

TOWN OF OAKFIELD

SPECIAL MEETING REGARDING WATER DISTRICT 11

October 16, 2017

ROLL

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

OTHERS

PRESENT: Town Clerk Haacke
Superintendent of Highways Dennis
Assessor Flansburg
Code/Zoning Officer Mikolajczyk

Supervisor Glor called the meeting to order at 12:10 pm; followed by the Pledge to the Flag.

RESOLUTION NO-33-2017—FINAL ORDER TO ESTABLISH WATER DISTRICT NO. 11

Councilman Kabel offered the following:

A Special 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 said Town, on the 16th day of October, 2017.

In the Matter of the Establishment of Water District No. 11, in the Town of Oakfield, in the County of Genesee, New York, pursuant to Article 12-A of the Town Law.

**FINAL ORDER ESTABLISHING DISTRICT
OCTOBER 16, 2017**

WHEREAS, the Town Board of the Town of Oakfield (herein called "Town Board" and "Town", respectively), in the County of Genesee, New York, has, pursuant to Town Law Article 12-A, caused Clark Patterson Lee Engineers, competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the establishment of Water District No. 11 (the "District") in the Town, with proposed improvements consisting of the construction and

installation of approximately 900 linear feet of 8 inch diameter watermain along portions of Macomber Road as more particularly set forth in the map, plan and report (the "District No. 11 Area"), including land or rights in land, road crossings, furnishings, valves, hydrants, fittings, connections, fill, services, appurtenances, and related site work and other ancillary work, preliminary costs and other improvements and costs incidental thereto; and

WHEREAS, on August 8, 2017, the Town Board adopted an Order Calling Public Hearing, and

WHEREAS, pursuant to the Order Calling Public Hearing, 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 in a manner sufficient to identify the lands included therein as in a deed of conveyance, 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 August 21, 2017, at 6:45 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, by order of the Town Board, Notices for a Public Hearing were duly published and posted as required by law, and mailed by first class mail to each owner of taxable real property in the proposed water district, and the Town Board did, at the time and place specified in said Notices, duly meet and thereat the Town's Engineers submitted a revised Map, Plan and Report setting forth a lower maximum to be expended for the proposed water district and a lower maximum to be financed, and the Town Board considered such revised proposal and heard all persons interested in the subject thereof, who appeared at such time and place concerning the same, and

WHEREAS, following publication and posting of certified copies of the Notice of Public Hearing pursuant to law and the mailing of the Notice of Public Hearing 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 September 12, 2017, determined that the notice of public hearing was published and posted as required by law and was otherwise sufficient, that the Notice of Public Hearing was mailed by first class mail to each owner of taxable real property in the District, 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 \$205,500.00; and that the plan of financing is the issuance of serial bonds in the amount of \$205,500.00, 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 entities, 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, said resolution adopted September 12, 2017, was subject to permissive referendum and the notice setting forth the date of adoption of said resolution, which concisely stated the purpose and effect thereof, was duly posted and published as required by law, and that no petition requesting a referendum thereon has been filed with the Town Clerk within thirty (30) days after the date of adoption thereof, or at any other time since said adoption; and

WHEREAS, the permission of the State Comptroller is not required with respect to the district because the estimated cost of the water district to the Typical Property (as defined in the Town Law) is below the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and a full application will not need to be submitted to the State Comptroller's Office for approval, and

WHEREAS, the Town Board has given due consideration to the impact that the District may have on the environment and on the basis of such consideration, the Town Board has found no substantial adverse environmental impact will be caused by such District; and

WHEREAS, the Town and the Town Board have complied in every respect with all applicable laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act (SEQR);

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. 11 in the Town of Oakfield, situate wholly outside of any incorporated village or city, and bounded and described in Exhibit A annexed hereto and made a part hereof, and be it further:

ORDERED, that Water District No. 11 hereinabove referred to shall be constructed as at a cost not to exceed \$205,500.00, and the plan of financing is the issuance of serial bonds in the amount of \$205,500.00, 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 entities 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 said Town Clerk

Dated: October 16, 2017

EXHIBIT A

**TOWN OF OAKFIELD
WATER DISTRICT No. 11**

All that tract or parcel of land situate in the Town of Oakfield, Genesee County, State of New York, being described as follows:

Beginning at a point, at the intersection of centerline of Judge Road (NYS Route 63) (66 feet wide right-of-way) and the centerline of Lewiston Road (County Road 22) (66 feet wide right-of-way); thence,

