

**A Town Board Meeting of the Town of Owasco was held on
August 11, 2021 at 4:00 PM in the Owasco Town Hall with the following
members present:**

**PRESENT: Supervisor Edward Wagner
Councilperson Fred Cornelius
Councilperson Gucciardi
Councilperson Mike Vitale**

ABSENT: Councilperson, Tim Kerstetter

**OTHERS PRESENT: Riccardo Galbato Bob Bruno,
VIA ZOOM: Melissa Deyneka, Mickey Belosi**

CALL TO ORDER: 4:00 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

RESOLUTION 21-107 approval of Town Board Agenda for August 11, 2021

Motion by Councilor Gucciardi; Second Councilor Cornelius

**Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor Kerstetter Absent Councilor Vitale Yes
Supervisor Wagner Yes**

APPROVAL OF MINUTES:

**RESOLUTION 21-108 approval of Town Board Minutes for Town Board Meeting held
July 8, 2021.**

Motion by Councilor Cornelius; Second Councilor Vitale

**Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor Kerstetter Absent Councilor Vitale Yes
Supervisor Wagner Yes**

PUBLIC PARTICIPATION:

COMMUNICATIONS

**Received a generous donation of \$900.00 from the Pickle Ball Players for their
appreciation of our facility.**

NEW BUSINESS

To advertise for RFP Utility Contracting.

***We are required to go out for proposals for services:**

We will advertise for Tree Removal Service & Water Repair Services.

Camera & lights for playground

***The Town recently had vandalism on the playground and bathhouse and will add addition
OLD BUSINESS:**

John Spoto water billing sewer charge request

***The Board has once again rejected his request for a reduction to his bill and have answered this request a few times.**

Re-affirm the Audit Committee for the 2021 year.

Councilmen Cornelius updated the board as to his conversation with Owasco Fire Department Commissioners, with the question turning the playground land in the Owasco Hamlet over to the Town. The OFD will accept this request.

RESOLUTION 21-109 To Create the position of Assistant Superintendent of Public Works pursuant to the job specifications from the Cayuga County Department\of Human Services and Civil Service Commission revised date July 15, 2021.

Motion by Councilor Cornelius; Second Councilor Vitale

**Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor Kerstetter Absent Councilor Vitale Yes
Supervisor Wagner Yes**

RESOLUTION 21-110 to open the public hearing for the Town of Owasco's Water Improvement District.

Motion by Councilor Gucciardi; Second Councilor Vitale

**Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor Kerstetter Absent Councilor Vitale Yes
Supervisor Wagner Yes**

RESOLUTION 21-111 to close the hearing for the Town of Owasco's Water Improvement District.

Motion by Councilor Gucciardi; Second Councilor Cornelius

**Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor Kerstetter Absent Councilor Vitale Yes
Supervisor Wagner Yes**

RESOLUTION 21-112 RESOLUTION OF THE TOWN OF OWASCO, NEW YORK, APPROVING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO THE TOWN OF OWASCO WATER DISTRICT DISTRIBUTION SYSTEM.

WHEREAS, pursuant to Town Law Section 202-b, the Town Board of the Town of Owasco (the "Town") proposes to undertake the acquisition, construction and installation of improvements to the Town of Owasco Water District water distribution system, including but not limited to, the replacement and improvement of water mains and hydrants, the improvement and installation of

a Granular Activated Carbon (GAC) filtration system, the acquisition of land or rights in land and original furnishings, equipment, machinery or apparatus required in connection therewith (the "Improvements"); and

WHEREAS, the total estimated maximum cost of the Improvements is \$500,000; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-b of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations") by resolution adopted on April 8, 2021, the Town Board determined that the acquisition, construction and installation of the Improvements (the "Project") will not have any significant adverse environmental impacts; and

WHEREAS, on July 30, 2021, prior to adopting this Resolution, the Town Board held a public hearing regarding the Project, as required by Town Law Section 202-b; and

WHEREAS, the Town Board now desires to authorize the Project in accordance with Town Law Section 202-b.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby determines it is in the public interest to acquire, construct and install the Improvements; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor and other proper officers of the Town to proceed with the Improvements provided, however, that the financing of the Improvements shall not occur until the Town Board has adopted a Bond Resolution in accordance with the New York Local Finance Law.

