

TOWN BOARD
Regular Meeting
March 8, 2017

The regular meeting of the Oneonta Town Board was held on March 8, 2017 with the following members present:

Supervisor: Robert T. Wood
Councilwoman: Patricia Riddell Kent
Councilman: Brett Holleran
Councilwoman: Patricia Jacob
Councilman: Randal Mowers
Town Clerk: Cheryl L. Shackelton

Others present: Rob Panasci, Town Attorney; and Michael Stolzer.

COMMITTEE REPORTS

Highway/Water & Sewer - Councilwoman Riddell Kent gave the following report and recommendations:

Plains Water rates – Motion was made by Riddell Kent, seconded by Mowers to approve the following rates for the Plains at Parish:

\$16.00 per thousand gallons for the big building; and
\$10.00 per thousand gallons for the houses.

VOTE – Ayes 5, Nays 0 Motion Carried

Surplus 1983 Ford truck – Motion was made by Riddell Kent, seconded by Holleran to surplus the 1983 Ford truck cab and chassis.

VOTE – Ayes 5, Nays 0 Motion Carried

Southside Water District Project – Engineering Amendments – Supervisor Wood stated that the following amendments are necessary to balance the books on money expended to date.

District 5 - Motion was made by Riddell Kent, seconded by Jacob to approve ‘Amendment 2’ to Lamont Engineers Proposal – Letter Form of Agreement for District 5 as follows:

Financial Coordination

Original Budget = \$68,829.15
Revised Budget = \$68,859.15
Difference = \$30.00

Post-PER Project Development

Original Budget = \$44,532.35
Revised Budget = \$45,273.35
Difference = \$741.00

Preliminary Engineer’s Report Revisions

Original Budget = \$3,450
Revised Budget = \$0
Difference = (\$3,450)

Additional Funding Coordination

Original Budget = \$16,215
Revised Budget = \$16,218.96
Difference = \$3.96

VOTE – Ayes 5, Nays 0 Motion Carried

District 6 – Motion was made by Riddell Kent, seconded by Jacob to approve ‘Amendment 2’ to Lamont Engineers Proposal – Letter Form of Agreement for District 6 as follows:

Preparation of Map, Plan and Report

Original Budget = \$35,957.41
Revised Budget = \$33,262.41
Difference = (\$2,695)

Preliminary Engineer’s Report Revisions

Original Budget = \$1,550
Revised Budget = \$0
Difference = (\$1,550)

Additional Funding Coordination

Original Budget = \$7,285
Revised Budget = \$8,452
Difference = \$1,167

VOTE – Ayes 5, Nays 0 Motion Carried

Councilman Holleran asked how negotiations are progressing with Springbrook regarding acquisition of property for the Southside Water District tank. Supervisor Wood stated that Springbrook has agreed to sell the needed 4 acres to the town.

Public Safety – Supervisor Wood stated that the committee will meet on March 13th with Mark Calcano in attendance to discuss ways to increase Constabulary revenues.

Facilities, Technology, Parks – Councilman Holleran reported as follows:

- Into the Streets application was submitted and approved;
- Facebook Page/Policy – will discuss who would be best suitable to create a Facebook page at the next committee meeting on March 13th; and efforts to draft a Facebook Page ‘Policy’ are continuing.

Legislative –

Solar Permitting Local Law - Councilwoman Jacob reported that the committee discussed the draft ‘Solar Permitting Local Law’, but questions remain regarding fees/fines. Attorney Panasci will look into whether or not Town Code Section 103 addresses fees/fines. Councilman Holleran recommended adopting the law and make modifications, as needed.

Attorney Panasci stated that Town of Oneonta law needs language to protect us from an ‘Essential Services’ determination under a new state law; and preserve our zoning regulations under Home Rule.

Motion was made by Jacob, seconded by Holleran to set a public hearing for April 12, 2017 at 7:00 pm to consider a local law regarding ‘Solar Permitting’.

VOTE – Ayes 5, Nays 0 Motion Carried

MISCELLANEOUS

MEGA/CCA Informational Meetings – Motion was made by Riddell Kent, seconded by Jacob to authorize a mailing to all Town residents informing them of the ‘Community Choice Aggregation’ (CCA) meetings. Expense not to exceed \$1500.

VOTE – Ayes 5, Nays 0 Motion Carried

2016 AUD (Annual Update Document) – Motion was made by Holleran, seconded by Jacob to submit the 2016 AUD to the NYS Comptroller’s Office.

