

**PRELIMINARY OFFICIAL STATEMENT DATED JUNE 4, 2020**

**NEW ISSUE - SERIAL BONDS**

**RATING: MOODY'S INVESTOR SERVICE: " " "**  
**See "Bond Rating", herein**

*In the opinion of Hawkins Delafield & Wood LLP, Bond Counsel to the Fire District, under existing statutes and court decisions and assuming continuing compliance with certain tax certifications described herein, (i) interest on the Bonds is excluded from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and (ii) interest on the Bonds is not treated as a preference item in calculating the alternative minimum tax under the Code. In addition, in the opinion of Bond Counsel, under existing statutes, interest on the Bonds is exempt from personal income taxes of New York State and its political subdivisions, including The City of New York. See "Tax Matters" herein.*

*The Fire District will designate the Bonds as "qualified tax-exempt obligations" pursuant to the provision of Section 265(b)(3) of the Code.*

**SOUND BEACH FIRE DISTRICT  
IN THE TOWN OF BROOKHAVEN  
SUFFOLK COUNTY, NEW YORK**  
(the "Fire District")

**\$2,920,000 FIRE DISTRICT SERIAL BONDS – 2020**  
(the "Bonds")

**SEE BOND MATURITY SCHEDULE HEREIN**

The Bonds are general obligations of the Fire District and will contain a pledge of the faith and credit of the Fire District for the payment of the principal thereof and interest thereon and, unless paid from other sources, the Bonds are payable from ad valorem taxes which may be levied upon all the taxable real property within the Fire District, subject to certain statutory limitations imposed by Chapter 97 of the New York Laws of 2011, as amended (the "Tax Levy Limit Law"). (See "Tax Levy Limit Law" herein).

The Bonds maturing on June 1, 2028 and thereafter are subject to redemption prior to maturity, at the option of the Fire District, on June 1, 2027, and thereafter on any date, in accordance with terms described herein. (See "Optional Redemption" under "THE BONDS," herein.)

The Bonds will be issued as registered bonds and, at the option of the purchaser, the Bonds may be either (i) registered in the name of the purchaser or (ii) registered in the name of Cede & Co., as the partnership nominee for The Depository Trust Company, New York, New York ("DTC") as book-entry bonds.

If the Bonds are registered in the name of the purchaser, a single bond certificate shall be issued for each maturity of the Bonds. Principal of and interest on such Bonds will be payable in Federal Funds by the Fire District, at such bank or trust company located and authorized to do business in the State of New York as selected by the successful bidder.

Any Bonds issued in book-entry form will be registered in the name of Cede & Co., as the partnership nominee for DTC, which will act as securities depository for the Bonds. Beneficial owners of book-entry bonds will not receive certificates representing their respective interests in the Bonds. Individual purchases may be made in denominations of \$5,000 or integral multiples thereof. A single bond certificate will be issued for each maturity of the Bonds. Principal of and interest on said Bonds will be paid in Federal Funds by the Fire District to Cede & Co., as nominee for DTC, which will in turn remit such principal and interest to its Participants (as herein after defined) for subsequent distribution to the beneficial owners of the Bonds as described herein. Transfer of principal and interest payments to Beneficial Owners (as hereinafter defined) by Participants of DTC will be the responsibility of such Participants and other nominees of Beneficial Owners. The Fire District will not be responsible or liable for payments by DTC to its Participants or by Direct Participants (as hereinafter defined) to Beneficial Owners or for maintaining, supervising or reviewing the records maintained by DTC, its Participants or persons acting through such Participants. (See "Description of Book-Entry System" under "THE BONDS," herein).

Proposals for the Bonds will be received at 11:00 A.M. (Prevailing Time) on June 17, 2020 at the offices of Munistat Services, Inc., 12 Roosevelt Avenue, Port Jefferson Station, New York 11776.

*The Bonds are offered subject to the final approving opinion of Hawkins Delafield & Wood LLP, New York, New York, Bond Counsel, and certain other conditions. It is expected that delivery of the Bonds will be made through the facilities of DTC on or about July 1, 2020 in New York, New York.*

THIS PRELIMINARY OFFICIAL STATEMENT IS IN A FORM "DEEMED FINAL" BY THE FIRE DISTRICT FOR THE PURPOSE OF SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12 (THE "RULE"). FOR A DESCRIPTION OF THE FIRE DISTRICT'S AGREEMENT TO PROVIDE CONTINUING DISCLOSURE FOR THE BONDS, AS DESCRIBED IN THE RULE, SEE "DISCLOSURE UNDERTAKING" HEREIN.

This Preliminary Official Statement and the information contained herein are subject to completion or amendment without notice. Under no circumstance shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of these securities, in any jurisdiction in which such offer, solicitation, or sale would be unlawful prior to registration or qualification under the securities laws of such jurisdiction.

**SOUND BEACH FIRE DISTRICT  
IN THE TOWN OF BROOKHAVEN  
SUFFOLK COUNTY, NEW YORK**

**\$2,920,000 FIRE DISTRICT SERIAL BONDS – 2020**

**BOND MATURITY SCHEDULE**

**Dated: Date of Delivery**

**Principal Due: June 1, 2021-2032 inclusive  
Interest Due: December 1, 2020 and semi-annually  
thereafter in each year to maturity on  
June 1 and December 1**

<u>Amount*</u>	<u>Maturity</u>	<u>Rate</u>	<u>Price or Yield</u>	<u>CUSIP #</u>
\$ 225,000	2021			
225,000	2022			
230,000	2023			
235,000	2024			
240,000	2025			
240,000	2026			
245,000	2027			
250,000	2028**			
250,000	2029**			
255,000	2030**			
260,000	2031**			
265,000	2032**			

\*Amounts are subject to adjustment by the Fire District following the sale, pursuant to the terms of the Notice of Sale relating to the Bonds, to achieve substantial level or declining annual debt service as provided in Section 58.00 (c)(2) of the Local Finance Law.

\*\*Subject to redemption prior to maturity.

**SOUND BEACH FIRE DISTRICT  
IN THE TOWN OF BROOKHAVEN  
SUFFOLK COUNTY, NEW YORK**

152 Sound Beach Blvd.  
Sound Beach, NY 11789  
Telephone: 631/744-4994  
Fax: 631/744-6490

**BOARD OF FIRE COMMISSIONERS**

James M. McLoughlin, Chairman

Board Members

James G. Hart  
Richard McKay  
John Romonoski  
Jeffrey A. Vlack

Robert Sick, Treasurer  
Lynnann Frank, District Manager/Secretary

\* \* \*

**BOND COUNSEL**

Hawkins Delafield & Wood LLP  
New York, New York

\* \* \*

**MUNICIPAL ADVISOR**



12 Roosevelt Avenue  
Port Jefferson Station, N.Y. 11776  
(631) 331-8888

E-mail: [info@munistat.com](mailto:info@munistat.com)  
Website: <http://www.munistat.com>

No dealer, broker, salesman or other person has been authorized by the Fire District to give any information or to make any representations, other than those contained in this Official Statement and if given or made, such other information or representations must not be relied upon as having been authorized by the Fire District. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information set forth herein has been obtained by the Fire District from sources which are believed to be reliable but it is not guaranteed as to accuracy or completeness. The information and expressions of opinion herein are subject to change without notice and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the Fire District since the date hereof.

## TABLE OF CONTENTS

	Page
<b>THE BONDS .....</b>	<b>1</b>
Description of the Bonds .....	1
Optional Redemption .....	2
Description of Book-Entry System .....	2
Certificated Bonds .....	4
Authorization and Purpose for the Bonds .....	4
Security and Source of Payment .....	4
<b>REMEDIES UPON DEFAULT .....</b>	<b>4</b>
<b>NO DEFAULT STATE .....</b>	<b>5</b>
<b>BANKRUPTCY .....</b>	<b>6</b>
<b>THE FIRE DISTRICT .....</b>	<b>6</b>
Description .....	6
Form of Government .....	6
Employees .....	6
<b>ECONOMIC AND DEMOGRAPHIC INFORMATION .....</b>	<b>6</b>
Population Trends .....	6
Income Data .....	7
Unemployment Rates .....	7
Selected Listing of Larger Employers in the Town of Brookhaven .....	8
<b>INDEBTEDNESS OF THE FIRE DISTRICT .....</b>	<b>8</b>
Statutory Procedure .....	9
Computation of Constitutional Debt Contracting Margin .....	10
Details of Short-Term Indebtedness Outstanding .....	10
Outstanding Long-Term Bond Indebtedness .....	10
Authorized but Unissued Debt .....	11
Calculation of Estimated Overlapping and Underlying Indebtedness .....	11
Debt Ratios .....	11
<b>FINANCES OF THE FIRE DISTRICT .....</b>	<b>11</b>
Financial Statements and Accounting Procedures .....	11
Investment Policy .....	12
Service Award Program .....	12
Employee Pension System .....	13
Budgetary Procedures .....	14
Revenues .....	14
<i>Real Property Taxes</i> .....	14
Expenditures .....	15

## TABLE OF CONTENTS - CONTINUED

	Page
<b>TAX INFORMATION</b> .....	<b>15</b>
Real Property Taxes.....	15
Tax Collection Procedure .....	15
Tax Levy Limit Law .....	16
Valuations, Rates and Levies.....	16
Selected Listing of Large Taxable Properties .....	16
<b>LITIGATION</b> .....	<b>17</b>
<b>BONDHOLDER RISKS AND MARKET FACTORS AFFECTING FINANCINGS OF THE STATE AND MUNICIPALITIES OF THE STATE</b> .....	<b>17</b>
<b>COVID-19</b> .....	<b>18</b>
<b>CYBERSECURITY</b> .....	<b>18</b>
<b>TAX MATTERS</b> .....	<b>18</b>
Opinion of Bond Counsel .....	18
Certain Ongoing Federal Tax Requirements and Certifications .....	19
Certain Collateral Federal Tax Consequences .....	19
Original Issue Discount .....	19
Bond Premium .....	20
Information Reporting and Backup Withholding .....	20
Miscellaneous .....	20
<b>LEGAL MATTERS</b> .....	<b>20</b>
<b>DISCLOSURE UNDERTAKING</b> .....	<b>20</b>
<b>BOND RATING</b> .....	<b>21</b>
<b>MUNICIPAL ADVISOR</b> .....	<b>21</b>
<b>ADDITIONAL INFORMATION</b> .....	<b>21</b>
<b>APPENDIX A: FINIANCIAL INFORMATION</b>	
<b>APPENDIX B: AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED DECEMBER 31, 2018</b>	
<b>APPENDIX C: FORM OF BOND COUNSEL OPINION</b>	
<b>APPENDIX D: FORM OF CONTINUING DISCLOSURE UNDERTAKING</b>	

## OFFICIAL STATEMENT

# SOUND BEACH FIRE DISTRICT IN THE TOWN OF BROOKHAVEN SUFFOLK COUNTY, NEW YORK

## \$2,920,000 FIRE DISTRICT SERIAL BONDS – 2020

This Official Statement and the appendices hereto present certain information relating to the Sound Beach Fire District (the “Fire District”) in the Town of Brookhaven (the “Town”), in the County of Suffolk, in the State of New York (the “County” and “State,” respectively) in connection with the sale of \$2,920,000 Fire District Serial Bonds – 2020 (the “Bonds”) of the Fire District.

All quotations from and summaries and explanations of provisions of the Constitution and Laws of the State and acts and proceedings of the Fire District contained herein do not purport to be complete and are qualified in their entirety by reference to the official compilations thereof and all references to the Bonds and the proceedings of the Fire District relating thereto are qualified in their entirety by reference to the definitive form of the Bonds and such proceedings.

### THE BONDS

#### Description of the Bonds

The Bonds will be dated the date of delivery, and will mature on June 1 in each of the years 2021 to 2032, inclusive, in the principal amounts as set forth on the inside cover page hereof. Interest on the Bonds will be payable on December 1, 2020 and semi-annually thereafter in each year to maturity on June 1 and December 1.

The Bonds will be issued as registered bonds and, at the option of the purchaser, the Bonds may be either (i) registered in the name of the purchaser or (ii) registered in the name of Cede & Co., as the partnership nominee for The Depository Trust Company, New York, New York (“DTC”) as book-entry bonds.

If the Bonds are registered in the name of the purchaser, a single bond certificate shall be issued for each maturity of the Bonds. Principal of and interest on such Bonds will be payable in Federal Funds by the Fire District, at such bank or trust company located and authorized to do business in the State of New York as selected by the successful bidder.

The Bonds issued in book-entry form will be issued as registered bonds, and, when issued, will be registered in the name of Cede & Co., as the partnership nominee for DTC, which will act as securities depository for the Bonds. Beneficial owners will not receive certificates representing their respective interests in the Bonds. Individual purchases may be made in denominations of \$5,000 or integral multiples thereof. A single bond certificate will be issued for each maturity of the Bonds. Principal of and interest on said Bonds will be paid in Federal Funds by the Fire District to Cede & Co., as nominee for DTC, which will in turn remit such principal and interest to its Participants (as herein after defined) for subsequent distribution to the beneficial owners of the Bonds as described herein. Transfer of principal and interest payments to Beneficial Owners (as hereinafter defined) by Participants of DTC will be the responsibility of such Participants and other nominees of Beneficial Owners. The Fire District will not be responsible or liable for payments by DTC to its Participants or by Direct Participants (as hereinafter defined) to Beneficial Owners or for maintaining, supervising or reviewing the records maintained by DTC, its Participants or persons acting through such Participants. (See "*Book-Entry-Only System*" under "*THE BONDS*," herein).

