

TOWN BOARD MEETING MINUTES

December 14, 2017

Town Board Meeting of the Town of Owasco was held on December 14 2017 at 4:04 PM in the Owasco Town Hall with the following members present:

PRESENT: Supervisor Edward Wagner
Councilperson Tony Gucciardi
Councilperson Richard Knaul
Councilperson, Tim Kerstetter

ABSENT: Councilperson, Ashley Melendez

OTHERS PRESENT: Nancy Taylor, Bob Bruno, Kathy O'Neill

CALL TO ORDER: **4:04 PM**

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

RESOLUTION 17- 216 approval of Town Board Agenda for December 14, 2017

Motion by Councilperson Gucciardi; Second Councilperson Knaul

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

APPROVAL OF MINUTES:

RESOLUTION 17-217 approval of Town Board Minutes for November 9, 2017

Motion by Councilperson Kerstetter; Second Councilperson Knaul

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

PUBLIC PARTICIPATION:

COMMUNICATIONS: Donation from Sue & George Clancy for the Playground project.

Donation from Marsha & Gary Finch for the Veterans
Memorial Park.

* Woodmen Life has donated flag poles for each branch of the
military and the town will host a dedication on Flag Day, June 14, 2018 at 11:00 am.

NEW BUSINESS: Mictocystin project update.

*Supervisor Wagner briefed the board and residents noted that the Mictocystin project worked well this year, the board needs to decide if we should purchase the equipment, however the state health department may be the one deciding on what the final treatment option may be.

Owasco Lake Management council update on inspection program.
Supervisor Wagner will do a presentaion on January 11, 2018 at the City of Auburn, Council meeting and present the Owasco Lake Management Councils Reccomendations.

OLD BUSINESS:

RESOLUTION 17-218 To Approve and Authorize the Town Supervisor to sign the Municipal Cooperation Agreement For Sewer Service To Wholesale Customers with the City of Auburn, Town of Sennett and Town of Fleming.

Motion by Councilperson Knaul; Second Councilperson Kerstetter

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 17-219 To Authorize the Town Supervisor to sign the Grant of Right-of-Way and Easement (Water) [form is below] granted by property owners to the Town of Owasco for the Owasco Water Main Replacement Project.

Motion by; Councilperson Kerstetter . Second Councilperson Gucciardi

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 17-220 to open the public hearing for a Resolution of the Town Board for the adoption and enactment of Local Law No. 3 of 2017 to amend Chapter 116 Sewers, Section 116-9 of the Town of Owasco.

Motion by Councilperson Kerstetter ; Second Councilperson Melendez

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 17-221 to close public hearing for a Resolution of the Town Board for the adoption and enactment of Local Law No. 3 of 2017 to amend Chapter 116 Sewers, Section 116-9 of the Town of Owasco.

Motion by; Councilperson Gucciardi. Second Councilperson Kerstetter

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 17-222 to approve SEQR determination for Local Law No. 3 of 2017

A Resolution to Issue a Determination of Environmental Significance for Local Law No. 3 of 2017.

WHEREAS, the Owasco Town Board declares itself Lead Agency for the purpose of conducting the environmental review of said proposed action; and

WHEREAS, the Owasco Town Board has determined that the proposed action for adoption of Local Law No. 3 of 2017 is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the proposed local law does not require review by the Cayuga County General Municipal Law 239-l, m & n Review Committee as it is not a zoning law; and

WHEREAS, the Owasco Town Board hereby determines that the action does not involve any other agencies apart from the Owasco Town Board itself; and

WHEREAS, the Town Board caused a Short Environmental Assessment Form to be prepared for use to assess the potential environmental impacts associated with enactment of the proposed local law; and

BE IT RESOLVED, that the Owasco Town Board has determined that the adoption of the proposed Local Law No. 3 of 2017 will not have a significant adverse impact on the environment and hereby issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Town Supervisor be and is hereby directed to sign the Negative Declaration of Environmental Significance.

Motion by Councilperson Kerstetter; Second Councilperson Knaul

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 17-223 A Resolution of the Town Board for the adoption and enactment of Local Law No. 3 of 2017 to amend Chapter 116 Sewers, Section 116-9 of the Town of Owasco.

