

February 8, 2016

Alexander Town Board Regular Meeting and Public Hearing

Alexander Town Hall 7:00 p.m.

Present: Supervisor Joseph Higley
Town Board: Roy Haller III, David Miller, Eric Wagner, Carol Wolfley
Town Clerk: Laura Schmieder
Guests: James & Debra Orr, Nicholas Falcone; Matthew Grimes; Brian and Lynda Farnsworth; John Volpe; David DiMatteo, Attorney

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 Wagner, seconded by Councilperson Miller and carried, the Supervisor opened the Public Hearing. The Supervisor read the Proof of Publication. This Public Hearing is to hear comments from residents in regard to the 2016 Update to the Zoning Ordinance-incorporating a special use permit for the stabling of farm animals in a residential district and the prohibiting of commercial excavation activities in the Town of Alexander.

Judge Orr and Judge Falcone and Debra Orr were present to discuss with the Board a change in their schedule. They would like to alternate months on the bench instead of weeks. Other Towns do this with success and it would make it much easier on all personnel, including the Town Prosecutor. If the Board agrees, the Court will notify the Sheriff's, State Police, etc, so that they will know which Judge is on the bench during each month and also who to notify in case of an arraignment. They will do this for a trial period and let the Board know if it is successful. The Board agreed to this change.

Supervisor Higley went through the history of the zoning ordinance changes that are presented tonight. The process began in the early 2000's and the Board did pass a resolution on June 9, 2003 that prohibited commercial mining in the Town of Alexander. At that time, for some reason, the process was dropped and this change was not codified into the Town of Alexander's Zoning Ordinance. The Town is holding this Public Hearing to finish that process and to hear any further comments by the residents. David DiMatteo spoke to these changes.

Also, a change in the Zoning Ordinance is to allow farm animals in a Residential District with the application for a special use permit. Those that already have such farm animals will be grandfathered in, and only brought to the Planning Board if there are issues. New ones will need to apply to the Planning Board for the permit. John Volpe asked questions about these two issues.

On motion by Councilperson Haller, seconded by Councilperson Miller, and carried, the minutes of the January 11, 2016 Regular and Organization meeting were approved as presented. 5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

COMMUNICATIONS: Mercy EMS report for 12/2015; GLOW revised schedule; Thank you from Terry Jarvis; Chamber of Commerce Annual Awards Dinner invite; GCEDC Luncheon invite;

REPORTS:

CEO/ZEO: Karl presented his 2015 Annual Report to the Board which will be filed in the Clerk's Office. He also supplied his January 2016 report. He attended the 24 hour refresher course in Buffalo at the end of January.

Building: a) there are some issues with the alarm system-the Supervisor will call D & D Alarms; b) we had a complaint about the west parking lot light-we will have that bulb replaced; c) Belco was here in February for the semi-annual inspection of the elevator-all is fine; d) discussed preventive maintenance on the generator-Supervisor will call Key Power Systems for quote; e) John Sallome was called to check the thermostat in the Museum which isn't working properly; f) Councilperson Wagner replaced the door mechanism on the ladies room door;

Supv. Financial: a) the monthly balance sheets were distributed; b) Sales tax check was received; c) USDA interest payment is due-we are set up for automatic payment;

H'way. Supt: a) plowing snow when needed; b) cleaning up the shop and taking care of the trucks' maintenance;

Tax Collector: The January report was distributed to the Board members.

Youth: Some issues with Winter Swim are being addressed.

Town Historian: Katie Goodman presented her 2015 Annual Report which is filed in the Town Clerk's Office.

GAM: The Dec. minutes were received. The Feb. meeting is hosted by the Town of Batavia, they will discuss putting together a committee to work on the Sales Tax Agreement with the County.

The Town Clerk and Town Justices' financial reports were read and filed.

Brian and Lynda Farnsworth were in attendance to ask about progress on their petition for water at the corner of Sandpit Road and Telephone Road. The Supervisor has put together an RFP which, if Board approved tonight, will be sent out tomorrow with the hopes of making a decision at the March meeting. The Farnsworth's offered to do anything they can for this process.

On motion by Councilperson Wagner, seconded by Councilperson Wolfley, and carried, the Public Hearing closed at 8:00 p.m.

NEW BUSINESS:

RES. NO. 8: REVIEW AND APPROVE JUSTICES' 2015 FINANCIAL RECORDS

On motion by Councilperson Wagner, seconded by Councilperson Haller, and carried, that the 2015 records for Justice James Orr and Justice Nicholas Falcone were presented, reviewed and accepted by the Town Board.

5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

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RES. NO. 9: REVIEW AND APPROVE TOWN CLERK'S 2015 FINANCIAL RECORDS

On motion by Councilperson Wagner, seconded by Councilperson Miller, and carried, that the 2015 financial records for the Town Clerk were presented, reviewed and accepted by the Town Board.

5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

RES. NO. 10: APPROVE THE EXTENSION OF NYS SNOW & ICE AGREEMENT D0009589

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

WHEREAS, the Town Board of the Town of Alexander, on February 8, 2016 makes a resolution to approve the extension to Snow & Ice Contract No. D0009589 between the State of New York and the Town of Alexander for snow and ice control. The contract was previously set to expire on June 30, 2017 and will now, upon approval of this extension, expire on June 30, 2018 unless further extended. The contract will be for \$95,874.78.