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

The resolution was thereupon declared duly adopted.

Motion by Councilor Cornelius; Second Councilor Gucciardi

Roll call vote:	Councilor Cornelius	<u>Yes</u>	Councilor Gucciardi	<u>Yes</u>
	Councilor Kerstetter	<u>Absent</u>	Councilor Vitale	<u>Yes</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 21- 113 BOND RESOLUTION DATED AUGUST 12, 2021

BOND RESOLUTION OF THE TOWN OF OWASCO, NEW YORK,
AUTHORIZING THE ISSUANCE OF \$500,000 SERIAL BONDS TO FINANCE
THE COST OF TOWN OF OWASCO WATER DISTRICT IMPROVEMENTS.

WHEREAS, on July 8, 2021, the Town Board of the Town of Owasco, Cayuga County, New York (the "Board") adopted a resolution authorizing a loan from the Town of Owasco Sewer District No. 1 for funding the Owasco Road Water Main Replacement Phase II Project; and

WHEREAS, in order to ensure compliance with the Town Law and the Local Finance Law, the Board desires to adopt this Bond Resolution.

BE IT RESOLVED by the Board as follows:

Section 1. The Town of Owasco, New York (the "Town") hereby approves the acquisition, construction and installation of improvements to the Town of Owasco Water District water distribution system, including but not limited to, the replacement and improvement of water mains and hydrants, the improvement and installation of a Granular Activated Carbon (GAC) filtration system, the acquisition of land or rights in land and original furnishings, equipment, machinery or apparatus required in connection therewith at an estimated maximum cost of \$500,000.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose to be financed by the Town is \$500,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$500,000 in serial bonds (the "Bonds") of the Town which are hereby authorized to be issued pursuant to this resolution and the provisions of the Local Finance Law.

Section 3. It is hereby determined that the periods of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to subparagraph 1 of Section 11.00(a) of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years.

Section 4. Pursuant to Section 107.00(d)(3)(a) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. 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 capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within the Town of Owasco Water District, which the Town Board shall determine and specify to be especially benefited by the capital purpose described in Section 1 of this resolution, an amount sufficient to pay the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, as the same becomes due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on such obligations.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer, with the serial bonds and bond anticipation notes authorized by other bond

resolutions previously or heretofore adopted by the Town Board for purposes of sale in to one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the consolidation of the serial bonds and the bond anticipation notes with other issues of the Town and the serial maturities of the bonds are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The Town is hereby authorized to sell the Bonds as an investment to the Town of Owasco Sewer District No. 1, or in the alternative if deemed advisable, 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 “SRF Project Financing Agreement”). The 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 thereby, including, but not limited to, actions related to the transaction with the Town’s Sewer District No. 1 or the SRF Project Financing Agreement.

Section 11. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(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 the publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution, or a summary thereof, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. This resolution is not subject to a permissive referendum in accordance with Section 35.00(b)(2) of the Local Finance Law.

Section 14. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 15. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 16. This resolution shall take effect immediately.

Motion by Councilor Gucciardi; Second Councilor Vitale

**Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor Kerstetter Absent Councilor Vitale Yes
Supervisor Wagner Yes**

RESOLUTION 21-114 Estoppel Notice

The Bond Resolution, a summary of which is published herewith, has been adopted on the 12th day of August, 2021, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Owasco, New York (the “Town”), is not authorized to expend money or the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Summary of Bond Resolution

1. Class of Objects or Purposes – the acquisition, construction and installation of improvements to the Town of Owasco Water District water distribution system, including but not limited to, the replacement and improvement of water mains and hydrants, the improvement and installation of a Granular Activated Carbon (GAC) filtration system, the acquisition of land or rights in land and original furnishings, equipment, machinery or apparatus required in connection therewith at an estimated maximum cost of \$500,000.
2. Period of Probable Usefulness – forty (40) years. The proposed maturity of the serial bonds authorized pursuant to the Bond Resolution will be in excess of five (5) years.
3. Maximum Amount of Obligations to be issued - \$500,000.

