

December 27, 2017
Alexander Town Board End of Year Meeting
Alexander Town Hall 7:00 p.m.

Present: Supervisor Joseph Higley
Town Board: David Miller, Carol Wolfley, Roy Haller III, Eric Wagner
Town Clerk: Lisa Lyons
Highway Supt: Tom Lowe
Guests: David DiMatteo, Greg Torrey, 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.

COMMUNICATIONS: Mercy EMS report for 11/2017; Parks & Recreation Newsletter; Christmas card from Municipal Solutions

NEW BUSINESS:

RES. NO. 67: FINAL ORDER ESTABLISHING TOWN OF ALEXANDER WATER DISTRICT NO. 4:

WHEREAS, the Town Board of the Town of Alexander (herein called "Town Board" and "Town", respectively), in the County of Genesee, New York, has received a petition pursuant to Section 191 of the Town Law, for the establishment of the Town of Alexander Water District No. 4 in the Town (the "District"), which petition was signed by a number of owners within the District, and was greater than the percentage required by law; and

WHEREAS, a map, plan and report, dated January 2017, was prepared by Mountain Engineering, PLLC, competent engineers duly licensed by the State of New York, for the establishment of the District; and

WHEREAS, such map, plan and report was filed on June 12, 2017 at the office of the Town Clerk, and was available for public inspection at said location; and

WHEREAS, said proposed improvements consist of a project to provide a safe and reliable potable water supply and fire protection in the proposed District; and

WHEREAS, the overall project will generally consist of the construction and installation of approximately 4,300 linear feet of 8-inch or 12-inch PVC water main along various roads in the Town including, but not limited to, Telephone Road, Broadway Road (U.S. Route 20) and Sandpit Road, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such Project, together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, water services, appurtenances, apparatus, and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"); and

WHEREAS, the estimated maximum amount proposed to be expended for the Project is estimated to be \$440,000; and

WHEREAS, pursuant to the Order duly adopted on June 12, 2017, the Town Board determined to proceed with the proposed establishment of the District and adopted an Order reciting a description of the boundaries of the District, the improvements proposed, the maximum amount proposed to be expended for the construction of the Project in connection with the establishment of the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same is on file in the Town Clerk's office and is available for public inspection and specifying July 10, 2017, at 7:00 o'clock p.m. (Prevailing Time) or shortly thereafter, as the time when the Town Board would meet to consider the proposed establishment of the District and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by law; and

WHEREAS, following publication and posting of certified copies of said Order pursuant to Article 12 of the Town Law and after a public hearing duly held by the Town Board at the time and place herein referred to, the Town Board, by resolution duly adopted July 10, 2017, determined that the Petition to Request the Water District was signed and acknowledged or proved or authenticated, as required by law, and was otherwise sufficient, the notice of public hearing was published and posted as required by law and was otherwise sufficient, that all the property and property owners included within the proposed District were benefited thereby, that all the property and property owners benefited were included within the limits of the proposed District, that it was in the public interest to establish the District and approved the establishment of the District and the construction of the Project in connection with the District as hereinabove described at an estimated maximum cost of \$440,000; and

WHEREAS, permission of the State Comptroller was required with respect to the establishment of the District and the Town submitted an application to the Office of the State Comptroller, Department of Audit and Control, as required by Town Law; and

WHEREAS, the Office of the State Comptroller, Department of Audit and Control reviewed such application and on December 8, 2017, the State Comptroller issued an order that such application of the Town Board of the Town of Alexander for permission to establish the Town of Alexander Water District No. 4 was approved and permitted the establishment of the District in accordance with the description referred to in a resolution of July 10, 2017, at an estimated maximum cost of \$440,000;

NOW, THEREFORE, be it ORDERED, that the establishment of the District is hereby approved and will be known as the Town of Alexander Water District No. 4, situate wholly outside of any incorporated village or city, and is bounded and described as follows:

The boundary of the proposed Town of Alexander, Alexander Water District No. 4 includes all that tract or parcel of land situated in the Town of Alexander, County of Genesee, State of New York, being described as follows:

Beginning at a point, the northwest intersection of the Alexander Municipal Boundary and the intersection of the right-of-ways of Sandpit Road and Telephone Road; thence,

