

A Public Hearing Scheduled for the Town of East Bloomfield was held at the East Bloomfield Town Hall on Monday December 14, 2015 at 7:30 PM with the regular scheduled Town Board Meeting to follow with Supervisor Michelle MacMillan presiding.

Present: Supervisor Michelle T. MacMillan  
Council Person Frank W. Fessner  
Council Person Ronald P. Hawkins  
Council Person Thomas E. Conklin

Absent: Council Person William J. Mitchell Jr.

Attending the meeting were Margaret Gochenaur (Town Clerk), Brian Bernard (Highway Superintendent), Andy Hall (Code Enforcement Officer), and Ron Roach (AWA Liaison).

MacMillan welcomed everyone to the meeting and thanked them for coming.

MacMillan opened the Public Hearing at 7:30 PM and the Public Notices were read by Town Clerk Gochenaur on the Local Law #3 of 2015, entitled A Local Law entitled "Road Preservation Law" in the Town of East Bloomfield and for Local Law #4 entitled A Local Law to amend certain sections of Article XIII of the Town Code of the Town of East Bloomfield entitled "Sign Regulations".

No one present wished to speak in regards to the public hearing. Motion was made by MacMillan, seconded by Fessner to close the Public Hearing at 7:35 PM. Motion Approved: Ayes 4 (Conklin, Hawkins, Fessner, and MacMillan) Nays 0

Pledge of Allegiance led by Town Clerk Gochenaur.

MacMillan opened the regular Town Board meeting at 7:36 PM.

**APPROVAL OF MINUTES:** Motion was made by Fessner, seconded by Hawkins, to approve the November 23, 2015 minutes. No Discussion was held. Motion Approved: Ayes 4 (Conklin, Hawkins, Fessner, and MacMillan) Nays 0

**TOWN CLERK'S REPORT:** Motion was made by Fessner, seconded by Hawkins, to approve the Town Clerk's report. No Discussion was held. Motion Approved: Ayes 4 (Conklin, Hawkins, Fessner, and MacMillan) Nays 0.

**CODE ENFORCEMENT OFFICER'S REPORT:** Motion was made by Fessner, seconded by Hawkins, to approve the Code Enforcement Officer's report. Discussion was held. Motion Approved: Ayes 4 (Conklin, Hawkins, Fessner, and MacMillan) Nays 0

**SUPERVISOR'S REPORT:**

Motion was made by Fessner, seconded by Conklin, to adopt the Resolution 2015-040 To Adopt the 2016 Budget for the Town of East Bloomfield and waive a reading of the Resolution. Discussion was held. Motion Adopted: Ayes 3 (Conklin, Fessner, and MacMillan) Nays: 1 (Hawkins)

**RESOLUTION 2015-040**

**TO ADOPT THE 2016 BUDGET  
FOR THE TOWN OF EAST BLOOMFIELD**

**WHEREAS**, the preliminary Town of East Bloomfield for the year 2016 has been duly presented to the Town Clerk by the Town Board, and

**WHEREAS**, a duly advertised Public Hearing has been held thereon; now, therefore, be it

**RESOLVED**, that this Board hereby adopts this preliminary budget as the final budget for the Town of East Bloomfield for the year 2016.

Motion was made by Fessner, seconded by Hawkins, to adopt the Resolution 2015-041 To Reappoint Brad Bennett as Chairman of the East Bloomfield Planning Board for 2016 and waive a reading of the Resolution. Discussion was held. Motion Adopted: Ayes 4 (Conklin, Hawkins, Fessner, and MacMillan) Nays: 0

**RESOLUTION 2015-041**

**RESOLUTION TO REAPPOINT BRAD BENNETT AS CHAIRMAN OF THE EAST BLOOMFIELD PLANNING BOARD FOR 2016**

**WHEREAS**, the Chairman of the Planning Board must be appointed each year, and

**WHEREAS**, Brad Bennett has expressed his desire to continue to serve as Chair of the Planning Board for 2016 therefore be it

**RESOLVED**, that this Town Board hereby re appoint Brad Bennett as Chair of the East Bloomfield Planning Board for the year 2016 and

