

October 10, 2017
Alexander Town Board Regular Meeting
Alexander Town Hall 7:00 p.m.

Present: Supervisor Joseph Higley
Town Board: Roy Haller III, David Miller, Eric Wagner, Carol Wolfley
Town Clerk: Lisa L. Lyons
Guests: Ashley Whitmore, Matt Mahaney, Brandon Snyder, Joe Zajackowski, Laura Schmieder

Supervisor Higley called the meeting to order at 7:00 p.m. with the Pledge of Allegiance and a moment of silence for our military serving around the world.

On motion by Councilperson Haller, seconded by Councilperson Miller, and carried, the minutes of the September 11, 2017 Regular meeting were adopted as presented. 5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

COMMUNICATIONS: Mercy EMS Report for August 2017, NYS Parks & Recreation letter, Crossroads House Newsletter, Thank you card from The Village Board

REPORTS:

Financial: Budget Workshop Scheduled for Wednesday, October 18, 2017 at 7:00 p.m., As of 10/1/2017 the Mack Truck has been paid off, reports received from Tim Batzel on October 1, 2017.
Building: S. Edmunds has been called to check outside lighting over courtroom door.
GAM: Meeting is 10/19/2017 in LeRoy
CEO/ZEO: 41 Permits to date; Matt states that things are slowing down so they are trying to close some things out before the end of the year. A new house build will be starting on Pike Road in Alexander by the BOCES program. The school provided Matt with some pictures in regards to installing new signage at the school in various areas. Matt has asked that the Board review the fee schedule so that we may prepare for the upcoming year. Matt has 12 violations out now that he is still working on with residents. Joe Z. has given three formal letters of complaint to Matt for a property on Route 98. Discussion was had as to how to resolve the issues. Matt explained to Joe Z. that Joe Z. needs to stop maintaining the property so that an actual complaint can be handled.

The Town Clerk and Town Justice financial reports were read and filed.

OLD BUSINESS:

1. Water District #4 Update: The Town is still waiting on the Comptroller's opinion on cost per resident.
2. Water District #5 Update: See New Business.

NEW BUSINESS:

RES. NO. 47: APPROVAL OF OFFICIAL UNDERTAKING-TAX COLLECTOR

On motion by Councilman Haller, seconded by Councilman Miller, and carried, to approve the liability for the Alexander Town Tax Collector for the 2018 tax collection period pursuant to Town Law of the State of New York. 5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

RES. NO. 48: APPROVE THE 2018 TENTATIVE BUDGET

On motion by Councilman Haller, seconded by Councilman Miller, and carried, the following:
The Town Board has completed its review of the Tentative Town of Alexander 2018 Budget as presented tonight. This tentative budget so adopted tonight by the Town Board becomes the 2018 Preliminary Budget and will be filed with the Town Clerk. 5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

RES. NO. 49: SET DATE FOR PUBLIC HEARINGS – 2018 TOWN BUDGET and 2018 FIRE CONTRACT

On motion by Councilperson Miller, seconded by Supervisor Higley, and carried, to set a Public Hearing on November 13, 2017, for the 2018 Town of Alexander Budget and 2018 Alexander Fire Contract. 5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

RES. NO. 50: SET PUBLIC HEARING FOR LOCAL LAW TO OVERRIDE THE TAX CAP

The Town Board of the Town of Alexander met at a regular board meeting at the Town Offices of the Town of Alexander in the Village of Alexander, New York on October 10, 2017 commencing at 7:00 p.m., at which time and place the following members were:

Present:	Supervisor	Joseph Higley
	Council Member	Roy Haller, III
	Council Member	David Miller
	Council Member	Eric Wagner
	Council Member	Carol Wolfley

Absent: _____

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers 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, Chapter 97 of the Laws of 2011 – “The Property Tax Cap” add a new section 3-c to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and

WHEREAS, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power, a local law to override such limit for such coming fiscal year only; and

WHEREAS, the Town Board of the Town of Alexander finds it in the best interest of the Town to hold a public hearing to consider the adoption of said local law.

