

**March 4, 2013**  
**Alexander Town Board Special Meeting**  
**Alexander Town Hall 7:00 p.m.**

Present: Supervisor Joseph Higley  
Town Board: David Miller, William Schmieder, Roy Haller III, William Hirsch  
Town Clerk: Laura Schmieder  
Guest: David DiMatteo, Town Attorney

Supervisor Higley called the meeting to order at 7:00 p.m. with the Pledge of Allegiance and a moment of silence.

Attorney DiMatteo was present to discuss what we need to do to move forward with our Water District #2 application to Rural Development. We were given notice that the NYS Comptroller sent approval for Alexander to exceed the threshold set by the Comptroller's Office for 2013. That notice was sent to Genesee County Legislature and they need to acknowledge receipt of that notice. At that point we are on a limited time frame to approve our bonding resolution to be included in the Rural Development application (March 18<sup>th</sup>). Attorney DiMatteo and Supervisor Higley will be speaking with Dawn Kuras at the Rural Development office to clarify the timeframe. In the meantime, we need to address certain items that will also become part of the application.

**RES. NO. 13: AUTHORIZING LEGAL SERVICES AGREEMENT FOR WATER DISTRICT #2**

**WHEREAS** the Town Board of the Town of Alexander met at a special Board meeting at the Town Offices of the Town of Alexander in the Town of Alexander, New York on the 4<sup>th</sup> day of March 2013 commencing at 7:00 p.m. at which time and place all members were present;

**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 of Alexander is working toward the establishment of the Route 98 Water District No. 2 for the improvements to provide a safe and reliable potable water supply and fire protection to certain residences located within the proposed water district; and

**WHEREAS**, a portion of the financing of said water district will involve Rural Development funding which requires the submission of RUS Bulletin 1780-7; Legal Services Agreement; and

**WHEREAS**, the Town Board feels it is in the best interest of the Town of Alexander to enter into a Legal Services Agreement with the DiMatteo Law Office, Attorney for the Town of Alexander,  
**NOW ON MOTION OF** Councilperson Roy Haller, III which has been duly seconded by Councilperson William Hirsch, now, therefore,

**BE IT RESOLVED**, that the Town Board of the Town of Alexander hereby retains the DiMatteo Law Office for legal services necessary to organize and incorporate the Route 98 Water District No. 2; and be it further

**RESOLVED**, by the Town Board of the Town of Alexander to authorize and empower Joseph Higley, Supervisor of the Town of Alexander, to execute RUS Bulletin 1780-7; Legal Services Agreement.

Ayes – 5 Higley, Miller, Schmieder, Haller, Hirsch

Nays – 0

Carried

**RES. NO. 14: AUTHORIZING BOND COUNSEL AGREEMENT FOR WATER DISTRICT #2**

**WHEREAS**, the Town Board of the Town of Alexander met at a special Board meeting at the Town Offices of the Town of Alexander in the Town of Alexander, New York on the 4<sup>th</sup> day of March 2013 commencing at 7:00 p.m. at which time and place all members were present;

**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 of Alexander is working toward the establishment of the Route 98 Water District No. 2 for the improvements to provide a safe and reliable potable water supply and fire protection to certain residences located within the proposed water district; and

**WHEREAS**, the total capital project cost for said water district is \$1,673,000 which will be reduced by a USDA Rural Development grant of \$500,000 leaving a total debt of \$1,173,000 to be financed through a Rural Development loan which will require bond counsel services for the adoption of a bond resolution; and

**WHEREAS**, the Town Board has fully reviewed the information submitted by Hodgson Russ, LLP to provide bond counsel legal service for this project; and

**WHEREAS**, the Town Board feels it is in the best interest of the Town of Alexander to retain the services of Hodgson Russ, LLP in accordance with the proposal submitted.

**NOW ON MOTION OF** Joseph Higley which has been duly seconded by David Miller, now, therefore,

**BE IT RESOLVED**, that the Town Board of the Town of Alexander hereby retains bond counsel service of Hodgson Russ, LLP relative to the Route 98 Water District No. 2; and be it further

**RESOLVED**, by the Town Board of the Town of Alexander to authorize and empower Joseph Higley, Supervisor of the Town of Alexander, to execute and enter into a Retainer Agreement with said entity.

Ayes – 5 Higley, Miller, Schmieder, Haller, Hirsch

Nays – 0

Carried

**Alexander Town Board Special Meeting – March 4, 2013**

**RES. NO. 15: AUTHORIZING THE FINANCIAL SERVICES AGREEMENT FOR WATER DISTRICT NO: 2**

**WHEREAS**, the Town Board of the Town of Alexander met at a special Board meeting at the Town Offices of the Town of Alexander in the Town of Alexander, New York on the 4<sup>th</sup> day of March 2013 commencing at 7:00 p.m. at which time and place all members were present;

**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 of Alexander is working toward the establishment of the Route 98 Water District No. 2 for the improvements to provide a safe and reliable potable water supply and fire protection to certain residences located within the proposed water district; and

**WHEREAS**, a portion of the financing of said water district will involve bond anticipation note borrowings and private sale of serial bonds to Rural Development; and

**WHEREAS**, the Town Board feels it is in the best interest of the Town of Alexander to enter into a Financial Services Agreement with Municipal Solutions, Inc. for general financial services, including but not limited to, bond anticipation note borrowings and private sale of serial bonds to Rural Development.

**NOW ON MOTION OF** Roy Haller, III which has been duly seconded by David Miller, now, therefore, **BE IT RESOLVED**, that the Town Board of the Town of Alexander hereby retains Municipal Solutions, Inc. for the USDA Rural Development funded project to create the Route 98 Water District No. 2 which will require bond anticipation note borrowing, private sale of serial bonds to Rural Development and general financial services; and be it further

**RESOLVED**, by the Town Board of the Town of Alexander to authorize and empower Joseph Higley, Supervisor of the Town of Alexander, to execute the contract for the financial services as proposed by Municipal Solutions, Inc.

Ayes – 5 Higley, Miller, Schmieder, Haller, Hirsch

Nays – 0

Carried

**DISCUSSION:**

1. Water supply agreements with Genesee County and Town of Batavia
2. Labor relations

On motion by Councilperson Miller, seconded by Councilperson Hirsch, and carried, the meeting adjourned at 8:25 p.m.

Respectfully submitted,

Laura Schmieder, Town Clerk