**RESOLVED**, that a certified copy of this resolution be forwarded to Brad Bennett

Motion was made by Fessner, seconded by Hawkins, to adopt the Resolution 2015-042 To Appoint Arthur Babcock as Chairman to the East Bloomfield Town Zoning Board for 2016 and waive a reading of the Resolution. Discussion was held. Motion Adopted: Ayes 4 (Conklin, Hawkins, Fessner, and MacMillan) Nays: 0

**RESOLUTION 2015-042**

**RESOLUTION TO APPOINT ARTHUR BABCOCK AS CHAIRMAN TO THE EAST BLOOMFIELD TOWN ZONING BOARD FOR 2016**

**WHEREAS**, the Chairman of the Zoning Board of Appeals must be appointed each year, and

**WHEREAS**, Arthur Babcock has expressed his desire to continue to serve as Zoning Board Chair for 2016 therefore be it

**RESOLVED**, that this Town Board hereby appoints Arthur Babcock as Chairman of the Zoning Board of Appeals for the calendar year 2016; and be it also

**RESOLVED**, that a certified copy of this resolution be forwarded to Arthur Babcock and the East Bloomfield Code Enforcement Office.

Motion was made by Fessner, seconded by Conklin, to adopt the Resolution 2015-043 To Appoint Timothy Crocker to the East Bloomfield Zoning Board of Appeals and waive a reading of the Resolution. Discussion was held. Motion Adopted: Ayes 4 (Conklin, Hawkins, Fessner, and MacMillan) Nays: 0

**RESOLUTION 2015-043**

**TO APPOINT TIMOTHY CROCKER TO THE EAST BLOOMFIELD ZONING BOARD OF APPEALS**

**WHEREAS**, the term for Zoning Board member Timothy Crocker will expire on December 31, 2015; and

**WHEREAS**, Timothy has expressed his desire to serve a five year term; and

**WHEREAS**, the Town of East Bloomfield Zoning Board Chair has recommended the reappointment; now, therefore, be it

**RESOLVED**, that this Town Board hereby appoints Timothy Crocker of East Bloomfield, New York to the Zoning Board of Appeals for the term January 1, 2016 to December 31, 2020; and be it also

**RESOLVED**, that a certified copy of this resolution be forwarded to Timothy Crocker.

Motion was made by Fessner, seconded by Hawkins, to adopt the Resolution 2015-044 To Adopt the Extension of the New York State Agreement for Indexed Lump Sum Municipal Snow and Ice Control and waive a reading of the Resolution. Discussion was held. Motion Adopted: Ayes 4 (Conklin, Hawkins, Fessner, and MacMillan) Nays: 0

### **RESOLUTION 2015-044**

#### **TO ADOPT THE EXTENSION OF THE NEW YORK STATE AGREEMENT FOR INDEXED LUMP SUM MUNICIPAL SNOW AND ICE CONTROL**

**WHEREAS**, there are 13.88 lane road miles of New York State highways in the Town of East Bloomfield for which the State contracts with the Town Highway Department for snow and ice control; and

**WHEREAS**, New York State desires to extend the contract with the Town for snow and ice control through June 30, 2018; and

**WHEREAS**, the State annually renews said contract, with payment for the coming season based on the current rates of fuel, salt and other road treatment items; now, therefore, be it

**RESOLVED**, that the Town of East Bloomfield enter into an agreement to extend the existing contract from June 30, 2017 to expire on June 30, 2018; and, be it also

**RESOLVED**, the indexed lump sum for the 2015/2016 season according to the Agreement shall be \$7,541.0108 per lane mile, for a total of \$104,669.23; and, be it also

**RESOLVED**, that a certified copy of this resolution, along with the executed Agreement, be sent to Ms. Susan Miles, NYSDOT/Operations, 1530 Jefferson Road, Rochester, New York 14623.

Motion was made by Fessner, seconded by Conklin, to adopt the Resolution 2015-045 To Reappoint John Wadsworth to the Town of East Bloomfield Board of Assessment Review and waive a reading of the Resolution. Discussion was held. Motion Adopted: Ayes 4 (Conklin, Hawkins, Fessner, and MacMillan) Nays: 0

### **RESOLUTION 2015-045**

#### **RESOLUTION TO REAPPOINT JOHN WADSWORTH TO THE TOWN OF EAST BLOOMFIELD BOARD OF ASSESSMENT REVIEW**

**WHEREAS**, the term for Board of Assessment Review member John Wadsworth expired on September 30, 2015; and

**WHEREAS**, John Wadsworth has expressed his desire to serve another five year term; and

**WHEREAS**, the Town of East Bloomfield Board of Assessment Review Chair has recommended the reappointment; now, therefore, be it