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

RESOLVED, by the Town Board of the Town of Alexander will hold a public hearing on the proposed adoption of said local law on the 13th day of November 2017 at 7:00 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

Ayes: 5
 Nays: 0
 Quorum Present: X Yes No
 Dated: October 10, 2017

 Lisa L. Lyons, Clerk
 Town of Alexander

SEAL

RES. NO. 51: STANDARD WORK DAY AND REPORTING FOR ELECTED AND APPOINTED OFFICIALS IN THE NYS RETIREMENT SYSTEM

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

BE IT RESOLVED, that the Town of Alexander hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title Elected Officials	Name	Social Security Number (Last 4 Digits)	Registrat ion Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates In Employers' Time Keeping System (Y/N)	Days/ Month (based on record of activities)
Town Clerk	Lisa L. Lyons	8539	61278687	6	08/07/2016-12/31/2019	N	20 or 30
Appointed Officials							

4 – Yes Higley, Miller, Haller, Wagner 0 – No Carried

I, Lisa L. Lyons, Clerk of the governing board of the Town of Alexander, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 10th day of October, 2017 and it is on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original

I further certify that the Full Board consists of 5 members, and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Alexander.

 Alexander Town Clerk

 Date

SEAL

RES. NO. 52: TOWN OF ALEXANDER WATER DISTRICT NO. 5 LATERAL RESTRICTIONS RESOLUTION

WHEREAS, the Town is proposing establishment of Water District No. 5, and

WHEREAS, the Town Board of the Town of Alexander has proposed creation of the Town of Alexander Water District No. 5 pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Broadway Road (Route 20), Old Buffalo Road (Route 238), Attica Road, Gillate Road, Bowen Road and Darien-Alexander Townline Road in the Town of Alexander; and

WHEREAS, part of the land area within Water District No. 5 is also within Genesee County Agricultural District No. 1; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 1; and

WHEREAS, the New York State Department of Agriculture and Markets (“Department”) has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District,

NOW THEREFORE BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction - Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Alexander imposes the following conditions, as warranted or recommended on the management of water/sewer lines located along the portions of Broadway Road (Route 20), Old Buffalo Road (Route 238), Attica Road, Gillate Road, Bowen Road and Darien-Alexander Townline Road, included in Water District No. 5, within an agricultural district:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, and special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be extended to the fifth and subsequent parcels where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (3) If it can be demonstrated to the Department’s satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

Offered by: Supervisor Joseph Higley
Second by: Councilperson Roy Haller, III
Ayes: Higley, Haller, Miller, Wolfley, Wagner
APPROVED by unanimous vote (x)

CERTIFICATION

STATE OF NEW YORK}
COUNTY OF GENESEE}

I, Lisa Lyons, Town Clerk of the Town of Alexander, County of Genesee, and State of New York, DO HEREBY CERTIFY that I have compared the aforementioned resolution duly adopted by the Town Board of the Town of Alexander, on the 10th day of October 2017 with the original now on file in my office, and the same is a correct and true copy of said resolution and of the whole thereof.

Dated: October 11, 2017

{ S E A L }

Lisa Lyons
Town Clerk

RES. NO. 53: ORDER FOR A PUBLIC HEARING ON THE PETITION FOR ESTABLISHMENT OF THE TOWN OF ALEXANDER WATER DISTRICT NO. 5

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 June 23, 2017; has been filed in the office of the Town Clerk of the Town of Alexander on September 11, 2017, and

WHEREAS, a “Petition to Request Water District” was filed in the Alexander Town Clerk’s Office on September 11, 2017, 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 Water District No. 5 (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 Water District No. 5 shall have an exterior boundary described in **Appendix A**, attached hereto and incorporated herein by reference.

