

September 14, 2009
Alexander Town Board Regular Meeting
Alexander Town Hall 7:00 p.m.

Present: Supervisor Ruth Hulshoff
Town Board: William Franz, William Schmieder, William Hirsch
H'way Supt: Thomas Lowe
Town Clerk: Laura Schmieder
Absent: Emma Jean Grant
Guests: Roy Haller, Carol Wolfley, Joseph Higley, David DiMatteo (9:15)

The meeting was called to order at 7:00 p.m. by Supervisor Hulshoff. The Pledge of Allegiance was recited and a moment of silence for our servicemen and women.

On motion by Councilperson Franz, seconded by Councilperson Hirsch, and carried, the minutes of the August 10, 2009 regular meeting, and August 20 and 31, 2009 budget workshops were accepted as presented. 4 – Yes Hulshoff, Schmieder, Franz Hirsch 0 – No Motion carried

COMMUNICATIONS: Monthly franchise letter from Time Warner and notice of PBS changes; Genesee Co. Legislature agenda; letter from Assoc. of Towns re: a call for mandate relief; Decision Makers Forum agenda; Genesee County Soil and Water monthly newsletters for July and Aug/Sept; Holland Land Office newsletter;

REPORTS:

CEO/ZEO: None

Insurance: Insurance on new truck; Certificates of Insurance from Mercy EMS

H'way Supt: a) paved Telephone Road, smoothed out shoulders; b) sealed Stannard, Seward and west side of Cookson Roads; c) getting equipment ready for winter; d) worker on disability has returned to work at 100%; e) a letter should be sent to the Town of Bethany regarding sharing a grader

Town Clerk: a) Turnbull Heating and Air were here to check on the air conditioning unit and were asked to give us an estimate on a new system; b) the outside toter from Waste Management was canceled on 8/17/09; c) hunting license sales have been brisk, especially lifetime licenses; d) the Alex. Fire Dept. has applied to the State to renew their liquor license; e) Clerk's office will be closed on October 12th

Building: The front steps are sealed and the new railing installed; the Supervisor will sign a quote from Belco Co. to have the 3rd floor of the Town Hall key-accessible only.

Youth: discussion of insurance coverage for rec program

GAM: notice of first meeting of year-9/17/09 at LB Grand in LeRoy

Financial reports for Town Clerk, Town Justice and Supervisor Financial were read and filed.

OLD BUSINESS:

Water District Update: Minutes from Paul Chatfield's meeting on 8/20/09 were distributed. There was discussion as to payment to Chatfield Engineers and also Attorney fees for any water districts. There was also discussion that Town of Batavia water lines may be passing through Alexander on the northwest corner of our Town (Pike Road area).

RES. NO. 42: ENGINEERING SERVICES PROPOSAL FOR FEASIBILITY STUDY

On motion by Councilperson Hirsch, seconded by Councilperson Franz, and carried, the Town Board authorizes the Supervisor to sign the Agreement with Chatfield Engineers for a Feasibility Study for a Town of Alexander-Route 98 water project at a cost of \$1,750. and a Town of Alexander/Town of Darien Joint Project at a cost of \$1,250. for a total cost of \$3,000. 4 – Yes Hulshoff, Schmieder, Franz, Hirsch 0 – No Motion carried

The Feasibility Study will be completed within 30 days of this authorization to proceed and Chatfield Engineers will present the findings to the Public after that time.

Union Update: a preliminary meeting with all parties will take place this week.

Building Update: The front steps and railing have been completed. Neither of the previous contractors has responded with prices on the roof repair. Two more contractors have been contacted and will come to the Hall on Friday. The Board will look into having the signage on the back doors replaced.

Salt Barn Update: Discussed status of Perm 33, and Assemblyman Burling involvement.

RES. NO. 43: BOND RESOLUTION

On motion by Councilperson Franz, seconded by Councilperson Schmieder, and carried, to authorize the construction of a salt storage facility in and for the Town of Alexander, in the County of Genesee, New York, and also authorizing the general obligation bonds of the Town of Alexander, to finance the cost thereof, and also authorizing the issuance of Bond Anticipation Notes in contemplation thereof. **WHEREAS, the TOWN OF ALEXANDER, in the County of Genesee, by its Town Council has determined it necessary for the Town, to construct a building and related facilities for the storage of highway salt and to develop engineering plans and specifications related thereto (the "Project").**

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Council of the Town of Alexander, Genesee County, New York, as follows:

Section 1. The financing of the Project (the "specific object or purpose"), is hereby authorized at a maximum estimated cost of \$505,000. Any funds received or to be received from the State of New York, or any other governmental entity other than the Town of Alexander shall be applied towards the cost

Alexander Town Board Meeting – September 14, 2009

of said object or purpose or redemption of said bonds issued therefore, and the amount of bonds authorized hereby shall be correspondingly reduced by the amount provided by any such non debt financing.