The Record Date of the Bonds will be the fifteenth business day of the month preceding each interest payment date.

The Fire District will act as Fiscal Agent for the Bonds issued in book-entry form. For those Bonds issued as certificated bonds, the purchaser will be, or named, Fiscal Agent. Fiscal Agent fees, if any, will be paid for by the purchaser. The Fire District’s contact information is as follows: Robert Sick, District Treasurer, Sound Beach Fire District in the Town of Brookhaven, 152 Sound Beach Blvd., Sound Beach, NY 11789, telephone number (631) 744-4994, email: rsickcpa@rrsfacts.com.

## **Optional Redemption**

The Bonds maturing on or before June 1, 2027 will not be subject to redemption prior to maturity. The Bonds maturing on June 1, 2028 and thereafter, will be subject to redemption prior to maturity, at the option of the Fire District, in whole or in part, and if in part, in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), on any date on or after June 1, 2027, at the redemption price equal to the principal amount of the Bonds to be redeemed, plus accrued interest to the date of redemption.

If less than all of any of the Bonds of any maturity are to be redeemed prior to maturity, the particular Bonds of such maturity to be redeemed shall be selected by the Fire District by lot in any customary manner of selection as determined by the Fire District. Notice of such call for redemption shall be given by mailing such notice to the registered owner at least thirty (30) days prior to the date set for such redemption. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable together with interest to such redemption date. Interest shall cease to be paid thereon after such redemption date.

## **Description of Book-Entry System**

DTC will act as Securities Depository for the Bonds issued in book-entry form. The Bonds will be issued as fully-registered securities, in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully registered bond certificate will be issued for each maturity of the Bonds and deposited with DTC.

DTC is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of certificates.

Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of the Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants" and together with Direct Participant, the "Participants"). The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com) and [www.dtc.org](http://www.dtc.org).

Purchases of Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC's records. The ownership interest of each actual purchaser of each Bond ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase, Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Direct or Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interest in the Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of the Bonds with DTC and their registration in the name of Cede & Co., or such other DTC nominee do not affect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping accounts of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

Beneficial Owners of the Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Bonds, such as redemptions, tenders, defaults, and proposed amendments to the Bond documents. For example, Beneficial Owners of the Bonds may wish to ascertain that the nominee holding the Bonds for their benefit has agreed to obtain and transmit notices to the Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to the Bonds unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to Issuer as soon as possible after the record date. The omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal and interest payments on the Bonds will be made to Cede & Co. or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the Fire District on the payable date, in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC (nor its nominee) or the Fire District, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the Fire District, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as Securities Depository with respect to the Bonds at any time by giving reasonable notice to the Fire District or the Fire District may decide to discontinue use of the system of book-entry transfers through DTC. Under such circumstances, in the event that a successor depository is not obtained, bond certificates are required to be printed and delivered to the beneficial owners.

Source: The Depository Trust Company, New York, New York.

The information contained in the above section concerning DTC and DTC's book-entry system has been obtained from sample offering document language supplied by DTC, but the Fire District takes no responsibility for the accuracy thereof.

**THE FIRE DISTRICT WILL NOT HAVE ANY RESPONSIBILITY OR OBLIGATIONS TO PARTICIPANTS, TO INDIRECT PARTICIPANTS OR ANY BENEFICIAL OWNER WITH RESPECT TO (I) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC, ANY PARTICIPANTS, OR ANY INDIRECT PARTICIPANT; (II) THE PAYMENT BY DTC OR ANY PARTICIPANT OR INDIRECT PARTICIPANT OF ANY AMOUNT WITH RESPECT TO THE PRINCIPAL OF OR INTEREST ON THE BONDS; (III) ANY NOTICE WHICH IS PERMITTED OR REQUIRED TO BE GIVEN TO HOLDERS; (IV) THE SELECTION OF THE BENEFICIAL OWNERS TO RECEIVE PAYMENT IN THE EVENT OF ANY PARTIAL REDEMPTION OF THE BONDS; OR (V) ANY CONSENT GIVEN OR OTHER ACTION TAKEN BY DTC AS HOLDER.**

**THE FIRE DISTRICT CANNOT AND DOES NOT GIVE ANY ASSURANCES THAT DTC WILL DISTRIBUTE TO DIRECT PARTICIPANTS OR THAT DIRECT PARTICIPANTS OR INDIRECT PARTICIPANTS WILL DISTRIBUTE TO THE BENEFICIAL OWNERS OF THE BONDS (I) PAYMENTS OF THE PRINCIPAL OF OR INTEREST ON THE BONDS; (II) CONFIRMATION OF THEIR OWNERSHIP INTEREST IN THE BONDS; OR (III) REDEMPTION OR OTHER NOTICES SENT TO DTC OR CEDE & CO. AS NOMINEE, AS REGISTERED OWNER OF THE BONDS, OR THAT THEY WILL DO SO ON A TIMELY BASIS, OR THAT DTC, DIRECT PARTICIPANTS OR INDIRECT PARTICIPANTS WILL SO SERVE AND ACT IN THE MANNER DESCRIBED IN THE OFFICIAL STATEMENT.**

## **Certificated Bonds**

DTC may discontinue providing its services with respect to the Bonds at any time by giving notice to the Fire District and discharging its responsibilities with respect thereto under applicable law, or the Fire District may terminate its participation in the system of book-entry-only transfers through DTC at any time. In the event that such book-entry-only system is discontinued, and a replacement book-entry securities depository is not appointed, the Bonds will be issued in registered form in denominations of \$5,000, or integral multiples thereof. Principal of and interest on the Bonds when due will be payable at the principal corporate trust office of a bank or trust company to be named by the Fire District as the fiscal agent; certificated Bonds may be transferred or exchanged at no cost to the owner of such bonds at any time prior to maturity at the corporate trust office of the fiscal agent for bonds of the same or any other authorized denomination or denominations in the same aggregate principal amount upon the terms set forth in the certificate of the Fire District Treasurer authorizing the sale of the Bonds and fixing the details thereof and in accordance with the Local Finance Law.

### **Authorization and Purpose for the Bonds**

The Bonds are being issued pursuant to the Constitution and statutes of the State of New York, including among others, the Town Law and the Local Finance Law, and a bond resolution duly adopted by the Fire District Board of Commissioners on September 3, 2019, and approved as a proposition by a majority of the qualified voters of the Fire District voting thereon at the Special Election held on October 15, 2019, authorizing the issuance of bonds in the amount of \$2,920,000 for the construction of improvements to the building and fire protection systems at the headquarters. The Bonds will finance the cost of the project.

### **Security and Source of Payment**

Each Bond when duly issued and paid for will constitute a contract between the Fire District and the holder thereof.

The Bonds will be general obligations of the Fire District and will contain a pledge of the faith and credit of the Fire District for the payment of the principal thereof and the interest thereon. The pledge of the faith and credit of municipalities and school districts mandated by Article VIII, Section 2, of the New York Constitution was upheld by the Court of Appeals in several cases decided at the time of the New York City financial crisis in the 1970s and 1980s (see *Flushing National Bank v. Municipal Assistance Corporation for the City of New York*, 40 NY 2d 731 (1976) and subsequent cases). The opinion of the Court of Appeals in the *Flushing National Bank* decision states that "...an obligation containing a pledge of the City's 'faith and credit' is secured by a promise both to pay and to use in good faith the City's general revenue powers to produce sufficient funds to pay the principal and interest of the obligation as it becomes due. That is why both words 'faith' and 'credit' are used and they are not tautological." In the words of the Court of Appeals, "That is what the words say and this is what the courts have held they mean..." is a clear statement as to the meaning of the pledge of faith and credit. Albeit the pledge of the faith and credit of a fire district (including the Fire District) is not constitutionally mandated, such pledge is required pursuant to the Local Finance Law (Section 100.00) for the incurrence of fire district indebtedness and should be accorded a similar judicial interpretation.

For the payment of such principal of and interest on the Bonds, the Fire District has the power and statutory authority to cause the levy of ad valorem taxes on all taxable real property in the Fire District, subject to certain statutory limitations imposed by the Tax Levy Limit Law. (See "*Tax Levy Limit Law*" herein).

Pursuant to the Section 100.00 of the New York State Local Finance Law, the Fire District is required to pledge its faith and credit for the payment of the principal of and interest on the Bonds. The State is precluded from restricting the power of the Fire District to require the levy of taxes on real estate for the payment of interest on or principal of indebtedness theretofore contracted. However, the Tax Levy Limit Law imposes a statutory limitation on the Fire District's power to cause an increase to its annual tax levy, unless the Fire District complies with certain procedural requirements to permit the Towns, on behalf of the Fire District, to levy certain year-to-year increases in real property taxes. (See "*Tax Levy Limit Law*" herein).

## **REMEDIES UPON DEFAULT**

Neither the Bonds, nor the proceedings with respect thereto, specifically provide any remedies which would be available to owners of the Bonds if the Fire District defaults in the payment of principal of or interest on the Bonds, nor do they contain any provisions for the appointment of a trustee to enforce the interests of the owners of the Bonds upon the occurrence of such default. Each Bond is a general obligation contract between the Fire District and the owner for which the faith and credit of the Fire District is pledged and while remedies for enforcement of payment are not expressly included in the Fire District's contract with such holders, any permanent repeal by statute or constitutional amendment of a bondholder's and/or noteholder's remedial right to judicial enforcement of the contract should, in the opinion of Bond Counsel, be held unconstitutional. (See also "*Security and Source of Payment*" herein for discussion of the statutory (but not constitutional) mandate that a fire district, including the Fire District, pledge its faith and credit to the payment of its indebtedness.)

Upon default of the payment of principal of or interest on the Bonds, at suit of the owner, a Court has power in proper and appropriate proceedings to render a judgment against the Fire District. The present statute limits interest on the amount adjudged due to contract creditors to nine per centum per annum from the date due to the date of payment. As a general rule, property and funds of a municipal corporation serving the public welfare and interest have not been judicially subjected to execution or attachment to satisfy a judgment. Courts also have the power in proper and appropriate proceedings to order payment of a judgment on such Bonds from funds lawfully available therefor or, in the absence thereof, to order the Fire District to take all lawful action to obtain the same, including the inclusion of the required amount in the next request to the Town to place such amount in the next annual tax levy. In exercising its discretion as to whether to enter such an order, the Courts may take into account all relevant factors, including the current operating needs of the Fire District and the availability and adequacy of other remedies. Upon any default in the payment of the principal of or interest on a Bond, the owner of such Bond could, among other things, seek to obtain a writ of mandamus from a Court requiring the governing body of the Fire District to cause the assessment, levy and collection of an *ad valorem* tax, upon all property of the Fire District subject to taxation by the Fire District, sufficient to pay the principal of and interest on the Bonds as the same shall come due (and interest from the due date to date of payment) and otherwise to observe the covenants contained in the Bonds and the proceedings with respect thereto, all of which are included in the contract with the owners of the Bonds. The mandamus remedy, however, may be impracticable and difficult to enforce. Further, the right to enforce payment of the principal of or interest on the Bonds may be limited by bankruptcy, insolvency, reorganization, moratorium and similar laws and equitable principles, which may limit the specific enforcement of certain remedies.

In 1976, the New York Court of Appeals, the State's highest court, held in *Flushing National Bank v. Municipal Assistance Corporation for the City of New York*, 40 N.Y.2d 731 (1976), that the New York State legislation purporting to postpone the payment of debt service on New York City obligations was an unconstitutional moratorium in violation of the New York State constitutional faith and credit mandate included in all municipal debt obligations. While that case can be viewed as a precedent for protecting the remedies of holders of bonds and notes, there can be no assurance as to what a Court may determine with respect to future events, including financial crises as they may occur in the State and in municipalities of the State, that require the exercise by the State of its emergency and police powers to assure the continuation of essential public services. (See also, *Flushing National Bank v. Municipal Assistance Corporation for the City of New York*, 41 N.Y.2d 644 (1977), where the Court of Appeals described the pledge as a direct Constitutional mandate.)

As a result of the Court of Appeals decision, the constitutionality of that portion of Title 6-A of Article 2 of the Local Finance Law enacted at the 1975 Extraordinary Session of the State legislature authorizing any county, city, town or village with respect to which the State has declared a financial emergency to petition the State Supreme Court to stay the enforcement against such municipality of any claim for payment relating to any contract, debt or obligation of the municipality during the emergency period, is subject to doubt. In any event, no such emergency has been declared with respect to the Fire District.

Pursuant to Article VIII, Section 2 of the State Constitution, municipalities and school districts are required to provide an annual appropriation of monies for the payment of due principal of and interest on indebtedness. Specifically, this Constitutional provision states: "If at any time the respective appropriating authorities shall fail to make such appropriations, a sufficient sum shall be set apart from the first revenues thereafter received and shall be applied to such purposes. The fiscal officer of any county, city, town, village or school district may be required to set aside and apply such revenues as aforesaid at the suit of any holder of obligations issued for any such indebtedness." This Constitutional provision providing for first revenue set aside does not apply by its terms to the Fire District. However, pursuant to Section 100.00 of the Local Finance Law, a fire district, including the Fire District, must pledge its faith and credit to the payment of its indebtedness.