The Bond Resolution herein summarized shall be available for public inspection during normal business hours for twenty (20) days following the date of publication of this notice at the office of the Clerk of the Town of Owasco, 2 Bristol Avenue, Auburn, New York.

Motion by Councilor Gucciardi; Second Councilor Vitale

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor Kerstetter <u>Absent</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

RESOLUTION 21- 115 to accept and approve the Town of Owasco Finacial Mangement Procurment Audit Corrective Action Plan.

WHEREAS; The Supervisor is authorized to send a certified copy of this resolution to the Office of the NYS Comptroller.

Motion by Councilor Gucciardi; Second Councilor Vitale

Roll call vote:	Councilor Cornelius <u>Yes</u>	Councilor Gucciardi <u>Yes</u>
	Councilor Kerstetter <u>Absent</u>	Councilor Vitale <u>Yes</u>
	Supervisor Wagner <u>Yes</u>	

RESOLUTION 21-116 to accept and approve the Town of Owasco Highway Department report of examination for the 2020 M-128 Corrective Action Plan.

WHEREAS; The Supervisor is authorized to send a certified copy of this resolution to the Office of the NYS Comptroller.

Motion by Councilor Cornelius; Second Councilor Vitale

**Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor Kerstetter Absent Councilor Vitale Yes
Supervisor Wagner Yes**

RESOLUTION 21-117 to renew the Inserno CPA’S contract for three years for the yearly town audit.

Motion by Councilor Gucciardi; Second Councilor Vitale

**Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor Kerstetter Absent Councilor Vitale Yes
Supervisor Wagner Yes**

RESOLUTION 21- 118 to approve the purchase from Penn Power Systems for a new sewer generator for Martins Point in the amount of \$21,157.00.

Motion by Councilor Gucciardi; Second Councilor Cornelius

**Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor Kerstetter Absent Councilor Vitale Yes
Supervisor Wagner Yes**

**** Note in the future Councilmen Cornelius would like the line that the items requested will be budgeted against to be published in the resolution.**

RESOLUTION 21-119 to approve the recomend Budget Modifications for the Month of August.

Budget Modifications Recommendations			
After Closing:			
		July	2021
Notes	Acct #	Account Description	
		(-)	(+)
		Debit	Credit
	A1110.110	Justices - Justices Salary	\$ 6,161.00
	<i>A599</i>	<i>Appropriated Fund Balance</i>	
	A1010.400	Town Board - Contractual	\$ 565.00
	A5010.400	Highway Superintendent - Contractual	\$ 1,140.00
	A7140.110	Playgrounds - Summer Labor	\$ 530.00

A7140.430	Playgrounds - Improvements & Maint		\$ 1,255.00
A7140.432	Shelter & Bathrooms - Improvements		\$ 133.00
A8010.421	Zoning - Legal Fees		\$ 1,350.00
A8020.421	Planning - Legal Fees		\$ 150.00
A8160.400	Refuse & Garbage - Equipment Repairs		\$ 478.00
A8160.410	Refuse & Garbage - Landfill		\$ 420.00
A8810.110	Cemeteries - Personnal Services		\$ 140.00
Totals:		\$ 6,161.00	\$ 6,161.00

		(-)	(+)
Acct #	Account Description	Debit	Credit
DA5112.415	Improvements - Hot Mix	\$ 220.00	
<i>DA-599</i>	<i>Appropriated Fund Balance</i>	<i>\$ -</i>	
DA5112.413	Improvements - Stone		\$ 220.00
Totals:		\$ 220.00	\$ 220.00