Section 2. The specific objects or purposes are objects or purposes described in Section 11 of the Local Finance Law.

Section 3. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

Section 4. The Town Council, acting as Lead Agency under the SEQRA regulations of the State of New York, has previously issued a NEGATIVE DECLARATION for the specific object or purpose finding that the same will not have a significant impact upon the environment.

Section 5. The plan for the financing of such maximum estimated cost is by the issuance of general obligation serial bonds of the in an aggregate principal amount not exceeding \$505,000,000 which are hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 6. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

Section 7. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen (15) years, pursuant to subparagraph 1 of Section 11.00.(c) of the New York State Local Finance Law ("Local Finance Law"). It is hereby further determined that the maximum maturity of the bonds herein authorized will not be in excess of fifteen (15) years.

Section 8. The faith and credit of the Town of Alexander, New York, is hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in every year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 9. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, as the Chief Fiscal Officer of the Town. To the extent required by law, this Resolution shall also constitute a "Bond Anticipation Note Resolution" pursuant to the Local Finance Law.

Section 10. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor, as the Chief Fiscal Officer of the Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 11. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to insure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

Section 12. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 14. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 1 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This resolution is subject to a permission referendum pursuant to Section 35 of the Local Finance Law and the Town Clerk is hereby authorized and directed, within ten (10) days hereof to publish the aforesaid notice as provided hereinabove at Section 11.

Alexander Town Board Meeting - September 14, 2009

Section 16. This resolution or a summary hereof shall be published in full in the official legal newspaper of the Town for such purposes, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

4 – Yes Hulshoff, Schmieder, Franz, Hirsch 0 – No 1 – Absent Grant Motion carried

NEW BUSINESS:

RES. NO. 44: BID FOR WOOD CHIPPER

On motion by Councilperson Franz, seconded by Councilperson Hirsch, and carried, to accept the bid of \$650. from Richard Green of Perry for the Machete Wood Chipper. 4 – Yes Hulshoff, Schmieder, Franz, Hirsch 0 – No Motion carried

RES. NO. 45: BID FOR 1989 AUTOCAR

Motion by Councilperson Franz to accept the bid for Baskin Farms, Inc. for the 1989 Autocar in the amount of \$2500. Motion died for lack of a second.

Discussion ensued.

RES. NO. 46: 1989 AUTOCAR BID TABLED

Motion by Councilperson Franz, seconded by Councilperson Schmieder, to withdraw the previous motion and after discussion, decided to reserve action until September 22nd at the Town budget workshop. 4 – Yes Hulshoff, Schmieder, Franz, Hirsch 0 – No Motion carried

RES. NO. 47: RETAINER FOR TOWN ATTORNEY

On motion by Councilperson Hirsch, seconded by Councilperson Franz, and carried, to authorize the Supervisor to sign the Retainer Letter with Town Attorney David DiMatteo dated September 3, 2009. This agreement covers the rate of compensation for the attorney and staff, and reimbursement of costs, both related to water district legal services. 4 – Yes Hulshoff, Schmieder, Franz, Hirsch 0 – No Motion carried

It was agreed to hold a budget workshop on Tuesday, September 22nd at 6:00 pm. The Clerk will send in the advertisement.

It was agreed to change the October regular meeting date to Tuesday, October 13th due to the Columbus Day holiday.

The Village will be holding a 175th Birthday celebration on October 10th from 10 am to 4 pm. A schedule of events has been posted at the Town Hall and will be advertised by the Committee.

On motion by Councilperson Franz, seconded by Councilperson Schmieder, and carried, to pay the bills on Abstract #9 as follows:

General Fund A	Vouchers 191 – 215	\$ 7,649.03
General Fund B	Vouchers 57- 64	3,685.05
Highway Fund A	Voucher 11	709.47
Highway Fund B	Vouchers 160 – 183	37,061.44
Highway Fund H	Voucher 9	1,231.20

On motion by Councilperson Franz, seconded by Councilperson Hirsch and carried, the meeting adjourned at 10:10 p.m.

Respectfully submitted,

Laura Schmieder
Town Clerk