While the courts in the State have historically been protective of the rights of holders of general obligation debt of political subdivisions, it is not possible to predict what a future court might hold.

In prior years, certain events and legislation affecting a holder's remedies upon default have resulted in litigation. While Courts in the State have upheld and sustained the rights of bondholders and/or noteholders, a Court might hold that future events, including a financial crisis as such may occur in the State or in any of its political subdivisions, including municipalities and fire districts of the State, may require the exercise by the State or its political subdivisions of emergency and police powers to assure the continuation of essential public services prior to the payment of debt service.

## **NO DEFAULT STATE**

No principal or interest payment on Fire District indebtedness is past due. The Fire District has never defaulted in the payment of the principal of and/or interest on any indebtedness.

## **BANKRUPTCY**

The Federal Bankruptcy Code (Chapter IX) allows public bodies, such as municipalities, recourse to the protection of a Federal Court for the purpose of adjusting outstanding indebtedness. Title 6-A of the Local Finance Law specifically authorizes any municipality in the State or its emergency control board to file a petition under any provision of Federal bankruptcy law for the composition or adjustment of municipal indebtedness. While this Local Finance Law provision does not apply to school districts and fire districts, there can be no assurance that it will not become applicable in the future. As such, the undertakings of the Fire District should be considered with reference, specifically, to Chapter IX, and, in general, to other bankruptcy laws affecting creditors' rights and municipalities. Bankruptcy proceedings by the Fire District if authorized by the State in the future could have adverse effects on bondholders and/or noteholders including (a) delay in the enforcement of their remedies, (b) subordination of their claims to those supplying goods and services to the Fire District after the initiation of bankruptcy proceedings and to the administrative expenses of bankruptcy proceedings and (c) imposition without their consent of a reorganization plan reducing or delaying payment of the Bonds.

The above references to said Chapter IX are not to be construed as an indication that the State will consent in the future to the right of the Fire District to file a petition with any United States district court or court of bankruptcy under any provision of the laws of the United States, now or hereafter in effect for the composition or adjustment of municipal indebtedness or that the Fire District is currently considering or expects to resort to the provisions of Chapter IX if authorized to do so in the future.

## **THE FIRE DISTRICT**

### **Description**

The Fire District is located in the unincorporated community of Sound Beach, within the Town of Brookhaven, Suffolk County, New York. The Fire District offices and headquarters are located at 152 Sound Beach Boulevard, Sound Beach, New York 11789. The community is predominately residential consisting of primarily single family homes with little commercial property or activity. Commercial activity in the community is limited to mostly small family run businesses.

### **Form of Government**

The Fire District is governed by a five (5) member Board of Fire Commissioners who are elected to five (5) year terms on a staggered basis. The Chairman of the Board is elected by the Commissioners, the Board appoints a Secretary and Treasurer every year at the Organizational Meeting of the Board. A full time District Manager is employed to oversee the overall operations of the Fire District. A volunteer force is responsible for the operation of the Fire Department equipment and apparatus.

### **Employees**

The Fire District has 7 paid full-time employees and 5-7 paid part-time employees, none of which are represented by organized labor units.

## **ECONOMIC AND DEMOGRAPHIC INFORMATION**

### **Population Trends**

The following table sets forth population statistics for the Town of Brookhaven, Suffolk County and New York State.

<u>Year</u>	<u>Town of Brookhaven</u>	<u>Suffolk County</u>	<u>New York State</u>
2000	448,248	1,419,369	18,976,457
2010	486,040	1,493,350	19,378,102
2018	482,426	1,481,093	19,542,209

### Income Data

Income data are not available for the Fire District as such. The smallest area for which such statistics are available (which includes the Fire District) is the Town of Brookhaven. The information set forth below with respect to such Town is included for information purposes only. It should not be inferred from the inclusion of such data in this Statement that the Fire District is necessarily representative of the Town or vice versa.

	Per Capita Money Income			
	<u>1990</u>	<u>2000</u>	<u>2010</u>	<u>2018<sup>a</sup></u>
Town of Brookhaven	\$16,726	\$24,191	\$32,663	\$39,827
County of Suffolk	18,481	26,577	35,755	43,905
State of New York	16,501	23,389	30,948	38,884

  

	Median Household Income			
	<u>1990</u>	<u>2000</u>	<u>2010</u>	<u>2018<sup>a</sup></u>
Town of Brookhaven	\$47,074	\$62,475	\$81,654	\$ 96,861
County of Suffolk	53,244	72,112	84,506	100,468
State of New York	39,741	51,691	55,603	67,844

Source: United States Bureau of the Census

a. Based on American Community Survey 1-Year Estimates (2018)

### Unemployment Rates

<u>Annual Averages:</u>	<u>Town of Brookhaven (%)</u>	<u>Suffolk County (%)</u>	<u>New York_ State (%)</u>
2014	5.3	5.3	6.4
2015	4.8	4.8	5.3
2016	4.4	4.3	4.9
2017	4.4	4.4	4.6
2018	3.9	3.9	4.1
2019	3.6	3.6	4.0

Source: Department of Labor, State of New York

a. The above table includes unemployment rates taken before the COVID-19 pandemic occurred. See “COVID-19” herein

**Selected Listing of Larger Employers in the Town of Brookhaven**  
(As of 2019)

<u>Name</u>	<u>Type of Business</u>	<u>Estimated Number Of Employees</u>
State University at Stony Brook	Education	14,000
Stony Brook University Medical Center	Medical Center	7,500
Brookhaven National Laboratory	Laboratory	3,350
John T. Mather Hospital	Hospital	2,180
Brookhaven Memorial Hospital	Hospital	1,750
Three Village Central School District	Education	1,650
William Floyd Union Free School District	Education	1,650
St. Charles Hospital	Hospital	1,600
Zebra Technologies	Commercial	1,029
Quality King Distributors	Commercial	880
Amneal Pharmaceuticals	Commercial	681

Source: Division of Economic Development Town of Brookhaven.

**INDEBTEDNESS OF THE FIRE DISTRICT**

**Constitutional Requirements.** The New York State Constitution (Article VIII, Section 2) does not directly address the power of fire districts, including the Fire District, to contract indebtedness and the levy of taxes upon real estate in support thereof (although Article VIII, Section 3 thereof excludes, inter alia, fire districts from limitations imposed therein upon municipal or other corporations possessing the power to contract indebtedness or to levy or require the levy of taxes or benefit assessments upon real estate).

**Local Finance Law Requirements.** The New York State Local Finance Law limits the power of the Fire District (and municipalities, school and other fire districts of the State) to issue obligations and contract indebtedness. Such limitations include the following, in summary form, and are generally applicable to the Fire District and the Bonds.

**Purpose and Pledge.** Pursuant to the Local Finance Law, the Fire District shall not give or loan any money or property to or in aid of any individual or private corporation or private undertaking or give or loan its credit to or in aid of any of the foregoing or any public corporation.

The Fire District may contract indebtedness only for a Fire District purpose and shall pledge its faith and credit for the payment of principal of and interest thereon.

**Payment and Maturity.** Except for certain short-term indebtedness contracted in anticipation of taxes, or to be paid in one of the two fiscal years immediately succeeding the fiscal year in which such indebtedness was contracted, indebtedness shall be paid in annual installments commencing no later than two years after the date such indebtedness shall have been contracted and ending no later than the expiration of the periods of probable usefulness of the objects or purposes as determined by statute or in the alternative, the weighted average period of probable usefulness of the several objects or purposes for which such indebtedness is to be contracted; no installment may be more than fifty per centum in excess of the smallest prior installment, unless the Fire District has authorized the issuance of indebtedness having substantially level or declining annual debt service. The Fire District is required to provide an annual appropriation for the payment of interest due during the fiscal year on its indebtedness and for the amounts required in such year for amortization and redemption of its serial bonds, bond anticipation notes and capital notes.

**General.** The Fire District is subject to certain statutory limitations restricting the powers of the Fire District in the areas of taxation, assessment, borrowing money, contracting indebtedness and loaning the credit of the Fire District, so as to prevent abuses in the exercise of such powers. As has been noted under "*Security and Source of Payment*", the State Legislature is prohibited from restricting the power of the Fire District to cause the levy of taxes on real estate for the payment of interest on or principal of indebtedness theretofore contracted. However, the Tax Levy Limit Law imposes a statutory limitation on the Fire District's power to increase its annual tax levy, unless the Fire District complies with certain procedural requirements to permit the Fire District to cause the levy of certain year-to-year increases in real property taxes. (See "*Tax Levy Limit Law*" herein).

### **Statutory Procedure**

In general, the State Legislature has authorized the power and procedure for the Fire District to borrow and incur indebtedness subject, of course, to the provisions set forth above. The power to spend money, however, generally derives from other laws, including the Town Law and the General Municipal Law.

Pursuant to the Local Finance Law, the Fire District authorizes the issuance of bonded indebtedness by the adoption of a bond resolution approved by a vote of at least three-fifths of the entire membership of the Board of Fire Commissioners, which, pursuant to the Local Finance Law, is the finance board of the Fire District. All of such resolutions are subject to referendum.

Each bond resolution usually authorizes the construction, acquisition or installation of the object or purpose to be financed, appropriates the requisite funds, authorizes the issuance of serial bonds to finance the appropriation, sets forth the plan of financing and specifies the maximum maturity of the bonds subject to the legal (Constitution, Local Finance Law and case law) restrictions relating to the period of probable usefulness with respect to such object or purpose.

Each bond resolution also provides for the authorization of the issuance of bond anticipation notes prior to the issuance of the subject serial bonds. Statutory law in New York permits notes to be renewed each year provided that (i) amortization of principal commences within two years of the date of incurrence of the debt, and, (ii) such renewals do not (with certain exceptions) extend more than five years beyond the original date of borrowing. (See "*Payment and Maturity*" under "*Constitutional Requirements*" herein).

The Local Finance Law also provides for a twenty-day statute of limitations commenced by publication of the bond resolution or a summary thereof, following its effective date which, in effect, thereafter estops legal challenges to the validity of obligations authorized by such bond resolution except for alleged constitutional violations. The Fire District has complied with such requirement with respect to the bond resolution authorizing the issuance of the Bonds.

In addition, pursuant to the bond resolution, the Board of Fire Commissioners may delegate to the Fire District Treasurer, the chief fiscal officer of the Fire District, the power to issue and sell bonds and bond anticipation notes.

In general, the Local Finance Law contains similar provisions providing the Fire District with power to issue general obligation revenue anticipation notes, tax anticipation notes, deficiency notes and budget notes, subject to the prescribed statutory procedures and limitations.

**Debt Limit.** The Fire District has the power to contract indebtedness for any Fire District purpose authorized by the Legislature of the State so long as the aggregate principal amount thereof shall not exceed three per centum (3.00%) of the full valuation of taxable real property of the Fire District, except as otherwise provided by the New York Local Finance Law, and subject to certain enumerated exclusions and deductions such as cash or appropriations for principal of debt. The three per centum limit may be exceeded if the proposition for approval of the bond resolution is approved by a two-thirds vote of the qualified voters of the Fire District and the State Comptroller consents thereto. The method for determining full valuation is by taking the assessed valuation of taxable real property for the last completed assessment roll and applying thereto the ratio (equalization rate) which such assessed valuation bears to the full valuation; such ratio is determined by the State Board of Real Property Services. The State Legislature is required to prescribe the manner by which such ratio shall be determined.

There is no constitutional limitation on the amount that may be raised by the Fire District by tax on real estate in any fiscal year to pay principal and interest on all indebtedness. However, the Tax Levy Limit Law imposes a statutory limitation on the power of the Fire District to increase its annual tax levy, unless the Fire District complies with certain procedural requirements to permit the Fire District to cause the levy of certain year-to-year increases in real property taxes. (See "*Tax Levy Limit Law*" herein).

The following pages set forth certain details with respect to the indebtedness of the Fire District.

**Computation of Constitutional Debt Contracting Margin**  
(As of June 4, 2020)

<u>In Towns of:</u>	<u>Assessed Valuation</u>	<u>State Equalization Rate (%)</u>	<u>Full Valuation</u>
Brookhaven (2019-2020)	\$6,425,872	0.79	\$813,401,519
Debt Limit - 3% of Full Valuation			\$24,402,046
<b>Inclusions:</b>			
Outstanding Bonds			\$90,000
Bond Anticipation Notes			<u>0</u>
Total Indebtedness			<u>90,000</u>
Appropriations			<u>45,000</u>
Total Net Indebtedness Before Issuing the Bonds			<u>45,000</u>
The Bonds			2,920,000
Less: BANs to be Redeemed by the Bonds			<u>0</u>
Net Effect of the Bonds			<u>2,920,000</u>
Total Net Indebtedness After Issuing the Bonds			<u>2,965,000</u>
Net Debt Contracting Margin			<u><u>\$21,437,046</u></u>
Per Cent of Debt Contracting Margin Exhausted			12.15%

a. The assessed and full valuation only reflects the taxable real property in the Fire District. (See "General Information" under "THE FIRE DISTRICT" herein).

