

October 9, 2018
Alexander Town Board Regular Meeting
Alexander Town Hall 7:00 p.m.

Present: Supervisor Joseph Higley
Town Board: Roy Haller III, David Miller, Carol Wolfley
Town Clerk: Lisa L. Lyons
Highway Supt: Tom Lowe
Guests: Jackie Lowe, Sean McPhee, Dean Hendershott, Paul Hirsch, Tim Batzel, John Slenker,
Richard Guarino, Catie Huber, Brandon Snyder, Laura Schmieder
Absent: Eric Wagner

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 Miller, and carried, the minutes of the September 10, 2018 Regular Meeting with Public Hearing were adopted.

4 – Yes Higley, Haller, Miller, Wolfley 0 – No Carried

Alexander Central School presented their Capital Project Overview.

Alexander Fire Department presented yearly financials for budgeting.

COMMUNICATIONS: Mercy EMS for August 2018; Parks & Recreation Newsletter

REPORTS:

CEO/ZEO: Report given.
Clerk: Shared Services Grant information
Tax Collector: Undertaking Resolution – see new business
Financial: Reports given.
H'way. Supt.: Inventory report given; loader has been delivered; storage building has started; finishing mowing.

The Town Clerk and Town Justices' financial reports were read and filed.

OLD BUSINESS:

1. Water District #4 – Finishing Form E for final payment.
2. Water District #5 – continuing work on engineering; still looking at sites for tank placement, Town of Attica has reservations over blended water for the project.
3. Water District #6 – waiting on addresses so that an informational meeting can be scheduled for the residents.
4. Shared Services Grant to digitize series of records has been denied.

NEW BUSINESS:

RES. NO. 69: APPROVE THE 2019 TENTATIVE BUDGET:

On motion by Councilperson Miller, seconded by councilperson Haller, and carried, the following: The Town board has completed its review of the Tentative Town of Alexander 2019 budget as presented tonight with the changes made after the budget workshop. This Tentative Budget so adopted tonight by the Town board becomes the 2019 Preliminary Budget and will be filed with the Town Clerk.

4 – Yes Higley, Haller, Miller, Wolfley 0 – No Carried

RES. NO. 70: SET DATES FOR PUBLIC HEARINGS – 2019 TOWN BUDGET AND 2019 FIRE CONTRACT:

On motion by Supervisor Higley, seconded by Councilperson Miller, and carried, to set a public Hearing on November 13, 2018, for the 2019 Town of alexander budget and the 2019 Alexander fire contract.

4 – Yes Higley, Haller, Miller, Wolfley 0 – No Carried

RES. NO. 71: SET DATE FOR PUBLIC HEARING FOR LOCAL LAW TO OVERRIDE THE TAX CAP:

The Town Board of the Town of Alexander met at a regular board meeting at the Town Offices of the Town of Alexander in the Village of Alexander, New York on the 9th day of October, 2018 commencing at 7:00 p.m., at which time and place the following members were:

Present:	Supervisor	Joseph Higley
	Council Member	Roy Haller, III
	Council Member	David Miller
	Council Member	Carol Wolfley
Absent:	Council Member	Eric Wagner

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

Alexander Town Board Regular Meeting 10/9/2018

WHEREAS, Chapter 97 of the Laws of 2011 – “The Property Tax Cap” added a new section 3-c to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and

WHEREAS, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power, a local law to override such limit for such coming fiscal year only; and

WHEREAS, the Town Board of the Town of Alexander finds it in the best interest of the Town to hold a public hearing to consider the adoption of said local law.

NOW ON MOTION OF Supervisor Higley which has been duly seconded by Councilperson Miller, be it

RESOLVED, by the Town Board of the Town of Alexander will hold a public hearing on the proposed adoption of said local law on the 13th day of November 2018 at 7:05 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

Ayes: 4
Nays: 0
Quorum Present: x Yes No
Dated: October 16, 2018

Lisa Lyons, Clerk
Town of Alexander

[SEAL]

RES. NO. 72: BUDGET TRANSFERS:

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

WHEREAS, the following budget lines will exceed, or have exceeded the budget; A7550.4 is over by \$347.01, B1910.4 is over budget by \$174.48 and

WHEREAS, there are sufficient funds in A1990.4 and B1910.4, therefore be it,

RESOLVED, A7550.4 be increased by \$348.00 and A1990.4 be decreased by \$348.00. and B1910.4 be increased by \$175.00 and B1990.4 be decreased by \$175.00

4 – Yes Higley, Haller, Miller, Wolfley 0 – No Carried

RES. NO. 73: BUDGET AMENDMENTS:

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

WHEREAS, the budget for SW3 8340.2 was for the annual distribution cost to the Town of Batavia, and

WHEREAS, in addition to the transmission cost there was a relevy of 392.38, unpaid water bills attached to the January property tax bills and then paid to the Town of Batavia, and therefore be it

RESOLVED, to increase the revenue account SW3 1001 and appropriation account SW3 3840.2 by \$392.38 to be \$3,185.38 each.