**RESOLVED**, that this Town Board hereby reappoints John Wadsworth of East Bloomfield, New York to the Board of Assessment Review for the five year term ending September 30, 2019; and be it also

**RESOLVED**, that the reappointment be made effective with the expiration date of his existing term; and be it also

**RESOLVED**, that a certified copy of this resolution be forwarded to John Wadsworth.

Motion was made by Fessner, seconded by Conklin, to approve the Supervisor's Monthly Financial Report for November as submitted. Discussion was held. Motion Approved: Ayes 4 (Conklin, Fessner, Hawkins, and MacMillan) Nays 0

**COMMITTEE REPORTS:**

**Audit:** MacMillan presented the Board Members with draft copies of the completed audits. MacMillan noted that once Mitchell has had time to review them she will prepare a final copy. Discussion was held.

**Buildings and Grounds:** Hall reported that the sidewalk in front of the Town Hall is cracked and shifted. Hall is concerned that someone will trip and fall on it. Discussion was held. Bernard reported that he will send two of the guys down from the Highway Department to take a look at it tomorrow. Bernard reported they will make a temporary repair of the sidewalk to make it safe for residents. Hall reported that he was unable to reach anyone from ViComp in regards to purchasing the Town's Artwork for \$150.00. Hall reported that he did contact Terry Baird who worked for ViComp and Terry reported that he believes that he has the original artwork for the Town. Hall reported that Baird will work with the Town if future artwork is needed. Discussion was held.

**HIGHWAY:** Nothing to report

**IT/COMPUTER:** Nothing to report.

**INSURANCE:** Nothing to report.

**PARKS and RECREATION:** Nothing to report.

**WATER/SEWER VILLAGE OF BLOOMFIELD:** MacMillan handed the floor over to Hawkins due to the fact that he attended the Committee Meeting last week. Hawkins reported that everyone involved in the Water Replacement Project attended the meeting except for the Contractor himself. Hawkins reported that everything appeared to be within the budget. Hawkins reported that the Whalen Road Project is still up in the air. MacMillan asked Hawkins if there was discussion regarding State Route 444? MacMillan reported that when she came into the Meeting Room that discussions by both himself and his son Todd were being held. Hawkins reported that yes, discussion was being held because Route 444 never got done even though there was a Resolution Passed to have the Water Installed. Hawkins reported that yes he brought it up to everyone at the meeting. Discussion was held. MacMillan reported that the Water District no longer exists due to the fact that the petition was never completely signed. Hawkins reported that the petition disappeared but one was filed for the whole distance. Hawkins reported that there was another petition for 3 people on the other end. Hawkins reported that when the second petition was done that "the original petition disappeared". Discussion was held. MacMillan told Hawkins that if he wanted to start another petition and get everyone to sign it to get water on Route 444 he could and the Town would start the project all over again. Hawkins replied "no", and that he started this process 40 years ago with Bill Teale and that's why he got into it to see how it worked. Hawkins reported that it was listed on a Resolution and that "District" was still listed on the Water Maps as of 2013. Discussion was held. Conklin reported that Dodie dissolved that Water District. Hawkins reported that Dodie never did that although she wanted to. Hawkins reported that they raised his taxes and that they paid for the Engineering Cost out of their taxes. Hawkins reported that everything was done. Discussion was held. Hawkins reported that they filed 2 petitions so that if one didn't work the other one would. Hawkins reported that one of them got "tossed out" or "set aside" when Dodie was here. Discussion was held. MacMillan reported that when Dianne Crowley was here that they got a proposed cost of the project and that everyone had to re-sign a new petition acknowledging the cost to them and that not everyone would sign it resulting in the Water District being abolished. Hawkins reported that was for the whole thing. Hawkins reported that Glenn Thornton did engineering resulting in the fact that you couldn't go over the hill because of the hydraulics of the water. Hawkins reported that you would have to put a pumping station on there and "that drove the price right out of sight", and that's why they couldn't do it. Discussion was held. Hawkins reported that basically the line runs right in front of his son's property and that they could run a service there under the road/ditch and hook him up. Hawkins reported then he himself is just another couple of hundred feet up the road. Hawkins claims that he has been in a Water District since 2000. Discussion was held. Conklin

