

**ALEXANDER TOWN BOARD AGENDA**  
**ALEXANDER TOWN HALL**  
**June 10, 2024**  
**REGULAR MEETING**

**PRESENT:** Supervisor David Miller  
**TOWN BOARD:** Laura Schmieder, Jerry Krupka, Eric Wagner, Ronald Merrill  
**HIGHWAY SUPT:** Brian Farnsworth- Absent  
**ABSENT:** Shannon Tiede  
**GUESTS:** Teresa Thorley, Dale Spring, Brad McClellan, Tim Hagen, Brenda Post, Brandon Snyder, Dan Coffey, Beth Ann Gloss, Gail Whalen, Steve Mountain

Supervisor Miller called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and a moment of silence for our first responders and our military serving around the world.

On motion by Councilperson Wagner and seconded by Councilperson Schmieder and carried, the minutes of the May 13, 2024, regular meeting, May 16, 2024, special meeting and May 21, 2024, special meeting were adopted.

5– Yes Miller, Schmieder, Merrill, Krupka, and Wagner

0 – No

**OLD BUSINESS**

1. Water District #6 Update:

**County Funded Portion:**

- Sergi Construction completed backfilling the tank wall and placed subbase for the tank floor.
- Statewide Aquastore Placed the reinforcing steel for the tank floor slab.
- Anticipating delivery of the tank wall steel the week of 6/17.
- Working with Statewide Aquastore for inclusion of site electric and telemetry scopes.
- Working on securing use of funds for road materials for the Town and some contribution from Sergi.

**USDA Rural Development and NYSEFC WIIA Funded Portion:**

- Met with NYSDOH to discuss concerns about district water sources (City of Batavia and MCWA). They were assured that this blended source has supplied past districts for many years. It will remain blended until Phase 3 of the Genesee County Project is complete, then the city supply will be discontinued, and supply will be entirely from MCWA. NYSDOH has requested water quality reports from the city and MCWA. They have also requested an addendum to the Environmental Review stating as much.
- For the NYSEFC WIIA Grant (allocated for purchase of meters and radios)
- NYSDOH requested proof that contract documents contained NYSEFC terms and conditions and installation of a project sign. Dave Miller suggested a sign could be installed at the bottom of the tank driveway.

2. Water District #7 Update:

- Jay Grasso of G&G Municipal Consulting and Grant Writing finished gathering signatures on May 31st. Despite repeated attempts he couldn't get new signatures for signatures that had discrepancies.
- The goal was set at 60% by the attorney. According to preliminary calculations, he was successful in getting approximately 61% of the Allocated Value of owners living in WD#7 and approximately 58% of Allocated Value of all owners in WD#7. These values are to be verified by the Town Assessor.
- Continued to communicate and provide documentation to Norfolk Southern for their petition signature. As of this date, a signature has not been received.
- Rural Development issued a Letter of Conditions on May 17th for a \$2,000,000 loan and \$2,123,000 grant (\$623,000 grant and \$1,500,000 Disaster Grant) for funding of Phase 1 construction. \$2,000,000 will need to come from Community Development Block Grant (CDBG) or other grant source.
- SHPO completed their review of the Phase 1A report prepared by Deuel Archaeology & CRM. SHPO concurred with the report and requested that the Phase 1B subsurface

investigations be performed to many of the project roads and streams since the project has many archaeological sensitive areas. Mountain Engineering is reviewing the data to reduce the number of Phase 1B testing sites before a RFQ is sent to other archaeology firms.

- Preparing contract specifications and contract plans for Health Department review.
- Continuing to prepare permitting documentation for stream and wetland crossings and SWPPP.
- Not ready to set public hearing date at this time. The Town Board will hold a special meeting to set the public hearing date if necessary.

### 3. Water District #8 Update

- The plan is to start the draft report in July.

## **NEW BUSINESS**

### **RES. NO. 42: LOAN RESOLUTION**

A resolution of the Town Board of Trustees 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 drinking water facility to serve an area lawfully within in jurisdiction to serve.

WHEREAS it is necessary for the Town of Alexander (hereinafter called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of TWO MILLION & 0/100 subject to NYS local finance laws and pursuant to the provisions of

**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 deface 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 \$2,123,000.

under the terms offered by the Government; that the **Supervisor**

and **Town Clerk** 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.

The vote was:                      Yeas \_\_\_\_\_                      Nays \_\_\_\_\_                      Absent \_\_\_\_\_

IN WITNESS WHEREOF, the **Town Board of Trustees** of the

**Town of Alexander** \_\_\_\_\_ has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this \_\_\_\_\_, \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_

(SEAL)

David Miller, Town Supervisor

By

\_\_\_\_\_

Attest:

Title

**Shannon Tiede**

Title **Town Clerk** \_\_\_\_\_

**RES. NO. 43: ACCEPT NICHOLAS LYONS RESIGNATION**

On motion by Councilperson Krupka and seconded by Councilperson Schmieder and carried the board approved the resignation of Nicholas Lyons effective June 11, 2024.

