

TOWN OF OAKFIELD

NOVEMBER 4, 2009

PUBLIC HEARINGS REGARDING FIRE BUDGET, TOWN BUDGET

A SPECIAL MEETING TO ESTABLISH WATER DISTRICT 2 AND BONDING OF WATER DISTRICT

PRESENT: Supervisor Dodd, Councilmen Day, Veazey, Kabel and Cianfrini, Superintendent of Highways Dennis, Justice Graham, Town Clerk Haacke and Brittany Baker of the Daily News.

The meeting was called to order at 7pm by Supervisor Dodd regarding the Fire Budget.

A short discussion and review of the Fire Budget was conducted.

A **motion** was made by Councilman Veazey, seconded by Councilman Kabel and carried by unanimous vote to adjourn the Fire Budget public hearing at 7:15 pm.

At 7:15 pm Supervisor Dodd called the 2010 Town Budget Public Hearing to order.

A brief review of changes that were made at the budget meeting took place.

A **motion** was made by Councilman Kabel, seconded by Councilman Cianfrini and carried by unanimous to adjourn the public hearing at 7:30pm.

At 7:30 pm a Special Meeting of the Oakfield Town Board was called to order by Supervisor Dodd.

At this time Supervisor Dodd presented his 2010 Budget to the Board.

A **motion** was made by Councilman Veazey, seconded by Councilman Kabel and carried by unanimous vote to adopt the 2010 Budget as presented.

A roll call vote went as follows:

Supervisor Dodd	Aye	Councilman Veazey	Aye
Councilman Day	Aye	Councilman Kabel	Aye
Councilman Cianfrini	Aye		

Passed (5-0)

At this time the Fire Budget was presented to the Board. A **motion** was made by Councilman Cianfrini, seconded by Councilman Veazey and carried by unanimous vote to accept the Fire Budget as submitted.

A roll call vote went as follows:

Supervisor Dodd	Aye	Councilman Veazey	Aye
Councilman Day	Aye	Councilman Kabel	Aye
Councilman Cianfrini	Aye		
Passed (5-0)			

A meeting of the Town Board of the Town of Oakfield, in the County of Genesee, State of New York, was held at the Town Hall, in the Town, on November 4, 2009.

PRESENT:

Hon. Kenneth A. Dodd, Supervisor
Jim Veazey, Councilperson
, Councilperson
, Councilperson
, Councilperson

In the Matter of the Establishment of Water District No. 2, in the Town of Oakfield, in the County of Genesee, New York, pursuant to Article 12 of the Town Law.

**FINAL ORDER ESTABLISHING
WATER DISTRICT NO. 2
NOVEMBER 4, 2009**

WHEREAS, the Oakfield Town Board (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 Water District No. 2, which petition was signed by the required number of property owners within the proposed district, namely, pursuant to the latest completed assessment roll of the Town of Oakfield, owners of taxable real property located in the proposed Water District No. 2 owning in the aggregate at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half of the assessed valuation of all of the taxable real property of the proposed Water District owned by residents, and was accompanied by a map, plan and report, dated March, 2009, prepared by Clark Patterson Associates, competent engineers duly licensed by the State of New York, for the establishment of Water District No. 2, in the Town of Oakfield (the "District"), which map, plan and report is on file at the office of the Town Clerk, and 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 to certain residences in the proposed Water District No. 2. The overall project will consist of the construction and installation of

approximately 8,900 linear feet of 8 inch and 2,500 linear feet of 12 inch water main along portions of Lewiston Road, Maltby Road, North Pearl Street and Albion Road; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, preliminary costs and other improvements and costs incidental thereto (referred to herein as “water improvement”); the maximum amount proposed to be expended for the construction of such District estimated to be \$758,200; and

WHEREAS, pursuant to the Order duly adopted on May 12, 2009, 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 water improvements 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 are on file in the Town Clerk’s office for public inspection and specifying June 9, 2009, at 6:00 o’clock p.m. (Prevailing Time) as the time when, and the Oakfield Town Hall, located at 3219 Drake Street, in the Town, as the place where, 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 June 9, 2009, determined that 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 water improvements in connection with the District as hereinabove described at a cost not to exceed \$758,200; and that the plan of financing is the issuance of serial bonds in the amount of \$758,200, said amount to be offset by the receipt of any funds from the United States of America, the State of New York, the County of Genesee and/or local funds including, but not limited to, a USDA Rural Development Agency grant of approximately \$338,200 and the balance of the costs will be assessed 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; and

WHEREAS, permission of the State Comptroller was required with respect to the establishment of the District because the estimated cost of the District to the Typical Property (as defined by Town Law) is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of Districts, as computed by the State Comptroller, and the Town submitted an application to the office of the State Comptroller, Department of Audit and Control; and

WHEREAS, the Office of the State Comptroller, Department of Audit and Control reviewed said application and on August 18, 2009, the State Comptroller issued an order that such application of the Town Board of the Town of Oakfield for permission to establish Water District No. 2 was approved and permitted the establishment of said District in accordance with the description referred to in a resolution of June 9, 2009, at a cost not to exceed \$758,200.

