



9097 Daylight Drive - West Bloomfield, NY 14585

MINUTES

Town of West Bloomfield – Board Meeting

November 9, 2022 | 7:00pm

Present – Supervisor Todd Campbell, Council-members- Bill Travis, Bob DeSanctis, Kevin Carey, Scott Harman. Also Present – Town Clerk Brenda Giglia, Ruth Smtih, Nichole Outhouse

Supervisor Todd Campbell called meeting to order at 7:00pm

Public Hearing - ADOPT LOCAL LAW NO. 1 -2022 AMENDING TOWN CODE CHAPTER 56, "BUILDING CODE ADMINISTRATION"

PLEASE TAKE NOTICE that a Local Law has been introduced to the Town Board of the Town of West Bloomfield, New York, on October 12, 2022, designated as Local Law No. 1- 2022 to amend Town Code Chapter 56, "Building Code Administration".

Supervisor Campbell opened the Public Hearing at 7:02 pm and asked the Clerk to read the notice. He asked three times if there were any questions or comments. Hearing none, the Public Hearing was closed at 7:04 pm.

Resolution #107- Local Law 1-2022

ADOPT LOCAL LAW NO. 1 -2022 AMENDING TOWN CODE CHAPTER 56, "BUILDING CODE ADMINISTRATION".

WHEREAS, a resolution was duly adopted by the Town Board of the Town of West Bloomfield on the 9th day of November, 2022, calling for a Public Hearing to be held by the West Bloomfield Town Board on the 9th day of November, 2022, at the West Bloomfield Town Hall, 9097 Daylight Drive, West Bloomfield, New York, at 7:00PM, to hear all interested parties on a proposed local law to amend Town Code Chapter 56, "Building Code Administration"; and

WHEREAS, notice of said Public Hearing was duly advertised in accordance with law; and

WHEREAS, said Public Hearing was duly held at the West Bloomfield Town Hall on the 9th day of November 2022, at 7:00 PM, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any parts thereof; and

WHEREAS, pursuant to New York Executive Law § 381(1) and Energy Law § 11-107, the Department of State is authorized to promulgate regulations establishing minimum standards for administration and enforcement of the Uniform Code and Energy Code; and

WHEREAS, the Department of State has announced that new minimum standards for administration and enforcement of the Uniform Code and the Energy Code have been adopted with an effective date of December 30, 2022; and

WHEREAS Executive Law § 381(2) requires local governments to administer and enforce the Uniform Code and Energy Code and the Town is required to adopt the aforementioned new minimum standards prior to December 30, 2022; and

WHEREAS, the Town Code Enforcement Officer and the Attorney for the Town have reviewed the aforementioned minimum standards and have recommended that the Town adopt the proposed revisions herewith to Chapter 56 "Building Code Administration" in order to be consistent with the new minimum standards for administration and enforcement issued by the Department of State; and

WHEREAS the proposed local law constitutes an Unlisted Action under the New York State Environmental Quality Review Act ("SEQRA") and the Town Board as the only involved agency is the lead agency

NOW, THEREFORE, BE IT RESOLVED, that the Town Board has reviewed Parts 1, 2, and 3 of the Short Environmental Assessment Form ("EAF") and has determined that the adoption of this local law will not result in any significant adverse environmental impacts; and be it further

RESOLVED, that the Town Board hereby adopts said Local Law No. 1-2022, to Amend Town Code Chapter 56, "Building Code Administration", as set forth in the attached Local Law, which is incorporated herein and made a part hereof; and be it further

RESOLVED, that the Town Clerk of the Town of West Bloomfield be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York; and be it further

RESOLVED, that this local law shall take immediately upon filing with the Secretary of State. Councilman Travis made the resolution to approve seconded by Councilman Harman. Adopted: Ayes – Campbell, DeSanctis, Travis, Harman, Carey– Nays, None Resolves that Local Law 1-2022 is accepted as presented.

Public Hearing- 2023 Preliminary Budget

NOTICE is hereby given that the preliminary budget for the Town of West Bloomfield for fiscal year 2023 has been completed and filed in the office of the Town Clerk at 9097 Daylight Drive, West Bloomfield, where it is available for inspection by any person during regular office hours.