1. Northeasterly, following the easterly Municipal Boundary line and the existing Village of Alexander Water District, along the southeasterly lines of Tax Parcel numbers 2-3-14.111, 2-3-14.112 and 2-3-14.2, a distance of 646 feet, more or less, to the southerly corner of Tax Parcel number 8-1-33.12; thence,
2. Westerly, following the northerly Municipal Boundary line and the existing Village of Alexander Water District, along the southerly line of Tax Parcel number 8-1-33.12, a distance of 236 feet, more or less to the westerly corner of Tax Parcel number 8-1-33.12; thence,
3. Northeasterly, along the northwesterly line of Tax Parcel number 8-1-33.12, a distance of 411 feet, more or less, to the northerly corner of Tax Parcel number 8-1-33.12; thence,
4. Southeasterly, along the northerly line of Tax Parcel number 8-1-33.12, a distance of 67 feet, more or less, to the northeasterly corner of Tax Parcel number 8-1-33.12; thence,
5. Southerly, along the easterly line of Tax Parcel number 8-1-33.12, a distance of 145 feet, more or less, to a point along the westerly right-of-way line of Sandpit Road; thence,
6. Northeasterly, along the westerly right-of-way line of Sandpit Road, across Broadway Road (99 feet wide right-of-way), a distance of 211 feet, more or less, to the intersection of the Broadway Road and Brookville Road right-of-ways; thence,
7. Southeasterly, across Brookville Road (66 feet right-of-way), a distance of 71 feet, more or less, to the westerly corner of Tax Parcel number 8-1-30; thence,
8. Southwesterly, across Broadway Road (66 feet wide right-of-way), a distance of 36 feet, more or less, to a point on the centerline of Broadway Road; thence,
9. Easterly, along the centerline of Broadway Road, a distance of 1,170 feet, more or less, to point across and perpendicular to the southwest corner of Tax Parcel number 9-1-46; thence,
10. Northerly, across Broadway Road and continuing along the westerly line of Tax Parcel number 9-1-46, a distance of 225 feet, more or less, to the northwesterly corner of Tax Parcel number 9-1-46; thence,
11. Easterly, along the northerly line of Tax Parcel number 9-1-46, a distance of 160 feet, more or less, to the northeasterly corner of Tax Parcel number 9-1-46; thence,
12. Northerly, along the westerly line of Tax Parcel number 9-1-51, a distance of 20 feet, more or less, to the northwesterly corner of Tax Parcel number 9-1-51; thence,
13. Easterly, along the northerly line of Tax Parcel number 9-1-51, a distance of 162 feet, more or less, to the northwesterly corner of Tax Parcel number 9-1-47.121; thence,
14. Easterly, along the northerly line of Tax Parcel number 9-1-47.121, a distance of 162 feet, more or less, to the northwesterly corner of Tax Parcel number 9-1-47.112; thence,
15. Easterly, along the northerly line of Tax Parcel number 9-1-47.112, a distance of 50 feet, more or less, to the northwesterly corner of Tax Parcel number 9-1-47.111; thence,
16. Easterly, along the northerly line of Tax Parcel number 9-1-47.111, a distance of 210 feet, more or less, to the northeasterly corner of Tax Parcel number 9-1-47.111; thence,
17. Easterly, through the lands of Tax Parcel numbers 9-1-57 and 9-1-58.1, a distance of 2,442 feet, more or less, to a point along the easterly line of Tax Parcel number 9-1-58.1; thence,
18. Southerly, along the easterly line of Tax Parcel number 9-1-58.1, a distance of 175 feet, more or less, to the southeasterly corner of Tax Parcel number 9-1-58.1; thence,
19. Southerly, across Broadway Road (66 feet wide right-of-way), a distance of 33 feet, more or less, to a point on the centerline of Broadway Road; thence,
20. Easterly, along the centerline of Broadway Road, a distance of 311 feet, more or less, to point across and perpendicular to the northeasterly corner of Tax Parcel number 9-1-40.2; thence,
21. Southerly, across Broadway Road, a distance of 33 feet, more or less, to the northeasterly corner of Tax Parcel number 9-1-40.2; thence,
22. Southerly, along the easterly line of Tax Parcel number 9-1-40.2, a distance of 1,154 feet, more or less, to the southeasterly corner of Tax Parcel number 9-1-40.2; thence,
23. Westerly, along the southerly line of Tax Parcel number 9-1-40.2, a distance of 1,662 feet, more or less, to the southwest corner of Tax Parcel number 9-1-40.2; thence,
24. Westerly, through the lands of Tax Parcel numbers 9-1-40.1 and 9-1-44.12, a distance of 1,677 feet, more or less, to southeasterly corner of Tax Parcel number 9-1-44.2; thence,
25. Westerly, along the southerly line of Tax Parcel number 9-1-44.2, a distance of 160 feet, more or less, to the southwest corner of Tax Parcel number 9-1-44.2; thence,
26. Westerly, through the lands of Tax Parcel number 9-1-43, a distance of 81 feet, more or less, to a point along the westerly line of Tax Parcel number 9-1-43; thence,
27. Northerly, along the westerly line of Tax Parcel number 9-1-43, a distance of 536 feet, more or less, to a point across and perpendicular to the southeasterly corner Tax Parcel number 8-1-39.121; thence,
28. Westerly, through the lands of Tax Parcel number 8-1-39.113, a distance of 535 feet, more or less, to the southeasterly corner of Tax Parcel number 8-1-39.121; thence,
29. Westerly, along the southerly line of Tax Parcel number 8-1-39.121, a distance of 163 feet, more or less, to the southwest corner of Tax Parcel number 8-1-39.121; thence,
30. Westerly, through the lands of Tax Parcel number 8-1-39.113, a distance of 1,039 feet, more or less, to the southeasterly corner of Tax Parcel number 8-1-86; thence,
31. Westerly, along the southerly line of Tax Parcel number 8-1-86, a distance of 260 feet, more or less, to the southwest corner of Tax Parcel number 8-1-86; thence,

