

**TOWN OF OWASCO
TOWN BOARD MEETING
February 25, 2015**

Town Board Meeting of the Town of Owasco was held on February 25, 2015, at 5:00 PM in the Owasco Town Hall with the following members present:

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

ABSENT: Councilperson, Michael Aldrich

OTHERS PRESENT: Chris Lawton, Rick Galbato, Nancy Taylor, Ashley Melendez

CALL TO ORDER: 5:00 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

NEW BUSINESS: Cuddy & Ward presented the 2014 Audit Report, Highlights: The Town is very financially sound and has been able to add to our reserve funds, as well as making recent expenditures (large) in cash.

Resolution 15-061- approval of Town Board Agenda for February 25, 2015.

Motion by Councilperson Knaul; Second Councilperson Gucciardi.

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

APPROVAL OF MINUTES:

Resolution 15-062 -approval of Town Board Minutes for February 12, 2015

Motion by Councilperson Knaul Second Councilperson Gucciardi

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

PUBLIC PARTICIPATION:

COMMUNICATIONS: Cuddy & Ward will present the 2014 Audit Report

OLD BUSINESS:

NEW BUSINESS:

Resolution 15-063- to adapt adjusted work schedule policy as permitted by the resolution as follows.
Upon adoption the resolution will be added to the employee handbook.

Flex time is a work schedule that allows non-exempt (hourly) employees to adjust work schedules to accommodate personal needs. Flex time requests must be approved by immediate supervisors and must not in anyway, impede the operation of Owasco Town Business.

All flex time requests must be made, in a timely way, to immediate supervisors. Note: flex time adjustments must be taken within a given pay period

It is the responsibility of department supervisors to ensure that flex time requests do not affect the efficient operation of town business.

Flex Time Examples:

“Adjusted Lunch Period” allows employees to adjust lunch period while working total full time hours.

“Compressed Work Week” allows employees to work full time hours in less than five work days.

Exempt employees are expected to work whatever number of hours required to accomplish their duties and responsibilities and may be permitted to adjust their own schedules.

Motion by Councilperson Kerstetter; Second Councilperson Knaul.

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

Resolution 15-064- Motion to adapt the following resolution to authorize Highway Supervisor, Robert Bruno to sign the New York State DOT work permit application.

WHEREAS, the undersigned Town of Owasco, Cayuga County, or any agency of the federal government, hereinafter referred to as "Permitted") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. ~~Permit~~ Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days' notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

2. Applicable Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

4. Payment & Release of Liens. Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.

5. Indemnity. In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

In Witness Whereof, The Town of Owasco, Cayuga County, agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee (attach Resolution of Approval).

Motion by Councilperson Kerstetter; Second Councilperson Gucciardi.

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

Resolution 15-065 RESOLUTION APPROVING APPLICATION FOR PERMISSION OF THE NEW YORK STATE COMPTROLLER REGARDING FORMATION OF OWASCO SEWER DISTRICT NO. 3 AND CONSTRUCTION OF IMPROVEMENTS TO THE DISTRICT.

WHEREAS, the Town Board of the Town of Owasco, New York (the "Town") has authorized the establishment of Owasco Sewer District No. 3 (the "District") and the acquisition and construction of improvements to the District, subject to receipt of permission of the New York State Comptroller in accordance with Town Law Section 209-f and Part 85 of the New York State Comptroller's Regulations; and

WHEREAS, at the direction of the Town Board, the Town Supervisor has prepared an application for permission of the State Comptroller (the "Application") a copy of which is attached to this resolution;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Owasco as follows:

1. The Town Board believes the contents of the Application to be accurate.
2. The Town Board has previously determined that the formation of the District and the acquisition, construction and installation of the proposed improvements thereto are in the public interest and will not constitute an undue burden on the property which will bear the cost thereof.
3. The real property to be assessed the cost of the proposed improvements will be benefited by the proposed improvements and no benefited property has been excluded.
4. This resolution is adopted in accordance with Section 85.3 of the New York State Comptroller's Regulations.

Motion by Councilperson Kerstetter; Second Councilperson Gucciardi.

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

RESOLUTION 67-68 attached on page after adjournment (See below)

Resolution 15- 066 to adjourn the meeting:

Motion by Councilperson Kerstetter; Second Councilperson Gucciardi.

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

Meeting adjourned at 5:50 P.M.

BOND RESOLUTION DATED FEBRUARY 25, 2015

BOND RESOLUTION OF THE TOWN OF OWASCO, NEW YORK,
AUTHORIZING THE ISSUANCE OF \$475,600 SERIAL BONDS TO FINANCE
THE COST OF IMPROVEMENT FOR SEWER DISTRICT NO. 2.

Resolution 15- 067: 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 Sewer District No. 2, including reconstruction of the Burtis Point and Oakridge Pump Stations, installation of approximately 1,000 linear feet of force main, replacement of approximately 3,500 linear feet of force main and 5,000 linear feet of interceptor sewer pipe, replacement or modification of manholes, and the acquisition of land or rights in land and original furnishings, equipment, machinery or apparatus required at an estimated maximum cost of \$475,600.

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 \$475,600, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$475,600 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 4 of Section 11.00(a) of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years but not more than thirty (30) years.

Section 4. Pursuant to Section 107.00(d)(3)(1) 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 Sewer District No. 1, 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 Supervisor, as chief fiscal officer of the Town is hereby authorized to file an application with the New York State Comptroller pursuant to Section 124.10 of the Local Finance

Law to exclude the proposed indebtedness authorized herein from the constitutional and statutory debt limits of the Town.

Section 11. 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 12. 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 13. 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 14. This resolution is not subject to a permissive referendum in accordance with Section 35.00(b)(2) of the Local Finance Law.

Section 15. 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 16. 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 17. This resolution shall take effect immediately.

Motion by Councilperson Gucciardi Second Councilperson Knaul

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

BOND RESOLUTION DATED FEBRUARY 25, 2015

BOND RESOLUTION OF THE TOWN OF OWASCO, NEW YORK,
AUTHORIZING THE ISSUANCE OF \$1,752,100 SERIAL BONDS TO FINANCE
THE COST OF IMPROVEMENT FOR SEWER DISTRICT NO. 1.

Resolution 15-068 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 Sewer District No. 1, including reconstruction of the Oakridge Pump Station, replacement of approximately 3,500 linear feet of force main and 5,000 linear feet of interceptor sewer pipe, replacement or modifications of manholes, and the acquisition of land or rights in land and original furnishings, equipment, machinery or apparatus required at an estimated maximum cost of \$1,752,100.

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 \$1,752,100, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$1,752,100 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 4 of Section 11.00(a) of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years but not more than thirty (30) years.

Section 4. Pursuant to Section 107.00(d)(3)(1) 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 Sewer District No. 1, 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 Supervisor, as chief fiscal officer of the Town is hereby authorized to file an application with the New York State Comptroller pursuant to Section 124.10 of the Local Finance Law to exclude the proposed indebtedness authorized herein from the constitutional and statutory debt limits of the Town.

Section 11. 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 12. 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 13. 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 14. This resolution is not subject to a permissive referendum in accordance with Section 35.00(b)(2) of the Local Finance Law.

Section 15. 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 16. 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 17. This resolution shall take effect immediately.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

**Roll call vote: Councilperson Aldrich Absent
Councilperson Knaul Yes
Supervisor Wagner Yes**

**Councilperson Gucciardi Yes
Councilperson Kerstetter Yes**