

April 13, 2009

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

Present: Supervisor Ruth Hulshoff
Town Board: Emma Jean Grant, William Schmieder, William Hirsch
H'way Supt: Thomas Lowe
Town Clerk: Laura Schmieder
Absent: William Franz
Guests: Marcia Hirsch and several of the 2009 Girls' BB team-Anni Lehtola, Katie Kochmanski, Kathy Schmieder, Anna Dominick, Rachel Pettys; Steve Ferry-Darien Town Councilman; Brenda Post-resident; David DiMatteo, David Roach-Town Attorney

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.

Girls' Basketball Coach Marcia Hirsch was asked to attend tonight's meeting with her 2009 Lady Trojans basketball team members. The Board wanted to recognize them for their Sectional title and Coach of the Year award. A Certificate of Congratulations was presented to Coach Hirsch and the team members. Congratulations to all.

Steve Ferry, Darien Town Councilman, and Brenda Post were in attendance in regard to the question of a water project in the Town. Mrs. Post completed her canvass of the Broadway Road residents and presented her petition to the Board. Mr. Ferry will be in contact with the other residents and present their petitions at the next Board meeting.

On motion by Councilperson Hirsch, seconded by Councilperson Grant, and carried, the minutes of the March 9, 2009 Regular Meeting were accepted as presented. 4 – Yes Hulshoff, Grant, Schmieder, Hirsch
0 – No Motion carried

COMMUNICATIONS: Thank you from AFD-memorial for David Kelsey; monthly franchise letter from Time Warner; newsletters from Letchworth State Park, Alexander Central; Genesee County Legislature agendas; 2008/09 Community Service Directory available through RAP

REPORTS:

Insurance: The Supervisor has been in touch with our insurance agent-he will be on the May Board Meeting agenda. He will discuss with the Board what normal municipal policy is when it comes to pot holes. We should look at Alexander's policy and have it in writing. Any incidents involving vehicle damage due to pot holes will be reported to the insurance company by the Supervisor. We also need to clean out the basement/crawl space at the Town Hall.

H'way Supt: a) The cab and chassis for truck has arrived in Watertown, the body and plow will be in next week for assembly in early June. b) Old truck body switch-both are operational. c) update on comp case-surgery is scheduled for 4/27-employee to be off for 6 to 8 weeks. d) Notice that CHIPS funding has been restored to budgeted amount. e) Have begun the cleanup from the winter season, getting the equipment ready to go. f) Letter from NYS DEC with questions regarding driveway permit application-incomplete. Our town engineer will address these issues. g) In late March, a trip to the Tonawanda Creek near Wolfley land took place and 3 large log jams were noted. Residents are asking what the Town can do to help. We need to ask our State and County legislators for any assistance they can provide as this flooding problem continues year after year. Valuable cropland is being lost, and roads are in need of constant repair.

Town Clerk: a) The office has been informed that Census workers will be canvassing this area starting in April and going until mid-June, there are posters at the Town Hall. b) I will be attending the Southern Tier West Local Gov't conference that takes place @ Houghton on 5/06. c) I have asked the Board for their support in opposing Senate Bill 56-A and Assembly Bill A.156, part of the State Budget Bill.

RES. NO. 15: RESOLUTION IN OPPOSITION TO CHANGING THE TOWN CLERK, RECEIVER OF TAXES, AND SUPERINTENDENT OF HIGHWAYS POSITIONS FROM ELECTED TO APPOINTED BY PERMISSIVE REFERENDUM

Resolution offered by Councilperson Hirsch, seconded by Councilperson Grant, and adopted as follows:
WHEREAS, the Offices of Town Clerk, Receiver of Taxes, and Superintendent of Highways in New York State are elective offices pursuant to Section 20 of Town Law of the State of New York, and
WHEREAS, legislation has been introduced in the New York State Legislature, Senate Bill 56-A and Assembly Bill A.156, which has been included in the Budget Bill under Part NN, Sections 26-28, amending Town Law to permit Towns to make the offices of Town Clerk, Receiver of Taxes, and Highway Superintendent appointive positions subject only to a permissive referendum rather than a mandatory referendum, and
WHEREAS, Municipal Home Rule Law §23(2)(e) already provides that a Town may adopt a local law changing the offices of Town Clerk, Receiver of Taxes, and Superintendent of Highways from elected to appointed positions, with said law requiring a mandatory referendum, thereby allowing all of the voting residents of the Town of Alexander their very important right to vote for or against such a proposal before any change could occur, and
WHEREAS, there would be no financial benefit or savings to the Town in making these changes from elective to appointive offices, and
WHEREAS, the election process helps to maintain the independent nature of the Town Clerk, Receiver of Taxes, and Highway Superintendent's offices and creates additional checks and balances in local government.

