

May 14, 2007

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

Present: Deputy Supervisor Joseph Higley
Town Board: William Franz, Emma Jean Grant, William Hirsch
H'way Supt: Tom Lowe
Town Clerk: Laura Schmieder
Absent: Supervisor Ruth Hulshoff
Guests: Linda Higley, Planning Board; Andrew Buckenmeyer, Summer Recreation Program;
Betty Buck, resident; David DiMatteo, Town Attorney (7:30 p.m.)

The meeting was called to order at 7:00 pm by Deputy Supervisor Higley. The Pledge of Allegiance was recited and a moment of silence for our servicemen and women.

On motion by Councilman Hirsch, seconded by Councilwoman Grant, and carried, to approve the minutes of the regular meeting on April 9, 2007 and special meeting on April 25, 2007 as presented. 4 – Yes
0 – No Motion carried

**PUBLIC HEARING OPENED – 7:00 pm- “Local Law #1-2007-Extension of Wind Energy
Moratorium”**

Comments from Councilman Franz: we need to add wording for the testing of water wells near the wind towers for any changes in quality, flow, etc; like to increase setback distances; if not operational, reduce time to disassemble unit. Attorney DiMatteo will send us some wording for these issues.

COMMUNICATIONS: GAM minutes-April; GAM agenda-May; Thank you from Councilman Franz; Benefit for the Kevin Homer family announced-July 7, 2007; Notice of drilling from US Gypsum; GIS/Pictometry training dates set; letter from DOT regarding projects in the Town during 2007; Notice of Public Statement Hearing from National Fuel Gas; participation form from the National Flood Insurance Program (NFIP); Gov. Spitzer’s announcement of creating a Commission on Local Government Efficiency and Competitiveness

REPORTS

Insurance: A meeting will be set up with the insurance committee before the end of the month.

Building: pest problem in Town Clerk’s office

RES. NO. 24: PEST CONTROL

On motion by Councilman Franz, seconded by Councilman Hirsch, and carried, to authorize the Town Clerk to contact a pest control service, if needed, to address the problem. 4 – Yes 0 – No Motion carried

Highway Supt:

- a) Pick up truck-discussed differences between XL and XLT models, decide next month
- b) Quotes in for sandblasting and painting the 2002 International: \$6031 – DeCarolis; \$4330 – Caledonia Diesel; \$4300 – Hillcrest Automotive

RES. NO. 25: WORK ON 2002 INTERNATIONAL TRUCK

On motion by Councilman Hirsch, seconded by Councilman Franz, and carried, to accept the quote from Hillcrest Auto for \$4,300. to sandblast and paint the truck box and frame. 4 – Yes 0 – No Motion carried

- c) It was noticed that snow removal funds in line items DA & DB 5142.1 and DA & DB 5148.1 were \$7,000 less than last year. We will need to do a budget transfer in the fall.
- d) The loader is still leaking oil.

RES. NO. 26: LOADER REPAIR

On motion by Councilman Franz, seconded by Councilwoman Grant, and carried, to have the loader repaired by Caledonia Diesel for \$1,800, with transportation possibly supplied by the County. 4 – Yes
0 – No Motion carried

Andy Buckenmeyer was present to talk to the Board about the Carol M White PEP Grant awarded to the Alexander Central School in the amount of \$253,416. This will allow the school to expand and improve the physical education program. Proposals include creating a fitness center and providing training for the staff, which will include the Summer Rec staff. Andy will evaluate the program each year.

Union Update: A meeting will be set up this week with a representative from AFLAC

RES. NO. 27: 125 CAFETERIA PLAN

On motion by Councilman Hirsch, seconded by Councilman Franz, and carried, to hire an accounting firm to set up the 125 Cafeteria Plan with the Highway workers and to do this ASAP. 4 – Yes 0 – No
Motion carried

Salt Barn Update: A meeting will be set up with the Town Engineer, Town Attorney and Stu Brown’s office to talk with the Town Board at the end of the month.

