

December 27, 2012

**Alexander Town Board Special Year End Meeting and Public Hearing-Route 98 Water
Alexander Town Hall 6:00 p.m.**

Present: Supervisor Joseph Higley
Town Board: David Miller; William Schmieder, Roy Haller, III, William Hirsch
Town Clerk: Laura Schmieder
Absent: Tom Lowe
Guests: Paul Chatfield, Town Engineer; David DiMatteo, Town Attorney
Patrick Nolan, James and Alivia Dudek - residents

Supervisor Higley called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited and a moment of silence was observed for our servicemen and women serving around the world, and for the firemen and community of Webster at this time of their tragedy.

COMMUNICATIONS: Invitation to the Alexander Fire Dept. Installation of Officers on 1/05/13; GAM minutes; Stafford Town Board-Hydrofracking Study on 1/05/13; AOT Digest of 2012 Laws; GLOW schedule of meetings for 2013; Newsletters: Genesee ARC, Genesee Sno-Packers

RES. NO. 69: AUTHORIZATION FOR BUDGET TRANSFERS/AMENDMENTS

On motion by Councilperson Hirsch, seconded by Councilperson Miller, and carried, to authorize the Supervisor to make such budget transfers/amendments as necessary to balance the accounts for 2012.
5 – Yes Higley, Miller, Schmieder, Haller, Hirsch 0 – No Carried

On motion by Councilperson Miller, seconded by Councilperson Haller, and carried, to pay the bills on Abstract #13 as follows:

General Fund A	Vouchers #283 – 287	\$ 5,716.42
General Fund B	Vouchers 95 - 97	2,159.92
Highway Fund A	Voucher 15	1,725.24
Highway Fund H	Voucher 7	5,199.48
Highway Fund B	Vouchers 208 – 224	37,151.02

Water District Update: We were informed on 12/20/2012 that we did not receive the CDBG Grant. We are having a Public Hearing this evening to decide on establishing the Water District with Rural Development Funds only.

Discussion: further discussion on health insurance for Town Clerk

At 7:00 p.m., the Supervisor called the Public Hearing to Order. The Clerk provided the Proof of Publication that was published in the Batavia Daily News on December 15, 2012.

Paul Chatfield, Town Engineer, provided information as to the formation of this Water District #2 on Route 98. Paul referred to the Preliminary Engineering Report that was revised on 11/02/2012. This project will provide 21,500 linear feet of 12" diameter PVC water line from the Alexander/Batavia town line to the Village of Alexander line, with 71.5 EDU's.

There will be a booster pump station located near the Alexander/Batavia line to meet domestic pressure and peak daily demand. This station will include 2 1-horsepower pumps to meet the daily domestic demand, and 1 30-horsepower pump to meet fire flow demand.

The fire hydrants will be spaced approximately 600' apart and generally located near intersections. Gate valves, or shut-off valves, are spaced at approximate intervals of 1,500 linear feet and also at intersections. The water service to residences typically consist of 1 inch diameter Type K copper pipe and will be provided to the property right-of-way line parallel to the roadway.

The USDA has issued a request for a full funding application for grant and loan assistance for this Water District. The anticipated grant would be for \$500,000 with a loan for the remainder, \$1,173,000. The current poverty interest rate is 1.875% although the estimate includes the interest rate of 2.375%. Using current information, the cost to residents for **year 2 through 38** is as follows:

\$660.23 – annual debt service per parcel
\$265.20 – estimated water usage (60,000 gallons @ \$4.42/1,000 gallons)
\$ 27.78 – short lived assets (hydrants, valves, water peters, etc.)
\$943.21 estimated cost

The **estimated first year costs** for the average residential user are as follows:

\$260.00 – purchase of water meter
\$750.00 – installation of water service (75lf @ \$10/lf)
\$200.00 – internal plumbing changes
\$660.23 – debt service charge
\$265.20 – estimated water usage
\$ 17.78 – short lived assets
\$2,153.21 total **first year** costs

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An application needs to be filed with the New York State Comptroller within 10 days of the passage of the resolution to establish the water district. This is due to the fact that the Town will exceed the cost threshold to establish a special district, that threshold being \$696 for a water district.

The Town of Alexander will also need to have a water agreement with the Town of Batavia/County of Genesee. Our Attorney will provide these documents.

Questions from the residents in attendance were answered by the presentation. The Town will also need to purchase a piece of land, approximately 100' x 100' for the pump station.