Alexander Town Board meeting – April 13, 2009

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Alexander, Genesee County, New York does hereby go on record as *opposing* any change in the existing New York State Statutes, specifically Senate Bill 56-A and Assembly Bill A.156, which have been included in the Budget Bill under Part NN, Sections 26-28, providing for a change in the positions of Town Clerk, Receiver of Taxes, and Highway Superintendent in the Towns of New York State from an elected to an appointed position through the process of a permissive referendum thereby avoiding a mandatory referendum taking away the very important rights of the electorate in Alexander to vote on this matter before a change can occur, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Governor, the Attorney General, the Senate Majority Leader, the Speaker of the Assembly, the Majority Leader of the Assembly, the Minority Leader of the Senate, the Minority Leader of the Assembly, and the Chairpersons of the Senate and Assembly Local Government Committees, Senator Michael Ranzenhofner-61st Senatorial District, Assemblyman Daniel J. Burling-147th Assembly District, and Assemblyman Steve Hawley-139th Assembly District. 4 – Yes Hulshoff, Grant, Schmieder, Hirsch 0 – No 1 – Absent Carried

Town Attorney DiMatteo was in attendance to discuss financing for the salt shed. He will prepare a resolution for a statutory installment bond for \$225,000 for 15 years to be voted on at the May 11th Board meeting. He also discussed issues relating to the union contract with the Board.

Supervisor Financial: a) restitution has been completed. b) the bond borrowing for the new truck is seen in the financial report this month. c) CHIPS installment payment has been received

Tax Collector: The tax collector closed out the books for 2009 and returned the roll to the County on April 7th. Penalty monies were given to the Supervisor. The report was presented tonight.

Youth: Director Andy Buckenmeyer reported that the swimming pool is slated for work this coming summer, he is looking at alternatives for the Recreation swim program. He will report his findings to the Board soon.

Games of Chance: The Clerk has filed the annual report from 2008 with NYS.

GAM: Meeting on 4/16 in Oakfield. Materials are being sent directly to the Board members via email.

Monthly reports from the Town Justices, Town Clerk and Supervisor were read and filed.

OLD BUSINESS:

Truck Update: partially covered in H'way Supt. Report. \$150,000 was borrowed for 5 years. This years installment put into a CD until needed.

Salt Shed Update: covered with Attorney DiMatteo.

NEW BUSINESS:

RES. NO. 16: RE-APPOINT DOG ENUMERATOR

On motion by Councilperson Grant, seconded by Councilperson Hirsch, and carried, to re-appoint Carolyn Mruczek as the Dog Enumerator for 2009 at \$1.25 per dog and 48 cents per mile, same rates as last year. 4 – Yes Hulshoff, Grant, Schmieder, Hirsch 0 – No Motion carried

RES. NO. 17: AGREEMENT TO EXTEND INDEXED LUMP SUM MUNICIPAL SNOW AND ICE AGREEMENT

On motion by Councilperson Grant, seconded by Councilperson Hirsch, and carried, the following resolution was adopted:

WHEREAS, the Town Board of the Town of Alexander on April 13, 2009 makes a resolution to approve the Snow and Ice Contract No. D009589 between the State of New York and the Town of Alexander for snow and ice control which will expire on June 30, 2011 unless further extended. The contract will be for \$75,657.79. 4 – Yes Hulshoff, Grant, Schmieder, Hirsch 0 – No Resolution carried

RES. NO. 18: AGREEMENT WITH GENESEE COUNTY FOR DOG SHELTER SERVICES

WHEREAS, the Town of Alexander and the County desire to enter into an Agreement for providing dog control and shelter services pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York.

NOW, THEREFORE, the parties hereto mutually covenant and agree as follows:

1. The County, through its duly appointed agents and employees within the corporate limits of the Town and County, will carry out the duties and responsibilities of Dog Control Officer in the enforcement of the provisions of Article 7 of the Agriculture and Markets Law and any rules and regulations promulgated pursuant thereto.
2. The County will provide and maintain a shelter or pound for seized dogs, will properly care for all dogs in such shelter and will make available for adoption or humanely dispose of seized dogs not redeemed as provided in Article 7 of the Agriculture and Markets Law.
3. The County will follow the provisions of Article 7 of the Agriculture and Markets Law and any rules and regulations promulgated pursuant thereto in relation to the seizure, holding care redemption and disposition of seized dogs.
4. The County will file and maintain a complete record of any seizure and subsequent disposition of any dogs in the manner prescribed by the Commissioner of Agriculture and Markets as well as any other records required by Article 7.

Alexander Town Board meeting – April 13, 2009

5. The Town will retain all seizure fees collected in carrying out the provisions of this Agreement.
6. The County will retain all adoption fees collected in carrying out the provision of this Agreement.
7. The term of this Agreement shall be one (1) year beginning January 1, 2009, and ending December 31, 2009, and shall be automatically and continuously renewed for a succeeding year until either party provides written notice to the other, at least thirty (30) days prior to the commencement of the succeeding year, of its desire to terminate this Agreement. 4 – Yes Hulshoff, Grant, Schmieder, Hirsch
0 – No Motion carried

On motion by Councilperson Grant, seconded by Councilperson Hirsch, and carried, to pay the bills on Abstract #4 as follows:

General Fund A	Vouchers 63 – 86	\$7,111.76
General Fund B	Vouchers 17 – 22	3,052.72
Highway Fund A	Voucher 3	1,440.68
Highway Fund B	Vouchers 52 – 76	11,042.27
Highway Fund H	Voucher 4	376.20

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

Respectfully submitted,

Laura Schmieder, Town Clerk