WHEREAS, a Resolution 17-206 was adopted by the Town Board on November 9, 2017 introducing proposed Local Law No. 3 of 2017 and said Resolution established a public hearing relating thereto;

WHEREAS, a Notice of Public Hearing with respect to said proposed Local Law was duly published in The Citizen, the official Town newspaper and a newspaper circulated in said Town, on November 17, 2017, and proof of such publication has been filed with the Town Clerk;

WHEREAS, a Notice of Public Hearing with respect to such Local Law was duly posted on the sign board of the Owasco Town Hall;

WHEREAS, a Public Hearing upon said proposed Local Law was held at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021, in the Town of Owasco, New York on

this date, **December 14, 2017**, pursuant to such Notice and an opportunity to be heard was given at said hearing to those favoring or opposing passage of said proposed Local Law;

WHEREAS, the proposed local law does not require review by the Cayuga County General Municipal Law 239-l, m & n Review Committee as it is not a zoning law;

WHEREAS, the Owasco Town Board by Resolution passed on this date issued a Negative Declaration under SEQRA for Local Law No. 3 of 2017;

WHEREAS, the Town Board has carefully considered the proposed Local Law, and after due deliberation, finds it is in the best interest of the Town of Owasco to adopt said Local Law; and

WHEREAS, proposed Local Law No. 3 of 2017 adds two provisions to Town Code Section 116-9(A), namely:

“3) for properties situated within Owasco Town Sewer District 3 all existing dwellings or structures no later than July 1, 2018; or 4) in any new or additional Town sewer district within one (1) year from the date the public sewer system officially goes on line.”

NOW, THEREFORE, AFTER DUE CONSIDERATION, IT IS HEREBY,

RESOLVED, that the Town Board of the Town of Owasco hereby approves and enacts Local Law No. 3 of 2017 set forth below:

Local Law No. 3 of 2017 to amend Chapter 116 Sewers, Section 116-9 of the Town of Owasco.

Section 116-9 of the Owasco Town Code is amended, in its entirety, to read as follows:

Article III. Private Sewage Disposal

§ 116-9. Connection to public sewer; when required.

A.

The owner of all houses, buildings, structures or properties used for human occupancy, employment, recreation, or other purposes situated within the Town Sewer Districts 1, 2 and 3 and any extensions thereof or future Town Sewer Districts and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town is hereby required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article: 1) prior to issuance of a certificate of occupancy or certificate of compliance for a new or existing dwelling or structure; or 2) within 180 days after a property or title transfer, provided that said public sewer is reasonably accessible to the property in the judgment of the Sewer Superintendent or Town Board; or 3) for properties situated within Owasco Town Sewer District 3 all existing dwellings or structures no later than July 1, 2018; or 4) in any new or additional Town sewer district within one (1) year from the date the public sewer system officially goes on line.

B.

Civil liability. Any person violating any of the provisions of this section, except as otherwise provided herein, shall be subject to a fine of not more than \$500 and be civilly liable to the Town for any expense, loss or damage occasioned to the Town by reason of such violation.

C.

Injunctive relief. The Town Board shall have the right to seek equitable relief in the name of the Town to restrain the violation of, or to compel compliance with this section, or any order or determination issued thereunder by the Sewer Superintendent or Town Board.

This local law shall take effect immediately upon the filing with the Secretary of State.

Motion by Councilperson Knaul; Second Councilperson Gucciardi,

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 17-224 to open the Public hearing for the adoption and enactment of Local Law No. 4 of 2017 to Override the Tax Levy Limit Established in General Municipal Law §3-c.

Motion by Councilperson Kerstetter; Second Councilperson Knaul

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 17-225 to close the public hearing for the adoption and enactment of Local Law No. 4 of 2017 to Override the Tax Levy Limit Established in General Municipal Law §3-c.

Motion by; Councilperson Gucciardi. Second Councilperson Kerstetter

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

Resolution 17-226 to approve SEQR determination for Local Law No. 4 of 2017

A Resolution to Issue a Determination of Environmental Significance for Local Law No. 4 of 2017.

WHEREAS, the Owasco Town Board declares itself Lead Agency for the purpose of conducting the environmental review of said proposed action;

WHEREAS, the Owasco Town Board has determined that the proposed action for adoption of **Local Law No. 4 of 2017** is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations;

WHEREAS, the proposed local law does not require review by the Cayuga County General Municipal Law 239-l, m & n Review Committee as it is not a zoning law;

WHEREAS, the Owasco Town Board hereby determines that the action does not involve any other agencies apart from the Owasco Town Board itself; and

WHEREAS, the Town Board caused a Short Environmental Assessment Form to be prepared for use to assess the potential environmental impacts associated with enactment of the proposed local law.

