

**TOWN OF OAKFIELD**

**SPECIAL MEETING—BOND RESOLUTION WD9**

**MARCH 15, 2016**

**ROLL**

**CALL:** Supervisor Glor  
Deputy Supervisor Veazey  
Councilman Kabel  
Councilman Martin  
Councilman Wolcott

**OTHERS**

**PRESENT:** Town Clerk Haacke  
Superintendent of Highways Dennis  
Assessor Flansburg  
CEO/ZEO Mikolajczyk  
Disaster Coordinator Graham

Supervisor Glor called the meeting to order at noon, followed by the Pledge to the Flag.

**RESOLUTION NO. 22-2016—BOND RESOLUTION WATER DISTRICT NO. 9**

Deputy Supervisor Veazey offered the following:

**A BOND RESOLUTION, DATED MARCH 15, 2016, OF THE TOWN BOARD OF THE TOWN OF OAKFIELD, GENESEE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A JOINT CAPITAL IMPROVEMENTS PROJECT BEING UNDERTAKEN WITH THE TOWN OF ALABAMA AND THE CONSTRUCTION OF IMPROVEMENTS ASSOCIATED WITH SUCH JOINT PROJECT, AT AN ESTIMATED MAXIMUM COST OF \$844,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$844,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, 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 the Water District No. 9 in the Town (the "Water District No. 9"); and

WHEREAS, the Town by resolution (adopted on March 8, 2016) approved entering into an Intermunicipal Agreement with the Town of Alabama, pursuant to Article 5-G of the New York General Municipal Law (as such agreement may be amended from time to time, the “IMA”), with respect to construction and installation of a joint water improvements project in the Water District No. 9 and the Town of Alabama Water District No. 3; and

WHEREAS, by resolutions the Town Board took the following other actions with respect to such project: (a) prepared maps, plans and boundaries for the Water District No. 9 and such joint project, (b) held a public hearing with respect to such joint project, (c) determined that such joint 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 of the Town Law had been satisfied with respect to Water District No. 9 and further determined to undertake such joint project; and

WHEREAS, the Town now wishes to appropriate funds for the entire joint project, in accordance with the IMA, and to authorize the issuance of the Town’s serial bonds and bond anticipation notes to be issued to finance said appropriation;

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 specific purpose (hereinafter referred to as (“purpose”) to be financed pursuant to this resolution is a joint capital improvements project with the Town of Alabama, such joint project generally consisting of the installation of approximately 12,300 linear feet of 8-inch water main along portions of Macomber Road in the Town, as well as portions of Macomber Road, Towne Place and Townline Road in the Town of Alabama, as well as other such improvements as more fully identified in such map, plan and report prepared in connection with such joint project, including all related right-of-way costs, new service installation, site work and other ancillary work, preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Joint Project”). The estimated maximum total cost of the Joint Project is \$844,000.

SECTION 2. (a) The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$844,000, said amount to be offset by any federal, state, county and/or local funds received including, but not limited to, a USDA Rural Development Agency Grant of approximately \$379,000.

(b) Unless paid from other sources or charges (including, but not limited to, funds received from the Town of Alabama pursuant to the terms of the IMA), the cost of the Joint Project will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Water District No. 9, which the Town Board shall determine and specify to be especially benefitted 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 shall become due and payable, except as provided by law.

(c) The indebtedness of the Town shall constitute “several indebtedness” within the meaning of Section 15.00 of the Local Finance 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 cost of the project will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Water District No. 9, 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 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 the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such 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 such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the 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 may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection 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. In the absence or unavailability of the Town Supervisor, the Deputy Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. 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 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.

SECTION 15. 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:

**Second:** Councilman Wolcott

**Ayes:** Glor, Veazey, Kabel, Martin, Wolcott

**APPROVED UNANIMOUS VOTE (5-0)**

The foregoing resolution was thereupon declared duly adopted.

**Fence Proposal:**

This proposal is in regards to the damaged fence at Garibaldi and South Pearl in the Village. As discussed in the regular Board meeting of March 8, 2016, the damage to this fence is the direct cause of snow plowing. The proposal is to set the fence back 50', use a heavier gauge of fencing and make it a permanent snow fence with fabric. This expense will be split three ways, with the Owner, Dan Riner paying 1/3, and Town of Oakfield paying 1/3 & Village of Oakfield paying 1/3. The cost per entity will be \$1466.67.

**MOTION** Councilman Martin, second Councilman Wolcott to approve this fence repair at a cost of \$4400.00, split equally among the owner, Town & Village.

**Ayes:** Glor, Veazey, Kabel, Martin, Wolcott

**APPROVED UNANIMOUS VOTE (5-0)**

**Property Line Fence**

This proposal is in regards to erecting a fence on Town property to block lighting and give a sense of privacy to adjacent neighbors. This proposal adds one more 8' panel at 6' in height for additional \$280, therefore bringing the total cost estimate to \$3530.

It was quoted that if the Town went with an 8' fence in height the cost would be three times as much.

**MOTION** Deputy Supervisor Veazey, second Councilman Kabel to erect 104' in length, 6' in height, raising the bottom to gain a couple more inches and the color white.

**Ayes:** Glor, Veazey, Kabel, Martin, Wolcott

**APPROVED UNANIMOUS VOTE (5-0)**

**ADJOURN**

**MOTION** Deputy Supervisor Veazey, second Councilman Martin to adjourn the meeting at 12:22 pm.

**Ayes:** Glor, Veazey, Kabel, Martin, Wolcott

**MOTION CARRIED UNANIMOUS VOTE**

Respectfully submitted,

Melissa M. Haacke,  
Town Clerk