WHEREAS, the project area has been identified through public interest and the proposed Water District will obtain its water supply from the Town of Alexander Water District No. 2 supply point. The Town of Alexander Water District No. 2 receives its water from the City of Batavia and the Monroe County Water Authority. Both the City of Batavia and the Monroe County Water Authority have ample capacity available to provide water for this project; and

WHEREAS, the project will generally consist of installing approximately 42,100 linear feet of 8” and 12” diameter PVC water main within existing right-of-ways along Broadway Road (Route 20), Gillate Road, Darien-Alexander Townline Road, Bowen Road, Old Buffalo Road (Route 238) and Attica Road. The water main will serve approximately 130 units; and

WHEREAS, the project will require a Booster Pump Station (BPS) be installed in the Town of Alexander Water District No. 2 to meet domestic pressure and peak daily demands to provide a minimum fire flow of 1,041 gallons per minute in addition to peak hourly demands; and

WHEREAS, the project will require a 300,000-gallon water storage tank be installed at a higher elevation to meet hydraulic demands at higher elevations; and

WHEREAS, the water system will be designed to provide 165 gallons of water per household per day for domestic and commercial use and to provide fire protection meeting Insurance Services Office (ISO) Standards and will serve approximately 130 units, which may include single family houses, mobile homes, vacant land, manufactured homes, or non-residential properties; 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 USDA Rural Development to partially fund the project through grant, while the remaining share will be paid for by a USDA Rural Development Loan in addition to all other local, state or federal funding; and

WHEREAS, a typical average household uses 60,000 gallons of water per year and water rates for that usage shall be as follows:

1. Village of Alexander bills their customer quarterly. 2017 Rates include an effective rate of \$5.10 per 1,000 gallons ($5.10/1000 \times 60,000 = 306.00$); and
the total cost to homeowners for water would be \$306.00 per year; and

WHEREAS, the total capital cost (estimated maximum amount) for the Town of Alexander Water District No. 5 is \$4,940,000 which amount is to be financed by the issuance of serial bonds in an aggregate amount not to exceed \$4,940,000, such amount to be offset by any federal, state, county and/or local funds received including, but not limited to, a USDA Rural Development grant in the approximate amount of \$2,223,000; and

WHEREAS, Net local project costs are anticipated to be approximately \$2,717,000.00 with an annual debt service including (38 years at 3.00 % interest) of \$120,796.00 and the estimated Debt Service per Unit of \$929.00; and

WHEREAS, the payment of debt service will be made by levy and collection of special assessments from the several lots and proceeds of lands within the District which for the Town Board shall determine and specify to be specifically benefitted thereby, so much upon and from each as such shall be in just proportion of the amounts of

benefit conferred upon the same, to pay the principal of and interest on said bonds, as same shall become due and payable; and

WHEREAS, the total annual cost for an average homeowner including debt service and water bill would be estimated to be \$1,235.00 per year, per household; and

WHEREAS, in addition each unit shall be responsible for several one-time costs, including cost to hookup and connect to the right-of-way to interior plumbing, (approximately \$8.00 – \$20.00 per linear foot) and well separation costs (approximately \$200.00 - \$600.00 per unit); 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 Supervisor Joseph Higley which has been duly seconded by Councilperson Wagner, 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 13 day of November 2017, at 8:00 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.

Offered by: Supervisor Joseph Higley
Second by: Councilperson Wagner
Ayes: Higley, Haller, Miller, Wolfley, Wagner
APPROVED by unanimous vote (x)

DATED: _____
[SEAL] _____
Lisa Lyons, Clerk
Town of Alexander

DISCUSSION:

1. The Board will review the computer maintenance quotes given to them previously.
2. The board discussed all employee paperwork needing to be returned to the Town Hall so that it may be kept there will all of the records.
3. Lisa will call Restore to find out about donating the old computer desks.
4. There has been no information received about the 911 address changes that were previously presented.

On motion by Councilperson Haller, seconded by Councilperson Wagner, and carried, to pay the bills on Abstract #10 as follows:

General Fund A	Vouchers	239-262	\$18760.89
General Fund B	Vouchers	24-25	\$480.72
Highway Fund A	Voucher	17	\$1683.70
Highway Fund B	Vouchers	124-140	\$51610.21
SW #2	Voucher	2	\$2793.00

On motion by Councilperson Miller, seconded by Councilperson Haller, and carried, the meeting adjourned at 9:44p.m.

Respectfully submitted,

Lisa L. Lyons
Town Clerk