



**RES. NO. 30: WATER DISTRICT 6 LOAN RESOLUTION**

A RESOLUTION OF THE TOWN COUNCIL 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 WATER 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 Three Million Five Hundred Seventy Thousand & 00 100 pursuant to the provisions of Subject to New York State Municipal Finance Law; 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.

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed and completing and reviewing the collection of information.*

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 \$2,700,000.00 under the terms offered by the Government; that 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 instrument's 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.

Motion made by Supervisor Miller and seconded by Councilperson Haller

The vote was: 5 Yeas 0 Nays 0 Absent

IN WITNESS WHEREOF, the Town Council of the Town of Alexander has duly adopted this resolution and caused it to be executed by the officers below in duplicate on this, 11<sup>th</sup> day of April 2022.

(SEAL)

By Attest:

Title- Town Clerk

Title- Town Supervisor

**CERTIFICATION TO BE EXECUTED AT LOAN CLOSING**

I, the undersigned, as Town Clerk of the Town of Alexander hereby certify that the Town Council of such Association is composed of 5 members, of whom 5, constituting a quorum, were present at a meeting thereof duly called and held on the 11th day of April; and that the foregoing resolution was adopted at such meeting day of by the vote shown above, I further certify that as of April 11, 2022, the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been rescinded or amended in any way. Dated, this 11<sup>th</sup> day of April 2022.

Title- Town Clerk

**RES. NO. 31: LAND SURVEY FOR WD#6**

On motion by Supervisor Miller and seconded by Councilperson Schmieder and carried the board approved the proposal from Welch and O'Donoghue for a boundary survey and topographic base mapping for the Water District 6 proposed tank site in the amount of \$5000.00.

5- Yes Miller, Schmieder, Wolfley, Haller, and Wagner

0 - No

**RES. NO. 32: RESIGNATION OF TRANSFER STATION ATTENDANT**

On motion by Councilperson Schmieder and seconded by Councilperson Wagner and carried the Town Board approves the resignation of Wayne Wolfley as the transfer station attendant effective March 30, 2022.

4- Yes Miller, Schmieder, Haller, Wagner

0-No

1- Abstain Wolfley

**RES. NO. 33: REAPPOINTMENT OF TRANSER STATION ATTENDANT**

On motion by Supervisor Miller and seconded by Councilperson Schmieder and carried the Town Board reappoints Wayne Wolfley as the transfer station attendant effective April 2, 2022.

3- Yes Miller, Schmieder, Wagner

0- No

2- Abstain Wolfley, Haller

**RES. NO. 34: DEPUTY CLERK PAYROLL CHANGE**

**WHEREAS** the Deputy Clerk Danielle Riggs has requested that she be paid on the quarterly pay rotation instead of the bi-weekly pay rotation and

**WHEREAS** this change will have no adverse effect on the 2022 Town of Alexander Budget

**THEREFORE, BE IT RESOLVED** that the salary for Deputy Town Clerk be moved from the biweekly to the quarterly salary schedule effective April 1, 2022

Motion made by Supervisor Miller and seconded by Councilperson Wagner and carried.

5– Yes Miller, Schmieder, Wolfley, Haller, and Wagner

0 - No

**RES. NO. 35: ACCEPTING FINAL REPORT OF 2020 AUDIT**

Motion made by Supervisor Miller and seconded by Councilperson Haller and carried to accept the final report for the 2020 Audit done by MMB.

5– Yes Miller, Schmieder, Wolfley, Haller, and Wagner

0 - No

**RES. NO. 36: STANDARD WORKDAY REPORTING FOR ELECTED AND APPOINTED OFFICIALS 2021**

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

**BE IT RESOLVED** that the Town of Alexander hereby establishes the following as standard workdays for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title  Elected Officials	Name	Social Security Number (Last 4 Digits)	Registra tion Numbe r	Standard Work Day (Hrs/day )	Term Begins/Ends	Participates In Employers' Time Keeping System (Y/N)	Days/ Month (based on record of activities)
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**Appointed Officials**

Town Clerk	Shannon Tiede	2921	72006844	6	1/1/2021-12/31/2023	N	21.67
Deputy Supervisor	Joseph Higley	7835	3777995-6	6	1/1/2021-12/31/2021	N	.53
Deputy Clerk	Danielle Riggs	9783	72080369	6	1/1/2021-12/31/2021	N	1.67

I, Shannon Tiede, Clerk of the governing board of the Town of Alexander, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such Board, at a legally convened meeting held on the 11<sup>th</sup> day April of 2022 and it is on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that Town Board consisted of 5 members, and that those 5 members were present at such meeting and that all members voted in favor of the resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Town of Alexander.