		(-)	(+)
Acct #	Account Description	Debit	Credit
SS1-8110.400	Sewer Admin - Contractual	\$ 400.00	
<i>SS1-599</i>	<i>Appropriated Fund Balance</i>	<i>\$ -</i>	
SS1-8110.152	Sewer Admin - Mowing		\$ 400.00
Totals:		\$ 400.00	\$ 400.00

		(-)	(+)
Acct #	Account Description	Debit	Credit
SS3-8110.400	Sewer Admin - Contractual	\$ 100.00	
SS3-8110.412	Sewer Admin - Gasoline	\$ 75.00	
SS3-8110.413	Sewer Admin - Diesel Fuel	\$ 90.00	
SS3-8120.400	Sewage Collection - Contractual	\$ 241.00	
SS3-8120.411	Sewage Collection - Energy Costs	\$ 350.00	
<i>SS3-599</i>	<i>Appropriated Fund Balance</i>	<i>\$ 2,234.00</i>	

SS3-8110.153	Summer Labor - Mowing		\$ 300.00
SS3-8120.110	Sewage Collection - Personal Services		\$ 350.00
SS3-8120.410	Sewage Collection - Misc		\$ 260.00
SS3-8120.459	Sewage Collection - Grinder Pumps REPAIR		\$ 1,780.00
SS3-8120.461	Sewage Collection - Grinder Pumps NEW INSTALL		\$ 400.00
Totals:		\$ 3,090.00	\$ 3,090.00

Acct #	Account Description	(-)	(+)
		Debit	Credit
SW8340.410	Trans & Distribution - Contractual	\$ 9,450.00	
<i>SW-599</i>	<i>Appropriated Fund Balance</i>	<i>\$ -</i>	
SW8320.410	Power & Pumping - Misc		\$ 9,450.00
Totals:		\$ 9,450.00	\$ 9,450.00

Motion by Councilor Gucciardi; Second Councilor Vitale

Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor Kerstetter Absent Councilor Vitale Yes
Supervisor Wagner Yes

RESOLUTION 21- 120 to designate and re-establish Councilperson Cornelius and Councilperson Kerstetter as Audit Committee for 2021.

Motion by Councilor Gucciardi; Second Councilor Vitale

Roll call vote: Councilor Cornelius Yes Councilor Gucciardi Yes
Councilor Kerstetter Absent Councilor Vitale Yes
Supervisor Wagner Yes

RESOLUTION 21- 121 AUDIT AND PAYMENT OF CLAIMS: authorizing the audit and payment of the following claims: General and Highway Funds, Special Districts, (Water and Sewer Districts), Capital Project and Reserve Fund claims, and ratifying the payment of the prepaid claims as authorized by Resolution 16-006 adopted January 4, 2016, all in accordance with the attached abstract of claims.

ABSTRACT #08 2021 Vouchers # 534-635 in the amount of \$417,683.94

Trust & Agency Voucher # 5145-5153 in the amount of \$20,592.70

for a grand total of \$438,276.64

Motion by Councilor Cornelius; Second Councilor Vitale

Roll call vote: Councilor Cornelius	<u>Yes</u>	Councilor Gucciardi	<u>Yes</u>
Councilor Kerstetter	<u>Absent</u>	Councilor Vitale	<u>Yes</u>
Supervisor Wagner	<u>Yes</u>		

ADJOURNMENT:

RESOLUTION 21-124 to adjourn the meeting:

Motion by Councilor Cornelius; Second Councilor Vitale

Roll call vote: Councilor Cornelius	<u>Yes</u>	Councilor Gucciardi	<u>Yes</u>
Councilor Kerstetter	<u>Absent</u>	Councilor Vitale	<u>Yes</u>
Supervisor Wagner	<u>Yes</u>		

Meeting adjourned at 4:29 PM

Respectfully submitted,

**Tammy M. Flaherty
Town Clerk**