32. Westerly, across Sandpit Road (49.5 feet wide right-of-way) a distance of 49.5 feet, more or less, to a point along the westerly line of the Sandpit Road right-of-way; thence,
33. Northerly, following the existing Alexander Water District and along the westerly Sandpit Road right-of-way, a distance 212 feet, more or less, to the point of beginning.
34. Northeasterly, following the existing Village of Alexander Water District and across Telephone Road (66 feet wide right-of-way), a distance of 124 feet, more or less, to the point of beginning.

All as shown on the maps prepared by the Town of Alexander entitled, "Alexander Water District No. 4" dated September 2016. The Town of Alexander Water District No. 4, as described above, contains approximately 132 acres of land.
and be it further:

ORDERED, that the District hereinabove referred to shall be constructed as set forth in the Order Calling the Public Hearing and the resolution establishing the District, at an estimated maximum cost of \$440,000 and that the plan of financing is the issuance of serial bonds in an aggregate principal amount not to exceed \$440,000 such amount to be offset by any federal, state, county and/or local funds received including, but not limited to, grant funds in an approximate amount of \$197,000 anticipated to be received from the United States of America – Rural Development Agency, and unless paid from other sources or charges, the costs for the establishment of the District will be by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and be it further

ORDERED, that within ten days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Genesee and file with the Department of Audit and Control in Albany, New York copies of this Order, certified by the Town Clerk.

The question of the adoption of the foregoing order was duly put to vote on a roll call, which resulted as follows:

On motion by: Councilperson Haller, seconded by Councilperson Wagner, and carried:

Yes – David Miller, Carol Wolfley, Roy Haller, Eric Wagner, Joseph Higley 0 – No Carried

RES. NO. 68: A BOND RESOLUTION, DATED DECEMBER 27, 2017, OF THE TOWN BOARD OF THE TOWN OF ALEXANDER, GENESEE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF ALEXANDER WATER DISTRICT NO. 4 IN THE TOWN AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF \$440,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$440,000 OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED BY THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE 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, Genesee County, New York (the "Town"), pursuant to Article 12 of the Town Law, created a water district designated and known as the Town of Alexander Water District No. 4 (the "District"); and