David DiMatteo, the Town Attorney, was present to discuss with the Town Board the Buck property and the situation with the property deed. After this discussion, the following resolution was offered:

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RES. NO. 28: WALTER AND BETTY BUCK DEED

WHEREAS, all Town Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town of Alexander has been contacted by Attorney Thomas D. Williams who represents Walter and Betty Buck of 3415 Telephone Road, Alexander, NY, SBL #2-3-4; and

WHEREAS, Mr. Williams indicated there was an issue with regard to a Deed from the Town of Alexander to the Bucks done in March of 1999 which Deed was recorded in the Genesee County Clerk's Office in Liber 734 of Deeds at page 42, a copy of said Deed is attached hereto and made a part hereof as **Exhibit A**; and

WHEREAS, upon information, belief and review of the records, it appears there was a transfer from the Bucks to the Town which Deed was recorded in the Genesee County Clerk's Office in Liber 734 of Deeds at page 38, a copy of said Deed is attached hereto and made a part hereof as **Exhibit B**, and in turn, the Town was to convey two (2) pie-shaped parcels to Buck; and

WHEREAS, after analysis, it has been determined that the Town failed to comply with Town Law §64 (2) with regard to the conveyance having been subject to permissive referendum as well as the fact that the second parcel on said Deed recorded in Liber 734 at page 42 wrongly strikes out the conveyance of the second parcel reflected thereon, a copy of said description being attached hereto and made a part hereof as **Exhibit C**;

WHEREAS, it was the intent of the Town, as well as the Bucks, that said second parcel was to be included; and

WHEREAS, the following resolution is being done so that the Supervisor can execute a Deed, after the applicable time has expired in accordance with New York State Town Law, Article 7, §91, a copy of said Deed is attached hereto and made a part hereof as **Exhibit D**; and

WHEREAS, the Town has received consideration for these parcels, now the Town needs to provide good and marketable title to the Bucks.

NOW ON MOTION OF Councilman Franz which has been duly seconded by Councilwoman Grant, be it

RESOLVED, by the Town Board of the Town of Alexander that this resolution shall not take effect until thirty (30) days after its adoption or until approved by the affirmative vote of a majority of the qualified electors of the Town of Alexander.

Yes – 4 (Higley, Franz, Grant, Hirsch)

No - 0 Motion carried

The Tax Collector gave the Annual Report for 2007. It will be filed.

Monthly reports from the Town Justices, Town Clerk, Supervisor Financial, ZEO/CEO, Senior Citizen, and Youth were read and filed.

RES. NO. 29: RE-APPOINT WILLIAM SIVECZ

On motion by Councilman Franz, seconded by Councilman Hirsch, and carried, the Town Board re-appoints William Sivecz to the office of Town Assessor for the term October 1, 2007 – September 30, 2013. 4 – Yes 0 – No Motion carried

RES. NO. 30: RE-APPOINT DOG ENUMERATOR

On motion by Councilwoman Grant, seconded by Councilman Franz, and carried, the Town Board re-appoints Carolyn Mruczek as Dog Enumerator for 2007, at the same rates as 2006. 4 – Yes 0 – No Motion carried

RES. NO. 31: YOUTH RECREATION PROGRAM

On motion by Councilman Franz, seconded by Councilwoman Grant, and carried, the following was adopted:

RESOLVED, the Alexander Town Board hereby supports the 2008 Youth Recreation Program and proposed budget. 4 – Yes 0 – No Motion carried

RES. NO. 32: CHAMBER OF COMMERCE TRAVEL GUIDE

On motion by Councilman Hirsch, seconded by Councilman Franz, and carried, to table the participation request in the Genesee County Chamber of Commerce Travel Guide for 2008. 4 – Yes 0 – No Motion carried