**Details of Short-Term Indebtedness Outstanding**

As of the date of this Official Statement, the Fire District has no short-term debt outstanding.

**Outstanding Long-Term Bond Indebtedness**

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Bonds	\$ 245,000	\$ 210,000	\$ 170,000	\$ 130,000	\$ 90,000
BANs	-	-	-	-	-
Other	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u><u>\$ 245,000</u></u>	<u><u>\$ 210,000</u></u>	<u><u>\$ 170,000</u></u>	<u><u>\$ 130,000</u></u>	<u><u>\$ 90,000</u></u>

**Authorized but Unissued Debt**

The Fire District has authorized but unissued debt in the amount of \$2,920,000 for the construction of improvements and fire protection system at the headquarters. The proceed of the Bonds will be used to pay the cost of this project.

**Calculation of Estimated Overlapping and Underlying Indebtedness**

<u>Overlapping Units</u>	<u>Date of Report</u>	<u>Percentage Applicable (%)</u>	<u>Applicable Total Indebtedness</u>	<u>Applicable Net Indebtedness</u>
County of Suffolk	11/26/2019	0.25	\$ 4,025,496	\$ 3,662,602
Town of Brookhaven	01/07/2020	1.39	7,524,260	6,733,647
Longwood Central School District	11/15/2019	37.33	8,908,805	2,458,303
Totals			<u>\$20,458,561</u>	<u>\$12,854,552</u>

Sources: State Comptroller’s Special Report on Municipal Affairs or more recently published Official Statements.

**Debt Ratios**  
(As of June 4, 2020)

	<u>Amount</u>	<u>Per Capita<sup>a</sup></u>	<u>Percentage Of Full Value (%)<sup>b</sup></u>
Total Direct Debt	\$90,000	\$11	0.011
Net Direct Debt	45,000	6	0.006
Total Direct & Applicable Total Overlapping Debt	20,548,561	2,539	2.526
Net Direct & Applicable Net Overlapping Debt	12,899,552	1,594	1.586

a. The current estimated population of the Fire District is 8,093.

b. The 2018-2019 full valuation of taxable real property in the Fire District is \$813,401,519.

**FINANCES OF THE FIRE DISTRICT**

**Financial Statements and Accounting Procedures**

The Financial Statements of the Fire District are audited annually by an independent public accountant. For the fiscal year ending 2018, the audit was performed by the firm Craig, Fitzsimmons & Michaels, LLP. In addition, the Fire District also prepares an unaudited Annual Financial Report Update Document (“AUD”) that is filed with the State annually. The AUD is not audited and is not prepared in accordance with GAAP. A copy of the audit for the fiscal year ending December 31, 2018 is attached hereto as Appendix B.

The Fire District complies with the Uniform System of Accounts as prescribed by the Department of Audit and Control of the State of New York. This system conforms with generally accepted accounting principles as promulgated in the American Institute of Certified Public Accountants' Industry Audit Guide. "Audits of State and Local Governmental Units", and codified in "Government Accounting, Auditing and Financial Reporting" (GAFFR), published by the National Committee on Government Accounting.

The Statements of Revenues, Expenditures and Changes in Fund Balances presented in Appendix A of this Statement are based on the Financial Statements for the 2014-2018 fiscal years.

## **Investment Policy**

Pursuant to State law, including Sections 10 and 11 of the GML, the Fire District is generally permitted to deposit moneys in banks or trust companies located and authorized to do business in the State. All such deposits, including special time deposit accounts and certificates of deposit, in excess of the amount insured under the Federal Deposit Insurance Act, are required to be secured in accordance with the provisions of and subject to the limitations of Section 10 of the GML.

The Fire District may also temporarily invest moneys in: (1) obligations of the United States of America; (2) obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America; (3) obligations of the State of New York; (4) with the approval of the New York State Comptroller, in tax anticipation notes or revenue anticipation notes issued by any municipality, school district, or district corporation, other than those notes issued by the Fire District, itself; (5) certificates of participation issued in connection with installment purchase agreements entered into by political subdivisions of the State pursuant to Section 109-b(10) of the GML; (6) obligations of a New York public benefit corporation which are made lawful investments for municipalities pursuant to the enabling statute of such public benefit corporation; or (7) in the case of moneys held in certain reserve funds established by the Fire District pursuant to law, in obligations of the Fire District.

All of the foregoing investments are required to be payable or redeemable at the option of the owner within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event, at the option of the owner, within two years of the date of purchase. Unless registered or inscribed in the name of the Fire District, such instruments and investments must be purchased through, delivered to and held in custody of a bank or trust company in the State pursuant to a written custodial agreement as provided by Section 10 of the GML.

The Board of Fire Commissioners of the Fire District has adopted an investment policy and such policy conforms with applicable laws of the State governing the deposit and investment of public moneys. All deposits and investments of the Fire District are made in accordance with such policy.

## **Service Award Program**

The Fire District sponsors a Length of Service Award Program (LOSAP) with two components, pre- and post-entitlement age, which took effect January 1, 1990.

The program, consistent with the provisions of Article 11-A of the General Municipal Law, is a defined benefit plan where the award to be paid to eligible volunteers is twenty dollars (\$20.00) per month for each qualified year of active firefighter's service, not to exceed forty (40) years, with benefit payment commencing when the eligible volunteer firefighter reaches age sixty-two (62). To earn a year of credited service a participant must accumulate a minimum of fifty (50) points under the Fire District's LOSAP Point System. The participant's accrued benefit is 100% vested after the volunteer firefighter has earned credit for five (5) years, attains entitlement ages, is awarded a finding of total and permanent disability or dies. All active volunteer firefighters who are members of the Sound Beach Fire Department are eligible to participate in this component of the LOSAP.

The second component of the LOSAP is for post entitlement age volunteer firefighters who have not yet reached the maximum number of years provided in Article 11-A of the General Municipal Law for earning credit in a defined benefit plan program. Credit is earned in the identical manner as the original component of the LOSAP but the benefit is paid annually as a lump sum payment in the year that follows the successful completion of a year of firefighting service. All active volunteer firefighters who are members of the Sound Beach Fire Department and sixty (60) years of age and older are eligible to participate in this component of the LOSAP. The Plan also provides for death and disability benefits. Contributions of the plan are determined on an actuarial basis.

The Fire District contributions to the LOSAP and ERS since 2015 are follows:

Fiscal Year Ending <u>December 31:</u>	<u>LOSAP</u>	<u>ERS</u>
2015	\$164,800	\$55,113
2016	171,000	51,947
2017	160,000	52,819
2018	158,141	56,539
2019	150,000	62,147
2020 (Budgeted)	150,000	67,300

### **Employee Pension System**

Substantially all full time employee of the Fire District is a member of the New York State and Local Employees' Retirement System ("ERS") (the "Retirement System"). The ERS is generally also known as the "Common Retirement Fund". The Retirement System are cost-sharing multiple public employer retirement systems. The obligation of employers and employees to contribute and the benefit to employee are governed by the New York State Retirement System and Social Security Law (the "Retirement System Law"). The Retirement System offers a wide range of plans and benefits which are related to years of service and final average salary, vesting of retirement benefits, death and disability benefits and optional methods of benefit payments. All benefits generally vest after five years of credited service. The Retirement System Law generally provides that all participating employers in each retirement system are jointly and severally liable for any unfunded amounts. Such amounts are collected through annual billings to all participating employers. Generally, all employees, except certain part-time employees, participate in the Retirement System.

The ERS is non-contributory with respect to members hired prior to July 27, 1976 (Tier 1 & 2); members hired from July 27, 1976 through December 31, 2009 (Tier 3 & 4) contribute 3% for the first 10 years of service and then become non-contributory; members hired from January 1, 2010 through March 31, 2012 (Tier 5) must contribute 3% for their entire careers; members hired April 1, 2012 (Tier 6) or after will contribute between 3 and 6 percent for their entire careers based on their annual wage.

For ERS, Tier 5 provides for:

- Raising the minimum age at which most civilians can retire without penalty from 55 to 62 and imposing a penalty of up to 38% for any civilian who retires prior to age 62.
- Requiring employees to continue contribution 3% of their salaries toward pension costs so long as they accumulate additional pension credits.
- Increasing the minimum years of service required to draw pension from 5 years to 10 years.
- Capping the amount of overtime that can be considered in the calculation of pension benefits for civilians at \$15,000 per year, and for police & firefighters at 15% of non-overtime wages.

For both ERS, Tier 6 provides for:

- Increase contribution rates of between 3% and 6% base on annual wage.
- Increase in the retirement age from 62 years to 63 years.
- A readjustment of the Pension multiplier.
- A change in the period for final average salary calculation from 3 years to 5 years.

Pursuant to various laws enacted between 1991 and 2002, the State Legislature authorized local governments to make available certain early retirement incentive programs to its employees. The Fire District does not have any early retirement incentives outstanding.

Historically there has been a State mandate requiring full (100%) funding of the annual actuarially required local governmental contribution out of current budgetary appropriations. With the strong performance of the Retirement System in the 1990s, the locally required annual contribution declined to zero. However, with the subsequent decline in the equity markets, the pension system became underfunded. As a result, required contributions increased substantially to 15% to 20% of payroll for the employees' and the police and fire retirement systems, respectively. Wide swings in the contribution rate resulted in budgetary planning problems for many participating local governments.

Chapter 49 of the Laws of 2003 amended the Retirement and Social Security Law and Local Finance Law. The amendments empowered the State Comptroller to implement a comprehensive structural reform program that establishes a minimum contribution for any employer equal to 4.5% of pensionable salaries for required contributions due December 15, 2003 and for all years thereafter where the actual rate would otherwise be 4.5% or less. In addition, it instituted a billing system that will advise employers over one year in advance concerning actual pension contribution rates.

Chapter 57 of the Laws of 2010 (Part TT) amended the Retirement and Social Security Law to authorize participating local government employers, if they so elect, to amortize an eligible portion of their annual required contributions to both ERS and PFRS, when employer contribution rates rise above certain levels. The option to amortize the eligible portion began with the annual contribution due February 1, 2011. The amortizable portion of an annual required contribution is based on a "graded" rate by the State Comptroller in accordance with formulas provided in Chapter 57. Amortized contributions are to be paid in equal annual installments over a ten-year period, but may be prepaid at any time. Interest is to be charged on the unpaid amortized portion at a rate to be determined by State Comptroller, which approximates a market rate of return on taxable fixed rate securities of a comparable duration issued by comparable issuers. The interest rate is established annually for that year's amortized amount and then applies to the entire ten years of the amortization cycle of that amount. When in any fiscal year, the participating employer's graded payment eliminates all balances owed on prior amortized amounts, any remaining graded payments are to be paid into an employer contribution reserve fund established by the State Comptroller for the employer, to the extent that amortizing employer has no currently unpaid prior amortized amounts, for future such use.

The 2013-14 Adopted State Budget included a provision that authorized local governments, including the Fire District, with the option to "lock-in" long-term, stable rate pension contributions for a period of years determined by the State Comptroller and ERS and PFRS. For 2014 and 2015 the rate is 12.0% for ERS and 20% for PFRS; the rates applicable to 2016 and thereafter are subject to adjustment. The pension contribution rates under this program would reduce near-term payments for employers, but require higher than normal contributions in later years.

The Fire District is not amortizing or smoothing any pension payments nor does it intend to do so in the foreseeable future.

The investment of monies and assumptions underlying same, of the Retirement Systems covering the Fire District's employees is not subject to the direction of the Fire District. Thus, it is not possible to predict, control or prepare for future unfunded accrued actuarial liabilities of the Retirement Systems ("UAALS"). The UAAL is the difference between total actuarially accrued liabilities and actuarially calculated assets available for the payment of such benefits. The UAAL is based on assumptions as to retirement age, mortality, projected salary increases attributed to inflation, across-the-board raises and merit raises, increases in retirement benefits, cost-of-living adjustments, valuation of current assets, investment return and other matters. Such UAALs could be substantial in the future, requiring significantly increased contributions from the Fire District which could affect other budgetary matters. Concerned investors should contact the Retirement Systems administrative staff for further information on the latest actuarial valuations of the Retirement System.

The Fire District is required to contribute an actuarially determined rate. The Fire District's contributions made to the Retirement System were equal to 100% of the contributions required for each year.

### **Budgetary Procedures**

The Board of Fire Commissioners, with the assistance of the Fire District Treasurer, prepares a budget each year. The budget is then adopted by the Board as its final budget for the coming fiscal year. The budget is not subject to referendum unless the operating portion exceeds the limitations provided by law. The budget is submitted to the Town of Brookhaven and the Town is specifically prohibited from making any change in the Fire District budget, which is included in the Town budget. Following adoption by the Town Board such budget becomes the adopted budget of the Town, which levies and collects taxes for Fire District purposes.

### **Revenues**

The Fire District receives most of its revenue from a real property tax on all non-exempt real property situated within the Fire District. A summary of such revenues for the five most recently completed fiscal years and the amounts budgeted for 2019 and 2020 may be found in Appendix A.

