

TOWN BOARD AGENDA

July 1, 2016

Town Board Special Meeting of the Town of Owasco was held on July 1, 2016 at 10:00 AM in the Owasco Town Hall with the following members present:

PRESENT: Supervisor Edward Wagner,
Councilperson Richard Knaul
Councilperson Tony Gucciardi
Councilperson, Tim Kerstetter
Town Attorney Riccardo Galbato

ABSENT: Councilperson, Ashley Melendez

CALL TO ORDER: 10:00 AM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

Resolution 16-153 approval of Town Board Agenda for July 1, 2016.

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>		

PUBLIC PARTICIPATION:

COMMUNICATIONS:

***Letter from Cayuga County Department of Planning & Economic Development, requesting a letter of support for the Emerson Park Consolidated Funding Application.**

Resolved: All in favor

***Request from Patrick Donnelly requesting adjustment to his water bill for filling his pool.**

***Request from Andy Feocco requesting adjustment to his water bill as he is replacing his pool liner.**

Resolved: Both residents' water bills will be adjusted accordingly.

*** Asset management software quote.**

Rich Knaul will obtain different quotes.

*** Land purchase proposal.**

Resolved: It has been discovered that the Town Highway has waste containers encroaching approx. 15 feet into the neighbor's property. The neighbor would like the town to consider either purchasing a larger portion of the property or giving the town the 15 feet of the property, in exchange the owner would clear the parcel but the town would need to take the brush in exchange for the 15 feet of land. The board feels they do not have a need to purchase the additional land the owner wanted to sell, so they will remove the brush in exchange for the 15 feet.

OLD BUSINESS.

NEW BUSINESS:

Resolution 16-154 approval of funding for water project.

BOND RESOLUTION DATED JULY 1, 2016

BOND RESOLUTION OF THE TOWN OF OWASCO, NEW YORK, AUTHORIZING THE ISSUANCE OF \$3,668,000 SERIAL BONDS TO FINANCE THE COST OF TOWN OF OWASCO WATER DISTRICT IMPROVEMENTS.

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 a new water storage tank to replace the Melrose Road water tank, new water mains, water main improvements, new high lift pumps, upgrades to the sodium hypochlorite chemical system, and improvement of the low lift intake pump station and intake line, and the acquisition of land or rights in land and original furnishings, equipment, machinery or apparatus required at an estimated maximum cost of \$3,668,000.

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 \$3,668,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$3,668,000 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 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 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 16-155 approval of petty cash account set up for the playground program.

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 16-156 In the matter of the proposed Extension of Town of Owasco Sewer District No. 3 in the Town of Owasco, County of Cayuga, New York, Pursuant to the Town Law to include **4784 Rockefeller Road, Tax Map No. 145.06-1-61.**

WHEREAS, the owners' of the property at 4784 Rockefeller Road, **John C. Becker**, has requested to be included within Owasco Sewer District No. 3;

WHEREAS, the Town has received a Petition from **John C. Becker**, to be included within Owasco Sewer District No. 3;

NOW, THEREFORE, BE IT RESOLVED,

The Town Board agrees to schedule a Public Hearing for consideration of the proposed Sewer District No. 3 Extension to include **4784 Rockefeller Road** and the Town Board will also begin the process of SEQRA review and all necessary governmental approvals for said Extension.

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 16-157 In the matter of the proposed Extension of Town of Owasco Sewer District No. 3 in the Town of Owasco, County of Cayuga, New York, Pursuant to the Town Law to include **4900 Rockefeller Road, Tax Map No. 138.03-1-79.**

WHEREAS, the owners' of the property at 4900 Rockefeller Road, **John I. Mortimer**, has requested to be included within Owasco Sewer District No. 3;

WHEREAS, the Town has received a Petition from **John I. Mortimer**, to be included within Owasco Sewer District No. 3;

NOW, THEREFORE, BE IT RESOLVED,

The Town Board agrees to schedule a Public Hearing for consideration of the proposed Sewer District No. 3 Extension to include 4900 Rockefeller Road and the Town Board will also begin the process of SEQRA review and all necessary governmental approvals for said Extension.

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 16-158 authorize Rich Knaul to investigate asset management program and spend up to \$11,000.00 following the town's procurement policy.

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 16-159 to approve and pay for a survey & mulching cost, for a lot line adjustment, for land the town has encroached upon, pending the property transfer.

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>Yes</u>
	Supervisor Wagner	<u>Yes</u>		

Resolution 16-160 to approve long term financing by a Municipal Bond and with a BAN for short term financing for the Owasco Water District Improvements 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>		

ADJOURNMENT:

Resolution 16-161 to adjourn the meeting: 11:04 AM

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>Yes</u>
	Supervisor Wagner	<u>Yes</u>		

Respectfully submitted: Tammy M. Flaherty, Town Clerk