FURTHER notice is hereby given that the Town Board of the Town of West Bloomfield will hold a Public Hearing on November 9, 2022, at 7:00 pm at the West Bloomfield Town Hall, 9097 Daylight Drive, West Bloomfield, NY. All interested parties will be heard at that time.

Supervisor Campbell opened the Public Hearing at 7:06 pm and asked the Clerk to read the notice. He advised one email was received and will be entered into the Public record, Board Members received a copy. He asked three times if there were any additional questions or comments, Councilman Travis reserved the right, the Public Hearing was closed at 7:09 pm.

Resolution # 109 - Budget 2023

Supervisor Campbell provided updates on the latest version of the Budget that was distributed to the Board Members. Councilman Travis initiated a discussion regarding the Deputy Supervisor salary, Supervisor made updates based on the feedback from the Board. Board Members asked for clarification on Deputy Supervisors duties and responsibilities. Supervisor Campbell advised Deputy Harman has taken on duties with regards to the Boughton Park Dam Project. Councilman Harman & Supervisor Campbell provided updates on the assistance he provides to the Highway Superintendent with projects and budget preparation, as well as duties in support of Supervisor. Board Members requested reports and updates be provided regarding the tasks and duties that the Deputy Supervisor is providing.

Supervisor Campbell asked for a resolution to approve the Preliminary 2023 Town Budget. Councilman Travis made the resolution to approve seconded by Councilman Harman.

Adopted: Ayes – Campbell, DeSanctis, Travis, Harman, Carey– Nays, None Resolves that the Preliminary 2023 Town Budget is accepted as presented.

Resolution # 108- Minutes- Boughton Park Commission Representative

Nichole Outhouse appointed as the representative for the Town of West Bloomfield on the Boughton Park Commission. Supervisor Campbell asked for a resolution to approve the appointment of Nichole Outhouse to

the Boughton Park Commission through 2024. Councilman Travis made the resolution to approve seconded by Councilman Carey.

Adopted: Ayes – Campbell, DeSanctis, Travis, Harman, Carey– Nays, None

Resolves that Nichole Outhouse is appointed to the Boughton Park Commission.

Resolution # 110- Minutes

Supervisor Campbell asked for a resolution to approve the October 12, 2022, minutes. Councilman Travis made the resolution to approve minutes seconded by Councilman DeSanctis.

Adopted: Ayes – Campbell, DeSanctis, Travis, Harman, Carey– Nays, None

Resolves that the October 12, 2022, minutes are accepted as presented.

Resolution #111 - Supervisor Report

The Supervisor's Report for October 2022 was distributed and discussed. Supervisor Campbell asked for a resolution to approve the October 2022 Supervisor report. Councilman Harman made the resolution to approve the Supervisor's report, seconded by Councilman Carey.

Adopted: Ayes – Campbell, DeSanctis, Travis, Harman, Carey. Nays – None

Resolves that the Supervisor's October 2022 report is accepted as presented.

Resolution #112 – Justice Report

Supervisor Campbell asked for a resolution to approve the October 2022 Justice report. Councilman Harman made the resolution to approve, seconded by Councilman DeSanctis.

Adopted: Ayes – Campbell, DeSanctis, Travis, Harman, Carey. Nays – None

Resolves that the October 2022 Justice report is accepted as presented

Resolution # 113 Vouchers – Payment of Bills

Supervisor Campbell asked for a resolution to approve the payment of bills on Abstract 11 for General and Highway for October 2022.

Councilman Harman made the resolution to approve the bills/vouchers as presented, seconded by Councilman DeSanctis.

Adopted: Ayes – Campbell, Travis, Carey, Harman, DeSanctis - Nays, None

Resolves that the payment of bills on Abstract 11 is approved.

Resolution #114 – Highway Report

Highway Superintendent Ball submitted the October 2022 Highway report.

Councilman DeSanctis made the resolution to approve the October 2022 Highway report, seconded by Councilman Harman.

Adopted: Ayes – Campbell, DeSanctis, Travis, Harman, Carey. Nays – None

Resolves that the October 2022 Highway report is accepted as presented.

Councilman Travis asked about the status on the assessment on the salt barn.

