

September 12, 2016
Alexander Town Board Regular Meeting
Alexander Town Hall 7:00 p.m.

Present: Supervisor Joseph Higley
Town Board: Roy Haller III, David Miller, Eric Wagner, Carol Wolfley
H'way Supt: Thomas Lowe
Town Clerk: Lisa L. Lyons
Guests: Karl Bender – CEO, Matt Mahaney, Steve Mountain, Brandon Snyder, William Wagner, Alyson & Mike Burns, Richard & Amethyst Day, Wade Smith, John Hale, Linda & Brian Farnsworth, Shawn Drysdale, Dan Tybor, Red Tybor, Duane Spring, Barb Snyder, Wm. A. Snyder, Dennis Laird, Charles Brown, Brenda Post, Jenny Wall, Craig Romesser, Jake Koch, T. Balduf, Matt Lang, Kevin Sikorski, Denisa Martino, Tom Martino, Joyce Horner, James Horner, Steve Fallon

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 Wagner, and carried, the minutes of the August 8, 2016 Regular meeting were approved as presented. 5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

COMMUNICATIONS: EMS report for 7/2016, GC Ag Decisions Makers Tour on 9/21, Fall 2016 Regional Local Government Workshop 11/16/2016 in Batavia, Stiletto and Sneaker Certified 5K, Letter from Mayor William Wagner, Pathstone Corporation, Walk to end Alzheimer's, Email from Hawley's office.

REPORTS:

CEO/ZEO: a) A monthly report was given via email from Karl on permits that have been issued to date, all necessary inspections have been completed to date.

Building: a) Springtime did come and prune all the bushes and spray for weeds.

Town Clerk: no written report, hunting licenses have been extremely busy.

Financial: a) Tentative 2017 Budget Version 3 was handed out, no meeting was scheduled.

GAM: will meet next October 20th in LeRoy.

H'way Supt.: Tom stated that his computer's mother board finally needs to be replaced. See resolution below.

Roads: Dry Bridge Road has been grader patched and repaired edges have been done. Gilhooly, W. Bethany, Wortendyke, Seward, Maplewood roads have all been paved, shoulders need to be applied to all except W. Bethany Road, need to clean up dump/cleanouts on Maplewood and Seward Roads, and blacktop aprons for driveways that need to be repaired.

Old Creek Road and Cookson have been swept off from chip seal and the shoulders have been started.

Roadsides are being mowed.

Garages: Need to update/correct quotes from spring – will work on later in the week.
Should consider security cameras for outside of buildings with the thefts and other situations arising around.

Equip: Started process of getting trucks inspected and prepping for winter.

Senior Citizen: a) Getting ready for the Frankenmuth and the Henry Ford Museum. b) Presented a flyer for the Arcade & Attica Railroad train ride, lunch, and shopping for October 14th.

Dog Control: Carolyn has finished the enumeration, we have sent out all letters to residents on the dogs that need to be licensed and they are coming in.

The Town Clerk and Town Justice financial reports were read and filed.

OLD BUSINESS:

1. Matt Mahaney was present to speak with the Board about how The Town of Batavia handles their Zoning Violation Complaints. A packet of what they use was handed out to all Board members. Discussion was had on how The Town of Batavia handles the complaints and follows strict guidelines so that if the need arises to take a resident to court all proof is there for a good outcome. It was also stated that they do not seek out violations but that are reactive instead of proactive with the complaints.
2. Steve Mountain was present to discuss the Telephone Road Water Project, and also answered many questions from the large number of guests that showed to ask questions on the water project that they would like to see on Route 20, Route 238, and Telephone Road. Brandon Snyder presented a small petition of resident signatures that have an interest in water. Steve Mountain explained the process to the residents and suggested that we gather the information needed to have an informational meeting on the proposed project to the residents.