VOTE – Ayes 5, Nays 0 Motion Carried

Bond and Note Financings

Motion was made by Jacob, seconded by Riddell Kent to adopt the following resolution –

SEC Driven Continuing Disclosure Compliance Procedures

WHEREAS, Securities Exchange Commission (“SEC”) Rule 15c2-12 (the “Rule”) generally prohibits underwriters from purchasing or selling municipal securities unless the issuer of such securities has entered into a continuing disclosure obligation; and

WHEREAS, the Town is an occasional issuer of municipal securities and thus has entered into continuing disclosure obligations (or will do so) from time to time; and

WHEREAS, Hodgson Russ LLP, as bond counsel to the town, has prepared and has recommended that the Town adopt certain SEC-driven continuing disclosure compliance procedures; and

WHEREAS, the Town Board deems it to be in the best interest of the Town to adopt formal written procedures to help ensure continuing disclosure compliance, and to designate an official responsible for ensuring that such procedures are followed;

NOW THEREFORE, BE IT RESOLVED, that the Town hereby adopts the continuing disclosure compliance procedures that are attached hereto as “Schedule A” and resolves to be governed thereby; and be it further

RESOLVED, that such Schedule A will be placed in its entirety in the official records, files and minutes of the Town and adhered to going forward; and be it further

RESOLVED, that this resolution shall take effect immediately upon its adoption.

VOTE – Ayes: Wood, Riddell Kent, Holleran, Jacob, Mowers

Nays: None

Motion Carried

Schedule A

TOWN OF ONEONTA
OTSEGO COUNTY,
NEW YORK

Continuing Disclosure Compliance Procedures for
Tax-Exempt Bonds and Notes

a. Purpose: The purpose behind implementation of these continuing disclosure compliance procedures is to ensure that the Town of Oneonta, Otsego County, New York (the “Issuer”) (i) is compliant with its continuing disclosure obligations with respect to the securities it issues, pursuant to Rule 15c2-12, as amended (the “Rule”), promulgated under the Securities Exchange Act of 1934, as amended and (ii) makes accurate reports as to its compliance therewith in connection with its offerings of securities from time to time.

b. Disclosure Compliance Officer Designation, Education, and Training: The Issuer will designate a “Disclosure Compliance Officer” who will be the primary official responsible for monitoring compliance with the continuing disclosure requirements listed in the Issuer’s continuing disclosure undertakings. The Disclosure Compliance Officer will consult with the Issuer’s bond counsel and financial advisor as needed to keep current on Securities and Exchange Commission regulations and developments relating to continuing disclosure compliance for its obligations. The Issuer’s designated Disclosure Compliance Officer is the Town Supervisor, currently Robert T. Wood.

- c. Continuing Disclosure Obligations Review: The Disclosure Compliance Officer is responsible for reviewing, with the Issuer's financial advisor, the Issuer's continuing disclosure undertakings to determine the date(s) by which annual financial information and audited financial information, along with any required material events notices and, if applicable, failure to file notices, must be filed with the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system in accordance with the Rule.
- d. Preparation of Annual Financial Information and Audited Financial Statements: If the Issuer's continuing disclosure undertakings require the filing of annual financial information and audited financial statements with EMMA, the Disclosure Compliance Officer will coordinate with the Issuer's auditor and financial advisor to ensure that such documents are prepared and submitted in advance of the deadline for such filing.
- e. Monitoring Disclosure Compliance: The Disclosure Compliance Officer will monitor the filing with EMMA of any and all documents required under the Issuer's continuing disclosure undertakings through consultation with the Issuer's financial advisor and bond counsel when necessary.
- f. Correcting Potential Non-Compliance: Upon discovery of potential or existing non-compliance with the Issuer's continuing disclosure undertakings, the Disclosure Compliance Officer will promptly take steps, including consultation with the Issuer's financial advisor and bond counsel, to correct such non-compliance, such as by filing failure to file notices with EMMA.
- g. Official Statements: The Disclosure Compliance Officer will review for accuracy and completeness any descriptions of the Issuer's continuing disclosure compliance history contained in the initial drafts of notices of sale or official statements that are promulgated by the Issuer in connection with its bond and note issues, and will inform the Issuer's financial advisor and bond counsel of any potential inaccuracies or omissions within, so that any discovered inaccuracies or omissions in the draft document(s) can be corrected before such document(s) are finalized and distributed.

