

TOWN OF OWASCO
TOWN BOARD MEETING MINUTES
February 12, 2015

Town Board Meeting of the Town of Owasco was held on February 12, 2015, at 5:00 PM in the Owasco Town Hall with the following members present:

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

OTHERS PRESENT: Riccardo Galbato, Bob Bruno, Patrick Doyle, Nancy Taylor,

CALL TO ORDER: 5:00 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

Resolution 15-046 approval of Town Board Agenda for February 12, 2015

Motion by Councilperson Gucciardi; Second Councilperson Aldrich.

Roll call vote:	Councilperson Aldrich	<u>Yes</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 15-047 approval of Town Board Minutes for January 15 & 21, 2015

Motion by Councilperson Gucciardi; Second Councilperson Knaul

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

PUBLIC PARTICIPATION: Nancy Taylor concerns with the snow removal of fire hydrants on the Fire lanes, many homes are seasonal. Many areas are not accessible in the event of a fire.

COMMUNICATIONS:

1. Owasco Fire department request for snow removal at Everest Park.
2. Letter from Everest Park permission to access driveway for Owasco Fire Department
- Approved Removal of Snow at Everest Park**
3. Grant notification award – **The Town received a \$1000.00 Grant from NYS Department of Environmental Conservation for Arbor Day Community Grant.**
4. Replacement light proposal – **Highway Supervisor Bob Bruno will get Prices and may install themselves.**

OLD BUSINESS: Supervisor Wagner stated that the Highway Department has been busy removing snow from the fire hydrants. He also told of a Boy Scout that would like to mark and paint the hydrants this summer for his Eagle Scout project.

Supervisor Wagner also attended the Owasco Fire Department Commissioner Meeting and they have requested the key to the water in the firehouse so they are not charged sewer fees for filing the fire trucks. All Councilmen and Supervisor Wagner agreed to it.

Supervisor Wagner also told the Board Members that they completed the purchase on the 6 Bristol Ave property and it is his hope to someday expand the existing Town Hall to accommodate the court with the new guide lines that maybe coming from the state, along with additional parking.

NEW BUSINESS: Chris from Barton & Loguidce gave a brief presentation on the ongoing study of the existing water tower and the cost to repair verses the cost of building a new one. The report may be ready for the March Town Board Meeting.

Resolution 15-048 to open public hearing on February 12, 2015 at 5:06 PM to consider expenditure of \$2,503,000.00 pursuant to the Sewer District #1 Improvements - Map and Plan dated January 2015

Motion by Councilperson Kerstetter; Second Councilperson Aldrich

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

Resolution 15-049 to close public hearing on February 12, 2015 at 5:07 PM for Sewer District #1 Improvements.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

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

Resolution 15-050 BOND RESOLUTION DATED FEBRUARY 12, 2015

BOND RESOLUTION OF THE TOWN OF OWASCO, NEW YORK, AUTHORIZING THE ISSUANCE OF \$2,503,000 SERIAL BONDS TO FINANCE THE COST OF IMPROVEMENT FOR SEWER DISTRICT NO. 1.

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 \$2,503,000.

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 \$2,503,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of

\$2,503,000 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 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 at 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 Knaul; Second Councilperson Gucciardi

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

Resolution 15-051 to open public hearing on February 12, 2015 at 5:20 PM to consider expenditure of \$2,901,000.00 Sewer District #2 Improvements - Map and Plan dated January 2015

Motion by Councilperson Kerstetter; Second Councilperson Aldrich

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

Resolution 15-052 to close public hearing on February 12, 2015 at 5:22 PM for Sewer District #2 Improvements.

Motion by Councilperson Knaul; Second Councilperson Kerstetter

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

Resolution 15-053

BOND RESOLUTION DATED FEBRUARY 12, 2015

BOND RESOLUTION OF THE TOWN OF OWASCO, NEW YORK, AUTHORIZING THE ISSUANCE OF \$2,901,000 SERIAL BONDS TO FINANCE THE COST OF IMPROVEMENT FOR SEWER DISTRICT NO. 2.

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 \$2,901,000.

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 \$2,901,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$2,901,000 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 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 at 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 Knaul; Second Councilperson Gucciardi

Roll call vote: Councilperson Aldrich Yes Councilperson Gucciardi Yes

Councilperson Knaul Yes Councilperson Kerstetter Yes
Supervisor Wagner Yes

Resolution 15-054

**A RESOLUTION OF THE TOWN OF OWASCO IN SUPPORT OF THE PROPOSED
OWASCO WATERSHED LAKE ASSOCIATION (OWLA) ENHANCED
RESTORATION ACTIONS PROGRAM**

WHEREAS, OWLA has requested an allocation within the 2015 NYS budget to support a range of critically important Lake restoration actions referred to as the “OWLA Enhanced Restoration Actions Program”; and

WHEREAS, this OWLA program is designed to rapidly reduce the loading of phosphorus from the streams and tributaries of Owasco Lake; and

WHEREAS, Owasco Lake has experienced a rapid degradation in water quality as evidenced by on-going water quality studies of the lake, increased aquatic vegetation growth, and multiple cyanobacteria blooms, some of which were highly toxic; and

WHEREAS, the proposed Restoration Program will provide funding for capital expenses included in the design, planning, installation, and monitoring of various phosphorus reduction mechanisms and techniques in the buffer areas adjacent to streams and tributaries; and

WHEREAS, OWLA’S mission is to restore and protect the water quality of Owasco Lake and in consideration of existing data showing the negative impacts of nutrient loading from non-point sources and various landuses adjacent to the streams and tributaries of the watershed,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Owasco is fully in support of the proposed OWLA Action Program as described generally in the attachment to this resolution and urges all NYS legislative representatives representing this area to do all that can be done to secure funding for this program.

Motion by Councilperson Kerstetter; Second Councilperson Aldrich

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

Resolution 15-055 to reappoint Mr. Ted Leader to the Board of Assessment Review.

Motion by Councilperson Gucciardi; Second Councilperson Kerstetter

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

Resolution 15-056 to accept bid from Finger Lakes exteriors to replace flat roof at water plant in the amount of \$27,900.

Motion Tabled

Resolution 15-057 to approve flex time /comp time as Resolution will be presented by Councilperson Tony Gucciardi.

Motion Tabled

Resolution 15-058 to allow Owasco Fire Department #1 to bypass the water meter within the building for training purposes and filling of tankers.

Motion by **Councilperson Aldrich;** Second **Councilperson Kerstetter**

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

Resolution 15- 059 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 14-011 adopted January 9, 2014, all in accordance with the attached abstract of claims.

ABSTRACT # 2, 2015 Vouchers # 69-148 \$845,591.17 & Trust & Agency Voucher #5009-5018 \$22,705.55 for the total amount of \$868,296.72

Motion by **Councilperson Gucciardi;** Second **Councilperson Kerstetter**

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 15-060 to adjourn to executive session at 5:50 PM to discuss

Resolution 15- 061 to return from executive session at 5:59 PM.

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>	

ADJOURNMENT:

Resolution 15-62 to adjourn the meeting:

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>	

Meeting adjourned at 6:00 P.M.