

June 11, 2007
Alexander Town Board Regular Meeting
Alexander Town Hall 6:00 p.m.

Present: Supervisor Ruth Hulshoff
Town Board: Joseph Higley (6:20), William Franz, Emma Jean Grant, William Hirsch (6:35)
H'way Supt: Tom Lowe
Town Clerk: Laura Schmieder
Guests: Paul Chatfield, Town Engineer; David DiMatteo, Town Attorney

The meeting was called to order at 6:05 p.m. by Supervisor Hulshoff. Town Engineer Paul Chatfield was present to discuss issues with salt barn:

- A different parcel of land could be available-we could form a committee to talk to owner
- Possibilities of using the present Town Highway site and the drawbacks
- Letter from Stu Brown Associates advising against terminating the grant from NYSDEC
- Contacting Stu Brown's office to write to legislators to find additional grant monies
- Could do with less acreage initially, with possibility of purchasing more for future needs
- Re-evaluate previously identified site

Town Attorney David DiMatteo was present to discuss several ongoing issues:

- He will be sending a letter to PERB regarding Union contract
- He will be contacting Deputy Supervisor Higley on June 18, 2007 to sign the papers to convey .069 acres over to Walter and Betty Buck, to provide them with a clear title to the land
- Discussed areas of the local law dealing with wind energy that he was asked to look into
- Brought information for amendments to the zoning law and map

On motion by Councilman Franz, seconded by Councilman Hirsch, and carried, to approve the minutes of the special meeting on May 9, 2007 and the regular meeting on May 14, 2007, as presented. 5 – Yes
0 – No Motion carried

COMMUNICATIONS: GAM-May minutes, June agenda; Genesee County notices including Downtown Batavia Public Market; Change to US Gas & Electric as provider; Sno-Packers newsletter; Time Warner golf tournament announced; letter from Alden asking for support for a new store;

REPORTS

Insurance: Councilpersons Grant and Hirsch had met with our Insurance Agent and provided information to the Board.

RES. NO. 36: TOWN INSURANCE PACKAGE

On motion by Councilwoman Grant, seconded by Councilman Hirsch, and carried, to authorize changing Insurance carriers from Trident, Argonaut Group, to PRIME, through our Insurance Agent Shepard, Maxwell & Hale for the period 6/01/07 – 6/01/08. 5 - Yes 0 – No Motion carried

Highway Supt:

- a) Continuing work on Seward Road
- b) Finishing first round of mowing road sides
- c) Loader being repaired
- d) '02 International truck is at Hillcrest, will be done shortly
- e) Equipment breakdowns are hurting us badly within budget lines

Youth:

Youth Recreation Director Andy Buckenmeyer was present to give his recommendations to the Board for staffing the Summer Recreation program and to present his summer schedule of activities.

RES. NO. 37: SUMMER RECREATION

On motion by Councilwoman Grant, seconded by Councilman Franz, and carried, to approve the staff recommendations made by Andy Buckenmeyer for the 2007 Summer Recreation Program and to accept the schedule of activities. 5 – Yes 0 – No Motion carried

Building Committee: The Clerk reported that the air conditioning has been turned on for the summer.

Monthly reports from the Town Justices, Town Clerk, Supervisor Financial, Senior Citizen and Games of Chance were read and filed.

OLD BUSINESS

Union Update: Attorney DiMatteo will send letter to PERB regarding union contract. Notice was received of a new union steward. It was agreed that any incidents need to be documented and any letters of discipline will be placed in personnel folders.

Salt Barn Update: Councilman Hirsch will be working with Attorney DiMatteo to re-evaluate the corner of Gillate Road and Route 20. They will talk to landowner.