5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

RES. NO. 11: RESOLUTION TO ESTABLISH A CAPITAL RESERVE FUND TO FINANCE HIGHWAY EQUIPMENT

On motion by Councilperson Wagner, seconded by Councilperson Miller, the following:

BE IT RESOLVED, by the Town Board of the Town of Alexander, Genesee County, New York State, as follows:

Section 1. Pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the “Town of Alexander Highway Equipment Capital Reserve Fund” (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys and transfers from unappropriated fund balances to provide moneys to finance the acquisition of highway equipment as the need arises. The type of equipment to be financed from the Reserve Fund is the acquisition of equipment employed by the Town Highway Department.

Section 2. Transfer of funds to the Reserve Fund may from time to time hereafter be made by and in accordance with resolutions adopted by the Town Board. The Town Board may also, by resolution, transfer to said Reserve Fund such amounts as may be provided thereafter by budgetary appropriation and raised by tax, or such surplus or unexpended Highway funds as it shall determine.

Section 3. Any expenditures from the Reserve Fund hereby established shall be made only upon authorization of the Town Board of said Town.

Section 4. The moneys in the Reserve Fund shall be kept in separate fund, and be given a separate title according to the specific purpose for which it was created. The moneys in such fund shall be deposited into a bank account in one or more banks or trust companies designated in a manner provided by law as depositories of the funds of the Town.

Section 5. The Supervisor is hereby directed to deposit and secure the moneys of said Reserve Fund, including any transfers to or from such fund, in accordance with the provision of Section 10 of the General Municipal Law. The Supervisor may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Alexander. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The separate identity of the fund shall be maintained whether its assets consist of cash or investments, or both.

Section 6. An expenditure shall be made from the Reserve Fund only by resolution of the Town Board and only for the specific capital improvement or specific item or items of equipment specified by said Board, and shall be subject to a permissive referendum as governed by Article 7 of the Town Law.

Section 7. In an emergency, moneys in the Reserve Fund may be expended without giving notice and without holding a public hearing provided the Town Board adopts a resolution to make such emergency expenditure by at least a two-thirds vote. In addition, at least one-half of the expenditures must be repaid in the next fiscal year and the balance paid by the next preceding year.

Section 8. The Supervisor, at the termination of each fiscal year, shall render a detailed report of the operation and condition of Reserve Fund.

5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

RES. NO. 12: APPROVE INTERMUNICIPAL AGREEMENT BETWEEN ALEXANDER CENTRAL SCHOOL AND TOWN OF ALEXANDER

On motion by Councilperson Miller, seconded by Councilperson Haller, and carried, to approve the Intermunicipal Agreement between the Alexander Central School District and the Town of Alexander (for the Alexander Youth Program) as attached to these minutes. This Agreement expires on December 31, 2017.

5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

RES. NO. 13: APPROVE SALARIES FOR NON-UNION HOURLY EMPLOYEES

On motion by Supervisor Higley, seconded by councilperson Miller, and carried, to set the following wages for these hourly employees and to make them retroactive to Jan. 1, 2016:

Deputy Town Clerk \$12.50 per hour

Recycling Attendant \$11.25 per hour

Building Custodian \$10.25 per hour

Laborer \$ 9.25 per hour

5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

RES. NO. 14: SEQRA DOCUMENTS FOR ZONING ORDINANCE UPDATES

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, the Town Board of the Town of Alexander is considering a proposed local law entitled “2016 Update to the Zoning Law of the Town of Alexander incorporating a Special Use Permit for stabling for farm animals in an “R” District, and prohibiting commercial excavation activities in the Town of Alexander”, and

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WHEREAS, the purpose of this local law would be to amend the Town's Zoning Law regarding stabling of farm animals in an "R" district by including a Special Use Permit to the Zoning Law; and

WHEREAS, the purpose of this local law would be to further amend the Town's Zoning Law regarding commercial excavation; the Town had previously amended the Zoning Law, but the Codification of said law, and filing requirements of said law, are in question by the present Board and further amendments to the existing text of the law are necessary to ensure proper codification and implementation; and

WHEREAS, upon review of 6 NYCRR Part 617 of the New York State Environmental Quality Review Regulations, and SEQRA review, the Town Board of the Town of Alexander believes that this action is a Type I action; and

WHEREAS, on December 14, 2015, the Town Board of the Town of Alexander met at a regular Board meeting, at which the Town Board reviewed Part 1 of SEQRA, declared its intention to seek lead agency and formulated a list of all interested and involved agencies to be notified of the same; 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, (6 NYCRR Part 617) the Town Board of the Town of Alexander declared its intention to seek lead agency status for purposeS of SEQRA review, reviewed the proposed law and has taken a "hard look" at all potential adverse environmental impacts pursuant to SEQRA by completing Parts C, F, and G of a Long Form EAF, and on December 15, 2015 did advise all other involved and/or interested agencies via US Mail as follows:

1. Joseph Higley, Supervisor – Town of Alexander
2. Town of Alexander Planning Board
3. Town of Alexander Zoning Board of Appeals
4. Village of Alexander Planning Board
5. Village of Alexander
6. Genesee County Legislature
7. Genesee County Planning Board
8. NYS Department of Agriculture and Markets
9. NYS Department of Environmental Conservation, Buffalo and Albany; and

WHEREAS, pursuant to §§ 239-l and 239-m of the General Municipal Law, said law and all supporting documents were required to be submitted to the Genesee County Planning Board for their review and recommendations, and the County Planning Board approved the same at their January 14, 2016 meeting; and

WHEREAS, after the 30 day review period, in which all interested and involved agencies were offered the opportunity to comment on said local law, the only comments received were from the NYS Department of Agriculture and Markets wherein the agency did not object to the Town Board seeking lead agency, but offered commentary as to the enforcement of this law so as not to unreasonably restrict agricultural operations within the Town; and

WHEREAS, upon completion of Part II and Part III of the long form Environmental Assessment Form for this project, pursuant to NYS Environmental Quality Review Regulations, (6NYCRR Part 617), the Town Board of the Town of Alexander has reviewed this proposed local law and has found that it has no significant impact on land or other natural resources with the Town; and

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

RESOLVED, that the Town Board of the Town of Alexander declares itself Lead Agency for SEQRA review pursuant to Section 617.6 (Initial Review of Action and Establishing Lead Agency) of the NYS Environmental Quality Review Regulations, (6 NYCRR part 617) for the proposed local law, and be it further

RESOLVED, that the Town Board of the Town of Alexander finds it in the best interest of the Town to issue a Negative Declaration through 6 NYCRR Part 617; and be it further

RESOLVED, that the Negative Declaration shall be filed with the NYS Department of Environmental Conservation; and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter the adoption of said SEQRA documents in the minutes of this meeting.

Ayes – 5

Nays – 0

Quorum Present: Yes

Laura Schmieder, Clerk
Town of Alexander

RES. 15: RESOLUTION TO ADOPT LOCAL LAW

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, the Town Board of the Town of Alexander is considering a proposed local law entitled "2016 Update to the Zoning Law of the Town of Alexander incorporating a Special Use Permit for stabling for farm animals in an "R" District, and prohibiting commercial excavation activities in the Town of Alexander"; and

WHEREAS, the purpose of this local law would be to amend the Town's Zoning Law regarding stabling of farm animals in an "R" District by including a Special Use Permit to the Zoning Law; and

WHEREAS, the purpose of this local law would be to further amend the Town's Zoning Law regarding commercial excavation; the Town had previously amended the Zoning Law, but the Codification of said law, and filing requirements of said law, are in question by the present Board and further amendments to the existing text of the law are necessary to ensure proper codification and implementation; and

WHEREAS, upon review of 6NYCRR Part 617 of the New York State Environmental Quality Review Regulations, and SEQRA review, the Town Board of the Town of Alexander has fulfilled all requirements for review and designation of Lead Agency; and

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WHEREAS, pursuant to § § 239-l and 239-m of the General Municipal Law, said law and all supporting documents have been approved by the County Planning Board, therefore fulfilling all requirements of said review; and

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

RESOLVED, that the Town Board of the Town of Alexander hereby adopts the local law entitled "2016 Update to the Zoning Law of the Town of Alexander incorporating a Special Use Permit for stabling for farm animals in an "R" District, and prohibiting commercial excavation activities in the Town of Alexander"; and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter the adoption of 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.

Ayes: 5

Nays: 0

Quorum Present: Yes

Dated: February 8, 2016

Laura Schmieder, Clerk

Town of Alexander

[SEAL]

RES. NO. 16: APPOINTMENT TO BUILDING COMMITTEE

On motion by Councilperson Haller, seconded by Councilperson Wagner, and carried, to appoint Councilperson Carol Wolfley to the Building Committee for 2016.

5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No

RES. NO. 17: APPROVE CONTRACT WITH MUNICIPAL SOLUTIONS

On motion by Councilperson Haller, seconded by Councilperson Wagner, and carried, to approve the Accounting and Bookkeeping Contract with Municipal Solutions for the period 1/01/2016 to 12/31/2016, at a lump sum fee of \$3,500, as outlined in the contract and as attached to these minutes.

5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

RES. NO. 18: APPROVE THE RFP FOR ENGINEERING SERVICES

On motion by Councilperson Wagner, seconded by Councilperson Wolfley, and carried, to approve the RFP that Was prepared by Supervisor Higley as written and attached to these minutes.

5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

On motion by Councilperson Haller, seconded by Councilperson Miller, and carried, to pay the bills on Abstract #2 as follows:

General Fund A	Vouchers 14 - 38	\$13,368.19
General Fund B	Vouchers 3 - 6	765.45
Highway Fund A	Voucher 1	1,628.54
Highway Fund B	Vouchers 2 - 19	10,518.34

On motion by Councilperson Miller, seconded by Supervisor Higley, and carried, the meeting adjourned at 9:25 pm.

Respectfully submitted,

Laura Schmieder
Town Clerk