BE IT RESOLVED, that the Owasco Town Board has determined that the adoption of the proposed **Local Law No. 4 of 2017** will not have a significant adverse impact on the environment and hereby issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Town Supervisor be and is hereby directed to sign the Negative Declaration of Environmental Significance.

Motion by: Councilperson Gucciardi. Second Councilperson Kerstetter

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

Resolution 17-227 A Resolution of the Town Board for the adoption and enactment of Local Law No. 4 of 2017 to Override the Tax Levy Limit Established in General Municipal Law §3-c.

WHEREAS, a Notice of Public Hearing with respect to said proposed Local Law was duly published in The Citizen, the official Town newspaper and a newspaper circulated in said Town, on December 05, 2017, and proof of such publication has been filed with the Town Clerk;

WHEREAS, a Notice of Public Hearing with respect to such Local Law was duly posted on the sign board of the Owasco Town Hall;

WHEREAS, a Public Hearing upon said proposed Local Law was held at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021, in the Town of Owasco, New York on this date, **December 14, 2017**, pursuant to such Notice and an opportunity to be heard was given at said hearing to those favoring or opposing passage of said proposed Local Law;

WHEREAS, the proposed local law does not require review by the Cayuga County General Municipal Law 239-l, m & n Review Committee as it is not a zoning law;

WHEREAS, the Owasco Town Board by Resolution on this date issued a Negative Declaration under SEQRA for **Local Law No. 4 of 2017**; and

WHEREAS, the Town Board has carefully considered the proposed Local Law, and after due deliberation, finds it is in the best interest of the Town of Owasco to adopt said Local Law.

NOW, THEREFORE, AFTER DUE CONSIDERATION, IT IS HEREBY,

RESOLVED, that the Town Board of the Town of Owasco hereby approves and enacts Local Law No. 4 of 2017 set forth below:

Local Law No. 4 of 2017 to Override the Tax Levy Limit Established in General Municipal Law §3-c.

WHEREAS, the State of New York enacted General Municipal Law §3-c which limits the ability of the Town Board to raise necessary revenue in the form of property taxes; and

WHEREAS, the Town Board of the Town of Owasco has determined that it may be necessary to increase the tax levy for the Town of Owasco real property tax levy, Water District, Sewer District No. 1, Sewer District No. 2 and Sewer District No. 3 beyond the amount allowed in General Municipal Law §3-c; and

NOW, THEREFORE, BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF OWASCO as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Owasco, County of Cayuga pursuant to General Municipal Law §3-c, and to allow the Town of Owasco, County of Cayuga to adopt a town budget for (a) town purposes and (b) any other special or improvement district governed by the Town Board for the fiscal year 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. AUTHORITY

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Owasco, County of Cayuga, is hereby authorized to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

Motion by; Councilperson Gucciardi. Second Councilperson Kerstetter

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 17-228 To Authorize the Town Supervisor to sign the engagement letter dated 11.16.17 with Bond Schoeneck & King as bond counsel for the Town of Owasco Water Main Replacement Project, Phase 1.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 17-229 To Authorize the Town Supervisor to sign the Proposal from Mark D. Colopy, Financial Advisor – Consultant dated 11.17.17 for the Town of Owasco Water Main Replacement Project, Phase 1.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

**Roll call vote: Councilperson Knaul Yes Councilperson Gucciardi Yes
Councilperson Kerstetter Yes Councilperson Melendez Absent
Supervisor Wagner Yes**

RESOLUTION 17- 230 DETERMINING THAT THE PROPOSED OWASCO WATERMAIN REPLACEMENT PROJECT IS AN UNLISTED ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, the Town of Owasco (Town) owns and operates a water system to meet the water demands within the Town and surrounding areas;

WHEREAS, various water system infrastructure is showing deficiencies and/or the infrastructure is approaching the end of its useful life;

WHEREAS, the Town of Owasco (Town) is proposing the Owasco Water Main Replacement Project (Project), located in the Town of Owasco, Cayuga County, New York, to address the deficiencies in the Town water system;

WHEREAS, the proposed project will replace existing water mains along Route 38A, Melrose Road, Oakridge Road, and Archie Street and specifically will include the following:

- Replace approximately 4,250 feet of water main along Route 38A from Havens Avenue to Adams Avenue with 8” PVC water main;
- Replace approximately 3,800 of water main along Oakridge Road between Route 38A and Stryker Ave with 12” PVC water main;
- Replace approximately 900 feet of water main along Route 38A between White Bridge Road and Emerson Park with 8” PVC water main;
- Replace approximately 3,650 feet of water main along Melrose Road from Route 38A to just past Second Avenue with 8” PVC water main;
- Replace approximately 250 feet of water main along Archie Street near Melrose Road with 8” PVC water main;

WHEREAS, the Project is classified as “Unlisted” as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4;

WHEREAS, by **Resolution 17-203** adopted by the Town on 11.9.17 the Town declared its intent to assume the role of “Lead Agency” for purposes of conducting a SEQRA review of the Project;

WHEREAS, **Resolution 17-203** adopted by the Town on 11.9.17 stated, in part,

“RESOLVED, that the Supervisor of the Town of Owasco hereby is authorized to sign Part 1 of the Short Environmental Assessment Form; and it is

FURTHER RESOLVED, that the Town of Owasco Supervisor and the Town Board will circulate said Part 1 of the Short Environmental Assessment Form to the following list of “Interested and Involved Agencies” (**New York State Department of Environmental Conservation, New York State Department of Transportation, New York State Historic Preservation Office (SHPO)a, Cayuga County Health Department, Cayuga County Highway Department, City of Auburn Municipal Utilities, Town of Owasco Water Department, and Town of Owasco Highway Department**) under cover of a “Notice of Intent to Establish Lead Agency” letter for purposes of establishing Lead Agency status under the SEQRA/SERP;”

WHEREAS, on 11.____.17 the Town sent a letter and Part 1 of a Short Environmental Assessment Form (SEAF) to the potentially “Interested” and “Involved Agencies” (as this term is defined in the SEQRA Regulations found at 6 NYCRR Part 617), listed in Resolution 17-203 indicating the Town’s desire to serve as the “Lead Agency” (as this quoted term is defined in the SEQRA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6);

WHEREAS, responses from Interested and Involved Agencies were requested, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Town of Owasco Town Board serving as Lead Agency for the Project;

WHEREAS, Supervisor Wagner received an email from Seth Jenson of the City of Auburn dated 11.21.17 stating in part that “you may want to consider upping the size of PVC main from Havens along Rte. 38A. This will provide better flow between Auburn and Owasco should future sharing of service be an option.”; and

WHEREAS, pursuant to the SEQRA Regulations, the Town of Owasco Town Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the SEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the SEAF, together with other available supporting information, to identify the relevant areas of environmental concern.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed Project is classified under SEQRA Unlisted Action;

RESOLVED that the Town of Owasco Town Board hereby establishes itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that based upon an examination of the SEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Town’s knowledge of the area surrounding the Project, the Town of Owasco Town Board makes the determination that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement and hereby issues a Negative Declaration; and

BE IT FURTHER RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the Town of Owasco Town Board, as Lead Agency, hereby directs the Town of Owasco Supervisor to sign the SEAF Part 3 – Determination of Significance indicating that a Negative Declaration has been issued for the Project; this Resolution shall take effect immediately.

Motion by Councilperson Kerstetter; Second Councilperson Knaul

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 17-231 Bond Resolution:

BE IT RESOLVED by the Town Board of the Town of Owasco, Cayuga County, New York as follows:

Section 1. The Town of Owasco, New York (the "Town") hereby approves the acquisition and construction of improvements for the Town of Owasco Water District, including the replacement and improvement of water mains and hydrants, and the acquisition of land or rights in land and original furnishings, equipment, machinery or apparatus required at an estimated maximum cost of \$1,999,000.

