

**May 14, 2018**

**Alexander Town Board Regular Meeting and Public Hearing  
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: Brandon Snyder, Nathan Fix, 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 Miller, seconded by Councilperson Haller, the Supervisor opened the Public Hearing at 7:05 p.m. The Public Hearing is to hear comments from residents in regards to establishing a local law for The Water Code of The Town of Alexander.

On motion by Councilperson Miller, seconded by Councilperson Haller, and carried, the minutes of the April 9, 2018 Regular Meeting were adopted as presented.

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

**COMMUNICATIONS:** Mercy EMS for March 2018; Genesee County Office for the Aging Newsletter for May 2018; Crossroads house Spring newsletter; Mercy Flight invitation; Genesee County Notice of Public Hearing

**REPORTS:**

**Insurance:** NYMIR renewals; discussion on coverage of old cold storage building coverage.  
**Building:** LED lighting will not be done; Springtyme will be called for a maintenance quote; gutter fixes.  
**Tax Collector:** Final check to Supervisor for \$97.00 for unpaid bills; balanced & closed  
**Dog Control:** Carolyn has started enumeration.  
**Financial:** Franchise check received from Charter Communications.  
**H'way. Supt:** Getting ready for summer; starting culverts; getting snow equipment put away  
**Senior Citizen:** Monthly report read; meeting 6/4/18 with Sheriff's department on how to address an active shooter situation.

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

**OLD BUSINESS:**

1. Water District #4 – change order – see new business
2. Water District #5 – waiting on federal funds commitment.
3. Review of the 2009 Cold War Veteran's Exemption.
4. Prohibition of Commercial Excavation / United Materials – the town was advised that the current request cannot be done with a variance and has decided that they will not amend the Local Law.
5. New policy review – see new business

On motion by Councilperson Miller, seconded by Supervisor Higley, and carried, the Public Hearing closed at 7:55 p.m.

**NEW BUSINESS:**

**RES. NO. 35: ADOPTION OF LOCAL LAW #1 OF 2018 ESTABLISHING THE WATER CODE OF THE TOWN OF ALEXANDER:**

The Town Board of the Town of Alexander met at a Town Board Meeting at the Town Office of the Town of Alexander in the Town of Alexander, New York on May 14, 2018 commencing at 7 p.m. and thereafter a public hearing held at 7:05 p.m., at which time and place the following members were present:

Supervisor Higley, Councilperson Haller, Miller, Wolfley, Wagner

**WHEREAS**, the Town Board held a public hearing to discuss the Water Code of the Town of Alexander; and **WHEREAS**, after due consideration and discussion the Town Board has decided to adopt the Water Code of the Town of Alexander.

**NOW ON MOTION BY** Councilperson Haller which has been duly seconded by Councilperson Wagner, it is further

**RESOLVED**, by the Town Board of the Town of Alexander, New York, that the Town of Alexander hereby adopts Local Law No. 1 of 2018 regarding the Water Code of the Town of Alexander.

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

**RES. NO. 36: RESOLUTION TO APPROVE A THIRD AMENDED ASSESSMENT SERVICES AGREEMENT WITH THE TOWN OF BATAVIA:**

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

**WHEREAS**, the Town of Alexander, (hereinafter "Alexander"), and the Town of Batavia (hereinafter "Batavia"), entered into a contract entitled "Towns of Batavia and Alexander Assessment Services Agreement", dated May 14, 2018, and

**Alexander Town Board Regular Meeting – 5/14/2018**

**WHEREAS**, both Towns desire to continue this relationship, allowing Batavia to provide assessment services to Alexander, and

**WHEREAS**, Batavia has determined that it continues to have the ability to provide these services by making available the Batavia Town Assessor and any other support personnel needed, and

**WHEREAS**, the Batavia Town Assessor and any other personnel employed by Batavia will be and will continue to be during the term of this Agreement fully qualified as required by law to provide assessment services.

**NOW THEREFORE BE IT RESOLVED** by the Town Board of the Town of Alexander, New York, that a proposed “Third Amended Towns of Batavia and Alexander Assessment Services Agreement”, a copy of which shall be annexed hereto and made part of the Town Board minutes, is hereby approved and the Town Supervisor is authorized and directed to sign this Agreement on behalf of the Town of Alexander.

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

**RES. NO. 37: APPROVE THE SUPERVISORS 2017 FINANCIAL REPORTS:**

On motion by Councilperson Miller, seconded by Councilperson Wolfley, and carried, that the Town Board has reviewed and accepted the 2017 Supervisors Financial Reports as presented.

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

**RES. NO. 38: REVIEW AND ACCEPT THE TAX COLLECTORS REPORT FOR 2018:**

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

To accept the Tax Collector’s Report for 2018 as presented.

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

**RES. NO. 39: APPOINT PLANNING BOARD CHAIR & DEPUTY PLANNING BOARD CHAIR:**

On motion by Supervisor Higley, seconded by Councilperson Wagner, and carried to appoint Jennifer Wall as the Planning Board Chair and to appoint Brandon Snyder as the Deputy Planning Board Chair, as long as the training requirements are met within the allotted time frame.