RES. NO. 33: SURPLUS EQUIPMENT

On motion by Councilman Franz, seconded by Councilwoman Grant, and carried, to authorize the Highway Superintendent to sell surplus equipment for salvage. 4 – Yes 0 – No Motion carried

RES. NO. 34: SPEED LIMIT REDUCTION

On motion by Councilman Hirsch, seconded by Councilman Franz, and carried, to support the Village of Alexander's request for a reduction of the speed limit on Route 20 (Broadway Road), from the crest of the hill west of Gillate Road to the bridge over the Tonawanda Creek to the east. 4 – Yes 0 – No Motion carried

A letter will be sent to David Lange, Resident Engineer of the NYS Department of Transportation.

PUBLIC HEARING CLOSED – 9:45 P.M.

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RES. NO. 35: EXTENSION OF MORATORIUM ON WIND ENERGY SYSTEMS

On resolution by Councilwoman Grant, seconded by Councilman Franz, and carried, the following was adopted:

WHEREAS, all Town Board members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town of Alexander Zoning Law regulations presently fail to adequately regulate wind energy conversion devices/farms and in the face of present and anticipated applications, this represents a clear and obvious deficiency in the Zoning Law; and

WHEREAS, the Town previously had a nine-month moratorium in place and the Wind Energy Committee has been meeting and diligently working towards the development of regulations that will address, in a careful manner, the establishment, placement, construction, enlargement and erection of wind energy conversion devices/farms on a comprehensive Town-wide basis and to adopt zoning regulations for provisions to specifically regulate the same and is in need of additional time to complete this work; and

WHEREAS, it is anticipated that these regulations should be in place by the first of the year; and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Alexander on March 12, 2007 authorizing a public hearing to be held by the Town Board May 14, 2007 at 7:00 p.m. at the Alexander Town Offices to hear all interested parties on a proposed local law entitled, “Imposing a Six-Month Moratorium on the Placement of Wind Energy Conversion Systems/Windmills in the Town of Alexander;” and

WHEREAS, notice of said public hearing was duly advertised in the Batavia Daily, the official newspaper of said Town; and

WHEREAS, said public hearing was held on May 14, 2007 at the Alexander Town Offices in the Town of Alexander and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act (SEQRA), it was determined by the Town Board, after review of the criteria set forth in 6 NYCRR, specifically Section 617.5(30) which lists “*adoption of a moratorium land development or construction*,” as a Type II Action, that the Town has no further responsibilities or obligations under the State Environmental Quality Review Act, also known as SEQRA; and

WHEREAS, pursuant to Section 239 l and m of the General Municipal Law, said local law and amendments were referred to the Genesee County Planning Board and comments from said Planning Board determined that the addition of six months is necessary to allow the Town sufficient time in which to develop appropriate policies to deal with this important land use issue; and

WHEREAS, the Town Board of the Town of Alexander, after due deliberation, finds it in the best interest of said Town to adopt said local law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Alexander hereby adopts said Local Law No. 1 of 2007, entitled, “Imposing a Six-Month Moratorium on the Placement of Wind Energy Conversion Devices/Farms in the Town of Alexander;” a copy of which is attached hereto and made a part of this resolution; and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York. 4 – Yes 0 – No Motion carried

Clerk Monthly Review was done by Councilwoman Grant and shared with the Board. The month of May will be done by Councilman Franz.

On motion by Councilman Hirsch, seconded by Councilman Franz, and carried, to pay the bills on Abstract #5 as follows:

General Fund A	Vouchers 79 – 108	\$10,275.07
General Fund B	Vouchers 23 - 27	3,349.89
Highway Fund H	Voucher 1	326.25
Highway B Fund	Vouchers 80 – 104	10,243.25

On motion by Councilman Franz, seconded by Councilwoman Grant, and carried, the meeting adjourned at 10:00 p.m.

Respectfully submitted,

Laura Schmieder
Town Clerk

Next Town Board meeting: June 11, 2007