

June 13, 2011

**Alexander Town Board Regular Meeting
Alexander Town Hall 7:00 p.m.**

Present: Supervisor Ruth Hulshoff
Town Board: Emma Jean Grant, Joseph Higley, William Hirsch
H'way. Supt. Tom Lowe
Town Clerk: Laura Schmieder
Absent: William Schmieder
Guests: Lisa Lyons-Tri Town Youth Athletics; Steve Bachan-resident; Esther Leadley-County Legislator for Alexander; Carol Wolfley-resident

The meeting was called to order at 7:00 p.m. by Supervisor Hulshoff. The Pledge of Allegiance was recited and a moment of silence for our servicemen and women serving around the world.

On motion by Councilperson Higley, seconded by Councilperson Grant and carried, to approve the minutes from the May 9, 2011 regular meeting and the May 23, 2011 special meeting as presented. 4 – Yes
Hulshoff, Grant, Higley, Hirsch 0 – No Motion carried

Steve Bachan who own property at 4095 Broadway was present to discuss a situation with the Board. He would like to build an extension on his existing building. He claims he was denied this request. The Board will look into this with the Code Enforcement Officer. The Clerk gave Mr. Bachan a blank building permit form and asked him to proceed.

Lisa Lyons, Vice-President of the Tri Town Youth Athletic Association came before the Board to give an update on the program for this year. They have very good participation-186 individuals signed up for softball ages 4 – 12, and 210 for soccer. Expenses continue to rise and they are doing their best to keep costs down for the participants' families. They appreciate very much the support the Board has given them in the past and would like to see it continue. This request will be reviewed when preparing the budget for next year.

Esther Leadley, County Legislator representing Alexander, was present to give us an update on what is happening at the County level. The Legislature sent the Governor a letter regarding the 2% tax cap that has been proposed. They also presented the Governor with a proposal for the State to take over the cost of Medicaid-slowly until the year 2014. There are too many mandates being put on the shoulders of County residents and therefore passed down to the Town's residents. County Legislators are just as frustrated as the elected officials from the Towns.

COMMUNICATIONS: Thank you from the family of Adam Franz; assessment notification on salt barn; Genesee County Legislature letter to State Officials regarding Tax Cap proposal; County Legislature agenda; Office for the Aging newsletter and questionnaire; County Sheriff's Annual Report for 2010; Crossroads newsletter and schedule of events (posted); Batavia Muckdogs Pep Rally notice-6/15/11; Mercy EMS report for April

REPORTS:

CEO/ZEO: Written report was distributed

Insurance: the adjustments were made to our policy-invoice in tonight's bills

Town Clerk: final information sent to Bill Reemtsen on May 25th for CDBG application; door into Courtroom not shutting properly;

Supervisor Financial: monthly report given and filed in Town Clerk office; BAN interest payment was made; Tentative Assessment Roll notice from ORPS-we are at 100%

H'way. Supt: a) working on shoulders on Maplewood Road; b) 1st round of mowing completed in ½ the Town; c) received concrete blocks to help stabilize Peaviner Road; d) the striping of roads is done in the Fall; e) driveway work at the salt barn was completed last week-need DOT approval to cancel surety bond;

Youth: The program will get started on 6/24 with registration at the Town Hall. Andy Buckenmeyer submitted his recommendations for workers for the summer program.

Senior Citizens: Mystery trip is scheduled for 6/21.

GAM: agenda was distributed for June meeting

OLD BUSINESS:

Water District #3: The Town of Batavia sent us their rules and regulations for water districts. Our residents on Pike/Wortendyke Road who are in Water District #3 will be governed by these rules. We have them on file in the Town Clerk's Office.

Highway Damage Claim: additional discussion on the damage claim made by a resident to his vehicle. Some work was done at Upstate, other work done in Buffalo. The insurance committee will meet to make a decision/work on policy.

Workplace Violence and Safety Program: A committee will be formed to meet with the various Town departments to discuss a needs assessment.

NEW BUSINESS:

RES. NO. 30: APPROVE SUMMER RECREATION WORKERS

On motion by Councilperson Higley, seconded by Councilperson Hirsch, and carried, to approve the list of summer recreation workers submitted by Andy Buckenmeyer. 4 – Yes Hulshoff, Grant, Higley, Hirsch
0 – No Motion carried

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RES. NO. 31: AMENDMENT B TO STATE SNOW & ICE AGREEMENT 2009/10

On motion by Councilperson Hirsch, seconded by Councilperson Higley, and carried, the following:

WHEREAS, the Town of Alexander is under contract with the New York State Department of Transportation to provide snow & ice control on specified State roads within the Town, and
WHEREAS, the base agreement was extended for the 2011/12 season by Resolution #30 dated May 10, 2010 setting an estimated total cost for the season at \$83,741.67, and
WHEREAS, due to the severity of the winter during 2009/10, the total cost to perform this service is estimated at \$107,021.85.

