarding the land purchase on Maltby Road for the water tower. They would like to change the term of the lease from 38 year to 99 years. Clarification as to who is to install the road from the land to the school. As well as allowing the Village to place a second tower on the property should it ever be necessary. The tower the Village is currently considering would not be large enough to accommodate the Town of Alabama if they ever got water, so a second tower would then be constructed.

Trustee D'Alba and Armbrewster also stated that in lieu of the tower the Village is once again considering constructing a second transmission line with the Town of Batavia. This would be a temporary fix and Oakfield would eventually need a tower. A new water district would have to be created in the Town.

The second transmission line would currently cost \$1.5 million dollars less than the tower and it would pick up more users; however most users would be in the Town of Batavia.

Since the Village has yet to decide on the transmission line or the tower the Town is putting the purchase of the Maltby Road property on hold until the Village makes a decision.

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At 8:30 pm Library President Michele Graham joined the meeting. Mrs. Graham presented the Board with two estimates for carpet in the children's section of the library. Mr. Graham stated that the library has \$5000.00 to put toward the carpet purchase. After a brief discussion a **motion** was made by Councilman Veazey, seconded by Councilperson Kabel and carried by unanimous vote to contribute \$5250 to the Library carpet project.

As the Board was going through the Supervisor's report it was determined that a voucher was paid out of the wrong line item. A transfer from A7140.2 to \$2797.94 to A7410.4 to correct this line item will be made.

AMBULANCE

It has been brought to the Town's attention that the Fire Department Ambulance has formed an LLC and will transfer the rig to the LLC; with the intent of providing ambulance service at a cost.

The Town and Village have contracts with Mercy Flight for exclusive service. Since the Town pays the Worker's Compensation for the Fire Department, should the ambulance separate the Town will not pay the compensation insurance.

With no further information to come before the Board, a **motion** was made by Councilman Veazey, seconded by Councilman Martin and carried by unanimous vote to adjourn the meeting at 9:25 pm.

Respectfully submitted,

Melissa M. Haacke
Town Clerk