NEW BUSINESS:

RES. NO. 38: PURCHASE OF PICK-UP TRUCK

On motion by Councilman Franz, seconded by Councilman Higley and carried, to authorize the Highway Superintendent to purchase a Ford XL regular cab truck with upgrades, for a price of \$26,070. 5 – Yes
0 – No Motion carried

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RES. NO. 39: LOCAL LAW TO AMEND ZONING LAW AND AMEND ZONING MAP

The following resolution was made by Councilman Higley, seconded by Councilwoman Grant, and carried:

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 Board of the Town of Alexander has determined that a comprehensive local law regulating the development of self service storage facilities is necessary; and

WHEREAS, said local law is entitled “Amending the Town of Alexander Zoning Law and Official Zoning Map to Address Self Service Storage Facilities”; and

WHEREAS, pursuant to, and in accordance with, the provision of Section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations (6NYCRR Part 617) the Town Board of the Town of Alexander declares its intention to seek lead agency status for purposes of SEQRA review; and the Town Board will review the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part I and Part II of a Full EAF, along with Part III, if required and shall advise all other involved and/or interested agencies as follows:

1. Mary Pat Hancock, Genesee County Legislature
2. A.D Berwanger, Wyoming County Board of Supervisors
3. James Duval, Director, Genesee County Planning Department
4. Donn Branton, Genesee County Agricultural & Farmland Protection Board
5. Patrick Hooker, Commissioner, NYS Department of Agriculture & Markets
6. Michael Saviola, NYS Department of Agriculture & Markets
7. Commissioner, Department of Environmental Conservation, Albany
8. Commissioner, Department of Environmental Conservation, Buffalo
9. Ruth Hulshoff, Supervisor, Town of Alexander
10. David Kelsey, Chairman, Town of Alexander Planning Board
11. Richard Scharlau, Mayor, Village of Alexander
12. Jerome, Scharlau, Chairman, Village of Alexander Planning Board

WHEREAS, pursuant to Sections 239-l and 239-m of the General Municipal Law, said law is required to be submitted to the County Planning Agency for their review and recommendations; and

WHEREAS, in accordance with Town Law, Section 264, written notice will be provided to the following:

1. Debbie Douglas, Clerk, Town of Bethany
2. Teresa Morasco, Clerk, Town of Batavia
3. Andrea Davis, Clerk, Town of Pembroke
4. Teresa Burkhardt, Clerk, Town of Darien
5. Kathleen Koch, Clerk, Town of Attica
6. Cheryl Strathearn, Clerk, Town of Middlebury
7. Korrinna Taylor, Clerk, Town of Covington
8. Vera Antonucci, Clerk, Village of Alexander
9. Carolyn Pratt, Clerk, Genesee County Legislature
10. Cheryl Ketchum, Clerk, Wyoming County Board of Supervisors

WHEREAS, the Town Board of the Town of Alexander finds it in the best interest of the Town of Alexander to hold a public hearing to consider said proposed amendments to the Zoning Law and official Zoning Map of the Town of Alexander, at which time and place the environmental significance of said law will be determined and all interested parties and citizens for or against the proposed law will be heard.

NOW ON MOTION OF Councilperson Higley which has been duly seconded by Councilperson Grant, be it

RESOLVED, by the Town Board of the Town of Alexander that the Town Board will seek lead agency in said action under the State Environmental Quality Review Act, also known as SEQRA, and shall advise all other involved and/or interested agencies as follows:

1. Mary Pat Hancock, Genesee County Legislature
2. A.D Berwanger, Wyoming County Board of Supervisors
3. James Duval, Director, Genesee County Planning Department
4. Donn Branton, Genesee County Agricultural & Farmland Protection Board
5. Patrick Hooker, Commissioner, NYS Department of Agriculture & Markets
6. Michael Saviola, NYS Department of Agriculture & Markets
7. Commissioner, Department of Environmental Conservation, Albany
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9. Ruth Hulshoff, Supervisor, Town of Alexander
10. David Kelsey, Chairman, Town of Alexander Planning Board
11. Richard Scharlau, Mayor, Village of Alexander
12. Jerome, Scharlau, Chairman, Village of Alexander Planning Board

RESOLVED, the Town Board of the Town of Alexander will refer said matter, in accordance with 239(l) of the General Municipal Law, to the County Planning Board; and be it further

RESOLVED, in accordance with Town Law, section 264, written notice will be provided to the following:

1. Debbie Douglas, Clerk, Town of Bethany
2. Teresa Morasco, Clerk, Town of Batavia
3. Andrea Davis, Clerk, Town of Pembroke
4. Teresa Burkhardt, Clerk, Town of Darien
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9. Carolyn Pratt, Clerk, Genesee County Legislature
10. Cheryl Ketchum, Clerk, Wyoming County Board of Supervisors

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RESOLVED, the Town Board of the Town of Alexander will hold a public hearing on the proposed adoption of said local law on the 18th day of July 2007 at 7:00 p.m., at which time and place the environmental significance of said law will be determined and all interested parties and citizens for or against the proposed law will be heard.