\_\_\_\_\_  
Alexander Town Clerk

\_\_\_\_\_  
Date

**RES. NO. 37: STANDARD WORKDAY REPORTING FOR ELECTED AND APPOINTED OFFICIALS 2022:**

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

**BE IT RESOLVED** that the Town of Alexander hereby establishes the following as standard workdays for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title  Elected Officials	Name	Social Security Number (Last 4 Digits)	Registra tion Numbe r	Standard Work Day (Hrs/day )	Term Begins/Ends	Participates In Employers' Time Keeping System (Y/N)	Days/ Month (based on record of activities)
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**Appointed Officials**

Deputy Supervisor	Roy Haller III	9376	3713976-3	6	1/1/2022/12/31/2022	N	.67
Deputy Clerk	Danielle Riggs	9783	72080369	6	1/1/2022-12/31/2022	N	1.67

I, Shannon Tiede, Clerk of the governing board of the Town of Alexander, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such Board, at a legally convened meeting held on the 11<sup>th</sup> day April of 2022 and it is on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that Town Board consisted of 5 members and that those 5 members were present at such meeting and that all members voted in favor of the resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Town of Alexander.

\_\_\_\_\_  
Alexander Town Clerk

\_\_\_\_\_  
Date

**RES. NO. 38: CONTRACT WITH EMERGING CREATIONS**

On motion by Councilperson Schmieder and seconded by Councilperson Haller and carried the Town Board approves the 2022 contract with Emerging Creations (Maria Donnelly) in the amount of \$300.00 for the maintaining and updating our town webpage.

5– Yes Miller, Schmieder, Wolfley, Haller, and Wagner

0 - No

**RES. NO. 39: ONLINE BANKING POLICY**

On motion by Supervisor Miller and seconded by Councilperson Wolfley and carried the Town Board approved the proposed banking policy for the town which can be found on file at the Town Clerk's office.

5– Yes Miller, Schmieder, Wolfley, Haller, and Wagner

0 - No



## DISCUSSION:

1. Broadband- Supervisor Miller spoke with Matt Landers last week. Genesee County would like to expand the broadband coverage in the County. They plan to use \$2 million in ARPA funds to do so. They also have \$3 million in reserve funds that they will contribute to broadband. Landers estimates that the total cost to build out the unserved areas of the entire County to be \$10 million plus up to \$5 million additional funds. He said that the Town of Batavia had put part of their franchise fees in reserve and were willing to commit those dollars to completing broadband coverage or their Town. The Alexander board questioned whether if they were committing money to this project if it would be guaranteed that it would go to the Alexander portion of the project. They decided to table the idea until more information is available.
2. Solar Law- Lynette, Paul, Andrew, and Greg Schmieder all came to address the board about being interested in putting small solar farms on their properties. Lynette Schmieder addressed the board on what hers and Paul's intentions are with solar. They are interested in approx. 8.6 acres of solar in a back corner lot of their property not visible to residents. She stated that solar is back by Ag and Market being that the land can be turned back into tillable land in the future. The electric produced by these solar panels would go directly into the grid and not be used for the farm. Andrew Schmieder addressed the board with his thoughts and how he did not believe that having the zoning law stating that only commercial/ industrial properties could put up solar farms was feasible. Greg Schmieder is looking into the same company as Lynette and Paul but looking for closer to 20 acres total. Matt Mahaney assured everyone that the Solar Law is actively being worked on for the Town of Alexander and that all solar will have to go through a special use permit process. The board will discuss more at future meetings about the Solar Law.
3. Assessor Envelopes- Supervisor Miller explained to the board that our Town Assessor needed envelopes to send out the new assessments to Town residents. The envelopes that were ordered were non window and she needed window. Instead of sending them back and paying a \$100 fee the board approved the Town Clerk to keep them for her use due to needing to order her envelopes this year.
4. Letter from Krista/Hunter Wagner (cemetery mowing)- Krista and Hunter Wagner wrote a letter to the board requesting \$800 for Hunter to mow the cemetery on West Bethany Road this Spring/ Summer. In the past \$400 was budgeted for the mowing but with the increase of gas prices and wear and tear on the lawn mower they think \$800 is a reasonable request. The board members questioned Councilperson Wagner on whether they would accept a lower amount, possibly \$600 to meet in the middle. He mentioned not wanting to be involved but did not see them agreeing to any other amount. Councilperson Schmieder questioned doing an RFP in August to get some bids for the job before budget time. See resolution number 40 for more information.
5. Compliance Reviews- Supervisor Miller explained to the board members about the compliance reviews they were asked to fill out and that it is for Rural Development as part of the Water District project.
6. Comprehensive Plan- We have received some interest from residents on joining the Comprehensive plan committee. Supervisor Miller sent letters to firms asking if they would be interested in working as consultants with the steering committee to help guide them through the process. The board will choose at the May meeting.
7. Report from the Highway Equipment Committee- There was discussion of purchasing a new flail mower and loader, see resolutions 42 and 43 for more information. The board discussed using