NEW BUSINESS:

RES. NO. 60: PURCHASE OF A NEW COMPUTER FOR HIGHWAY SUPERINTENDENT

On motion by Supervisor Higley, seconded by Councilperson Wagner, and carried, the following was approved; the purchase of a new computer with an I3 Processor with 8 gig of memory for the cost of \$700.00
5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No Carried

RES. NO. 61: RECONSTRUCTION OF AND CONSTRUCTION IMPROVEMENTS TO VARIOUS ROADS

On motion by Councilperson Haller, seconded by Councilperson Miller, and carried, the following was approved: A Bond Resolution, dated September 12, 2016 of the Town Board of the Town of Alexander, Genesee County, New York (The “Town”) authorizing the reconstruction of and construction of improvements to various roads within the Town, at an estimated maximum cost of \$250,000.00 and authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$250,000.00 of the Town. Pursuant to the local finance law to finance such purpose, such amount to be offset by any federal, state, county, and/or local funds received, and delegating the power to issue bond anticipation notes in anticipation of the sale of such bonds to the Town Supervisor.

WHEREAS, the Town Board of the Town of Alexander, in the County of Genesee, New York (the “Town”) desired to undertake a highway reconstruction and resurfacing capital improvements project.

NOW THEREFOR,

BE IT RESOLVED, by the Town (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake the reconstruction of and construction of improvements to various roads within the Town, including all preliminary work and necessary equipment, materials and related site work and all preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of the Purpose is \$250,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate amount not to exceed \$250,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 20(b) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is ten years.

SECTION 4. 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 such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. 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 such 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 Board 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 details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. 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 then 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 2 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 the declaration of the Town’s “official intent” to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure 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 may 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) of the Code.

SECTION 10. 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 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 14. This resolution is subject to permissive referendum pursuant to Section 35.00(a) of the Local Finance Law. The Town Clerk is hereby authorized and directed to publish (one time) and post on the sign-board of the Town, this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 15. If no petitions are filed in the permissive referendum period, the Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

5 – Yes Higley, Miller, Wolfley, Haller, Wagner

0 – No

0 – Absent

The foregoing resolution was thereupon declared duly adopted.

RES. NO. 62: RESIGNATION OF YOUTH RECREATION DIRECTOR

On motion by Supervisor Higley, seconded by Councilperson Miller and carried the following: **WHEREAS**, Andrew Buckenmeyer has submitted a letter of resignation as the Youth Recreation director **THEREFORE BE IT RESOLVED**, the Town Board accepts the letter of resignation effective September 30, 2016 and wishes him the very best. 5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 – No

RES. NO. 63: GENESEE COUNTY CHAMBER OF COMMERCE MEMBERSHIP CANCELLATION

On motion by Councilperson Wagner, seconded by Councilperson Miller and carried, **WHEREAS**, the benefits offered by the Genesee Chamber of Commerce are not being utilized, **THEREFORE BE IT RESOLVED**, the The Town of Alexander will discontinue its membership with The Genesee County Chamber of Commerce. 5 – Yes Higley, Miller, Wolfley, Haller, Wagner 0 - No

DISCUSSION:

- Supervisor Higley has spoken with Tim Yaeger. Tim stated that he has spoken to the Wyoming County Emergency Manager but that he would reach out to them again.
- The closing on the Intercommunity Medical building was completed, we are still awaiting the funds from the sale.
- The Primary Election was held in Batavia at Genesee County Building One on Tuesday September 13th. This Primary was for the Working Families and Reform Parties only.
- Discussion how to move forward with hiring a new Youth Recreation Director. We need to have better rules and policies in place before moving forward. Once Joe returns we will place an ad in the paper and some flyers at the school for the open position. Mention of Mr. Guarino being a good candidate was had, and that we will send a Thank You letter to Mr. Buckenmeyer for his years of dedication to the program.

- Tom Lowe and I went over pricing for the Transfer Station. We will present information to the board fully next month.
- Route 238 housing numbers was discussed briefly. No action was taken as we are waiting for the Sheriff's Department to contact the residents. The need for changing of house numbers arises from a delayed ambulance response because of confusion on house numbers and where they were supposed to be.
- Discussion was had on how to proceed with the gravel pit and mining that was presented from Pete Romano. Supervisor Higley will contact Mr. DiMatteo to attend a meeting.

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

General Fund A	Vouchers	201-227	\$8095.13
General Fund B	Vouchers	39-41	\$782.98
Highway Fund A	Voucher	11-14	\$28179.19
Highway Fund B	Vouchers	110-124	\$174168.35

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

Respectfully submitted,

Lisa L. Lyons
Town Clerk