

Alexander Town Board Special Meeting

July 30, 2025

Town Hall

6:00 PM

Present: Supervisor David Miller
Town Board: Laura Schmieder, Eric Wagner, Jerry Krupka
Absent: Ronald Merrill
Town Clerk: Shannon Bartholomew
Guest: Krista Wagner, Joe Schmieder, Eli McWhinney, David DiMatteo,
Steve Mountain

Supervisor Miller called the meeting to order at 6:00 pm with the Pledge of Allegiance.

RESOLUTION NO 63: Resolution and Final Order Approving and Establishing Water District #7

On motion by Councilperson Krupka and seconded by Councilperson Schmieder and carried, The board approves The Resolution and Final Order Approving and Establishing Water District #7

3– Yes Miller, Schmieder, Krupka, Wagner

0 – No Abstain: Wagner

Absent: Merrill

STATE OF NEW YORK

COUNTY OF GENESEE_____

In the Matter of the Establishment of Water

RESOLUTION AND FINAL

District No. 7 in the Town of Alexander

ORDER APPROVING AND

in the County of Genesee, State of New York

ESTABLISHING WATER

Pursuant to Section 209-e of the Town Law

DISTRICT NO. 7

WHEREAS, the Town Board of the Town of Alexander met at a special board meeting at the Town Offices in the Town of Alexander, New York on the 30th day of July, 2025, commencing at 6:00 P.M., at which time and place the following members were:

<u>Present:</u>	Supervisor	David Miller
	Council Member	Laura Schmieder
	Council Member	Eric Wagner
	Council Member	Jerry Krupka
<u>Absent:</u>	Council Member	Ronald Merrill

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

WHEREAS, the Town Board of the Town of Alexander received a revised Map, Plan and Report dated June 2025 on or about June 6, 2025; and

WHEREAS, the revised Map, Plan, and Report (MPR) for Water District No. 7 was accepted by the Town of Alexander on June 9th, 2025 at the Town Board meeting, which proposed a total estimated maximum cost of \$16,290,000.00; and

WHEREAS, with such revised estimated maximum cost of \$16,290,000.00 (SIXTEEN MILLION TWO HUNDRED NINETY THOUSAND DOLLARS), as compared to the total estimated maximum cost of \$17,536,000.00 (SEVENTEEN MILLION FIVE HUNDRED THIRTY SIX THOUSAND DOLLARS) that was determined and Ordered on August 12, 2024, representing an estimated maximum decrease in the amount of \$1,246,000.00 (ONE MILLION TWO HUNDRED FORTY SIX THOUSAND DOLLARS) due to connecting Water District No. 7 to Bethany District No. 5 which serves to lower the costs to district users and with the assistance of a contributing grant; and

WHEREAS, the Town Board having determined that the estimated average annual cost to the Typical Property (as defined by Town Law) in the Map, Plan and Report received from Mountain Engineering, PLLC dated June 2025 had decreased to \$1,101.00 (\$689.00 for debt service and \$412.00 for yearly water cost per unit) per EDU as compared to \$1,328.00 (\$939.00 for debt service and \$389.00 for yearly water cost per unit) per EDU which was estimated in May 2023; and

WHEREAS, said average annual cost to the Typical Property is below the threshold as established by the Office of the New York State Comptroller (hereinafter “OSC”) and as such OSC approval need not and shall not be sought; and

WHEREAS, the project area being identified through public interest, the proposed Water District shall connect to the existing Town of Alexander Water District No. 2 along NYS Route 98 and to the Town of Bethany Water District No. 4 along Creek Road and Old Creek Road, and there will be

connections to the existing Town of Alexander Water District No. 4 at US Route 20, Brookville Road and Sandpit Road; and

WHEREAS, the total water main project will include approximately 126,500 linear feet of new water main along Old Creek Rd., Creek Rd., Hunn Rd., Gilhooly Rd., Brookville Rd., Cook Rd., Route 20 Broadway Rd., Browns Mill Rd., West Bethany Rd., Molasses Hill Rd., Dry Bridge Rd., Sandpit Rd., Chaddock Rd., Spring Rd., Stroh Rd. and Maplewood St., including 5,650 linear feet of transmission main along US Route 20 in the Town of Alexander and 4,250 linear feet of transmission water mains in the Town of Bethany, which will serve approximately 184 units in the Town of Alexander, within the proposed service area; and

WHEREAS, the Town of Alexander and the Town of Bethany have proposed connecting the Town of Alexander Water District No. 7 and the Town of Bethany Water District No. 5., which will allow for cost sharing of these projects and improvements, benefiting the Town of Alexander, the Town of Bethany and the Genesee County water system by providing much needed public water to that portion of the county; and