asked if you could add people to a Water District? Hall reported that we do not have "A Town Wide Water District". MacMillan reported that they would have to be within the "Water District Boundaries". Discussion was held. Hall reported that if somebody outside the Water District wants to add on to the water they can't because the Town doesn't have a Town Wide Water District and it's considered an Out of District User and by law it has to go thru the whole process of Bonding and such to extend the Water District. Conklin said "so in other words it has to become a "New District then". Hall replied "yes, that's right". Discussion was held. Hawkins reported that if a "New Water District" was created it would only include himself, his son and a rental property (in which Hawkins owns). Discussion was held. Hall pointed out that proposed extension #7 was "shot down meaning that it's done". Hawkins argued that he has been in Water District 2 extension #4 since 2000. Extensive Discussion Ensued. MacMillan reported that someone will go through all the Resolutions that pertain to Water District 2 Extensions #4 and #7 for the history and to see if it was rescinded.

**COMMUNICATIONS:** Gochenaur reported that she has received acknowledgement of receipt of Resolution 2015-039 which is calling upon the Governor of New York and the New York State Legislature to allow additional state funding and resources for local transportation from Brian M. Kolb, State Assembly Minority Leader. Gochenaur reported that she has received a request from Linda Morotini requesting the use of Elton Park for St. Peter's Church Antique Show to be held on July 9, 2016. The Board agreed to the request. MacMillan reported that she received an e-mail from Dr. Patrick J. Keen, the Orchard Park Town Supervisor, in regards to a grass-roots initiative throughout New York State involving Town and Village Board Members relating to the current Tax Cap. MacMillan provided the Board with the letter that they are asking to be signed. Discussion was held. Conklin, Fessner, and MacMillan agreed the letter should be signed, while Hawkins disagreed. MacMillan will sign the letter provided in the e-mail and return it back to the Orchard Park Town Supervisor. MacMillan reported that the AWA has expressed interest in buying a piece of Veterans Park. MacMillan reported that after speaking to Dan Bryson about the sale of "Parkland" that it can only be accomplished with Legislative Approval. Discussion was held. MacMillan reported that she attended a meeting in regards to the Shared Court Facility and that they are also looking at Veterans Park as a possible location. Discussion was held.

**ROUND TABLE- OTHER BUSINESS:** Nothing.

**BUDGET TRANSFERS/AMENDMENTS:** Motion was made by Fessner, seconded by Conklin, to approve the Budget Transfers and Amendments as submitted. Discussion was held. Motion Approved: Ayes 4 (Conklin, Hawkins, Fessner, and MacMillan) Nays 0

**PAYMENT OF BILLS:** Motion was made by Fessner, seconded by Hawkins, to approve paying of the Bills. Discussion was held. Motion Approved: Ayes 4 (Conklin, Hawkins, Fessner, and MacMillan) Nays 0

General Fund A	- Abs. #523- Vouchers -	431,432,434,436-439,441-449, 452,454,456,7289,7302,7303	\$	14,702.17
General Fund B	- Abs. #523 - Vouchers -	439,443,447,449,450,452,455	\$	1,567.21
Highway DA	- Abs. #523 - Vouchers -	7292, 7302	\$	210.00
Highway DB	- Abs. #523 - Vouchers -	7286-7291,7293-7301,7304-7308	\$	19,399.02
Water Infracr Improv.	- Abs. #523 - Vouchers -	430, 433, 451	\$	102,399.95
Sewer Dist. #1	- Abs. #523 - Vouchers -	453	\$	6,861.08
Water Dist. #1	- Abs. #523 - Vouchers -	440, 453	\$	13,728.98
Water Dist. #2	- Abs. #523 - Vouchers -	435, 453	\$	8,547.71
Water Dist. #2 Ext #2	- Abs. #523 - Vouchers -	453	\$	1,595.60

**ADJOURNMENT:** Motion was made by Fessner, seconded by Hawkins, to adjourn the meeting at 8:28 PM. Motion Approved: Ayes 4 (Conklin, Hawkins, Fessner, and MacMillan) Nays 0

Respectfully Submitted,

Margaret M. Gochenaur  
Town Clerk