4 – Yes Higley, Haller, Miller, Wolfley 0 – No Carried

RES. NO. 74: APPROVAL OF OFFICIAL UNDERTAKING – TAX COLLECTOR:

On motion by Supervisor Higley, seconded by Councilperson Haller, and carried, to approve the liability for the Alexander Town Tax collector for the 2019 tax collection period pursuant to Town Law of the State of New York.

4 – Yes Higley, Haller, Miller, Wolfley 0 – No Carried

RES. NO. 75: BOND RESOLUTION AUTHORIZING FINANCING FOR THE NEW HIGHWAY STORAGE BUILDING:

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

WHEREAS, The Town Board of the Town of Alexander, in the County of Genesee, New York (the “Town”) has determined to undertake a capital improvements project consisting of the construction of a Town storage facility building; and

WHEREAS, the Town has previously established a reserve fund commonly known as the Building Reserve Fund established on December 28, 2011 (the “Reserve Fund”); and

WHEREAS, the Town anticipates receiving a State and Municipal Facilities Program grant in the approximate amount of \$100,000 expected to be received from the Dormitory Authority of the State of New York (“DASNY”) to pay for a portion of the costs of such project.

NOW THEREFORE 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 a capital improvements project generally consisting of the construction of a Town storage facility building, such project to include, but not be limited to, the construction of an approximate 2,800 square foot building to primarily be used as a highway storage facility, such improvements to generally consist of the construction of lean-to structures to cover fuel tanks, installation of overhead doors and electrical service, installation of a new culvert and gravel driveway, as well as other such improvements as more fully identified in (or contemplated by) documents prepared with the assistance of a licensed engineer, including all preliminary work and necessary equipment, materials and related site work and all

Alexander Town Board Regular Meeting 10/9/2018

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 \$154,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the expenditure, hereby authorized, of \$49,000 from the Reserve Fund. The balance of such Purpose is to be funded by the issuance of serial bonds in an aggregate principal amount not to exceed \$105,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received including, but not limited to, a State and Municipal Facilities Program grant in the approximate amount of \$100,000 expected to be received from the Dormitory Authority of the State of New York ("DASNY"). 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 11(b) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 25 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

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 not 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, 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

Alexander Town Board Regular Meeting 10/9/2018

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 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. 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
4 – Yes Higley, Haller, Miller, Wolfley 0 – No Carried

RES. NO. 76: AUTHORIZE HIGHWAY SUPERINTENDENT TO ORDER NEW PLOW TRUCK:

On motion by Supervisor Higley, seconded by Councilperson Miller, and carried, to authorize the highway superintendent to order the new plow truck for delivery in 2019.
4 – Yes Higley, Haller, Miller, Wolfley 0 – No Carried

RES. NO. 77: RE APPOINT JOHN SLENKER TO THE BOARD OF ASSESSMENT REVIEW:

On motion by Supervisor Higley, seconded by Councilperson Miller, and carried, to re-appoint John Slenker to the Board of Assessment Review.
4 – Yes Higley, Haller, Miller, Wolfley 0 – No Carried

RES. NO. 78: APPROVE JAY GRASSO TO RESEARCH LAND ACQUISITION FOR WATER DISTRICT NO. 5.

On motion by Supervisor Higley, seconded by Councilperson Miller, and carried, to approve Jay Grasso to research land acquisition for a water tank for Water District No. 5.
4 – Yes Higley, Haller, Miller, Wolfley 0 – No Carried

DISCUSSION:

1. Union Contract – more items to negotiate
2. Sales Tax Distribution – discussion was had again
3. New lighting proposal from National Grid – denied
4. Copyright Policy – tabled
5. Harassment Policy – items given to discuss at next meeting

On motion by Councilperson Miller, seconded by Councilperson Haller, and carried, to pay the bills on Abstract 10 as follows:

General Fund A	Vouchers	248 - 283	\$42,078.21
General Fund B	Vouchers	24 - 26	752.94
Highway Fund A	Voucher	14 - 15	60,885.48
Highway Fund B	Vouchers	140 - 155	309,043.35

On motion by Councilperson Miller, seconded by Councilperson Haller, and carried, the meeting adjourned at 9:53 pm.

Respectfully submitted,
Lisa L. Lyons
Town Clerk