Now, therefore, be it

ORDERED, that the establishment of the District is hereby approved, in the Town of Oakfield, to be known as Water District No. 2 in the Town of Oakfield, situate wholly outside of any incorporated village or city, and bounded and described as follows:

[INSERT LEGAL DESCRIPTION HERE]

and be it further:

ORDERED, that Water District No. 2 hereinabove referred to shall be constructed as set forth in the Order Calling the Public Hearing dated (May 12, 2009) and the resolution (adopted on June 9, 2009), at a cost not to exceed \$758,200, and the plan of financing is the issuance of serial bonds in the amount of \$758,200, said amount to be offset by the receipt of any funds from the United States of America, the State of New York, the County of Genesee and/or local funds including, but not limited to, a USDA Rural Development Agency grant of approximately \$338,200, and the balance of the costs will be assessed by the assessment, levy and collection of the 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; and be it further

ORDERED, that within ten (10) 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

Dated: November 4, 2009

TOWN BOARD OF THE
TOWN OF OAKFIELD

A **motion** was made by Councilman Cianfrini, seconded by Councilman Kabel and carried by unanimous vote to move forward with the Establishment of Water District No. 2.

A roll call vote went as follows:

Supervisor Dodd	Aye	Councilman Veazey	Abstain
Councilman Day	Aye	Councilman Kabel	Aye
Councilman Cianfrini	Aye		

Passed (4-0-1)

**this had to be revisited since the last Board meeting because Councilman Day was not present, there was not a 2/3 votes of the Board without Councilman Day and Councilman Veazey abstention.

A BOND RESOLUTION DATED NOVEMBER 4, 2009, OF THE TOWN BOARD OF THE TOWN OF OAKFIELD, GENESEE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ESTABLISHMENT OF WATER DISTRICT NO. 2 AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT A MAXIMUM ESTIMATED COST NOT EXCEED \$758,200 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$758,200, 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 Oakfield, Genesee County, New York (the "Town"), pursuant to Article 12 of the Town Law, created a water district designated and known as "Water District No. 2" (the "District"); and

WHEREAS, the Town Board desires to undertake a project (the "Project") consisting of the construction of the infrastructure for the District and the undertaking of a capital project in the District; and

WHEREAS, by Resolutions the Town Board took the following actions with respect to the Project:(a) prepared maps, plans and 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 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 a portion of the costs of the Project;

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 specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is a project to provide a safe and reliable potable water supply and fire protection to certain residences in Water District No. 2. The overall project will consist of the construction and installation of approximately 8,900 linear feet of 8 inch and 2,500 linear feet of 12 inch water main along portions of Lewiston Road, Maltby Road, North Pearl Street and Albion Road; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, apparatus, preliminary costs and other improvements and costs incidental thereto for the foregoing purpose. The maximum cost of said purpose will not exceed \$758,200.

SECTION 2: The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$758,200 of the Town, said amount to be offset by the receipt of any federal, state, county and/or local funds, including but not limited to, a USDA Rural Development Agency grant of approximately \$338,200, and the balance of the estimated cost of said purpose shall be financed by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District. The cost of such improvement is to be paid by assessments upon parcels of benefited property in an areas less than the area of the Town.

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 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 becoming due and payable in such year 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 as the same become due and payable, except as provided by law. Unless paid from other sources, there shall annually be levied on all taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7: Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 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 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.

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 date hereof) 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 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 to 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)(B)(i) 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 in every respect with all 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 the State Environmental Quality Review Act is necessary.

SECTION 12: 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 twenty days after the date of such publication; or

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

SECTION 13: This resolution is effective immediately.

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.

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

AYES:

NOES:

ABSENT:

ABSTAIN

The foregoing resolution was thereupon declared duly adopted.

A **motion** was made by Councilman Kabel, seconded by Councilman Cianfrini and carried by unanimous vote to go forwarding with the bonding of Water District 2.

A roll call vote went as follows:

Supervisor Dodd	Aye	Councilman Veazey	Abstain
Councilman Day	Aye	Councilman Kabel	Aye
Councilman Cianfrini	Aye		
Passed (4-0-1)			

With no further business to come before the Town a **motion** was made by Councilman Veazey, seconded by Councilman Cianfrini and carried by unanimous vote to adjourn the meeting at 8:43 pm.