WHEREAS, the Towns of Alexander and Bethany water improvement projects would be built concurrently with each other, with the Town of Alexander's water improvements being built in three phases; and

WHEREAS, this proposed project includes the installation of approximately 5,650 linear feet of 12-inch transmission main from the existing Town of Alexander Water District No. 2 at the intersection of NYS Route 98 and Route 20 to the Town of Alexander Water District No. 4, the installation of approximately 4,250 linear feet of 8-inch transmission mains in the Town of Bethany to connect the existing Town of Bethany Water District No. 4 to the new water district, and the installation of approximately 126,500 linear feet of new water distribution main along Old Creek Rd., Creek Rd., Hunn Rd., Gilhooly Rd., Brookville Rd., Cook Rd., Route 20 Broadway Rd., Browns Mill Rd., West Bethany Rd., Molasses Hill Rd., Dry Bridge Rd., Sandpit Rd., Chaddock Rd., Spring Rd., Stroh Rd. and Maplewood St. in the Town of Alexander; and

WHEREAS, the Town Board of the Town of Alexander completed a coordinated review regarding Water District No. 7, completing Part 1 and sending such EAF to all interested agencies, along with a Declaration of Intent to seek Lead Agency, to which none of the interested and involved agencies objected, and therefore the Town Board declared itself Lead Agency by

Resolution 52-2023 on June 12, 2023, completed Part 2 and Part 3 of the full EAF, found and determined that the proposed action is a “Type I Action” under SEQRA and made a determination on non-significance on June 12, 2023; and

WHEREAS, the original findings under SEQRA have not changed due to the adjustments in the Map, Plan and Report being administrative with no environmental impact, so therefore a new coordinated review shall not be completed for Water District No. 7; and

WHEREAS, the Town Board of the Town of Alexander held a public hearing for the proposed Water District No. 7 on June 30th, 2025, and after considerable discussion on the matter having been had and all persons desiring to be heard having been heard in favor of and in opposition to said project, the Town Board of the Town of Alexander had made the following determinations regarding Water District No. 7:

- (1) The Notice of Hearing was published and posted as required by law and is otherwise sufficient;
- (2) That all the property and property owners, within the proposed water district are benefited thereby;
- (3) That all of the property and property owners benefited are included within the proposed water district; and
- (4) That the proposed Water District benefits the public interest; and

WHEREAS, the Town Board of the Town of Alexander adopted Resolution #___ of 2025 on June 30, 2025 entitled “Resolution to Establish Water District Number 7 Subject to Permissive Referendum”, having described the boundaries of the Town of Alexander Water District No. 7 and the proposed maximum cost and improvements of facilities in Water District No. 7; and

WHEREAS, the Town of Alexander completed steps outlined under Section 90 of Town Law, with copies of said Resolution certified by the Town Clerk being made available for review at the Town Clerk’s Office, as well as the Town Website, and a Notice of Resolution Subject to Permissive Referendum was duly published and posted on July 8, 2025, pursuant to the provisions of Article 12-A of Town Law of the State of New York, in the Batavia Daily News, a Weekly Newspaper published in Genesee County, New York; and

WHEREAS, the Town Clerk of the Town of Alexander made available for signature Petition to Request Water District referendum at the Town Clerk's office which is attached hereto as Schedule A; and

WHEREAS, the thirty (30) day period for the filing of petitions in opposition to the project having passed, and the Town Clerk of the Town of Alexander having certified that no petitions in opposition to the project having been received; and

NOW ON MOTION OF Councilmember Jerry Krupka which has been duly seconded by Councilmember Laura Schmieder, be it therefore

ORDERED, that Town Board of the Town of Alexander has made the following determinations regarding Water District No. 7:

- (1) The Notice of Hearing was published and posted as required by law and is otherwise sufficient;
- (2) That all the property and property owners, within the proposed water district are benefited thereby;
- (3) That all of the property and property owners benefited are included within the proposed water district; and
- (4) That the proposed Water District benefits the public interest; and be it further

ORDERED, that the thirty (30) day period for petitions to be filed in opposition to the project has closed, and no such petitions have been received by the Town of Alexander; and be it further

ORDERED, that the Town of Alexander Water District No. 7 be approved as set forth herein; and be it further

ORDERED, that the Town Clerk is hereby directed to file a copy of this Resolution in the Office of the Town Clerk of the Town of Alexander, and in the Office of County Clerk of the County of Genesee within ten (10) days of adoption of said Resolution; and be it further

ORDERED, that the Town Clerk is hereby directed to record a copy of this Resolution in the Office of the State Comptroller within ten (10) days of adoption of said Resolution.