#### *Real Property Taxes*

See "*Tax Information*", herein.

## Expenditures

A summary of such Expenditures for the five most recently completed fiscal years and the amounts budgeted for 2019 and 2020 may be found in Appendix A.

### TAX INFORMATION

#### Real Property Taxes

Methods and procedures to require the levy, collection and enforcement of this tax are governed by the Real Property Tax Law. Real property assessment rolls used by the Fire District are prepared by the Town of Brookhaven. Assessment valuations are determined by the Town assessor and the State Office of Real Property Services which is responsible for certain utility and railroad property. In addition, the State Office of Real Property Services annually establishes State Equalization Rates for all localities in the State, which are determined by statistical sampling of market sales/assessment studies. The equalization rates are used in the calculation and distribution of certain State aid and are used by many localities in the calculation or debt contracting and real property taxing limitations. The Fire District is not subject to constitutional real property taxing limitations. However, the Tax Levy Limit Law imposes a statutory limitation on the Fire District's power to increase its annual tax levy. As a result, the power of the Fire District to levy real estate taxes on all the taxable real property within the Fire District is subject to statutory limitations set forth in Tax Levy Limit Law.

The following table sets forth the percentage of the Fire District's General Fund revenue (excluding other financing sources) comprised of real property taxes for each of the fiscal years 2014 through 2018, inclusive and the amounts budgeted for the 2019 and 2020 fiscal years.

Fiscal Year Ending <u>December 31:</u>	<u>Total Revenue</u>	Real Property <u>Taxes</u>	Real Property Taxes to <u>Revenues (%)</u>
2014	\$1,487,214	\$1,476,360	99.27
2015	1,624,914	1,497,958	92.19
2016	1,590,847	1,565,733	98.42
2017	1,643,241	1,642,323	99.94
2018	1,746,936	1,721,588	98.55
2019 (Budgeted)	1,801,638	1,755,388	97.43
2020 (Budgeted)	1,868,788	1,790,188	95.79

#### Tax Collection Procedure

Fire District taxes are collected by the Town Receiver of Taxes and are payable in two installments, with the first installment payable from December 1<sup>st</sup> to January 10<sup>th</sup> without penalty. After January 10<sup>th</sup>, a 1% penalty is applied, an additional 1% penalty is added for each 30 days or part thereof that taxes remain unpaid, up to a maximum of 5%. Second half taxes are due May 1<sup>st</sup>, payable without penalty to May 31<sup>st</sup>, after which the same penalties apply. After May 31<sup>st</sup>, the Town Receiver of Taxes, after retaining the full amount of Town Special District and District taxes, turns over any uncollected taxes to the County Treasurer who assumes collection of said unpaid taxes plus penalties and any additional charges. As the Fire District receives the full amount of its taxes from the Town Receiver of Taxes, there are no uncollected taxes as far as the Fire District is concerned.

## Tax Levy Limit Law

Prior to the enactment of Chapter 97 of the New York Laws of 2011, as amended (the “*Tax Levy Limit Law*”) all the taxable real property within the Fire District had been subject to the levy of ad valorem taxes to pay the bonds and notes of the Fire District and interest thereon without limitation as to rate or amount. However, the Tax Levy Limit Law imposes a tax levy limitation upon the Fire District for any fiscal year commencing after January 1, 2012, without providing an exclusion for debt service on obligations issued by the Fire District. As a result, the power of the Fire District to cause the levy of real estate taxes on all the taxable real property within the Fire District, to pay the principal of and interest on the Bonds, is subject to the statutory limitations imposed by the Tax Levy Limit Law.

The following is a brief summary of certain relevant provisions of Tax Levy Limit Law. The summary is not complete and the full text of the Tax Levy Limit Law should be read in order to understand the details and implications thereof.

The Tax Levy Limit Law imposes a limitation on increases in the real property tax levy of the Fire District, subject to certain exceptions. The Tax Levy Limit Law permits the Fire District to increase its overall real property tax levy over the tax levy of the prior year by no more than the “Allowable Levy Growth Factor”, which is the lesser of one and two-one hundredths or the sum of one plus the Inflation Factor; provided, however that in no case shall the levy growth factor be less than one. The “Inflation Factor” is the quotient of: (i) the average of the 20 National Consumer Price Indexes determined by the United States Department of Labor for the twelve-month period ending six months prior to the start of the coming fiscal year minus the average of the National Consumer Price Indexes determined by the United States Department of Labor for the twelve-month period ending six months prior to the start of the prior fiscal year, divided by; (ii) the average of the National Consumer Price Indexes determined by the United States Department of Labor for the twelve-month period ending six months prior to the start of the prior fiscal year, with the result expressed as a decimal to four places. The Fire District is required to calculate its tax levy limit for the upcoming year in accordance with the provisions above and provide all relevant information to the New York State Comptroller prior to adopting its budget. The Tax Levy Limit Law sets forth certain exclusions to the real property tax levy limitation of the Fire District, including exclusions for certain portions of the expenditures for retirement system contributions and tort judgments payable by the Fire District. The Board of Fire Commissioners of the Fire District can adopt a resolution, approved by a vote of sixty percent of the total voting power of the Board of Fire Commissioners, to override the tax levy limit for a given year.

There can be no assurances that the Tax Levy Limit Law will not come under legal challenge for violating applicable law (i) for not providing an exception for debt service on obligations issued prior to the enactment of the Tax Levy Limit Law, (ii) by effectively eliminating the exception for debt service to general real estate tax limitations, and (iii) by limiting the pledge of its faith and credit by a fire district for the payment of debt service on obligations issued by such fire district because the Tax Levy Limit Law does not contain an exception from the levy limitation for the payment of debt service on either outstanding general obligation bonds or notes of the Fire District or such indebtedness incurred after the effective date of the Tax Levy Limit Law.

### Valuations, Rates and Levies

A summary of Valuations and Levies may be found in Appendix A.

#### Selected Listing of Large Taxable Properties 2019-20 Assessment Roll

<u>Name</u>	<u>Type</u>	<u>Assessed Valuation</u>
LIPA	Utility	\$191,087
Verizon	Utility	22,712
ECI Conway Inc.	Commercial	14,100
929 Center LLC	Commercial	10,560
Miller Beach Commons Inc.	Commercial	9,300
Pirreca Joseph & Kim	Resident	8,008
Sixteen Broadway Corp	Commercial	8,000
Degradi Anthony	Resident	6,830
Lynn John & Susan	Resident	7,000
Daikokuten LLC	Commercial	6,200
	Total <sup>a</sup>	<u><u>\$283,797</u></u>

a. Represents 4.42% of the 2019-20 Assessed Valuation of the Fire District.

## LITIGATION

In common with other fire districts, the Fire District from time to time may receive notices of claim and is party to litigation. Currently, in the opinion of the Fire District attorney, unless otherwise set forth herein and apart from matters provided for by applicable insurance coverage, there are no claims or actions pending in which the Fire District has not asserted and/or has the ability to assert a substantial and adequate defense, if determined against the Fire District, would have a substantial adverse material effect on the financial condition of the Fire District.

The Fire District has been served with a Notice of Claim in the matter of Jeffrey A. Vlack against the Sound Beach Fire District, et al. in which the plaintiff claims that he was improperly denied certain real property tax exemptions granted to volunteer firefighters under New York State Real Property Tax Law. In the opinion of the Fire District Attorney, the claim is without merit and will not have a substantial adverse material effect on the financial condition of the Fire District.

## BONDHOLDER RISKS AND MARKET FACTORS AFFECTING FINANCINGS OF THE STATE AND MUNICIPALITIES OF THE STATE

There are certain potential risks associated with an investment in the Bonds, and investors should be thoroughly familiar with this Official Statement, including its appendices, in order to make an informed investment decision. Investors should consider, in particular, the following factors:

The Fire District's credit rating could be affected by circumstances beyond the Fire District's control. Economic conditions such as the rate of unemployment and inflation, termination of commercial operations by corporate taxpayers and employers, as well as natural catastrophes, could adversely affect the assessed valuation of Fire District property and its ability to maintain fund balances and other statistical indices commensurate with its current credit rating. As a consequence, a decline in the Fire District's credit rating could adversely affect the market value of the Bonds.

If and when an owner of any of the Bonds should elect to sell a Bond prior to its maturity, there can be no assurance that a market will have been established, maintained and continue in existence for the purchase and sale of any of those Bonds. The market value of the Bonds is dependent upon the ability of holder to potentially incur a capital loss if such Bond is sold prior to its maturity.

There can be no assurance that adverse events including, for example, the seeking by another municipality in the State or elsewhere of remedies pursuant to the Federal Bankruptcy Act or otherwise, will not occur which might affect the market price of and the market for the Bonds. In particular, if a significant default or other financial crisis should occur in the affairs of the State or any of its municipalities, public authorities or other political subdivisions thereby possibly further impairing the acceptability of obligations issued by those entities, both the ability of the Fire District to arrange for additional borrowing(s) as well as the market for and market value of outstanding debt obligations, including the Bonds, could be adversely affected.

Future amendments to applicable statutes whether enacted by the State or the United States of America affecting the treatment of interest paid on municipal obligations, including the Bonds, for income taxation purposes could have an adverse effect on the market value of the Bonds (see "*TAX MATTERS*" herein).

The enactment of the Tax Levy Limit Law, which imposes a tax levy limitation upon municipalities, school districts and fire districts in the State, including the Fire District, without providing exclusion for debt service on obligations issued by municipalities and fire districts, including the Fire District, may affect the market price and/or marketability for the Bonds. (See "*The Tax Levy Limit Law*" herein.)

Federal or State legislation imposing new or increased mandatory expenditures by municipalities, school districts and fire districts in the State, including the Fire District could impair the financial condition of such entities, including the Fire District and the ability of such entities, including the Fire District, to pay debt service on their respective obligations.

## COVID-19

An outbreak of disease or similar public health threat, such as the COVID-19 outbreak, or fear of such an event, could have an adverse impact on the Fire District's financial condition and operating results by potentially delaying the receipt of real property taxes or resulting in a delay or reduction by the State in the payment of State aid. Currently, the COVID-19 outbreak has spread globally, including to the United States, and has been declared a pandemic by the World Health Organization. The outbreak of the disease has affected travel, commerce and financial markets globally and is widely expected to continue to affect economic growth worldwide. The outbreak caused the Federal government to declare a national state of emergency, which was followed by the enactment of a variety of stimulus measures designed to address financial stability and liquidity issues caused by the outbreak. The State also declared a state of emergency and the Governor has taken steps designed to mitigate the spread and impacts of COVID-19, including closing schools and non-essential businesses. Efforts to contain the spread of COVID-19 has reduced the spread of the virus in some areas and there have been recent efforts to relax some of the restrictions put in place following the initial outbreak. Nevertheless, the outbreak of COVID-19 and the dramatic steps taken by the Federal government and State to address it are expected to negatively impact federal and local economies, including the economy of the State. The full impact of COVID-19 on the State's operations and financial condition is not expected to be known for some time. Similarly, the degree of the impact to the Fire District's operations and finances as a result of COVID-19 is extremely difficult to predict due to the uncertainties relating to its (i) duration, and (ii) severity, as well as with regard to what actions have been or may continue to be taken by governmental and other health care authorities, including the State, to contain or mitigate its impact. The spread of the outbreak or resurgence later in the year could have a material adverse effect on the State and municipalities and school districts located in the State, including the Fire District. The Fire District is monitoring the situation and will take such proactive measures as may be required to maintain its operations and meet its obligations.

## CYBERSECURITY

The Fire District, like many other public and private entities, relies on technology to conduct its operations. As a recipient and provider of personal, private, or sensitive information, the Fire District faces multiple cyber threats including, but not limited to, hacking, viruses, malware and other attacks on computer and other sensitive digital networks and systems. To mitigate the risk of business operations impact and/or damage from cyber incidents or cyber-attacks, the Fire District invests in various forms of cybersecurity and operational controls; however, no assurances can be given that such security and operational control measures will be completely successful to guard against cyber threats and attacks. To mitigate such risk the Fire District has contracted with an outside technology firm to assist in the prevention detection and remediation of any such attacks. In addition, the Fire District maintains an insurance policy covering cyber liability. The results of any such attack could impact business operations and/or damage Fire District digital networks and systems and the costs of remedying any such damage could be substantial.

## TAX MATTERS

### Opinion of Bond Counsel

In the opinion of Hawkins Delafield & Wood LLP, Bond Counsel to the Fire District, under existing statutes and court decisions and assuming continuing compliance with certain tax certifications described herein, (i) interest on the Bonds is excluded from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and (ii) interest on the Bonds is not treated as a preference item in calculating the alternative minimum tax under the Code. The Tax Certificate of the Fire District (the "Tax Certificate"), which will be delivered concurrently with the delivery of the Bonds will contain provisions and procedures relating to compliance with applicable requirements of the Code. In rendering its opinion, Bond Counsel has relied on certain representations, certifications of fact, and statements of reasonable expectations made by the Fire District in connection with the Bonds, and Bond Counsel has assumed compliance by the Fire District with certain ongoing provisions and procedures set forth in the Tax Certificate relating to compliance with applicable requirements of the Code to assure the exclusion of interest on the Bonds from gross income under Section 103 of the Code.