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

**RES. NO. 40: REVIEW AND APPROVE CURRENT POLICIES:**

On motion by Supervisor Higley, seconded by Councilperson Wagner, and carried, to review and approve the current Town Policies.

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

**RES. NO. 41: APPOINT DEPUTY CLERK:**

On motion by Councilperson Miller, seconded by Councilperson Haller, and carried, to appoint Nancy Wuest as the Deputy Clerk, effective 4/17/2018 at \$11.00/ hour.

**RES. NO. 42: APPROVAL OF CHANGE ORDER NO.1 TOWN OF ALEXANDER WATER DISTRICT NO. 4:**

On motion by Councilperson Wagner, seconded by Councilperson Wolfley, 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**, Morsch Pipeline, Incorporated has submitted a change order request for the requested revisions in the amount of one thousand seven hundred forty-one dollars and zero cents (\$1,741.00) and increasing the Alternate Base Bid No. 1 contract to the amount of two hundred seventy-four thousand one hundred fifty-two dollars and zero cents (\$274,152.00), as shown on the attached Change Order No.1; 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.1 and authorizes the Supervisor to execute the attached Change Order No.1 in the amount of One thousand seven hundred forty-one dollars and zero cents (\$1,741.00) and changing the Alternate Base Bid No. 1 contract in the amount of two hundred seventy-four thousand one hundred fifty-two dollars and zero cents (\$274,152.00). The approved change order is subject to approval by USDA-Rural Development.

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

**RES. NO. 43: LOAN RESOLUTION FOR WATER DISTRICT #5:**

On motion by Councilperson Wagner, seconded by Councilperson Wolfley, and carried, to approve the borrowing of two million seven hundred forty thousand dollars for water district #5.

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

**RES. NO. 44: ACCEPT BID FOR SEALING OF THE TOWN PARKING LOT:**

On motion by Councilperson Miller, seconded by Councilperson Haller, and carried, to accept the bid from Sullivan’s Sealing for \$1000.00 to seal the Town Hall parking lot.

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

**RES. NO. 45: SET PUBLIC HEARING ON A PROPOSED LOCAL LAW - OPT OUT OF CERTAIN ENERGY SYTEM REAL PROPERTY TAX EXEMPTIONS:**

**WHEREAS**, 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 Town of Alexander, New York on the 14 day of May, 2018, commencing at 7:00 p.m., at which time and place the following members were present:  
**Alexander Town Board Regular Meeting – 5/14/2018**

Supervisor Higley, Councilperson 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**, the Town Board is considering adopting a proposed local law entitled, “Local Law to Opt Out of Certain Energy System Real Property Tax Exemptions”; and

**WHEREAS**, Section 487 of the New York State Real Property Tax Law allows for an exemption of any increase in value due to the construction of a solar, wind, farm waste, micro-hydroelectric energy systems, fuel cell generating systems, micro-combined heat and power generating equipment systems, and, electric energy storage equipment and systems and to date, County Assessment has found that the installation of small-scale residential and commercial solar systems has not had any effect of property value upon resale; and

**WHEREAS**, New York State does not make provision for the Town to distinguish between small-scale residential and large-scale commercial power generation facilities for the purpose of this exemption, and while the Town wishes to encourage the development of clean, alternative means of producing energy on a large scale, it recognizes that this priority must be balanced with the pressing fiscal needs of local governments and schools; and

**WHEREAS**, a decision to opt-out of the Section 487 exemption may be reconsidered and the exemption restored by the Town at its discretion at any time in the future; and

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

**NOW ON MOTION OF** Councilperson Haller, which has been duly seconded by Councilperson Wagner, now therefore,

**BE IT RESOLVED**, that the Town Board of the Town of Alexander will hold a public hearing on the 11 day of June, 2018, commencing at 7:00 pm., at which time all interested parties and citizens for or against the proposed law will be heard.

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

**RES. NO. 46: ADOPT NEW TOWN POLICY ON TRAVEL AND REIMBURSEMENT:**

On motion by Supervisor Higley, seconded by Councilperson Wagner, and carried, to adopt a new policy to cover travel and mileage reimbursement.

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

**RES. NO. 47: ADOPT NEW TOWN POLICY ON COMPUTER AND INTERNET USE:**

On motion by Councilperson Wagner, seconded by Councilperson Miller, and carried, to adopt a new policy to cover computer and internet usage of the Towns equipment.

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

**DISCUSSION:**

1. Discussion was had regarding the striping of the Town Parking lot.

On motion by Councilperson Miller, seconded by Councilperson Wolfley, and carried, to pay the bills on Abstract 5 as follows:

General Fund A	Vouchers	101 - 132	\$16,196.22
General Fund B	Vouchers	10 - 11	493.33
Highway Fund A	Voucher	4	2,012.86
Highway Fund B	Vouchers	59 - 80	23,828.47
Capital H	Vouchers	1	7,100.00

On motion by Councilperson Miller, seconded by Councilperson Wolfley, and carried, the meeting adjourned at 9:55 pm.

Respectfully submitted,

Lisa L. Lyons  
Town Clerk