RES. NO. 70: PUBLIC HEARING CLOSED

On motion by Councilperson Hirsch, seconded by Councilperson Miller, and carried, the Public Hearing closed at 7:35 p.m. Yes – Higley, Miller, Schmieder, Haller, Hirsch 0 – No Carried

RES. NO. 71: RESOLUTION AND ORDER FOR THE ESTABLISHMENT OF THE ROUTE 98 WATER DISTRICT NO. 2 FOR A PORTION OF THE TOWN OF ALEXANDER

WHEREAS, the Town Board of the Town of Alexander duly adopted a Resolution directing the Supervisor of the Town of Alexander to file a map, plan and report as prepared by the Town's engineer for providing the facilities, improvements or services in a portion of the Town of Alexander wherein a water district is proposed to be established as hereinafter described; and

WHEREAS, after said Supervisor duly filed the map, plan and report in the Office of the Town Clerk of the Town of Alexander on November 9, 2012 and said Town Board did on December 10, 2012 duly adopted an "Order for a Public Hearing on the Petition for Establishment of the Town of Alexander Route 98 Water District No. 2" reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same is on file in the Town Clerk's Office for public inspection and specifying that said Town Board shall meet at the Town of Alexander Town Office on the 27th day of December 2012 at 7:00 p.m. for the purpose of conducting a public hearing on such proposal to establish the water district with the specified improvements and to hear all persons interested in the subject thereof concerning the same, and

WHEREAS, a "Petition to Request Water District" was filed in the Town of Alexander Town Clerk's Office on December 10, 2012, which was signed by a number of owners within said district which was greater than the percentage required by law; and

WHEREAS, the improvements proposed are to provide a safe and reliable potable water supply and fire protection to certain residences located within the proposed water district. The overall project will consist of the construction and installation of approximately 21,500 linear feet of 12" diameter PVC water main along New York State Route 98 between the Town of Batavia Town Line and the Village of Alexander at New York State Route 20 (Broadway Road) together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, appurtenances and other improvements and costs incidental thereto and, in addition, a booster pump station to meet domestic pressure and peak daily demand with the inclusion of fire pumps to provided a minimum fire flow of 500 gallons per minute in addition to the peak hourly demands; and

WHEREAS, copies of the aforesaid said "Order for a Public Hearing on the Petition for the Establishment of the Town of Alexander Route 98 Water District No. 2" was duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such hearing requires that the Town Board make the determinations hereinafter made.

ON MOTION OF Supervisor Joseph Higley, which was duly seconded by Councilperson David Miller.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Alexander, in the County of Genesee, duly convened, that it be and hereby is determined as follows:

- (1) The aforesaid "Petition to Request Water District" was signed and acknowledged or proved or authenticated, as required by law and is otherwise sufficient.
- (2) The Notice of Hearing was published and posted as required by law and is otherwise sufficient.
- (3) That all the property and property owners, within the proposed water district are benefited thereby.
- (4) That all of the property and property owners benefited are included within the proposed water district.
- (5) It is in the public interest to establish the proposed water district as hereinafter described; and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a water district as hereinafter described to be known as the Town of Alexander Route 98 Water District No. 2 and shall have an exterior boundary described as follows:

Beginning at a point, said point being the centerline intersection of Alexander Road (New York State Route 98) and a reputed northerly boundary line of the Town of Alexander; thence

1. Easterly, 612 feet more or less, along a reputed northerly boundary line of the Town of Alexander to a point, said point being an extension of a line parallel to and 500 feet easterly of the centerline of NYS Route 98 and the northerly boundary line of the Town of Alexander; thence

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2. Southerly, 20,945 feet more or less, along a line parallel to and 500 feet easterly of the centerline of NYS Route 98 to a point, said point being the centerline of Broadway Road (New York State Route 20); thence
3. Westerly, 1,154 feet more or less, along the centerline of New York State Route 20 to a point, said point being a reputed westerly boundary line of the Town of Alexander and southerly extension of a westerly property line of Tax Account No. 8.-1-5.2; thence
4. Northerly, 244 feet more or less, along a southerly extension of the westerly property line of Tax Account No. 8.-1-5.2 to a point, said point being an interior property corner of Tax Account No. 8.-1-5.2; thence
5. Westerly, 450 feet more or less, along the southerly property line of Tax Account No. 8.-1-5.2 to a point, said point being the westerly property line of Tax Account No. 8.-1-5.2; thence
6. Northerly, 740 feet more or less, along the westerly property line of Tax Account No. 8.-1-5.2 to a point, said point being the northerly property line of Tax Account No. 8.-1-5.2; thence
7. Easterly, 940 feet more or less, along the northerly property line of Tax Account No. 8.-1-5.2 to a point, said point being the intersection of a line parallel to and 500 feet westerly of the centerline of NYS Route 98 and the southerly property line of Tax Account No. 8.-1-5.122; thence
8. Northerly, 1,471 feet more or less, along a line parallel to and 500 feet westerly of the centerline of NYS Route 98 to a point, said point being the northerly property line of Tax Account No. 8.-1-5.112; thence
9. Easterly, 134 feet more or less, along the northerly property line of Tax Account No. 8.-1-5.112 to a point, said point being the intersection of the southerly right of way line of Goodman Road and the northerly property line of Tax Account No. 8.-1-5.112; thence
10. Northerly, 46 feet more or less, along a line perpendicular to the right of way line of Goodman Road to a point, said point being the northerly right of way line of Goodman Road; thence
11. Westerly, 136 feet more or less, along the northerly right of way line of Goodman Road to a point, said point being a line parallel to and 500 feet westerly of the centerline of NYS Route 98; thence
12. Northerly, 18,145 feet more or less, along a line parallel to and 500 feet westerly of the centerline of NYS Route 98 to a point, said point being an extension of a line parallel to and 500 feet westerly of the centerline of NYS Route 98 and the northerly boundary line of the Town of Alexander; thence
13. Easterly, 612 feet more or less, along a reputed northerly boundary line of the Town of Alexander to a point, said point being the Point of Beginning.