In addition, in the opinion of Bond Counsel to the Fire District, under existing statutes, interest on the Bonds is exempt from personal income taxes of New York State and its political subdivisions, including The City of New York.

Bond Counsel expresses no opinion as to any other federal, state or local tax consequences arising with respect to the Bonds, or the ownership or disposition thereof, except as stated above. Bond Counsel renders its opinion under existing statutes and court decisions as of the issue date, and assumes no obligation to update, revise or supplement its opinion to reflect any action thereafter taken or not taken, any fact or circumstance that may thereafter come to its attention, any change in law or interpretation thereof that may thereafter occur, or for any other reason. Bond Counsel expresses no opinion as to the consequence of any of the events described in the preceding sentence or the likelihood of their occurrence. In addition, Bond Counsel expresses no opinion on the effect of any action taken or not taken in reliance upon an opinion of other counsel regarding federal, state or local tax matters, including, without limitation, exclusion from gross income for federal income tax purposes of interest on the Bonds.

### **Certain Ongoing Federal Tax Requirements and Certifications**

The Code establishes certain ongoing requirements that must be met subsequent to the issuance and delivery of the Bonds in order that interest on the Bonds be and remain excluded from gross income under Section 103 of the Code. These requirements include, but are not limited to, requirements relating to use and expenditure of gross proceeds of the Bonds, yield and other restrictions on investments of gross proceeds, and the arbitrage rebate requirement that certain excess earnings on gross proceeds be rebated to the federal government. Noncompliance with such requirements may cause interest on the Bonds to become included in gross income for federal income tax purposes retroactive to their issue date, irrespective of the date on which such noncompliance occurs or is discovered. The Fire District, in executing the Tax Certificate, will certify to the effect that the Fire District will comply with the provisions and procedures set forth therein and that it will do and perform all acts and things necessary or desirable to assure the exclusion of interest on the Bonds from gross income under Section 103 of the Code.

### **Certain Collateral Federal Tax Consequences**

The following is a brief discussion of certain collateral federal income tax matters with respect to the Bonds. It does not purport to address all aspects of federal taxation that may be relevant to a particular owner of a Bond. Prospective investors, particularly those who may be subject to special rules, are advised to consult their own tax advisors regarding the federal tax consequences of owning and disposing of the Bonds.

Prospective owners of the Bonds should be aware that the ownership of such obligations may result in collateral federal income tax consequences to various categories of persons, such as corporations (including S corporations and foreign corporations), financial institutions, property and casualty and life insurance companies, individual recipients of Social Security and railroad retirement benefits, individuals otherwise eligible for the earned income tax credit, and taxpayers deemed to have incurred or continued indebtedness to purchase or carry obligations the interest on which is excluded from gross income for federal income tax purposes. Interest on the Bonds may be taken into account in determining the tax liability of foreign corporations subject to the branch profits tax imposed by Section 884 of the Code.

### **Original Issue Discount**

“Original issue discount” (“OID”) is the excess of the sum of all amounts payable at the stated maturity of a Bond (excluding certain “qualified stated interest” that is unconditionally payable at least annually at prescribed rates) over the issue price of that maturity. In general, the “issue price” of a maturity (a bond with the same maturity date, interest rate, and credit terms) means the first price at which at least 10 percent of such maturity was sold to the public, i.e., a purchaser who is not, directly or indirectly, a signatory to a written contract to participate in the initial sale of the Bonds. In general, the issue price for each maturity of Bonds is expected to be the initial public offering price set forth on the cover page of the Official Statement. Bond Counsel further is of the opinion that, for any Bonds having OID (a “Discount Bond”), OID that has accrued and is properly allocable to the owners of the Discount Bonds under Section 1288 of the Code is excludable from gross income for Federal income tax purposes to the same extent as other interest on the Bonds.

In general, under Section 1288 of the Code, OID on a Discount Bond accrues under a constant yield method, based on periodic compounding of interest over prescribed accrual periods using a compounding rate determined by reference to the yield on that Discount Bond. An owner’s adjusted basis in a Discount Bond is increased by accrued OID for purposes of determining gain or loss on sale, exchange, or other disposition of such Discount Bond. Accrued OID may be taken into account as an increase in the amount of tax-exempt income received or deemed to have been received for purposes of determining various other tax consequences of owning a Discount Bond even though there will not be a corresponding cash payment.

Owners of Discount Bonds should consult their own tax advisors with respect to the treatment of original issue discount for federal income tax purposes, including various special rules relating thereto, and the state and local tax consequences of acquiring, holding, and disposing of Discount Bonds.

## **Bond Premium**

In general, if an owner acquires a bond for a purchase price (excluding accrued interest) or otherwise at a tax basis that reflects a premium over the sum of all amounts payable on the bond after the acquisition date (excluding certain “qualified stated interest” that is unconditionally payable at least annually at prescribed rates), that premium constitutes “bond premium” on that bond (a “Premium Bond”). In general, under Section 171 of the Code, an owner of a Premium Bond must amortize the bond premium over the remaining term of the Premium Bond, based on the owner’s yield over the remaining term of the Premium Bond, determined based on constant yield principles (in certain cases involving a Premium Bond callable prior to its stated maturity date, the amortization period and yield may be required to be determined on the basis of an earlier call date that results in the lowest yield on such Bond). An owner of a Premium Bond must amortize the bond premium by offsetting the qualified stated interest allocable to each interest accrual period under the owner’s regular method of accounting against the bond premium allocable to that period. In the case of a tax-exempt Premium Bond, if the bond premium allocable to an accrual period exceeds the qualified stated interest allocable to that accrual period, the excess is a nondeductible loss. Under certain circumstances, the owner of a Premium Bond may realize a taxable gain upon disposition of the Premium Bond even though it is sold or redeemed for an amount less than or equal to the owner’s original acquisition cost. Owners of any Premium Bond should consult their own tax advisors regarding the treatment of bond premium for federal income tax purposes, including various special rules relating thereto, and state and local tax consequences, in connection with the acquisition, ownership, amortization of bond premium on, sale, exchange, or other disposition of Premium Bonds.

## **Information Reporting and Backup Withholding**

Information reporting requirements apply to interest on tax-exempt obligations, including the Bonds. In general, such requirements are satisfied if the interest recipient completes, and provides the payor with, a Form W-9, “Request for Taxpayer Identification Number and Certification,” or if the recipient is one of a limited class of exempt recipients. A recipient not otherwise exempt from information reporting who fails to satisfy the information reporting requirements will be subject to “backup withholding,” which means that the payor is required to deduct and withhold a tax from the interest payment, calculated in the manner set forth in the Code. For the foregoing purpose, a “payor” generally refers to the person or entity from whom a recipient receives its payments of interest or who collects such payments on behalf of the recipient.

If an owner purchasing a Bond through a brokerage account has executed a Form W-9 in connection with the establishment of such account, as generally can be expected, no backup withholding should occur. In any event, backup withholding does not affect the excludability of the interest on the Bonds from gross income for federal income tax purposes. Any amounts withheld pursuant to backup withholding would be allowed as a refund or a credit against the owner’s federal income tax once the required information is furnished to the Internal Revenue Service.

## **Miscellaneous**

Tax legislation, administrative actions taken by tax authorities, or court decisions, whether at the federal or state level, may adversely affect the tax-exempt status of interest on the Bonds under federal or state law or otherwise prevent beneficial owners of the Bonds from realizing the full current benefit of the tax status of such interest. In addition, such legislation or actions (whether currently proposed, proposed in the future, or enacted) and such decisions could affect the market price or marketability of the Bonds.

Prospective bondholders should consult their own tax advisors regarding the foregoing matters.

## **LEGAL MATTERS**

Legal matters incident to the authorization, issuance and sale of the Bonds will be subject to the final approving opinion of Hawkins Delafield & Wood LLP, Bond Counsel, the form of which is set forth in Appendix C.

## **DISCLOSURE UNDERTAKING**

In order to assist the purchasers of the Bonds in complying with Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended (“Rule 15c2-12”), the Fire District will execute an undertaking to provide continuing disclosure, the form of which is attached hereto as Appendix D.

## BOND RATING

The Fire District has applied to Moody's Investors Service ("Moody's"), 7 WTC at Greenwich Street, New York, NY, Phone: (212) 553-4055 and Fax: (212) 298-6761, for a rating on the Bonds. Such application is pending at this time. The rating reflects only the view of such rating agency and an explanation of the significance of such rating should be obtained from the respective rating agency. There can be no assurance that such rating will not be revised or withdrawn, if in the judgement of agency circumstances so warrant. Any change or withdrawal of such rating may have an adverse effect on the market price and the availability of a secondary market for the outstanding bonds and notes of the Fire District.

## MUNICIPAL ADVISOR

Munistat Services, Inc. (the "Municipal Advisor"), is a Municipal Advisor, registered with the Securities and Exchange Commission and the Municipal Securities Rulemaking Board. The Municipal Advisor serves as independent municipal advisor to the Fire District on matters relating to debt management. The Municipal Advisor is a municipal advisory and consulting organization and is not engaged in the business of underwriting, marketing, or trading municipal securities or any other negotiated instruments. The Municipal Advisor has provided advice as to the plan of financing and the structuring of the Bonds and has reviewed and commented on certain documents, including this Official Statement. The advice on the plan of financing and the structuring of the Bonds was based on materials provided by the Fire District and other sources of information believed to be reliable. The Municipal Advisor has not audited, authenticated, or otherwise verified the information provided by the Fire District or the information set forth in this Official Statement or any other information available to the Fire District with respect to the appropriateness, accuracy, or completeness of disclosure of such information and no guarantee, warranty, or other representation is made by the Municipal Advisor respecting the accuracy and completeness of or any other matter related to such information and this Official Statement.

## ADDITIONAL INFORMATION

Additional information may be obtained upon request from Robert Sick, District Treasurer, Sound Beach Fire District in the Town of Brookhaven, 152 Sound Beach Blvd., Sound Beach, NY 11789, telephone number (631) 744-4994, email: rsickcpa@rrsfacts.com or from the office of Munistat Services, Inc., 12 Roosevelt Avenue, Port Jefferson Station, New York 11776, telephone number 631/331-8888 and website: <http://www.munistat.com>.

Munistat Services, Inc. may place a copy of this Official Statement on its website at [www.munistat.com](http://www.munistat.com). Unless this Official Statement specifically indicates otherwise, no statement on such website is included by specific reference or constitutes a part of this Official Statement. Munistat Services, Inc. has prepared such website information for convenience, but no decisions should be made in reliance upon that information. Typographical or other errors may have occurred in converting original source documents to digital format, and neither the Fire District nor Munistat Services, Inc. assumes any liability or responsibility for errors or omissions on such website. Further, Munistat Services, Inc. and the Fire District disclaim any duty or obligation either to update or to maintain that information or any responsibility or liability for any damages caused by viruses in the electronic files on the website. Munistat Services, Inc. and the Fire District also assume no liability or responsibility for any errors or omissions or for any updates to dated website information. Any statements in this Official Statement involving matters of opinion or estimates, whether or not expressly stated, are intended as such and not as representations of fact. No representation is made that any of such statements will be, in fact, realized. This Official Statement is not to be construed as a contract or agreement between the Fire District and the original purchasers or owners of any of the Bonds.

The preparation and distribution of this Official Statement has been authorized by the bond resolution of the Fire District which delegate to the Fire District Treasurer the power to sell and issue the Bonds.

SOUND BEACH DISTRICT,  
IN THE TOWN OF BROOKHAVEN, NEW YORK

By ROBERT SICK  
Fire District Treasurer and Chief Fiscal Officer  
Sound Beach Fire District, in the Town of Brookhaven  
Sound Beach, New York

June , 2020

**APPENDIX A**

**FINIANCIAL INFORMATION**

**Statement of Revenue, Expenditures and Changes in Fund Balances**

**General Fund and Capital Reserve Funds**

	Fiscal Year Ending December 31:				
	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
<b>Revenues</b>					
Real Property Taxes	\$ 1,497,958	\$ 1,565,733	\$ 1,642,323	\$ 1,721,588	\$ 1,755,388
Interest and Earnings	3,137	3,463	1,620	2,887	4,614
Rentals	900	1,800		600	1,200
Sale of Equipment	1,557	740		23,000	4,759
Refund of Prior Year's Expenses	481	20,147		452	19,127
Insurance Recoveries					
Miscellaneous	1,117	534			
Federal Sources	<u>121,151</u>		<u>125</u>		
<b>Total Revenues</b>	<u>1,626,301</u>	<u>1,592,417</u>	<u>1,644,068</u>	<u>1,748,527</u>	<u>1,785,088</u>
<b>Expenditures</b>					
Personal Services	390,042	399,751	410,695	467,953	451,323
Equipment & Capital Outlay	142,021	452,677	494,919	170,339	410,988
Fire Protection	439,764	445,583	476,796	479,607	455,276
State Retirement System	55,113	51,947	52,819	56,539	60,813
Service Award Program	164,800	171,000	160,000	158,141	150,000
Social Security	29,836	30,581	31,415	36,091	34,526
Workers' Compensation Insurance	147,735	168,664	153,144	118,276	92,986
Disability Insurance				8,254	6,087
Life Insurance	3,235		4,452	10,197	12,660
Medical and Hospital Insurance	9,731	10,311	17,177	41,707	46,824
Debt Service	<u>47,250</u>	<u>45,719</u>	<u>49,188</u>	<u>47,438</u>	<u>45,688</u>
<b>Total Expenditures</b>	<u>1,429,527</u>	<u>1,776,233</u>	<u>1,850,605</u>	<u>1,594,542</u>	<u>1,767,171</u>
Excess (Deficiency) of Revenues Over Expenditures	196,774	(183,816)	(206,537)	153,985	17,917
<b>Other Financing Sources (Uses):</b>					
Operating Transfers (Out)	(174,151)	(235,000)	(275,000)	(400,000)	(325,000)
Operating Transfers In	<u>174,151</u>	<u>235,000</u>	<u>275,000</u>	<u>400,000</u>	<u>325,000</u>
Excess (Deficiency) Of Revenues & Other Sources Over Expenditures & Other Uses	196,774	(183,816)	(206,537)	153,985	17,917
Fund Equity Beginning of Year	1,275,182	1,471,956	1,288,140	1,081,603	1,235,588
Add (Deduct) Prior Period Adjustments		<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Fund Equity End of Year	<u>\$ 1,471,956</u>	<u>\$ 1,288,140</u>	<u>\$ 1,081,603</u>	<u>\$ 1,235,588</u>	<u>\$ 1,253,505</u>

***This Schedule is not Audited***

Source: Audited Annual Financial Reports, 2015-2018 and 2019 - Unaudited Annual Update Document.