some of the ARPA funds towards the new loader and trading in the old loader towards the purchase. Councilperson Wagner discussed his concerns with purchasing the proposed dump truck. He mentioned going with Western Star because of the cheaper cost. Councilperson Wolfley asked Highway Superintendent Lowe if the truck was being designed for a specific employee and he said it was not. He advised that he chose to go with a manual transmission to save money. For more information on the dump truck see resolution number 41. Councilperson Wagner shared an article about avoiding the bid process with national contracts. He mentioned that piggybacking at the state, county and national level need to be added into our procurement policy. The board agreed.

8. Supervisor Miller advised the board that the opera house grant writer is submitting the grant in June. Typically takes about 6 months to review. Figuring we should know where we stand around January of 2023. Looking to get started around 2023 and looking to finish around June 2024.
  9. The board discussed adding a referendum on the ballot in the fall about the Transfer Station. Councilpersons Wolfley and Schmieder agreed to work together to write up the referendum and find out from the elections board what date it will need to be submitted by.
  10. Supervisor Miller went over the ARPA funds and that a report needs to be sent by April 30<sup>th</sup> on where the funds will go. At this point the board decided to say that no project has been chosen at this time.
  11. After consulting with the Town Attorney, it was determined that the Justice pay issue was resolved.
  12. Councilperson Schmieder volunteered to purchase the mulch for the flower beds.
- Andy and Ken Bittner addressed the board with their concerns over the new assessments. The board advised them to meet with the assessor Rhonda Saulsbury as she is very approachable and will work with them if there is a mistake.

## **REPORTS:**

**Insurance:** Miller and Haller met with Lawley on 4/11

**Building:** replaced gas valve on water heater

**CEO/ZEO:** Department of state reports have all been submitted. Finalizing the paperwork on the problem properties in town, planning board meeting 4/25.

**Clerk:** no report

**Tax Collector:** Final report at May meeting

**Dog Control:** No report

**Games of Chance:** Fire dept received Bell Jar license

**Town Justice:** Report submitted to the board.

**Financial:** Sent to the board members

**GAM:** meeting 4/21/2022 via zoom

**H'way Superint:** still working on winter clean up.

**H'way Equip:** n/a

**Senior Citizen:** No report

**Town Historian:** No report

*Supervisor Miller made motion to go into executive session at 10:00pm for a Personnel matter. Councilperson Schmieder seconded the motion. 5-0*

*Supervisor Miller made motion to come out of executive session at 10:02pm. Councilperson Schmieder seconded the motion. 5-0*

**Payment of Bills:                      Motion by: Supervisor Miller                      Second by: Councilperson Haller**

**Carried 5-0**

General Fund A	Vouchers	58-80	9,633.55
General Fund B	Vouchers	10-12	729.56
Highway Fund A	Vouchers	5	5,839.46
Highway Fund B	Vouchers	33-40	7,041.50
Capital Fund	Vouchers	18-22	87,371.00

Motion to adjourn at 10:05pm made by Councilperson Schmieder and seconded by Supervisor Miller and carried. 5-0

Respectfully Submitted,

Shannon Tiede, Town Clerk