WHEREAS, the Town Board has determined to undertake a water system capital improvements project (the "Project") generally consisting of the construction of the infrastructure for the District; and

WHEREAS, by Resolutions the Town Board took the following actions with respect to the Project: (a) prepared maps, plans and reports and identified the boundaries for the District and the Project, (b) held public hearings with respect to the Project, (c) determined that the Project would not have a significant adverse effect on the environment under Article 8 of the Environmental Conservation Law, (d) determined that the requirements of Article 12 of the Town Law had been satisfied with respect to the Project and further determined to undertake the Project and (e) received permission to establish the District from the New York State Comptroller; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Project;

NOW, THEREFORE, be it

RESOLVED, by the Town Board (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 a certain capital improvements project generally consisting of the construction and installation of approximately 4,300 linear feet of 8-inch or 12-inch PVC water main along various roads in the Town including, but not limited to, Telephone Road, Broadway Road (U.S. Route 20) and Sandpit Road, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such Project, together with all related right-of-way costs, site

work and other ancillary work, including hydrants, valves, water services, appurtenances, apparatus, and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of said purpose is \$440,000.

SECTION 2: The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$440,000 said amount to be offset by the receipt of any federal, state, county and/or local funds received including, but not limited to, the application of approximately \$197,000 of grant funds anticipated from the United States of America – Rural Development Agency. Unless paid from other sources or charges, the costs for the establishment of the District will be by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3: It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 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 said 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 shall 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, the costs of said establishment of the District shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same shall become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said 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, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 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 said bonds, and the renewals of said 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 earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) 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 (or reaffirmation) 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 has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review

Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

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 said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) 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 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14: 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 said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 15: This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

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

5 – Yes David Miller, Carol Wolfley, Roy Haller, Eric Wagner, Joseph Higley 0 – No Carried

RES. NO. 69: LOAN RESOLUTION USDA

A RESOLUTION OF THE Town Board OF THE Town of Alexander AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Alexander (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$243,000.00 pursuant to the provisions of New York State Municipal Laws; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, Financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.

7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$197,000.00 under the terms offered by the Government; that the Town Supervisor and of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s). The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

On motion by Councilperson Wagner, seconded by Councilperson Miller, and carried:

5 – Yes David Miller, Carol Wolfley, Roy Haller, Eric Wagner, Joseph Higley 0 – No Carried

RES. NO. 70: TO ACCEPT THE AMENDED AND RESTATED WATER AGREEMENT BETWEEN THE COUNTY OF GENESEE AND THE TOWN OF ALEXANDER:

On motion by Supervisor Higley, seconded by Councilperson Miller, and carried, the following: to accept the water supply agreement between the County of Genesee and the Town of Alexander as written.

3 – Yes Higley, Miller, Wolfley 2 – No Haller, Wagner Carried

RES. NO. 71: TO ACCEPT ROBERT CLEVER AS THE TRANSFER STATION ATTENDANT AT AN HOURLY RATE OF \$11.50.

On motion by Councilperson Miller, seconded by Councilperson Wagner, and carried, the following: to accept the application from Robert Clever as the Transfer Station Attendant at an hourly rate of \$11.50.

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

RES. NO.72: AGREEMENT TO EXTEND THE SNOW AND ICE AGREEMENT WITH GENESEE COUNTY.

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

WHEREAS, the Town Board of the Town of Alexander on December 27, 2017 makes a resolution to approve the extension to Snow & Ice Contract No. D0009589 between the State of New York and the Town of Alexander for snow and ice control. The contract was previously to expire on June 30, 2019 and will now, upon approval of this extension, expire on June 30, 2020 unless further extended. The contract will be for \$97,384.40.

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

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

General Fund A	Vouchers	321-333	\$15533.71
General Fund B	Voucher	31	\$89.95
Highway Fund A			
Highway Fund B	Vouchers	182-195	\$39350.05

Next meeting: Regular and Organization Meeting on January 8, 2018

On motion by Councilperson Miller, seconded by Councilperson Haller, and carried, the meeting adjourned at 9:10 pm.

Respectfully submitted,

Lisa L. Lyons
Town Clerk