

**March 12, 2018**  
**Alexander Town Board Regular Meeting**  
**Alexander Town Hall 7:00 p.m.**

Present: Supervisor Joseph Higley  
H'way Supt: Tom Lowe  
Town Board: Roy Haller III, David Miller, Eric Wagner, Carol Wolfley  
Town Clerk: Lisa L. Lyons  
Guests: Steve Mountain, Mark Wright, Brian Farnsworth, Bill Wagner, Laura Schmieder, Brandon Snyder

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 February 12, 2018 Regular Meeting and February 27, 2018 Special Meeting, were adopted as presented.  
5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

**COMMUNICATIONS:** Genesee County Office of the Aging Newsletter for March 2018; Mercy EMS for 1/1-31/2018; Genesee Cancer Assistance.

**REPORTS:**

**Building:** Courtroom outdoor lighting is on and off again. Joe has made contact to have it fixed.  
**Town Clerk:** Clerk Review paperwork was gone over and explained to the Board. Monthly reports were reviewed in depth to make sure all members understood the process of what was being signed off on.  
**Tax Collector:** February monies have all been balanced; payment #2 has been sent to the County; February penalties collected were given to the Supervisor.  
**Games of Chance:** Annual Reports completed; Alexander Fire Dept. application received and being processed.  
**Financial:** Financial reports received from the school 3/10/2018  
**H'way. Supt:** Snow removal; repaired portions of Old Creek Road and Cookson; hauled stone into the shop; Cook Road complaint received; some equipment is in need of repair; meeting with school.

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

**OLD BUSINESS:**

1. Water District #4 – bids were opened 2/16 and one was chosen
2. Water District #5 – working on receiving more monies; loan rates.

**NEW BUSINESS:**

**RES. NO. 23: ACCEPT REDUCTION IN FEES FROM MOUNTAIN ENGINEERING, MUNICIPAL SOLUTIONS AND HODGIN RUSS:**

On motion by Councilperson Miller, seconded by Councilperson Wagner, and carried, to accept the reduction in fees by 12300.00 from Mountain Engineering, 5000.00 from Municipal Solutions, and 2500.00 from Hodgins Russ.  
4 – Yes Higley, Miller, Haller, Wagner 0 – No Carried

**RES. NO.24: BID AWARD; WATER DISTRICT #4:**

**WHEREAS**, the Town of Alexander received bids on February 16, 2018 at 1:30 P.M. for the construction of approximately 5,300 linear feet of 2 inch, 8 inch and 12 inch water main along Sandpit, Telephone and Broadway Roads; and

**WHEREAS**, Morsch Pipeline, Inc. of Avon, New York was the lowest responsible bidder for Alternate Base Bid No. 1 at a cost of Two Hundred Seventy-Two Thousand Four Hundred and Eleven dollars and no cents (\$272,411.00) (bid tabulation attached); and

**WHEREAS**, Mountain Engineering, PLLC. has completed a review of the low bidder and the bid tabulation and has made recommendation for Award (letter attached).

**NOW THEREFORE BE IT**

**RESOLVED**, the Alexander Town Board hereby awards the bid to Morsch Pipeline, Inc. at a cost of Two Hundred Seventy-Two Thousand Four Hundred and Eleven dollars and no cents (\$272,411.00) for construction of approximately 5,300 linear feet of 2 inch, 8 inch and 12 inch PVC waterline along Sandpit, Telephone and Broadway Roads contingent upon approval by the USDA- Rural Development-Rural Utility Service and the insurance and bonding being in place as approved by the Town Attorney; and

**BE IT FURTHER RESOLVED**, the Alexander Town Board hereby authorizes the Supervisor to execute and agreement with Morsch Pipeline, Inc. and to issue the Notice to Proceed once the aforementioned conditions are met.

Offered by: Councilperson Haller, second by: Councilperson Wagner

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

**RES. NO.25: CLERKS CONFERENCE:**

On motion by Supervisor Higley, seconded by Councilperson Miller, and carried, to approve attendance to the Clerk's Conference in Albany by the Town Clerk.

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

**Alexander Town Board Regular Meeting – 3/12/2018**

**RES. NO. 26: BUDGET AMENDMENTS:**

**WHEREAS**, the following budget lines exceed the budget; A5010.2 is over budget by \$279.98, and **WHEREAS**, there are sufficient funds in A5010.4, therefore be it, **RESOLVED**, A5010.2 be increased by \$280.00 and A5010.4 be decreased by \$280.00.

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

**RES. NO. 27: AUTHORIZING THE HIGHWAY SUPERINTENDANT TO REMOVE PORTIONS OF THE HIGHWAY STORAGE BUILDING**

On motion by Supervisor Higley, seconded by Councilperson Wagner, and carried, to authorize the Highway Superintendent to remove portions of the highway storage building that are beginning to fall apart. If the portions are unable to be removed safely by the Highway Superintendent and the staff, authorize the Highway Superintendent to put the demolition out to bid

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

**RES. NO. 28: AUTHORIZE ANDREW SCHMIEDER AS ENGINEER FOR THE NEW COLD STORAGE BUILDING:**

On motion by Supervisor Higley, seconded by Councilperson Wagner, and carried, to authorize Andrew Schmieder as the Engineer for the new cold storage building for the highway department.

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

**RES. NO. 29: LATERAL RESTRICTION FOR WATER DISTRICT #1; VILLAGE OF ALEXANDER:**

**WHEREAS**, part of the land area within the existing Water District No. 1 providing public water supply to residents along portions of NYS Route 98 and Stroh Road in the Town of Alexander; 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 NYS Route 98 and Stroh Road, included in Water District No. 1, 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 Higley, Seconded by: Councilperson Wagner

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

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**DISCUSSION:**

1. Prohibition of Commercial Excavating is a continuing discussion.
2. We will need a letter from resident to pursue the Deaf Child sign that has been requested.
3. Supervisor Higley will be contacting businesses for quotes on the sealing of the parking lot.
4. Councilperson Wagner will be handling looking into Computer/Phone/Internet/Travel/Mileage Policies.

On motion by Councilperson Miller, seconded by Councilperson Haller, and carried, to pay the bills on Abstract 3 as follows:

General Fund A	Vouchers	52 - 79	\$22,864.71
General Fund B	Vouchers	4 - 7	11,166.81
Highway Fund A	Voucher	2	2,107.06
Highway Fund B	Vouchers	22 - 37	20,421.33

On motion by Supervisor Higley, seconded by Councilperson Haller, and carried, the meeting adjourned at 8:50 pm.

Respectfully submitted,

Lisa L. Lyons  
Town Clerk