

November 13, 2018
Alexander Town Board Regular Meeting with Public Hearing
Alexander Town Hall 7:00 p.m.

Present: Supervisor Joseph Higley
Town Board: Roy Haller III, David Miller, Carol Wolfley, Eric Wagner
Town Clerk: Lisa L. Lyons
Highway Supt: Tom Lowe
Guests: Brandon Snyder, 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.

Supervisor Higley opened the Public Hearings at 7:03 p.m.

On motion by Councilperson Miller, seconded by Councilperson Wolfley, and carried, the minutes of the October 9, 2018 Regular Meeting were adopted as written.

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

COMMUNICATIONS: Mercy EMS for September 2018; Genesee County Office for the Aging Newsletter for November 2018.

REPORTS:

Insurance: endorsements came in; new storage building will be added when R&R Precision turns over the building to the Town.
Building: Hillside Electric will be in to check emergency lights.
CEO/ZEO: Report given; ISO meeting is 1/17/2019 at 2p.m.
Financial: Reports given 11/1/2018; sales tax received for 3rd quarter.
H'way. Supt.: new storage building almost complete; mowing done except for a small area on Railroad Ave.; CHIPS has been submitted; Alexander was not awarded funds from the Bridge NY program.

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

OLD BUSINESS:

1. Water District #4 – Finishing Form E for final payment.
2. Water District #5 – District still needs formation; tank placement is being looked into further; blended water is not an option.
3. Water District #6 – Informational Meeting 11/14/2018 @ 7:00 p.m. in the Alexander Central School Auditorium.

NEW BUSINESS:

RES. NO. 79: APPROVAL TO REVISE CHANGE ORDER #2 AND ACCEPT CHANGE ORDER #3:

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

WHEREAS, Morsch Pipeline, Incorporated is under contract with the Town of Alexander for the Town of Alexander Water District No. 4; and

WHEREAS, Mountain Engineering, PLLC has reviewed contract times for substantial complete and final payment and has corrected them for Change Order No. 2. The contract times have been extended from June 16, 2018 to July 2, 2018 for substantial completion and July 16, 2018 to August 1, 2018 for final payment; and

WHEREAS, Morsch Pipeline, Incorporated has submitted a request for a time extension due to negotiations for the Alternate Base Bid and delays for the master meter selection. The dates for substantial completion and final payment have exceeded the contract dates and have been extended. The contract times have been extended for Change Order No. 3 from August 1, 2018 to November 12, 2018 for final payment; and

WHEREAS, Mountain Engineering, PLLC has reviewed the change order request and recommends approval of the change order request.

NOW, THEREFORE BE IT RESOLVED, the Town of Alexander hereby approves Change order No. 2 and authorizes the Supervisor to execute the attached Change Order No. 2 for the corrected contract times. The approved change order is subject to approval by ISDA-Rural Development.

RESOLVED, the Town of Alexander hereby approves Change Order No. 3 and authorizes the Supervisor to execute the attached Change Order No. 3 for the additional contract times. The approved change order is subject to approval by USDA-Rural Development.

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

RES. NO. 80: WATER DISTRICT #4 PROJECT BUDGET MODIFICATIONS:

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

WHEREAS, the Town of Alexander has received funding from Rural Development for the Water District No. 4 Project ("Project"); and

WHEREAS, the Town of Board wishes to adjust project budget items to more accurately reflect final costs and;

WHEREAS, Rural Development requires the Town Board to authorize all changes to the Administrative Budget as shown on the Form E;

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NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Alexander authorizes the following Budget modifications for the Project:

Legal	\$5,785.80
Net Interest	\$5,348.59
Miscellaneous	\$643.35

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

RES. NO. 81: FINAL ACCEPTANCE OF PROJECT AS COMPLETE AND DESIGNATION OF OPERATOR for WATER DISTRICT NO. 4:

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

WHEREAS, Morsch Pipeline, Incorporated has certified completion of the Town of Alexander Water District No. 4 project, and

WHEREAS, Mountain Engineering, PLLC and the Town Engineer has certified and approved the project as complete.

NOW, THEREFORE, BE IT RESOLVED, the Town of Alexander Town Board hereby accepts the project as complete and approves final payment, subject to completion of final punch list items, and be it further

RESOLVED, Town of Alexander Town Board hereby designates Troy Robbins, as the Village of Alexander operator, appropriately licensed by New York State (NYSDOH# NY0038531), to oversee operation of the Town of Alexander Water District No. 4 project.

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

RES. NO. 82: ACCEPT CONTRACTOR’S PAY APPLICATION #2:

On motion by Councilperson Wagner, seconded by Councilperson Wolfley, and carried, to accept Morsch Pipeline’s pay application #2 in the amount of \$36,229.81 for Water district #4.