Motion was made by Mowers, seconded by Riddell Kent to adopt the following resolution -

Post-Issuance Tax Compliance Procedures

WHEREAS, the Internal Revenue Service has issued regulations requiring issuers of tax-exempt obligations to certify on various forms that they actively monitor compliance with federal tax rules following the issuance of such obligations; and

WHEREAS, the Town is an occasional issuer of tax-exempt obligations and thus is subject to the aforementioned compliance requirements which are critical for the preservation of the preferential tax status of those obligations; and

WHEREAS, it is therefore in the best interest of the Town to adopt formal written procedures to ensure such compliance and to designate an official responsible for ensuring that such procedures are followed; and

WHEREAS, Hodgson Russ LLP, as bond counsel to the Town, has prepared and has recommended that the Town adopt comprehensive post-issuance tax compliance procedures;

NOW THEREFORE, BE IT RESOLVED, that the Town hereby adopts the comprehensive post-issuance tax compliance procedures that are attached hereto as “Schedule A” and resolves to be governed thereby; and be it further

RESOLVED, that such Schedule A will be placed in its entirety in the official records, files and minutes of the Town and adhered to going forward; and be it further

RESOLVED, that this resolution shall take effect immediately upon its adoption.

VOTE – Ayes: Wood, Riddell Kent, Holleran, Jacob, Mowers

Nays: None

Motion Carried

Schedule A

TOWN OF ONEONTA,
OTSEGO COUNTY,
NEW YORK

Post-Issuance Tax Compliance Procedures

for Tax-Exempt Bonds and Notes

Statement of Purpose

These Post-Issuance Tax Compliance Procedures (the “Procedures”) set forth specific procedures of the Town of Oneonta, Otsego County, New York (the “Issuer”) designed to monitor, and ensure compliance with, certain requirements of the Internal Revenue Code of 1986, as amended (the “Code”) and the related Treasury regulations, promulgated thereunder, post-issuance tax compliance with the Internal Revenue Service (“IRS”) in connection with the Issuer’s issuance of tax-exempt bonds and notes (“Obligations”).

These Procedures describe various systems designed to identify on a timely basis facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations to ensure that the interest on such Obligations is eligible for exclusion from gross income for federal income tax purposes. The federal tax law requirements applicable to the Obligations will be described in the tax questionnaire and/or tax certificate prepared by bond counsel and signed by officials of the Issuer. These Procedures establish a permanent, ongoing structure of practices that will facilitate compliance with the requirements for individual borrowings.

To ensure compliance with applicable federal tax requirements, the Issuer must monitor the various direct and indirect uses of proceeds of the obligation and the investment of such proceeds, including but not limited to:

- (1) Monitoring the use of financed property over the life of the obligation.
- (2) Determining the sources of debt service payments and security for the obligation.
- (3) Calculating the percentage of any nonqualified use of the financed property.
- (4) Calculating the yield on investments of proceeds.
- (5) Determining appropriate restrictions on investments.
- (6) Determining the amount of any arbitrage on the investments.
- (7) Calculating any arbitrage rebate payments that must be paid to the U.S. Treasury.

The Issuer recognizes that compliance with the pertinent law is an on-going process, necessary during the entire term of the Obligations. Accordingly, the implementation of the Procedures will require on-going monitoring and consultation with bond counsel and the Issuer’s accountants and advisors.

General Procedures

The following procedures relate to monitoring post-issuance tax compliance generally.

- A. The Town Supervisor, (currently, Robert T. Wood) (the “Compliance Officer”) shall be responsible for monitoring post-issuance tax compliance issues.
- B. The Compliance Officer will coordinate procedures for record retention and review of such records.
- C. All documents and other records relating to Obligations must be maintained by or at the direction of the Compliance Officer. In maintaining such documents and records, the Compliance Officer will comply with applicable IRS requirements, such as those contained in Revenue Procedure 97-22 (see attached).
- D. The Compliance Officer shall be aware of remedial actions under Section 1.141-12 of the Treasury Regulations (see attached) and the Treasury’s Tax Exempt Bonds Voluntary Closing Agreement Program (VCAP) and take such corrective action when necessary and appropriate.
- E. The Compliance Officer will review post-issuance tax compliance procedures and systems on a periodic basis, but not less than annually.
- F. The Compliance Officer will be responsible for training any designated officer or employee who is delegated any responsibility for monitoring compliance pursuant to this procedure. To the extent the Compliance Officer needs training or has any questions with respect to any item in this procedure, he or she should contact bond counsel and/or Issuer’s accountants and advisors. The IRS recognizes that the Compliance Officer and any delegated individual are not expected to act as lawyers who know the proper response to all compliance situations that may arise, but they should be familiar enough with federal tax issues that they know when to ask for legal or other compliance advice.