5 – Yes 0 – No Resolution passed

RES. NO. 40: OLD FAX MACHINE

On motion by Councilman Higley, seconded by Councilman Franz, and carried, to declare the 1997 Panasonic KX-F1050 plain paper fax machine as surplus. 5 – Yes 0 – No Motion carried

RES. NO. 41: SUPPORT OF NON-LAWYER JUSTICES

On motion by Councilman Hirsch, seconded by Councilman Higley, and carried, the following resolution was passed unanimously:

WHEREAS, there has recently been negative press coverage by the New York Times and some local papers within Genesee County suggesting that the Town Court system is flawed and more specifically, alleging that the three hundred (300) year tradition of non-lawyer judges presiding over and within the local municipalities should be eliminated; and

WHEREAS, there has always been a Town Court within the Town of Alexander, conveniently located and accessible to our citizens; and

WHEREAS, there are two (2) Town Judgeships established within the Town of Alexander, and

WHEREAS, there are presently two (2) non-attorney Town Justices and zero (0) attorney Town Justices within the Town of Alexander; and

WHEREAS, with their civil and criminal jurisdiction, the Town Justices in the Town of Alexander handled many hundreds of cases in the past year; and

WHEREAS, the Town Court of Alexander in the past year collected statutory fines, fees and surcharges on behalf of the State of New York, the County of Genesee and the Town of Alexander, to help fund essential public services; and

WHEREAS, the Town Board of Alexander recognizes and appreciates the professionalism, diligence, intelligence and integrity of the non-attorney or lay justices within our town who bring a specialized experience to the bench particularly with issues unique to our community who elected them; and

NOW, THEREFORE, BE IT:

RESOLVED, that the members of the Town Board of Alexander hereby oppose any requirement that Town Justices be attorneys; and it is further;

RESOLVED, that the members of the Town Board of Alexander oppose any efforts to eliminate local and convenient access to justice by our citizens; and find that the local presence of the Town Court of Alexander provides a meaningful and necessary presence within our community for judicial resolution of conflicts, continued public safety of our citizens and the protection of constitutional guarantees for all of our citizens. 5 – Yes 0 – No Motion carried

RES. NO. 42: CHAMBER OF COMMERCE ADVERTISEMENT

On motion by Councilman Higley, seconded by Councilman Franz, and carried, the Town Board voted not to participate in the 2008 Chamber of Commerce Travel Guide. 5 – Yes 0 – No Motion carried

RES. NO. 43: CARPET CLEANING AT TOWN HALL

On motion by Councilman Hirsch, seconded by Councilman Higley, and carried, to hire Clean Sweep Janitorial Services again this year to clean the carpets at the Town Hall at the same rate as last year, and will be scheduled for June of 2007. 5 – Yes 0 – No Motion carried

This service will be put out for quotes in the spring of 2008.

Councilman Franz did the Clerk Monthly review for May. Councilman Hirsch will do this for June.

On motion by Councilman Higley, seconded by Councilwoman Grant, and carried, to pay the bill on Abstract #6 as follows:

General Fund A	Vouchers 109 – 131	\$ 5,753.32
General Fund B	Vouchers 28 - 33	32,536.57
Highway Fund B	Vouchers 105 – 128	52,514.18

RES. NO. 44: EXECUTIVE SESSION

On motion by Councilman Franz, seconded by Councilman Higley, and carried, to enter into executive session to discuss a particular person. 5 – Yes 0 – No Motion carried The executive session began at 9:45 and ended at 10:00 p.m.

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

Respectfully submitted:

Laura Schmieder, Town Clerk

Next Planning Board meeting: June 25, 2007

Next Town Board meeting: July 9, 2007

Special Town Board meeting: July 18, 2007