1. Westerly, along the centerline of Judge Road, a distance of 287 feet, more or less, to a northerly extension of the easterly line of tax account number 10.-1-41 and a northerly line of the existing Town of Oakfield Water Benefit Area; thence,
2. Southerly, along a northerly extension of the easterly line of tax account number 10.-1-41 and the easterly line of tax account number 10.-1-41 and a westerly line of the existing Town of Oakfield Water Benefit Area, a distance of 500 feet, more or less, to a point 500 feet southerly of and parallel to the centerline of Judge Road; thence,
3. Westerly, along a line 500 feet southerly of a parallel to the centerline of Judge Road, through the lands of tax account number 10.-1-41, 10.-1-42, 10.-1-63, 10.-1-43.22, 10.-1-43.21, across Hutton Road (49.5 feet wide right-of-way), and through the lands of tax account numbers 10.-1- 45.11, and 10.-1-48, a distance of 7,843 feet, more or less, to the centerline of Macomber Road (County Road 30) (66 feet wide right-of-way) and the westerly municipal boundary of the Town of Oakfield; thence,
4. Northerly, along the centerline of Macomber Road and the westerly municipal boundary of the Town of Oakfield, a distance of 1,393 feet, more or less, to a westerly extension of the northerly line of tax account number 10.-1-50; thence,
5. Easterly, along the westerly extension of the northerly line of tax account number 10.-1-50 and the northerly line of tax account number 10.-1-50, a distance of 289 feet, more or less, to the easterly line of tax account number 10.-1-50; thence,
6. Southerly, along the easterly lines of tax account numbers 10.-1-50, 10.-1-51.2, and

- 10.-1-51.1, a distance of 392 feet, more or less, to a point 500 feet northerly of and parallel to the centerline of Judge Road; thence,
7. Easterly, along a line 500 feet northerly of and parallel to the centerline of Judge Road, through the lands of tax account numbers 10.-1-49.113, 10.-1-49.2, 10.-1-55.2, 10.-1-57, 10.-1-58, and 10.-1-59, a distance of 4,266 feet, more or less, to a point 500 feet westerly of and parallel to the centerline of Maltby Road Extension (49.5 feet wide right-of-way); thence,
 8. Northeasterly, along a line 500 feet westerly of and parallel to the centerline of Maltby Road Extension, through the lands of tax account number 10.-1-60, a distance of 1,494 feet, more or less, to a point 500 feet southerly of the centerline of Lewiston Road and a southerly line of the existing Town of Oakfield Water District No. 2; thence,
 9. Southeasterly, along a line 500 feet southerly of and parallel to the centerline of Lewiston Road and a southerly line of the existing Town of Oakfield Water District No. 2, through the lands of tax account number, 10.-1-60, across Maltby Road Extension, and through the lands of tax account number 10.-1-40.111, a distance of 1,924 feet, more or less, to the westerly line of tax account number 10.-1-40.121; thence,
 10. Northerly along the westerly line of tax account number 10.-1-40.121, a distance of 28 feet, more or less, to the northerly line of tax account number 10.-1-40.121; thence,
 11. Easterly, along the northerly lines of tax account numbers 10.-1-40.121 and 10.-1-40.122, and an easterly extension of the northerly line of tax account number 10.-1-40,122, a distance of 743 feet, more or less, to the centerline of Lewiston Road; thence,
 12. Southeasterly, along the centerline of Lewiston Road, a distance of 690 feet, more or less, to the centerline of Judge Road and the Point of Beginning.

Town of Oakfield Proposed Water District No. 11, as described above contains approximately 215 acres of land.

All as shown on a map prepared by Clark Patterson Lee, "Town Water System - Proposed Water District No. 11", Drawing Number WD-11, dated August 2, 2017.

Second: Councilman Martin

Ayes: Glor, Veazey, Kabel, Martin, Wolcott

APPROVED UNANIMOUS VOTE (5-0)

RESOLUTION NO. 34-2017—BOND RESOLUTION WATER DISTRICT NO. 11

Deputy Supervisor Veazey offered the following:

A BOND RESOLUTION, DATED OCTOBER 16, 2017, OF THE TOWN BOARD OF THE TOWN OF OAKFIELD, GENESEE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF OAKFIELD WATER DISTRICT NO. 11 AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF \$205,500, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$205,500 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-A of the Town Law, created a water district designated and known as the Town of Oakfield Water District No. 11 in the Town (the "Water 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 Water 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 Water District and such Project, (b) held a public hearing 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, 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 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, but not limited to, the construction and installation of approximately 900 linear feet of 8-inch water main along various roads in the Town including, but not limited to Macomber Road, along with the installation of valves, hydrants, fittings, connections, fill and appurtenances, 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, including all related right-of-way costs, land or rights in land, road crossings, 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 "Purpose"). The estimated maximum cost of said purpose is \$205,500.

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 \$205,500 of said Town, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the cost of the Purpose will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed 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 the benefit conferred 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 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 proposed 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 the 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 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 earlier of (a) the date hereof or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) 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 (or reaffirmation) 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 SEQRA is necessary.

SECTION 12: 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 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.

A brief discussion took place after the resolutions were approved as to what will happen next. The residents should expect to be hooked up to water by the end of the year.

ADJOURNMENT: MOTION Deputy Supervisor Veazey, second Councilman Kabel to adjourn the meeting at 12:27 pm.

Respectfully submitted,

Melissa M. Haacke, Town Clerk