NOW, THEREFORE, BE IT RESOLVED, to authorize the Town Supervisor to execute an Amendment to the present Agreement. Said Amendment would increase the estimated cost to perform snow and ice control for the 2009/10 season by \$23,280.18. 4 – Yes Hulshoff, Grant, Higley, Hirsch 0 – No
Motion carried

RES. NO. 32: ORDER FOR A PUBLIC HEARING ON THE PETITION FOR ESTABLISHMENT OF THE TOWN OF ALEXANDER ROUTE 98 WATER DISTRICT NO. 2

WHEREAS, the Town Board of the Town of Alexander, New York, has duly adopted a resolution directing the Supervisor of the Town of Alexander to file a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Alexander, where a Water District is proposed to be established; and said map, plan and report dated May 19, 2011 has been filed in the office of the Town Clerk of the Town of Alexander on May 27, 2011, and

WHEREAS, a “Petition to Request Water District” was filed in the Alexander Town Clerk’s Office on May 24, 2011, signed by the required number of property owners within the proposed district, namely, pursuant to the latest completed assessment roll of the Town of Alexander, the owners of taxable real property located in the proposed Town of Alexander Route 98 Water District No. 2 (also referred to herein as “Water District”) owning in the aggregate at least one-half (½) of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half (½) of the assessed valuation of all of the taxable real property of the proposed Water District owned by residents, and

WHEREAS, the boundary of the proposed Town of Alexander Route 98 Water District No. 2 shall have an exterior boundary described as follows:

Beginning at a point, said point being the centerline intersection of Alexander Road (New York State Route 98) and a reputed northerly boundary line of the Town of Alexander; thence

1. Easterly, 612 feet more or less, along a reputed northerly boundary line of the Town of Alexander to a point, said point being an extension of a line parallel to and 500 feet easterly of the centerline of NYS Route 98 and the northerly boundary line of the Town of Alexander; thence
2. Southerly, 20,945 feet more or less, along a line parallel to and 500 feet easterly of the centerline of NYS Route 98 to a point, said point being the centerline of Broadway Road (New York State Route 20); thence
3. Westerly, 1,154 feet more or less, along the centerline of New York State Route 20 to a point, said point being a reputed westerly boundary line of the Town of Alexander and southerly extension of a westerly property line of Tax Account No. 8.-1-5.2; thence
4. Northerly, 244 feet more or less, along a southerly extension of the westerly property line of Tax Account No. 8.-1-5.2 to a point, said point being an interior property corner of Tax Account No. 8.-1-5.2; thence
5. Westerly, 450 feet more or less, along the southerly property line of Tax Account No. 8.-1-5.2 to a point, said point being the westerly property line of Tax Account No. 8.-1-5.2; thence
6. Northerly, 740 feet more or less, along the westerly property line of Tax Account No. 8.-1-5.2 to a point, said point being the northerly property line of Tax Account No. 8.-1-5.2; thence
7. Easterly, 940 feet more or less, along the northerly property line of Tax Account No. 8.-1-5.2 to a point, said point being the intersection of a line parallel to and 500 feet westerly of the centerline of NYS Route 98 and the southerly property line of Tax Account No. 8.-1-5.122; thence
8. Northerly, 1,471 feet more or less, along a line parallel to and 500 feet westerly of the centerline of NYS Route 98 to a point, said point being the northerly property line of Tax Account No. 8.-1-5.112; thence
9. Easterly, 134 feet more or less, along the northerly property line of Tax Account No. 8.-1-5.112 to a point, said point being the intersection of the southerly right of way line of Goodman Road and the northerly property line of Tax Account No. 8.-1-5.112; thence
10. Northerly, 46 feet more or less, along a line perpendicular to the right of way line of Goodman Road to a point, said point being the northerly right of way line of Goodman Road; thence
11. Westerly, 136 feet more or less, along the northerly right of way line of Goodman Road to a point, said point being a line parallel to and 500 feet westerly of the centerline of NYS Route 98; thence
12. Northerly, 18,145 feet more or less, along a line parallel to and 500 feet westerly of the centerline of NYS Route 98 to a point, said point being an extension of a line parallel to and 500 feet westerly of the centerline of NYS Route 98 and the northerly boundary line of the Town of Alexander; thence
13. Easterly, 612 feet more or less, along a reputed northerly boundary line of the Town of Alexander to a point, said point being the Point of Beginning.

WHEREAS, the project area has been identified through public interest and the proposed Water District will obtain its water supply from the Village of Alexander. The Village of Alexander receives its water from the Village of Attica; and

WHEREAS, the Village of Alexander is in the process of constructing a new water storage tank and it has been sized to accommodate the Town of Alexander’s need for water storage associated with the proposed Water District; and

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WHEREAS, the water system will be designed to provide 75 gallons of water per person per day for domestic and commercial use and to provide fire protection meeting Insurance Services Office (ISO) Standards and will serve approximately 165 individuals plus a few farm/business operations; and

WHEREAS, the debt service for the initial project costs are based on equivalent dwelling units and the Town of Alexander anticipates securing grants from the Community Development Block Grant (CDBG) Program and the USDA Rural Development to partially fund the project, while the remaining share will be paid for by a USDA Rural Development Loan; and

