

April 12, 2010
Alexander Town Board Regular Meeting
Alexander Town Hall 7:00 p.m.

Present: Supervisor Ruth Hulshoff
Town Board: Joseph Higley, Emma Jean Grant, William Schmieder, William Hirsch
H' way. Supt: Tom Lowe
Town Clerk: Laura Schmieder
Guests: Ed Hise and Merlin Kirch-Town Justices; Mayor Richard Scharlau and William Wagner-Village of Alexander officials; Karl Bender-Town and Village ZEO/CEO; Molly Kelsey and Rich Haungs-residents; Roy Haller, William Reiss, John Volpe-residents; Esther Leadley-Genesee County Legislator for Alexander; David DiMatteo-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.

On motion by Councilperson Higley, seconded by Councilperson Grant, and carried, to approve the March 8, 2010 regular meeting minutes as presented. 5 – Yes 0 – No Motion carried

COMMUNICATIONS: Time Warner notices; Chamber of Commerce membership packet; County Legislature agendas; Census 2010 information; 2010 GLOW Hazardous Waste Collection Day; Letchworth State Park programs; Office for the Aging, Alexander Central School and Sno-Packers newsletters; upcoming training for Local Officials;

Judge Edwyn Hise spoke for the Justice Court: a) He distributed a list of items that he had requested and will be ordering through a JCAP grant in the amount of \$2,449.43; b) He spoke about the County Magistrates Association and the County-wide Town Clerks Association working with Genesee County Sheriff's Dept. so that all municipalities are handling Dog Appearance tickets in a uniform way; c) He spoke of the changes to DWI and DWAI cases that take effect in August 2010.

Karl Bender presented his decision to the request by the Village of Alexander to place a water storage facility in the Town. A copy of that decision is attached to these minutes.

RES. NO. 22: VILLAGE OF ALEXANDER REQUEST FOR PLACEMENT OF WATER TANK

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 Village of Alexander is seeking immunity from the Town of Alexander Zoning Law for the placement of a water storage facility in the Town of Alexander; and

WHEREAS, in order for the Village's system to operate to the greatest extent, the Village must have a storage facility in close proximity to said water distribution area and has located property in the Town of Alexander owned by the Alexander Fire Department; and

WHEREAS, said parcel is approximately 200' x 200' square piece of property, or approximately 0.918 acres, and is a portion of property identified as parcel #7-1-20; and

WHEREAS, the district for the identified parcel, as deemed by the Town of Alexander Zoning Law, is Agricultural-Residential (A-R) and public utility facilities are allowed in this district, under Section 605 of the Town's Zoning Law, with the issuance of a special use permit; and

WHEREAS, the Zoning Enforcement Officer has determined that a water storage facility is necessary to the operation of the Village's water system and the Village's obligation of public safety and welfare to provide pure potable water to its inhabitants and the applicability of the Town's Zoning Law for the location of said facility should not impede the Village's performance of its governmental function.

NOW ON MOTION OF WILLIAM HIRSCH which has been duly seconded by **EMMA GRANT**, therefore be it

RESOLVED, that the Town Board of the Town of Alexander, based upon the determination of the Zoning Enforcement Officer and the obligation of the Village of Alexander to provide pure potable water to its inhabitants, feels it is in the best interest of the Town of Alexander to grant said immunity from its zoning regulations to the Village of Alexander.

5 – Yes Hulshoff, Grant, Schmieder, Higley, Hirsch 0 – No Motion carried

Discussion of Town of Batavia/Pike Road water project. If at some point a petition needs to be drawn up, our Attorney will be contacted. There will be contact with the Alexander residents in that area soon.

Molly Kelsey and Rich Haungs came to our meeting to ask the Town Board for permission to hold their wedding ceremony on the front lawn of the Town Hall on October 2, 2010.

RES. NO. 23: WEDDING CEREMONY AT TOWN HALL

On motion by Councilperson Hirsch, seconded by Councilperson Grant, and carried, to give permission to Molly Kelsey and Richard Haungs to hold their marriage ceremony on the front lawn of the Town Hall on October 2, 2010. 5 – Yes Hulshoff, Grant, Schmieder, Higley, Hirsch 0 – No Motion carried

County Legislator Esther Leadley was present at the Town Board meeting to give us updates on County items of interest: a) the Legislature is seeking options for the County Nursing Home; b) she explained how the Census 2010 is being handled by holders of Post Office Boxes.