Ayes: 3
Nays: 0
Absent/Abstain: 2
Quorum Present: Yes X
No ____

Dated: July 30, 2025

3- Yes Miller, Krupka, Schmieder

0- No

Absent: Merrill

Abstain: Wagner

RESOLUTION NO 64: Bond Resolution for Capital Project Water District #7

On motion by Councilperson Schmieder and seconded by Councilperson Krupka and carried, The board approves the The Bond Resolution for Capital Project Water District #7

4- Yes Miller, Schmieder, Krupka, Wagner

0 – No

Absent: Merrill

A BOND RESOLUTION, DATED JULY 30, 2025, 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. 7 IN THE TOWN AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF \$16,290,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,290,000 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-A of the Town Law, created a water district designated and known as the Town of Alexander Water District No. 7 (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, and (d) determined that the requirements of Article 12-A of the Town Law had been satisfied with respect to the Project and further determined to undertake the Project; and

WHEREAS, the Town has previously undertaken an Article 12-A proceeding to create this District in 2024. However, the Town did not have enough funds to complete the project at the time. As a result, the Town has opted to commence a new Article 12-A proceeding following the receipt of additional grant funds; 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 installation of approximately 126,500 linear feet of PVC water main along various roads in the Town 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 \$16,290,000.

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 \$16,290,000 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 \$13,009,000 of grant funds anticipated to be received from the USDA Rural Development and other New York State agencies. 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 this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. 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 11. 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 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. 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 14. To the extent applicable, the Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "Project Financing Agreement"). To the extent applicable, the Town Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the Project Financing Agreement.

SECTION 15. 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 16. 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 17. 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 18. 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:

AYES:

Town Supervisor David Miller
Council member Laura Schmieder
Council member Eric Wagner
Council member Jerry Krupka

NOES:

ABSENT:
Council member Ronald Merrill

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) The undersigned is the duly qualified and acting Clerk of the Town of Alexander, New York (hereinafter called the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board; and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Town Board held on July 30, 2025 and entitled:

A BOND RESOLUTION, DATED JULY 30, 2025, 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. 7 IN THE TOWN AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF \$16,290,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,290,000 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.

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (2/3 of the Town Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has executed this certificate on July 30, 2025.

RESOLUTION No. 65: Designation of Certifying Officer for Environmental Review Activities related to Water District #7

On motion by Councilperson Schmieder and seconded by Councilperson Krupka and carried, The board approves the designation of Town Supervisor David Miller to be the Certifying Officer for Environmental Review of Activities related to Water District #7

3- Yes Schmieder, Krupka, Wagner

0 – No ABSTAIN: Miller

Absent: Merrill

**TOWN OF ALEXANDER, GENESEE COUNTY
RESOLUTION DESIGNATING THE CERTIFYING OFFICER
FOR ENVIRONMENTAL REVIEW ACTIVITIES
RELATED TO THE PROPOSED
WATER DISTRICT #7 IMPROVEMENTS**

WHEREAS, the Town of Alexander is applying for a Community Development Block Grant (CDBG) from the U.S. Department of Housing and Urban Development as administered by the State of New York; and,

WHEREAS, CDBG Public Infrastructure Grant Funds require compliance with the National Environmental Policy Act of 1969; and,

WHEREAS, Regulations associated with the National Environmental Policy Act require the designation of a Certifying Officer responsible for all activities associated with the prescribed environmental review process associated with NYS CDBG; and,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF ALEXANDER THAT

1. The Supervisor of the Town of Alexander be hereby designated as the Town's environmental certifying officer for the purpose of signing correspondence and other required documents and forms.
2. This Resolution shall take effect immediately

I, Shannon Bartholomew, Town Clerk of the Town of Alexander, do hereby certify that the aforementioned resolution was adopted by the Town Board on July30, 2025 by the following vote:

	<u>AYE</u>	<u>NAY</u>
Laura Schmieder, Councilperson	X	
Eric Wagner, Councilperson	X	
Jerry Krupka, Councilperson	X	
Ronald Merrill, Councilperson-ABSENT		
David Miller, Town Supervisor-ABSTAIN		

Motion to adjourn made by Councilperson Wagner and seconded by Councilperson Krupka and carried 4-0 at 6:35 pm.

Respectfully Submitted,

Shannon Bartholomew
Alexander Town Clerk