Plowing of the West Bloomfield Fire Department by the West Bloomfield Highway Department

Information from the Office of the New York State Comptroller provided to the Board. Opinion 92-42. Partial statement of opinion: State Comptroller It is not an improper use of town equipment and personnel, however, to perform work on private property if the work primarily furthers a proper town purpose and is undertaken pursuant to a statutory or contractual obligation, although the work may also provide an incidental private benefit (see, e.g., Schulz v Warren County Board of Supervisors, 179 AD2d 118, 581 NYS2d 885; Murphy v Erie County, 28 NY2d 80, 320 NYS2d 29; 1990 Opns St Comp No. 90-59, p 136; 1982 Opns St Comp No. 82-123, p 153; see also 1989 Opns St Comp No. 89-30, p 71). Thus, town equipment and personnel may be used to perform work on private property as consideration under a lawful town contract if the work performed is primarily in furtherance of a town purpose and the value of the work to the private party, plus other consideration provided by the town, is commensurate with the value of the benefits received by the town under the contract. For example, we have concluded that a municipality may agree to routinely plow snow from the private property of a volunteer ambulance corps as consideration for services provided by the corps under a contract with the municipality in order to facilitate the efficient provision of ambulance service to the municipality (Opn No. 82-123, supra).

Resolution #115 - Code Enforcement Report

Supervisor Campbell asked for a resolution to approve the October 2022 Code Enforcement Officer's report. Councilman Harman made the resolution to approve the Code Enforcement Officer's Report, seconded by Councilman Carey.

Adopted: Ayes – Campbell, Travis, DeSanctis, Harman Carey– Nays, None

Resolves that the October 2022 Code Enforcement Officer's report is accepted as presented.

Supervisor Campbell advised the Board that Melissa Luft submitted her resignation for the position of Code Enforcement Office/Building Inspector effective December 31, 2022.

Resolution #116 – Blodgett Bro. Farm Inc. Property Lease

Blodgett Brother's Farm inc. has permission to cash rent from the Town of West Bloomfield, approximately 16 acres located in the following Farm Service Agency tract number 3456 for the crop years 2023 to 2025. The agreed amount of rent is \$1,000.00 due November 1st of that crop year.

Supervisor Campbell asked for a resolution to approve the Property Lease Agreement. Councilman Travis made the resolution to approve the Lease Agreement seconded by Councilman Carey.

Adopted: Ayes – Campbell, Travis, DeSanctis, Harman Carey– Nays, None

Resolves that the Lease Agreement is accepted as presented.

Resolution #117 – APPROVAL OF ACQUISITION OF AN EASEMENT BY THE MONROE COUNTY WATER AUTHORITY PURSUANT TO §1096(6-a) OF NEW YORK'S PUBLIC AUTHORITIES LAW

WHEREAS, The Monroe County Water Authority ("Authority") intends to provide public water service to 2404 Olmstead Road located in the Town of West Bloomfield; and

WHEREAS, the acquisition of the easement is necessary for operation, maintenance and the future replacement of the water main which will allow the Authority to continue to reliably provide potable water supply to the area; and

WHEREAS, the easement is located along the frontage of 2404 Olmstead Road (Tax Acct. No. 65.0-1-8.121), which is owned by John Anderson Construction Commercial Holdings LLC; and

WHEREAS, § 1096(6-a) of New York's Public Authorities Law requires the Authority to obtain the prior approval of the Town Board for the above-referenced acquisition; now therefore be it

RESOLVED, that the Town hereby approves of the Authority's acquisition of the frontage easement located at 2404 Olmstead Road in accordance with §1096(6-a) of the New York Public Authorities Law and be it further

RESOLVED that a copy of this resolution be provided to the Authority.

Supervisor Campbell asked for a resolution to approve the Acquisition of an Easement by the Monroe County Water Authority

Councilman Harman made the resolution to approve the contract as presented, seconded by Councilman Travis.

Adopted: Ayes – Campbell, Travis, Carey, Harman, DeSanctis - Nays, None

RESOLVED, that the Town hereby approves of the Authority's acquisition of the frontage easement located at 2404 Olmstead Road in accordance with § 1096(6-a) of the New York Public Authorities Law and be it further

RESOLVED that a copy of this resolution be provided to the Authority.

Resolution #118 - Close Meeting

At 7:58 pm, Councilman Travis made the resolution to adjourn the meeting, seconded by Councilman Harman.

Adopted: Ayes – Campbell, DeSanctis, Travis, Harman, Carey - Nays, None

Resolves that the meeting is closed.

Respectfully Submitted,
Brenda Giglia – Town Clerk