WHEREAS, the project will generally consist of installing approximately 21,500 linear feet of 12” diameter PVC water main, valves, fire hydrants, water services and appurtenances along New York State Route 98 between the Town of Batavia Town Line and the Village of Alexander at New York State Route 20 (Broadway Road); and

WHEREAS, a typical average household uses 60,000 gallons of water per year and water rates from the Village of Alexander are currently \$32.00 for the first 6,000 gallons per quarter, plus \$3.85/1,000 gallons for the next 9,000 gallons so the Water District User can expect to additionally pay \$266.60 per year for water purchase, plus a \$100.00 per year per household charge to cover the cost associated with the water storage tank to be constructed, plus short lived assets between \$17.69 - \$17.78; and

WHEREAS, based upon the foregoing estimates, the total annual cost of the typical property in the proposed district will be between \$384.29 to \$384.38 per year above and beyond the debt service for the typical Water District User; and

WHEREAS, the capital project construction costs for the Route 98 Water District No. 2 is \$1,042,050.00 which will be reduced by one of the following two funding scenarios and assuming this annual debt is shared by 70 units in the proposed Water District, the annual cost of debt service will be either \$739.94 or \$799.51 per year, per Water District User, in the proposed district depending upon the funding secured:

SCENARIO 1. CDBG Grant and USDA Rural Development Grant with USDA Rural Development Loan creates a total capital cost of \$1,266,000 less the CDBG grant of \$600,000 and USDA Rural Development grant of \$95,000 thereby creating a net local share of \$571,000. The yearly debt service with grant is \$24,895.17 (2.875% for 38-years) and assuming this annual debt is shared by 70 units in the proposed Water District, the annual cost of debt service will be \$355.65 plus the average water usage per household cost (60,000 gallons per year) of \$266.60 plus the cost sharing of the New Village of Alexander Water Storage Tank of \$100.00 plus short lived assets of \$17.69 totaling \$739.94 for the average residential user for the second year and beyond to the 38th year.

SCENARIO 2. CDGB Grant Only with USDA Rural Development Loan creates a total capital cost of \$1,266,000 less the CDBG grant of \$600,000 thereby creating a net local share of \$666,500. The yearly debt service with grant is \$29,058.90 (2.875% for 38-years) and assuming this annual debt is shared by 70 units in the proposed Water District, the annual cost of debt service will be \$415.13 plus the average water usage per household cost (60,000 gallons per year) of \$266.60 plus the cost sharing of the New Village of Alexander Water Storage Tank of \$100.00 plus short lived assets of \$17.78 totaling \$799.51 for the average residential user for the second year and beyond to the 38th year.

WHEREAS, each property owner is also responsible for paying the fee associated with the purchase of the water meter estimated at \$260.00 and the installation of their own individual water service and connection to the new water service which is estimated at approximately 75 linear feet at \$10.00 per linear feet of pipe which totals \$750.00, as well as, any internal plumbing charges calculated at approximately \$200.00, and

WHEREAS, payment of the debt service will be made by levy and collection of special assessments from the several lots and parcels of lands within the Water District, which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as such shall be in just proportion of the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds, as the same shall become due and payable, and

WHEREAS, the map, plan and report describing such improvements is on file in the office of the Town Clerk of the Town of Alexander and available for public inspection.

NOW ON MOTION OF Councilperson Grant, which has been duly seconded by Councilperson Hirsch, therefore, it is

ORDERED, that the Town Board of the Town of Alexander, New York, shall meet at the Alexander Town Office, located at 3350 Church Street, Alexander, New York on the 11th day of July 2011, at 7:00 p.m. for the purpose of conducting a public hearing on the proposal to establish said Water District with the improvements specified herein, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk of the Town of Alexander is hereby authorized and directed to publish a copy of this Order in The Daily News, to post a copy of the same on the signboard of the Town of Alexander and to mail a copy to all owners of property located within the proposed Water District, in the time and manner required by law.

DATED: June 13, 2011

Laura Schmieder, Clerk, Town of Alexander

Approved on Roll Call as follows:

Supervisor Ruth Hulshoff	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember William Schmieder	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input checked="" type="checkbox"/> Absent
Councilmember Emma Jean Grant	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember Joseph Higley	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Councilmember William Hirsch	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent

Other Discussion: status of a log jam in the Tonawanda Creek just north of the Route 20 bridge over the creek

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On motion by Councilperson Higley, seconded by Councilperson Grant, and carried, to pay the bills on Abstract #6 as follows:

General Fund A	Vouchers 109 – 138	\$ 10,377.88
General Fund B	Vouchers 33 - 39	4,079.95
Highway Fund A	Voucher 7	2,881.62
Highway Fund B	Vouchers 86 - 103	40,250.50

On motion by Supervisor Hulshoff, seconded by Councilperson Grant, and carried, the meeting adjourned at 10:40 p.m.

Respectfully submitted,

Laura Schmieder
Town Clerk