**Balance Sheet**

**General Fund and Capital Reserve Funds**

	Year Ended December 31:		
	<u>2017</u>	<u>2018</u>	<u>2019</u>
<b>ASSETS:</b>			
Cash	\$ 1,108,168	\$ 1,262,735	\$ 400,453
Prepaid Expenses			63,326
Restricted Assets	81,558	63,491	847,943
<b>Total Assets</b>	<b>\$ 1,189,726</b>	<b>\$ 1,326,226</b>	<b>\$ 1,311,722</b>
 <b>LIABILITIES:</b>			
Accounts Payable	\$ 54,063	\$ 32,022	\$ 34,494
Accrued Liabilities	21,601	24,142	23,723
Deferred Inflows of Resources	32,459	34,474	0
<b>Total Liabilities</b>	<b>\$ 108,123</b>	<b>\$ 90,638</b>	<b>\$ 58,217</b>
 <b>FUND EQUITY:</b>			
Fund Balances:			
Nonspendable	\$ 81,558	63,491	63,326
Restricted	618,930	886,197	847,943
Assigned	52,800	43,600	76,500
Unassigned	328,315	242,300	265,736
<b>Total Fund Equity</b>	<b>1,081,603</b>	<b>1,235,588</b>	<b>1,253,505</b>
<b>Total Liabilities and Fund Equity</b>	<b>\$ 1,189,726</b>	<b>\$ 1,326,226</b>	<b>\$ 1,311,722</b>

***This Schedule is not Audited***

Source: Audited Annual Financial Reports, 2017 & 2018 and 2019 - Unaudited Annual Update Document.

**Budget Summary**  
**General Fund**  
**Fiscal Year Ending December 31:**

	<u>2019</u>	<u>2020</u>
Revenues:		
Real Estate Taxes	\$ 1,755,388	\$ 1,790,188
Interest Earnings	1,800	1,500
Rental	850	600
Miscellaneous	<u>43,600</u>	<u>76,500</u>
Total Revenues	<u><u>1,801,638</u></u>	<u><u>1,868,788</u></u>
Expenditures		
Personal Services	\$ 480,000	\$ 495,000
Equipment	50,000	50,000
Fire Protection	500,200	485,450
State Retirement	57,000	67,300
Service Awards Program	150,000	150,000
Social Security	36,750	38,000
Workers' Compensation	99,100	99,000
Life Insurance	6,000	6,000
Disability Insurance	9,900	7,500
Medical Exams	53,500	63,100
Vehicle Insurance	15,000	15,000
Debt Service	45,688	93,938
Hydrant Rental	23,500	23,500
Reserve Transfers	<u>275,000</u>	<u>275,000</u>
Total Expenditures	<u><u>\$ 1,801,638</u></u>	<u><u>\$ 1,868,788</u></u>

Source: Adopted Budgets of the Fire District

**FINANCIAL INFORMATION**

**Assessed and Full Valuations**

	Fiscal Year Ending June 30:				
	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Assessed Valuation:					
Town of:					
Brookhaven	\$ <u>6,388,803</u>	\$ <u>6,395,391</u>	\$ <u>6,392,447</u>	\$ <u>6,399,257</u>	\$ <u>6,425,872</u>
Total Assessed Valuation	\$ <u><u>6,388,803</u></u>	\$ <u><u>6,395,391</u></u>	\$ <u><u>6,392,447</u></u>	\$ <u><u>6,399,257</u></u>	\$ <u><u>6,425,872</u></u>
Equalization Rates:					
Town of:					
Brookhaven	0.95%	0.91%	0.90%	0.86%	0.79%
Full Valuation :					
Town of:					
Brookhaven	\$ <u>672,505,579</u>	\$ <u>702,790,220</u>	\$ <u>710,271,889</u>	\$ <u>744,099,651</u>	\$ <u>813,401,519</u>
Total Full Valuation	\$ <u><u>672,505,579</u></u>	\$ <u><u>702,790,220</u></u>	\$ <u><u>710,271,889</u></u>	\$ <u><u>744,099,651</u></u>	\$ <u><u>813,401,519</u></u>
Tax Levy	\$ 1,565,705	\$ 1,642,273	\$ 1,721,614	\$ 1,755,444	\$ 1,790,249
Tax Rate per \$100 Assessed Valuation	24.51	25.68	26.93	27.43	27.86

**SOUND BEACH FIRE DISTRICT  
IN THE TOWN OF BROOKHAVEN**

**APPENDIX B**

**AUDITED FINANCIAL STATEMENTS  
FOR THE FISCAL YEAR ENDED DECEMBER 31, 2018**

NOTE: SUCH FINANCIAL REPORT AND OPINIONS WERE PREPARED AS OF THE DATE THEREOF AND HAVE NOT BEEN REVIEWED AND/OR UPDATED IN CONNECTION WITH THE PREPARATION AND DISSEMINATION OF THIS OFFICIAL STATEMENT. CONSENT OF THE AUDITORS HAS NOT BEEN REQUESTED OR OBTAINED.

Sound Beach Fire District

Regulatory Basis

Financial Statements

December 31, 2018

SOUND BEACH FIRE DISTRICT

TABLE OF CONTENTS

DECEMBER 31, 2018

	<u>Page(s)</u>
<b>Independent Auditor's Report</b>	1 - 2
<b>Regulatory Basis Financial Statements</b>	
Combined Balance Sheet – Governmental Funds, Fiduciary Fund and Account Groups – Regulatory Basis	3
Statement of Revenues, Expenditures and Change in Fund Balances – Regulatory Basis	4
<b>Notes to Financial Statements</b>	5 - 24
<b>Other Supplementary Information</b>	
Supplemental Statement of Revenues, Expenditures and Change in Fund Balance – Budget and Actual – General Operating Fund – Regulatory Basis	25
<b>Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <i>Government Auditing Standards</i></b>	26 - 27



**Craig, Fitzsimmons & Michaels, LLP**

Certified Public Accountants, Management and IT Consultants

20 Manor Road • Smithtown, New York 11787

## INDEPENDENT AUDITOR'S REPORT

To the Board of Fire Commissioners  
Sound Beach Fire District  
152 Sound Beach Boulevard  
Sound Beach, NY 11789

### **Report on the Financial Statements (Regulatory Basis)**

We have audited the accompanying financial statements (regulatory basis) of the Sound Beach Fire District (the "District") as of and for the year ended December 31, 2018, as listed in the table of contents, and the related notes to these financial statements.

### **Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the regulatory basis of accounting prescribed and permitted by the Office of the New York State Comptroller, as described in Note 1; this includes determining that this regulatory basis of accounting is an acceptable basis for the preparation of the financial statements. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditor's Responsibility**

Our responsibility is to express an opinion on these regulatory financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### **Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles**

As described in Note 1 to the financial statements, the Sound Beach Fire District prepared its regulatory financial statements using accounting practices prescribed and permitted by the Office of the New York State Comptroller, which is a comprehensive basis of accounting other than U.S. generally accepted accounting principles. The effects on the financial statements of the variances between regulatory basis of accounting described in Note 1 and U.S. generally accepted accounting principles, although not reasonably determined, are presumed to be material.

## **Adverse Opinion on U.S. Generally Accepted Accounting Principles**

In our opinion because of the significance of the matter discussed in the “Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles” paragraph, the regulatory basis financial statements referred to in the first paragraph do not present fairly, in conformity with U.S. generally accepted accounting principles, the financial position of the Sound Beach Fire District as of December 31, 2018, or the results of its operations for the year then ended.

## **Opinion on Regulatory Basis of Accounting**

In our opinion, the financial statements referred to in the first paragraph present fairly, in all material respects, the respective financial position of the General Fund, the Fiduciary Trust and Agency Fund and General Long Term Assets and Debt Account Groups of the Sound Beach Fire District, as of December 31, 2018 and its changes in the General Fund’s financial position for the year then ended, in accordance with the financial reporting provisions of the Office of the New York State Comptroller’s Uniform System of Accounts as described in Note 1.

## **Other Matters**

### Other Information

Our audit was conducted for the purpose of forming an opinion on the regulatory basis financial statements that collectively comprise the Sound Beach Fire District’s financial statements as a whole. The Supplemental Statement of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual – General Operating Fund – Regulatory Basis included in this report is not a required part of the regulatory basis financial statements under the regulatory basis of accounting described in Note 1. This statement is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the regulatory basis financial statements. The information has been subjected to the auditing procedures applied in the audit of the regulatory basis financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the regulatory basis financial statements or to the regulatory basis financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the regulatory basis financial statements as a whole.

## **Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated May 3, 2019 on our consideration of the Sound Beach Fire District’s internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering District’s internal control over financial reporting and compliance.



Smithtown, NY  
May 3, 2019

Sound Beach Fire District

Regulatory Basis

Financial Statements

December 31, 2018

SOUND BEACH FIRE DISTRICT

COMBINED BALANCE SHEET - GOVERNMENTAL FUNDS, FIDUCIARY FUND AND ACCOUNT GROUPS - REGULATORY BASIS

DECEMBER 31, 2018

	<u>Governmental Funds</u>		<u>Total Governmental Funds</u>	<u>Fiduciary Fund</u>	<u>Account Groups</u>	
	<u>General Operating</u>	<u>Reserve</u>		<u>Trust and Agency</u>	<u>General Fixed Assets</u>	<u>General Long-Term Debt</u>
<u>ASSETS</u>						
Cash	\$ 361,439	\$ 817,200	\$ 1,178,639	\$ -	\$ -	\$ -
Cash in time deposits	15,099	68,997	84,096	-	-	-
Prepays	63,491	-	63,491	-	-	-
Service award program	-	-	-	2,261,496	-	-
Land, buildings and equipment	-	-	-	-	5,874,920	-
Amounts to be provided for in future budgets	-	-	-	-	-	232,104
<b>Total assets</b>	<b>\$ 440,029</b>	<b>\$ 886,197</b>	<b>\$ 1,326,226</b>	<b>\$ 2,261,496</b>	<b>\$ 5,874,920</b>	<b>\$ 232,104</b>
<u>LIABILITIES</u>						
Accounts Payable	\$ 32,022	\$ -	\$ 32,022	\$ -	\$ -	\$ -
Accrued Liabilities	24,142	-	24,142	-	-	-
Service award program	-	-	-	2,261,496	-	-
Bonds Payable	-	-	-	-	-	130,000
Compensated absences payable	-	-	-	-	-	49,268
Net pension liability - proportionate share	-	-	-	-	-	52,836
<b>Total liabilities</b>	<b>56,164</b>	<b>-</b>	<b>56,164</b>	<b>2,261,496</b>	<b>-</b>	<b>232,104</b>
<u>DEFERRED INFLOWS</u>						
Property tax revenue collected in advance	34,474	-	34,474	-	-	-
<b>Total liabilities and deferred inflows</b>	<b>90,638</b>	<b>-</b>	<b>90,638</b>	<b>2,261,496</b>	<b>-</b>	<b>232,104</b>
<u>FUND BALANCES</u>						
Non-current government assets	-	-	-	-	5,874,920	-
Reserve Fund						
Building reserve	-	320,386	320,386	-	-	-
Equipment reserve	-	565,811	565,811	-	-	-
Non-spendable	63,491	-	63,491	-	-	-
Assigned appropriated	43,600	-	43,600	-	-	-
Unassigned	242,300	-	242,300	-	-	-
<b>Total fund balances</b>	<b>349,391</b>	<b>886,197</b>	<b>1,235,588</b>	<b>-</b>	<b>5,874,920</b>	<b>-</b>
<b>Total liabilities and fund balances</b>	<b>\$ 440,029</b>	<b>\$ 886,197</b>	<b>\$ 1,326,226</b>	<b>\$ 2,261,496</b>	<b>\$ 5,874,920</b>	<b>\$ 232,104</b>

The accompanying notes are an integral part of these financial statements.

