

WEST BLOOMFIELD TOWN BOARD

Regular Meeting

February 11, 2009

Present: Supervisor Champlin, Councilmen Hagen, Rehberg, Miller, Ferguson
Also Present: Town Clerk Mary Grundman, Highway Superintendent Jim Powers, Code Enforcement Officer Scott Storke, Laurel Wemett, Carl Prouty, Steve Degraw, Karl Hritz, Justice Whitesell

Supervisor Champlin opened the meeting at 7:00 and asked everyone to stand for the Pledge of Allegiance. He then expressed the Board's thanks to Superintendent Powers and the Highway Crew for the excellent job they did moving the offices from the Town Hall to the annex, and to Superintendent Powers for coordinating the move and the service companies quickly and efficiently.

RESOLUTION #21

Minutes

Supervisor Champlin asked for the approval of the January minutes. Councilman Hagen made the motion to approve the minutes, seconded by Councilman Rehberg.

Adopted: Ayes – Champlin, Ferguson, Rehberg, Hagen, Miller Nays - None

Resolves that the January minutes are accepted as presented.

RESOLUTION #22

Justice Reports

The Justice reports were read and discussed. Councilman Rehberg made the motion to approve the reports, seconded by Councilman Miller.

Adopted: Ayes – Champlin, Ferguson, Rehberg, Hagen, Miller Nays - None

Resolves that Justice reports are accepted as presented.

RESOLUTION #23

Highway & Water Reports

Highway Superintendent Powers gave the Highway and Water reports for January and advised the Board that the engineering cost for painting the water tower may be \$17,000.00 in addition to the \$90,000.00 to \$100,000.00 for the painting. Councilman Ferguson made the motion to accept the highway and water reports, seconded by Councilman Miller.

Adopted: Ayes – Champlin, Rehberg, Ferguson, Hagen, Miller Nays - None

Resolves that the Highway and Water Reports are accepted as presented.

RESOLUTION #24

Loader Purchase

Highway Superintendent Powers advised the Board that only one bid was received and opened February 2. He asked the Board for a resolution to accept the bid from Milton Cat in the amount of \$109,981.00. Councilman Rehberg made the motion to accept the Milton Cat Bid and authorize the Highway Superintendent to proceed, seconded by Councilman Miller.

Adopted: Ayes – Champlin, Rehberg, Ferguson, Hagen, Miller Nays - None

Resolves that the Highway Superintendent is authorized to accept the bid from Milton Cat and proceed with the purchase.

RESOLUTION #25

Pickup Purchase

Superintendent Powers advised the Board that he is working with Hoselton to purchase the pickup truck and is pricing ½ ton trucks instead of ¾ tons, so the ¾ ton could be kept for a few

years and traded for a one ton that would be more useful in the future. Councilman Rehberg made the motion to approve the pickup truck purchase, seconded by Councilman Ferguson. Adopted: Ayes – Champlin, Rehberg, Ferguson, Hagen, Miller Nays - None
Resolves that the Highway Superintendent is authorized to proceed with the purchase of the pickup truck.

RESOLUTION #26

Approval of Bills

Abstracts in the amounts of:	General	Vouchers	29-62	\$17992.30
	Highway	Vouchers	15-26	\$29115.64
	Water	Vouchers	8-16	\$16416.15

Were audited. Councilman Hagen made the motion to approve payment, seconded by Councilman Rehberg.

Adopted: Ayes – Champlin, Rehberg, Hagen, Ferguson, Miller Nays - None

Resolves that the payment of bills is approved.

RESOLUTION #27

Supervisor's Report

The Supervisor's report for January was read and discussed. Supervisor Champlin advised the Board that the costs incurred for moving the Town offices will be at least \$8000.00 and that since the money for the roof won't be used, it can be taken from there. Councilman Rehberg made the motion to approve, seconded by Councilman Hagen.

Adopted: Ayes – Champlin, Rehberg, Hagen, Ferguson, Miller Nays - None

Resolves that the Supervisor's Report is accepted as presented.

RESOLUTION #28

Zoning Report

The Code Enforcement Officer thanked the Highway Superintendent and crew for the excellent job they did moving the Code Enforcement and Planning Offices from the Town Hall, and gave his January reports. Councilman Hagen made the motion to accept the report, seconded by Councilman Ferguson.

Adopted: Ayes – Champlin, Rehberg, Ferguson, Hagen Nays - None

Resolves that the Zoning Report is accepted as presented.

RESOLUTION #29

Acceptance of Letter of Credit for Phase II-A Factor's Walk

Supervisor Champlin asked for a motion to accept the letter of credit for Phase II-A of Factor's Walk based on the following information from Larsen Engineers and stated that Attorney Anderson has approved it as well. In a letter date February 11, 2009, Tim Rock of Larsen Engineers, "recommends the Town accept \$244,062.00 as the value of the letter of credit for Phase II-A. Further, the \$29,800.00 for Phase II-A and \$30,000.00 for Phase I cul-de-sacs should be held until all homes in their respective Phases, have certificates of occupancy." Councilman Rehberg made the motion to accept the letter of credit for Phase II-A of Factor's Walk as recommended by Larsen Engineers and approved by Attorney Anderson, as described in Larsen Engineers letter of February 11, 2009, seconded by Councilman Miller.