5– Yes Miller, Schmieder, Merrill, Krupka, and Wagner 0 – No

**RES. NO. 44: PAYROLL SERVICES AGREEMENT WITH TOWN OF BATAVIA**

On motion by Supervisor Miller and seconded by Councilperson Merrill and carried the board approved signing the contract with the Town of Batavia for payroll services to run from January 1, 2024, through June 30, 2024, in the amount of \$1500.00.

5– Yes Miller, Schmieder, Merrill, Krupka, and Wagner 0 – No

**RES. NO. 45: AGREEMENT WITH HEIDI LIBROCK FOR PAYROLL SERVICES**

On motion by Councilperson Schmieder and seconded by Councilperson Krupka and carried the board approved hiring Heidi Librock for payroll services to the Town to begin July 1, 2024, and run through December 31, 2024, in the amount of \$1500.00.

5– Yes Miller, Schmieder, Merrill, Krupka, and Wagner 0 – No

**RES. NO. 46: ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS**

**WHEREAS**, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

**WHEREAS**, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Alexander is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS**, the Alexander Town Board desires to use Building Energy Benchmarking - a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Alexander and

**WHEREAS**, the Alexander Town Board desires to establish procedure or guideline for Town of Alexander staff to conduct such Building Energy Benchmarking; and

**NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED**, that the following specific policies and procedures are hereby adopted;

**BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

**§1. DEFINITIONS**

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Alexander that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Alexander Town Board.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

## **§2. APPLICABILITY**

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

## **§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

## **§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

- (a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and
- (b) For each Covered Municipal Building individually:
  - (i) The status of compliance with the requirements of this Policy; and
  - (ii) The building address, primary use type, and gross floor area; and
  - (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
  - (iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

**§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

**§6. ENFORCEMENT AND ADMINISTRATION**

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Alexander Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

**§7. EFFECTIVE DATE**

This policy shall be effective immediately upon passage.

**§8. SEVERABILITY**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

The vote on the foregoing resolution was as follows:

David Miller, Supervisor	Aye
Laura Schmieder, Councilperson	Aye
Ron Merrill, Councilperson	Aye
Jerry Krupka, Councilperson	Aye
Eric Wagner, Councilperson	Aye

This resolution was adopted.

Motion was made by Supervisor Miller and seconded by Councilperson Wagner and carried. 5-0.

**DISCUSSION:**

- Supervisor Miller discussed Community Solar with the board. The board decided they did not want to pursue it.
- The survey and abstract update for the opera house has been started with DiMatteo.
- The board decided to table the asset appraisal for the opera house.
- There will be a safety audit on June 26<sup>th</sup> at 9am.
- The town has received the check for the damaged John Deere mower. Superintendent Farnsworth is looking at options on whether to buy a new one or repair the damaged one.
- Spectrum came and replaced the modem at the Town Hall which seems to have helped with the phone issues at this time.
- Councilperson Wagner is looking into another AED opportunity.

**Reports:**

**Insurance:** received bills for 2 policies, 3<sup>rd</sup> one renews 8/1.

**Building:** Trees at town hall were removed 5/28.

**CEO/ZEO:** no report

**Clerk:** will be on vacation 7/12-7/19

**Tax Collector:** no report

**Dog Control:** Carolyn will be beginning

**Games of Chance:** No report

**Town Justice:** computers were down, no reports

**Financial:** Sent from Laura Landers LLC to the board

**GAM:** Next meeting in August

**Transfer Station:** no report.

**H'way Superint:** Brian Farnsworth provided the board with a written report.

**H'way Equip:** Brian Farnsworth provided the board with a written report.

**Senior Citizen:** 2023 annual report was presented.

**Town Historian:** No report.

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

**5- Yes Miller, Schmieder, Merrill, Wagner, and Krupka**

**0- No**



General Fund A	Vouchers	146-167	15,409.63
General Fund B	Vouchers	19-24	45,670.24
Highway Fund A	Vouchers	10	6,360.26
Highway Fund B	Vouchers	81-96	24,197.78
Capital Fund	Vouchers	12-14	231,545.00
Trust and Agency	Vouchers	2-3	410.00

Motion to adjourn at 8:00pm made by Supervisor Miller and seconded by Councilperson Schmieder and carried. 5-0

Respectfully Submitted,

Shannon Tiede, Town Clerk