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 \$1,999,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$1,999,000 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 Water District. 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 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, 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; Councilperson Kerstetter . Second Councilperson Gucciardi

Roll call vote: Councilperson Knaul Yes Councilperson Gucciardi Yes
 Councilperson Kerstetter Yes Councilperson Melendez Absent
 Supervisor Wagner Yes

RESOLUTION 17-232 to authorize Cenral NY Regional Planning and Development Board, to accept proposals to design and development complete construction documents and specifaitions needed to construct approx 3600 liner feet of sidewalk on one side of Bristol Ave, Adams Ave, & Letchworth st, for approx 1000 feet of walking trail that connects Meadow Lane to Shearin St.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

Roll call vote: Councilperson Knaul Yes Councilperson Gucciardi Yes
 Councilperson Kerstetter Yes Councilperson Melendez Absent
 Supervisor Wagner Yes

RESOLUTION 17-233 **Recommended Budget Modifications for the month of December 2017.**

Budget Modifications Recommendations			
		After Closing:	November 2017
Notes	Acct #	Account Description	(-) Debit
			(+) Credit
	A1110.400	Justices - Contractual	\$ 500.00
	A1620.230	Buildings - Repair	\$ 250.00
	A3120.100	Crossing Guards	\$ 750.00
	A5132.452	Garage - Electric & Gas	\$ 1,030.00
	A8010.110	Zoning - Personal Services	\$ 2,000.00
	A8020.110	Planning - Personal Services	\$ 1,000.00
	A8020.422	Planning - Training	\$ 600.00
	A8160.132	Refuse & Garbage - Recycling Driver	\$ 1,000.00
	A8160.410	Refuse & Garbage - Landfill	\$ 4,000.00
	A8160.410	Refuse & Garbage - Misc	\$ 1,500.00
	A8510.400	Comminity Beautification	\$ 863.00
	<i>A599</i>	<i>Appropriated Fund Balance</i>	
	A3120.110	Crossing Guards - Substitutes	\$ 750.00
	A5132.400	Garage - Contractual	\$ 795.00
	A5132.453	Garage - Telephones	\$ 235.00
	A7140.130	Playground Maintenance	\$ 8.00

A7140.430	Playgrounds - Improvements		\$ 6,930.00
A8010.100	Zoning - ZBA Secretary		\$ 600.00
A9030.800	Social Security		\$ 4,175.00
Totals:		\$ 13,493.00	\$ 13,493.00

Acct #	Account Description	(-)	(+)
		Debit	Credit
DA5110.110	General Repairs - Personal Services	\$ 6,000.00	
DA5130.110	Machinery - Personal Services	\$ 15,316.00	
<i>DA599</i>	<i>Appropriated Fund Balance</i>		
DA1420.421	Attorney - Legal Fees Special Projects		\$ 2,996.00
DA5130.200	Machinery - Equipment		\$ 720.00
DA5130.415	Equipment Repairs		\$ 1,200.00
DA5140.110	Brush Pickup - Personal Services		\$ 16,400.00
Totals:		\$ 21,316.00	\$ 21,316.00

Acct #	Account Description	(-)	(+)
		Debit	Credit
SS1-8120.451	Engineering	\$ 420.00	
SS1-9730.700	BAN - Interest	\$ 2,740.00	
SS1-8110.400	Sewer Admin - Contractual		\$ 1,025.00
SS1-8120.110	Sewer Collection - Personal Services		\$ 925.00
SS1-8120.458	Sewage Collection - Repair		\$ 885.00
SS1-9030.800	Social Security		\$ 325.00
Totals:		\$ 3,160.00	\$ 3,160.00

Acct #	Account Description	(-)	(+)
		Debit	Credit
SS2-8120.461	Sewage Collection - Grinder Pump NEW INSTALL	\$ 550.00	
SS2-8110.400	Sewer Admin - Contractual		\$ 95.00
SS2-8120.110	Sewage Collection - Personal Services		\$ 225.00
SS2-8120.460	Sewage Collection - Grinder Pump REPLACE		\$ 60.00

RESOLUTION 17-234 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 17-009 adopted January 12, 2017, all in accordance with the attached abstract of claims.

ABSTRACT #12 2017 Vouchers # 987-1092 in the amount of \$861,367.05

Trust & Agency Voucher #5369-5380 in the amount of \$ 38,352.53

For a grand total of \$899,719.58

Motion by Councilperson Gucciardi; Second Councilperson Knaul

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

ADJOURNMENT:

RESOLUTION 17-235 to adjourn to executive session at 5:05 to discuss personnel, pending litigation.

Motion by; Councilperson Kerstetter . Second Councilperson Gucciardi

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 17-236 to return from executive session at 5:25 PM.

Motion by; Councilperson Kerstetter . Second Councilperson Gucciardi

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

ADJOURNMENT:

RESOLUTION 17-237 to adjourn the meeting:

Meeting adjourned at 5:26 PM

Respectfully submitted
Tammy Flaherty Town Clerk