Issuance of Obligations: Documents and Records

With respect to each issue of Obligations, the Compliance Officer will:

- A. Obtain and store a closing binder and/or CD or other electronic copy of the relevant and customary transaction documents (the “Transcript”).
- B. Confirm that the applicable information reports (e.g., Form 8038 series) for such issue are filed timely with the IRS. Issuer should consult with their accountants and/or bond counsel with questions regarding the filing of such forms.
- C. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditure of the proceeds of such Obligations.

Arbitrage

The following procedures relate to the monitoring and calculating of arbitrage and compliance with specific arbitrage rules and regulations.

The Compliance Officer will:

- A. Confirm that a certification of the initial offering prices of the Obligations with such supporting data, if any, required by bond counsel, is included in the Transcript.
- B. Confirm that a computation of the yield on such issue from the Issuer’s financial advisor or bond counsel (or an outside arbitrage rebate specialist) is contained in the Transcript.
- C. Maintain a system for tracking investment earnings on the proceeds of the Obligations.
- D. Coordinate the tracking of expenditures, including the expenditure of any investment earnings. If the project(s) to be financed with the proceeds of the Obligations will be funded with multiple sources of funds, confirm that the Issuer has adopted an accounting methodology that maintains each source of financing separately and monitors the actual expenditure of proceeds of the Obligations.

- E. Maintain a procedure for the allocation of proceeds of the issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures. This procedure shall include an examination of the expenditures made with proceeds of the Obligations within 18 months after each project financed by the Obligations is placed in service and, if necessary, a reallocation of expenditures in accordance with Section 1.148-6(d) of the Treasury Regulations (see attached).
- F. Monitor compliance with the applicable “temporary period” (as defined in the Code and Treasury Regulations) exceptions for the expenditure of proceeds of the issue, and provide for yield restriction on the investment of such proceeds if such exceptions are not satisfied.
- G. Ensure that investments acquired with proceeds of such issue are purchased at fair market value as defined in Section 1.148-5(d)(6) (see attached). In determining whether an investment is purchased at fair market value, any applicable Treasury Regulation safe harbor may be used.
- H. Avoid formal or informal creation of funds reasonably expected to be used to pay debt service on such issue without determining in advance whether such funds must be invested at a restricted yield.
- I. Consult with bond counsel prior to engaging in any post-issuance credit enhancement transactions or investments in guaranteed investment contracts.
- J. Identify situations in which compliance with applicable yield restrictions depends upon later investments and monitor implementation of any such restrictions.
- K. Monitor compliance with six-month, 18-month, or 2-year spending exceptions to the rebate requirement, as applicable.
- L. Procure a timely computation of any rebate liability and, if rebate is due, to file a Form 8038-T and to arrange for payment of such rebate liability.
- M. Arrange for timely computation and payment of “yield reduction payments” (as such term is defined in the Code and Treasury Regulations), if applicable.

Private Activity: Use of Proceeds

The following procedures relate to the monitoring and tracking of private uses and private payments with respect to facilities financed with the Obligations.

The Compliance Officer will:

- A. Maintain records for determining and tracking facilities financed with specific Obligations and the amount of proceeds spent on each facility.
- B. Maintain records, which should be consistent with those used for arbitrage purposes, to allocate the proceeds of an issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures.
- C. Maintain records allocating to a project financed with Obligations any funds from other sources that will be used for otherwise non-qualifying costs.
- D. Monitor the expenditure of proceeds of an issue and investment earnings for qualifying costs.
- E. Monitor private use of financed facilities to ensure compliance with applicable limitations on such use. Examples of potential private use include:
 - 1. Sale of the facilities, including sale of capacity rights;
 - 2. Lease or sub-lease of the facilities (including leases, easements or use arrangements for areas outside the four walls, e.g., hosting of cell phone towers) or leasehold improvement contracts;
 - 3. Management contracts (in which the Issuer authorizes a third party to operate a facility, e.g., cafeteria) and research contracts;

4. Preference arrangements (in which the Issuer permits a third party preference, such as parking in a public parking lot);
5. Joint-ventures, limited liability companies or partnership arrangements;
6. Output contracts or other contracts for use of utility facilities (including contracts with large utility users);
7. Development agreements which provide for guaranteed payments or property values from a developer;
8. Grants or loans made to private entities, including special assessment agreements; and
9. Naming rights arrangements.

Monitoring of private use should include the following:

1. Procedures to review the amount of existing private use on a periodic basis but not less than annually; and
2. Procedures for identifying in advance any new sale, lease or license, management contract, sponsored research arrangement, output or utility contract, development agreement or other arrangement involving private use of financed facilities and for obtaining copies of any sale agreement, lease, license, management contract, research arrangement or other arrangement for review by bond counsel.