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

RES. NO. 83: ACCEPT THE CHANGE ORDER FOR HIGHWAY STORAGE BUILDING:

On motion by, David Miller, seconded by Eric Wagner, and carried, the following:

WHEREAS, the 12’ doors will be too small to safely move equipment through and,

WHEREAS, the doors were planned with manual lifts which will be difficult with the larger doors, and

THEREFORE BE IT RESOLVED, to accept change order #1 to increase the door sizes from 12’ to 14’ and add electric door openers for all overhead doors.

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

RES. NO. 84: AUTHORIZE THE SUPERINTENDENT OF HIGHWAYS TO SIGN PAY APPLICATION #2:

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

WHEREAS, the Superintendent of Highways is an elected official of the Town of Alexander, and

THEREFORE BE IT RESOLVED, The Superintendent of Highways is authorized by the Alexander Town Board to sign the pay application #2 for the new Highway Storage Building.

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

RES. NO. 85: DECLARE JD544h SURPLUS:

On motion by Supervisor Higley, seconded by Councilperson Wagner, and carried, to declare the John Deere 544h surplus and to sell at auction.

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

RES. NO. 86: AUTHORIZE PURCHASE OF NEW EQUIPMENT:

On motion by Councilperson Wagner, seconded by Councilperson Miller, and carried, the following: to authorize the Highway Superintendent to purchase new equipment needed, not to exceed \$10,000.00; and to surplus the old.

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

RES. NO. 87: APPROVE THE 2019 FIRE PROTECTION CONTRACT:

On motion by Councilperson Wagner, seconded by Councilperson Miller, and carried, to approve the 2019 Fire Protection Contract with the Alexander Fire Department in the amount of \$99,372.00

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

RES. NO. 88: ADOPT LOCAL LAW #2 OF 2018 – OVERRIDE 2% 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 located at 3350 Church Street, Alexander, New York on the 14 day of November, 2018 commencing at 7:00 p.m., and thereafter a public hearing was held at 7:03 p.m. at which time and place the following members were present: Supervisor Higley, councilpersons Haller, Miller, Wolfley, Wagner.

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” added 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

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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, notice of said public hearing was duly advertised in the Batavia Daily, the official newspaper of said Town; and

WHEREAS, said public hearing was held on November 13, 2018 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, after due consideration and discussion the Town Board has decided to adopt said proposed local law.

NOW ON MOTION OF Councilperson Miller, which has been duly seconded by Councilperson Wagner, therefore, be it

RESOLVED, that the Town Board of the Town of Alexander feels it is in the best interests of the Town of Alexander to adopt Local Law No. 2 of 2018 entitled, "Override the Tax Levy Limit Established in General Municipal Law § 3-c."; 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.

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

RES. NO. 89: ADOPT 2019 TOWN OF ALEXANDER BUDGET:

On motion by Supervisor Higley, seconded by Councilperson Haller, the following:

WHEREAS, the preliminary budget, with two changes meets the requirements of the Town's 2019 fiscal needs, and

WHEREAS, there has been additional discussion and consensus on adding funds to begin the disassembly of some of the log jams in the Tonawanda Creek and adding the re-levy amount to the water district budgets, and

THEREFORE BE IT RESOLVED, the Preliminary Budget is adopted with the addition of \$5,000.00 to DB5140.4 for creek management and \$304.00 to SW38340.2 for the tax re-levy for delinquent water bills due to the Town of Batavia.

4 – Yes Higley, Haller, Miller, Wagner 1 – No Wolfley Carried

RES. NO. 90: AUTHORIZE DELINQUENT WATER BILLS TO BE RE-LEVIED ON TAX BILL:

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

WHEREAS, the Town Clerk has received a list of all property owners who owe for water rents in Water District #2 to the Town of Batavia as of October 31, 2018; and

WHEREAS, Section 229-15 (c) of Town Law stipulates that such amounts owing shall be levied against the property to which the service is rendered;

NOW, THEREFORE, BE IT RESOLVED, that the amount of \$303.08, or as may be amended before final submission to the Genesee County Treasurer, be and is hereby approved for levying against the individuals 2019 tax warrant.

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

DISCUSSION:

1. Union Contract – more items to negotiate
2. Copyright Policy – tabled
3. Harassment Policy – tabled

On motion by Councilperson Miller, seconded by Councilperson Haller, and carried, to pay the bills on Abstract 11 as follows:

General Fund A	Vouchers	284 - 314	\$74,960.98
General Fund B	Vouchers	27 - 32	1,477.00
Highway Fund A	Voucher	16 - 17	6,478.09
Highway Fund B	Vouchers	156 - 174	26,199.63
Capital Fund	Vouchers	11 - 12	8,553.50

On motion by Councilperson Haller, seconded by Supervisor Higley, and carried, the meeting adjourned at 10:31 pm.

Respectfully submitted,
Lisa L. Lyons
Town Clerk