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REPORTS

CEO/ZEO: building permits starting out slow; following up on a violation matter on Dodgeson Road

Insurance: Supervisor is working with insurance agent for renewal of policy

Tax Collector: Reported on the month of March collection, gave penalty monies to Supervisor

H'way Supt: a) need to send a letter of acknowledgement to Alexander Central School for generators recently received; b) Highway Work Permit issued to Town of Batavia for right-of-way work on Pike Road; c) we could issue a Shared Services Agreement with the County as we look at work starting on the driveway for salt shed-current one good for another year; d) Paper Retriever not yet set up at Transfer Station; e) Highway School being held in June in Ithaca

RES. NO. 24: SHARED SERVICES AGREEMENT WITH GENESEE COUNTY

On motion by Councilperson Hirsch, seconded by Councilperson Grant, and carried, to have the Highway Superintendent issue a new Shared Services Agreement with the Genesee County Highway Department.

5 – Yes Hulshoff, Grant, Schmieder, Higley, Hirsch 0 – No Motion carried

RES. NO. 25: ATTENDANCE AT HIGHWAY SCHOOL

On motion by Councilperson Grant, seconded by Councilperson Higley, and carried, to authorize the Highway Superintendent to attend the NYS Highway School held in Ithaca, NY on June 6 – 9, with expenses being paid by the Town. 5 – Yes 0 – No Motion carried

Building Committee: Need to contact the contractor to begin work on the upper roof. Funds were encumbered from 2009.

Town Clerk: a) wreaths taken down; b) Councilperson Grant covered the office so Clerk could attend a Genesee County Clerk's meeting; c) working with the Genesee County Health Dept. to set up a schedule for water sampling on Route 98; d) beginning June 1st, the Town Clerk's office will close at 7 pm on Wednesday evenings

Clerk Review: Councilperson Hirsch reviewed March 2010.

Supervisor Financial: a) Supervisor distributed the monthly financial report and the 2009 financial report; b) Reported that a CHIPS check has been received; c) the DEC Grant has been extended until 12/2010; d) the Annual Update Document has not been filed-the accountant failed to complete it by the deadline. The Board is united that an extension needs to be filed with Albany, and to look for solutions to this problem.

Senior Citizen: The group had a trip to the Short Tract Pancake House and they are going to a performance of the Amherst Glee Club in April.

Tonawanda Watershed Committee: Councilperson Hirsch attended the meeting and reported working on a mission statement for the group. Genesee County is also looking at the possibility of receiving a general permit from the DEC, similar to what Wyoming County has.

GAM: The agenda for the meeting on April 15 hosted by Town of Oakfield.

NEW BUSINESS:

RES. NO. 26: APPOINT DOG ENUMERATOR

On motion by Councilperson Hirsch, seconded by Councilperson Higley, and carried, to re-appoint Carolyn Mruczek to perform the dog enumeration in 2010 at the same rate as the previous year, \$1.25 per dog plus mileage. 5 – Yes Hulshoff, Grant, Schmieder, Higley, Hirsch 0 – No Motion carried

RES. NO. 27: AMENDMENT B TO STATE SNOW AND ICE AGREEMENT

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

WHEREAS, the Town of Alexander is under contract with the New York State Department of Transportation to provide snow and ice control on specified State roads within the Town, and

WHEREAS, the base agreement was extended for the 2006/2007 season by Resolution #24, dated May 8th, 2006, setting an estimated total cost for the season at \$59,934.60, and

WHEREAS, due to the severity of the winter and the high cost of fuel during 2006/2007, the total cost to perform this service is estimated at \$74,438.77.

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 2006/2007 season by \$14,504.17.

5 – Yes Hulshoff, Grant, Schmieder, Higley, Hirsch 0 - No Motion carried

RES. NO. 28: BUDGET AMENDMENT-JCAP GRANT

On motion by Councilperson Grant, seconded by Councilperson Higley, and carried, to amend the 2010 budget by increasing A3389 budget line by \$2,449.43 due to JCAP grant monies received by the Justice Court. 5 – Yes Hulshoff, Grant, Schmieder, Higley, Hirsch 0 – No Motion carried

OLD BUSINESS:

Route 98 and 20 Water district update: Stu Brown's office is working on the Pre-Eligibility Document. Genesee County is finalizing random water samples from the Route 98 area. Income surveys are still being collected from the Route 20 water district residents.

Salt Shed Update: Tom Lowe reported he has been in contact with Chatfield Engineers. They will have a pre-construction meeting with all involved agencies in the near future. The structural engineer from Chatfield's has approved the prints for the HS-20 rating on the box culvert that the State requires. Tom needs to look into sign boards for the project. He has also been in touch with National Grid.

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Union Update: no filing of impasse

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

General Fund A	Vouchers 66 – 85	\$ 9,076.10
General Fund B	Vouchers 15 – 20	3,444.88
Highway Fund A	Voucher 4	2,121.63
Highway Fund B	Vouchers 42 – 58	13,126.11
Highway Fund H	Voucher 5	340.80

On motion by Councilperson Higley, seconded by Councilperson Hirsch, the meeting adjourned at 10:50 pm.

Respectfully submitted,

Laura Schmieder
Town Clerk