If the Compliance Officer identifies private use of facilities financed with tax-exempt debt, the Compliance Officer will consult with bond counsel to determine whether private use will adversely affect the tax status of the issue and if so, what remedial action is appropriate. The Compliance Officer should retain all documents related to any of the above potential private uses.

Reissuance

The following procedures relate to compliance with rules and regulations regarding the reissuance of Obligations for federal law purposes.

The Compliance Officer will identify and consult with bond counsel regarding any post-issuance change to any terms of an issue of Obligations which could potentially be treated as a reissuance for federal tax purposes.

Record Retention

The following procedures relate to retention of records relating to the Obligations issued.

The Compliance Officer will:

- A. Coordinate with staff regarding the records to be maintained by the Issuer to establish and ensure that an issue remains in compliance with applicable federal tax requirements for the life of such issue.
- B. Coordinate with staff to comply with provisions imposing specific recordkeeping requirements and cause compliance with such provisions, where applicable.
- C. Coordinate with staff to generally maintain the following:
 1. The Transcript relating to the transaction (including any arbitrage or other tax questionnaire, tax regulatory agreement, and the bond counsel opinion);
 2. Documentation evidencing expenditure of proceeds of the issue;
 3. Documentation regarding the types of facilities financed with the proceeds of an issue, including, but not limited to, whether such facilities are land, buildings or equipment, economic life calculations and information regarding depreciation;
 4. Documentation evidencing use of financed property by public and private entities (e.g., copies of leases, management contracts, utility user agreements, developer agreements and research agreements);

5. Documentation evidencing all sources of payment or security for the issue; and
 6. Documentation pertaining to any investment of proceeds of the issue (including the purchase and sale of securities, yield calculations for each class of investments, actual investment income received by the investment of proceeds, guaranteed investment contracts, and rebate calculations).
- D. Coordinate the retention of all records in a manner that ensures their complete access to the IRS.
- E. Keep all material records for so long as the issue is outstanding (including any refunding), plus seven years.

Planning Board Conference – Motion was made by Jacob, seconded by Holleran to authorize up to four Planning Board members to attend the annual Planning Board conference March 26-28th in Saratoga Springs, NY.

VOTE – Ayes 5, Nays 0 Motion Carried

Fire Commissioner meeting update – Councilwoman Riddell Kent attended the regular meeting of the Fire Commissioner on Feb. 14th and reported:

- Commissioners unanimously passed ‘Resolution to approve formation of the Oneonta Town Fire Department, Inc.’;
- Commissioners set a public hearing for March 14th at 6 pm at Elm Park United Methodist Church.

AOT Conference Report – Supervisor Wood gave a brief report of classes he attended at the Association of Towns conference in New York City in February:

- Tax Collection – discussion regarding partial payments;
- Separating Employees – regarding insurance requirements;
- Competitive bidding rules and regulations;
- Stormwater Management – Need to create a ‘Benefit District’;
- Zombie Properties – State maintains a list;
- Short Term Rentals;
- Use of Tasers

Wood commented on the benefits of attending this conference because of the variety of classes offered. He added that all of the classes he attended pertained to current Town of Oneonta issues.

Informational:

Annual SADD 5K run/walk and Health Fair is scheduled for April 2, 2017 at the Oneonta High School

APPROVAL OF MINUTES

Motion was made by Jacob, seconded by Holleran to approve the February 8, 2017 minutes.

VOTE – Ayes 5, Nays 0 Motion Carried

BILLS

Motion was made by Jacob, seconded by Mowers to approve bills as follows:

General \$151,577.67 95-98,100,102,105-111,119,121-130,155-159,161,163,165

Highway	\$33,582.85	98,132-134,136-148,160,161,168
Street Lights	\$4,338.18	119,121,131
Trust & Agency	\$3,414.45	91-94,152-154
DISTRICTS:		
WESD	\$4,272.55	90,99,101,103,104,112,116,117,120,149,151,164,166,167
WSSD	\$1,059.83	90,99,101,112,113,116,117,151,164,166
SSD	\$2,087.49	90,99,101,103,104,112,116,117,151,162,164,166,167
WWD	\$3,116.58	90,99,101,103,104,112,114-118,135,150,151,164,166,167
PWD	\$603.57	90,99,101,112,116,117,151,166
VOTE – Ayes 5, Nays 0 Motion Carried		

The meeting was adjourned at 8:05 pm.

Respectfully submitted,

Cheryl L. Shackelton
Town Clerk