Adopted: Ayes – Champlin, Rehberg, Ferguson, Hagen, Miller Nays - None

Resolves that the letter of credit for Phase II-A of Factor's Walk as recommended by Larsen Engineers and approved by Attorney Anderson, as described in Larsen Engineers letter of February 11, 2009 is accepted.

RESOLUTION #30

Phase I Road Dedication Factor's Walk

The following resolution was presented to the Board by Kruk & Campbell, P.C.:

On November 19, 2008, by Resolution #116, the Town of West Bloomfield conditionally accepted the Phase I portion of the private roadway at Factors Walk subdivision, conditional upon the following:

1. The provision of an abstract of title and such other title documents sufficient to prove that a good and marketable title to the Phase I portion of the roadway is being conveyed, free and clear of all encumbrances.
2. The owner was to provide a letter of credit in the amount of at least \$30,000.00, or an amount deemed sufficient to complete the cul-de-sac anticipated at Factors Walk.
3. The owner was to agree to repair any future damage to the Phase I road area that is done by the owner's construction vehicles.

As of this date, the owner has satisfied condition #1. Kruk & Campbell, P.C. has examined title to the premises. Based on the understanding that the owner will be providing a fee policy of title insurance in favor of the Town of West Bloomfield, it appears that the title is both marketable and insurable.

The owner has not yet posted a letter of credit in satisfaction of condition #2. The reason the letter of credit has not been posted is due to the owners desire to satisfy both condition #2 and condition #3 by way of the letter of credit. It has been proposed that instead of posting a letter of credit for \$30,000.00, that a letter of credit for Phase II would be posted at this time including the \$30,000.00 and an additional \$7,500.00 for potential damage anticipated in condition #3 above. The additional \$7500.00 would be held until all five additional Phase I homes are constructed.

The dedication of the Phase I roadway is hereby accepted, and the deed of dedication will be recorded in the Office of the Ontario County Clerk immediately upon the owner's provision to the Town of West Bloomfield of the proof that a letter of credit in the amount of \$244,062.00 has been posted, including the sum of \$30,000.00 and an additional \$7,500.00 as proposed. (See letter of February 11, 2009 from Timothy Rock, P. E., and attached engineers estimate for complete requirements of the letter of credit to be posted)

Councilman Hagen made the motion to accept the agreement above and accept dedication of the Phase I portion of the Factor's Walk roadway, seconded by Councilman Rehberg.

Adopted: Ayes – Champlin, Rehberg, Ferguson, Hagen, Miller Nays - None

Resolves that dedication of the Phase I portion of the Factor's Walk roadway is accepted.

New Business

Justice Whitesell expressed his thanks to the Supervisor, Highway Superintendent and his personnel for getting everything moved.

RESOLUTION #31

Court Clerk

Justice Whitesell asked the Board for permission to hire a new Court Clerk to replace Debbie Holdsworth, who has a new full time job and isn't able to work the hours required. He explained to the Board that he needs a clerk that can work more hours and has found one, but doesn't live in West Bloomfield. He explained to the Board that changing the requirement would require a

local law. The Board discussed advertising to fill the position, Supervisor Champlin a town resident should be considered. Councilman Miller asked if the position was advertised in the past, and Councilman Rehberg said the local law could be done in case no one is found to fill the position. Councilman Hagen asked if the person found was suitable to Judge Whitesell. Judge Whitesell said yes. Councilman Hagen made the motion to create a Local Law to allow the hiring of Court Clerks that do not live in the Town of West Bloomfield, seconded by Councilman Rehberg.

Adopted: Ayes – Champlin, Rehberg, Ferguson, Hagen, Miller Nays - None

Resolves that a Local Law will be created to allow the hiring of court clerks that do not live in West Bloomfield.

RESOLUTION #32

Use of the Church for Court Purposes

Justice Whitesell advised the Board the he made arraignments with Corey Keyes to use the Community room at the church for a jury trial on March 27th, and that Attorney Anderson suggested a lease agreement be made with the church for use of the building. Councilman Hagen made the motion to approve the lease agreement when it's complete, seconded by Councilman Rehberg.

Adopted: Ayes – Champlin, Rehberg, Ferguson, Hagen, Miller Nays - None

Resolves that the lease agreement between the Town and the West Bloomfield Congregational Church for use by the court is approved.

Old Business:

Informational Meetings

Supervisor Champlin advised the Board that the post cards to residents regarding the informational meetings on the Town Hall were mailed Tuesday. The Board discussed the format for the meetings and documentation that will be available for the public. Councilman Rehberg gave the Board copies of a chart showing possible actions the Board could take.

Supervisor Champlin asked if anyone else wanted to speak to the Board.

Steve Degraw asked if the Town was still trying to buy land by the park. Supervisor Champlin explained that the land purchase was voted down by the residents, but the land near the park may be enough to put a town hall on.

At 8:30 Councilman Hagen made the motion to return to the regular meeting and adjourn, seconded by Councilman Ferguson.

Respectfully submitted,

Mary Grundman
Town Clerk