AND BE IT FURTHER RESOLVED, the total capital project cost for the Town of Alexander Route 98 Water District No. 2 is \$1,673,000.00 which will be reduced by a maximum USDA Rural Development grant of \$500,000 leaving a total debt (net local share) of \$1,173,000 to be financed through a Rural Development loan for a thirty-eight (38) year term at 2.375% interest, thereby creating a yearly debt service of \$47,206.68 and assuming this annual debt is shared by 71.5 billable units in the proposed water district, the annual cost of debt service will be \$660.23 per typical property user in the proposed district, which is a single family home; and be it

FURTHER RESOLVED, a typical household uses 60,000 gallons of water per year and the estimated cost of the water to be purchased by user's within the water district is \$4.42 per 1,000 gallons used. Thereby the average household can expect to pay, above and beyond the debt service, approximately \$265.20 per year for water purchased plus short lived assets of \$17.78; and be it

FURTHER RESOLVED, that based upon the foregoing estimates, the total annual cost of the typical property in the proposed district will be \$943.21 per year; and be it

FURTHER RESOLVED, that payment of the debt service will be made by levy and collection of special assessments from the 165 individuals, 4 commercial establishments and a few farms (lots and parcels of lands within the water district creating the 71.5 billable units) which the Town Board shall determine and specify to be specially benefited thereby, so much upon and from each as such shall be in just proportion of the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds, as the same shall become due and payable, and be it

FURTHER RESOLVED, that each property will also have to pay for service from their home to the road right-of-way, incurring an estimated one time cost of approximately \$260.00 for a water meter, approximately 75 linear feet of pipe at \$10.00 per linear feet which totals \$750.00, as well as, any internal plumbing charges calculated at approximately \$200.00 which includes well abandonment; and be it

FURTHER RESOLVED, that this Resolution and Order is not subject to permissive referendum; and be it

FURTHER RESOLVED, that the total annual cost to a typical property in the water district exceeds the maximum amount of \$696.00 of the average estimated costs applied to town special district establishments, extensions or increases to be expended as published by the State of New York Office of the State Comptroller in December 2011 for January 1, 2012 through December 31, 2012; and be it

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FURTHER RESOLVED, that this Resolution and Order is subject to the approval of the Office of the State Comptroller, Department of Audit and Control and the Town Supervisor, assisted by the Town Attorney, will prepare an application to the Office of the State Comptroller, Department of Audit and Control for approval of the formation of this water district; and be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is authorized and directed, within ten (10) days hereof, to record a certified copy of this Resolution and Order with the Genesee County Clerk's Office and submit duplicate certified copies of this Resolution and Order with the Office of the State Department of Audit and Control, together with an application, in duplicate, executed and verified by the Supervisor of the Town of Alexander for permission to create such district.

DATED: December 27, 2012

Laura Schmieder, Clerk
Town of Alexander

[SEAL]

Approved on Roll Call as follows:

Supervisor Joseph Higley	X Yes	_ No	_ Abstain	_ Absent
Councilmember David Miller	X Yes	_ No	_ Abstain	_ Absent
Councilmember Roy Haller, III	X Yes	_ No	_ Abstain	_ Absent
Councilmember William Schmieder	X Yes	_ No	_ Abstain	_ Absent
Councilmember William Hirsch	X Yes	_ No	_ Abstain	_ Absent

The next regular meeting of the Town Board will take place on January 14, 2013. This will include the Organization meeting and it will begin at 6:00 p.m. The Clerk will advertise

On motion by Councilperson Hirsch, seconded by Councilperson Miller, and carried, the Board entered into executive session at 8:15 p.m. to discuss current collective bargaining negotiations. 5 – Yes Higley, Miller, Schmieder, Haller, Hirsch 0 – No Carried

The Clerk was excused at this time.

On motion by Councilperson Miller, seconded by Councilperson Haller, and carried, the Board returned to open meeting. 5 – Yes Higley, Miller, Schmieder, Haller, Hirsch 0 – No Carried

On motion by Councilperson Hirsch, seconded by Councilperson Haller, and carried, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Laura Schmieder, Town Clerk