SOUND BEACH FIRE DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES AND  
CHANGE IN FUND BALANCES - REGULATORY BASIS  
FOR THE YEAR ENDED DECEMBER 31, 2018

	<u>Governmental Funds</u>		Total Governmental Funds
	<u>General Operating</u>	<u>Reserve</u>	
<u>REVENUES</u>			
Real property taxes	\$ 1,721,588	\$ -	\$ 1,721,588
Rental of real property	600	-	600
Sale of real property	23,000	-	23,000
Refunds and other miscellaneous	452	-	452
Interest and earnings	<u>1,296</u>	<u>1,591</u>	<u>2,887</u>
Total revenues	<u>1,746,936</u>	<u>1,591</u>	<u>1,748,527</u>
<u>EXPENDITURES</u>			
Personal services	467,953	-	467,953
Equipment and capital outlay	36,015	134,324	170,339
Fire protection - contractual	479,607	-	479,607
State Retirement System	56,539	-	56,539
Local pension fund	158,141	-	158,141
Social security	36,091	-	36,091
Workers' compensation	118,276	-	118,276
Disability Insurance	8,254	-	8,254
Life Insurance	10,197	-	10,197
Hospital and medical	41,707	-	41,707
Serial bond, principal	40,000	-	40,000
Serial bond, interest	<u>7,438</u>	<u>-</u>	<u>7,438</u>
Total expenditures	<u>1,460,218</u>	<u>134,324</u>	<u>1,594,542</u>
Excess (deficiency) of revenues over expenditures	<u>286,718</u>	<u>(132,733)</u>	<u>153,985</u>
<u>OTHER FINANCING SOURCES AND (USES)</u>			
Operating transfers in	-	400,000	400,000
Operating transfers (out)	<u>(400,000)</u>	<u>-</u>	<u>(400,000)</u>
Total other financing sources and (uses)	<u>(400,000)</u>	<u>400,000</u>	<u>-</u>
Net Change in Fund Balances for Year	(113,282)	267,267	153,985
Fund Balances - Beginning of Year	<u>462,673</u>	<u>618,930</u>	<u>1,081,603</u>
Fund Balances - End of Year	<u>\$ 349,391</u>	<u>\$ 886,197</u>	<u>\$ 1,235,588</u>

The accompanying notes are an integral part of these financial statements.

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
DECEMBER 31, 2018

1. Summary of Significant Accounting Policies

The financial statements of the Sound Beach Fire District (District) as of and for the year ended December 31, 2018 have been prepared using accounting practices set forth in the Uniform System of Accounts (USA) prescribed and permitted by the New York State Office of the State Comptroller (OSC), which differs from accounting principles generally accepted in the United States of America (GAAP) as applied to governmental units. The financial statements of the District have been prepared using the modified accrual basis of accounting. This method differs from GAAP, which requires the accrual basis of accounting to be used. The accrual basis of accounting requires the capitalization and depreciation of property and equipment and the recording of long-term liabilities. Under the modified accrual basis of accounting, property and equipment are recorded as an expenditure when purchased and the satisfaction of long-term liabilities are recognized as expenditures when paid. In addition, GAAP requires the financial statements to be prepared in accordance with the Governmental Accounting Standard's Board (GASB) No. 34, *Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments*. GASB 34 financial statements require the presentation of government-wide financial statements and management's discussion and analysis. The accounting practices used to prepare these financial statements do not require compliance with GASB 34.

A full discussion of the modified accrual basis of accounting as prescribed by the USA is found in the notes which follow.

The significant accounting policies of the District are described below:

a. Financial Reporting Entity

The District is a district corporation and political subdivision of the State of New York, distinct from the municipalities in which it is located. In general, the District is governed by an elected Board of Fire Commissioners (Board) and is required to have a treasurer and secretary. The District has the legal authority to levy taxes on real property and to borrow in its own name. The District is governed by General Municipal Law and other laws of the State of New York and its subdivisions. The scope of activities included in the accompanying financial statements are the transactions which comprise the District's operations and are governed by, or significantly influenced by, the Board of Fire Commissioners. The Board of Fire Commissioners is comprised of five (5) members who are elected to laddered five (5) year terms.

The primary function of the District is to provide fire protection, rescue and emergency services to the community. Services such as firefighting, fire prevention and public education support this primary function.

The financial reporting entity includes all funds, functions, fiduciary trusts (funds) and organizations over which the District's Board exercises oversight responsibility. Oversight responsibility is determined on the basis of financial interdependency, selection of governing authority, designation of management, ability to significantly influence operations and accountability for fiscal matters. No other governmental organizations have been included or excluded from the reporting entity.

b. Basis of Presentation

Fund Financial Statements

The District uses funds to report on its financial position and the results of its operations. Fund accounting is designed to demonstrate legal compliance and to assist management by segregating transactions related to certain government functions or activities. A fund is a separate accounting entity with a self-balancing set of accounts.

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2018

1. Summary of Significant Accounting Policies – continued

b. Basis of Presentation – continued

Fund Financial Statements – continued

The fund financial statements provide information about the District's funds, and account groups. Separate statements for each fund category and account group are presented. The District's financial statements reflect the following fund types and account groups:

*Governmental Fund Types*

Governmental Funds - are those through which most governmental functions are financed. The acquisition, use and balances of expendable financial resources and the related liabilities are accounted for through governmental funds. The measurement focus of the governmental funds is based upon determination of financial position and changes in financial position. The following are the District's governmental fund types:

- I. General Operating Fund – the fund is the principal operating fund of the District. It is used to account for all financial resources except those required to be accounted for in another fund.
- II. General Capital Reserve Fund – the fund is used to account for the accumulation of financial resources and the disbursements for the acquisition, construction or renovation of major capital facilities, or equipment. These funds were established within the provisions of New York State Municipal Law. Fund expenditures may only be disbursed for the purpose for which the reserve was established. Expenditures from these "type" reserves require resolution from the Board of Commissioners, subject to a permissive referendum. Interest earned on the reserve funds becomes part of that respective reserve.
- III. Capital Projects Fund – when present, is used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of major capital facilities or assets.

*Fiduciary Fund Types*

Fiduciary Fund - is used to account for assets held by the District in a trustee or custodial capacity.

- I. Trust and Agency Fund – used to account for money (and/or property) received and held in the capacity of trustee, custodian, or agent. The trust and agency fund holds the assets of the District's Length of Service Award Program (LOSAP).

c. Account Groups

Account Groups are used to establish accounting control and accountability for the Fire District's general fixed assets and general long-term obligations. The two account groups are not "funds". They are accounting entities, not fiscal entities, and are concerned only with the measurement of financial position, and not with the results of operations. The District utilizes the following account groups:

- I. General Fixed Assets – the general fixed assets account group is used to account for land, buildings, improvements and equipment owned by the Fire District. The District accounts for land, buildings and equipment at historical cost.

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
DECEMBER 31, 2018

1. Summary of Significant Accounting Policies – continued

c. Account Groups - continued

II. General Long-Term Debt – the general long-term debt account group is used to account for all long-term debt and other obligations of the Fire District. Long-term indebtedness includes obligations such as vested or accumulated vacation and/or sick leave, which will be funded in future budgets. The District's proportionate share of the net pension liability of the New York State Employees' Retirement System and the District's obligations under lease / purchase and other financing arrangements are also reported in this account grouping.

d. Measurement Focus and Basis of Accounting

Basis of accounting refers to when revenues and expenditures and the related assets, deferred outflows, liabilities and deferred inflows are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurements made, regardless of the measurement focus. Measurement focus is the determination of what is measured (i.e., expenditures or expenses).

Modified Accrual (Regulatory) Basis – The governmental fund statements are reported on the modified accrual basis of accounting using the current financial resources measurement focus, in accordance with the New York State Uniform System of Accounts (USA) for Fire Districts.

Under this method, revenues are recognized when measurable and available. The District considers all revenues reported in the governmental funds to be available if the revenues are collected within the current period or soon enough thereafter to be used to pay liabilities of the current period. Revenues are considered to be available if collected within 60 days after the calendar year.

Expenditures are recorded when the related fund liability is incurred, except for prepaid expenses which are recognized in the period of benefit, principal and interest on general long-term debt are not funded as expenditures until payment is due; unfunded claims and judgments, unfunded compensated absences, and other post-employment benefits are only recognized as expenditures to the extent they have been paid. General capital asset acquisitions are reported as expenditures in governmental funds.

e. Cash

Cash consists of cash on hand and moneys in demand deposit checking or savings accounts.

f. Cash in Time Deposits

Cash in time deposits consists of moneys held in interest bearing checking accounts and other interest bearing accounts, such as money market accounts, and short-term investments with original maturities of three months or less from the date of acquisition.

g. Cash in Reserves

Cash balances in Capital Reserves are considered to be restricted, because their use is restricted by New York State General Municipal Law. While separate bank accounts are not required to be maintained, the separate identity of each reserve fund must be maintained.

h. Property Taxes

Real property taxes are levied annually by the District no later than November 1<sup>st</sup> and become a lien on December 1<sup>st</sup>. The District's tax levy is collected through May 10<sup>th</sup> by the Town of Brookhaven and remitted to the District through June annually. The County of Suffolk is responsible for all uncollected taxes.

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2018

1. Summary of Significant Accounting Policies – continued

i. Accounts Receivable

Accounts receivable (when present) are recorded as earned, and are shown gross, which, in the opinion of the District, is the net realizable value. Management reviews accounts receivable annually and if amounts are considered uncollectible, they are charged to the General Fund.

j. Prepaid Expenditures

Prepaid items represent payments made by the District for which benefits extend beyond year-end. These payments to vendors reflect costs applicable to future accounting periods and are recorded as assets on the Balance Sheet using the consumption method. Under the consumption method, a current asset shown as prepaid items in the financial statements. A current asset for the prepaid amounts is recorded at the time of purchase and an expenditure is reported in the year the goods or services are consumed.

k. Interfund Transfers

The operations of the District give rise to certain transactions between the governmental funds, including transfers of expenditures and revenues to provide services and construct assets. Interfund transfers and the related receivables and payables (i.e., due from/to other funds) have been recorded in the funds where applicable. If applicable, the amounts reported on the Combined Balance Sheet – Government Funds and Account Groupings – Regulatory Basis for due to and due from other funds represent amounts due between different governmental fund types. These amounts are netted against cash in the Annual Update Document filed with the Office of the New York State Comptroller.

l. General Fixed Assets

The modified accrual basis of accounting requires that general fixed assets be recorded at cost as expenditures in the respective governmental funds at the time of purchase. These assets are accounted for in the General Fixed Assets section of the Annual Update Document (General Fixed Asset Account Group) at historical cost. Annual changes resulting from acquisition and dispositions are to be detailed in the notes to financial statements. Capital thresholds, the dollar value above which asset acquisitions are added to the capital asset accounts are reported as follows:

	Capitalization Threshold
Buildings and improvements	\$500
Site improvements	\$500
Furniture and equipment	\$500

m. Compensated Absences

Compensated absences consist of unpaid accumulated sick leave and vacation accruals. Sick leave and vacation eligibility and accumulation is specified in District policy. Upon retirement, resignation or death, employees may receive a payment based upon unused sick time. Vacation accumulations may be forfeited if not taken within varying time periods. Employees are compensated for unused accumulated leave through paid time off or cash payment upon retirement, termination or death.

The liability for compensated absences has been calculated using the vesting method and the accrual for that liability is included in the General Long-Term Debt account grouping. The compensated absences liability is calculated based on the pay rates in effect at year-end.

In the fund financial statements, a liability is reported only for payments due for unused compensated absences for those employees that have obligated themselves to separate from service with the District by December 31<sup>st</sup>.

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2018

1. Summary of Significant Accounting Policies – continued

n. Fund Balance and Equity Classifications

The District has implemented Governmental Accounting Standards Board Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions* (GASB 54). GASB 54 changed the classification of fund balance to focus on the constraints imposed on resources in governmental funds, instead of the previous focus on availability for appropriation.

Fund balance is now broken down into five different classifications: nonspendable, restricted, committed, assigned, and unassigned.

*Nonspendable* consists of assets that are inherently nonspendable in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale, and principal of endowments.

*Restricted* consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation. Restricted funds include capital reserves which are used to finance all or part of the cost of construction, reconstruction or acquisition of a specific or type of capital improvement or acquisition of a specific item or items or type of equipment.

*Committed* consists of amounts that are subject to a purpose constraint imposed by a formal action of the government's highest level of decision-making authority before the end of the fiscal year, and that require the same level of formal action to remove the constraint. The Board of Commissioners is the decision-making authority that can, by resolution prior to the end of the fiscal year, commit fund balance.

*Assigned* consists of amounts that are subject to a purpose constraint that represents an intended use established by the government's highest level of decision-making authority, or by their designated body or official. The purpose of the assignment must be narrower than the purpose of the general fund, and in funds other than the general fund, assigned fund balance represents the residual amount of fund balance. The Board of Commissioners by resolution has authorized the District Treasurer to assign fund balance.

*Unassigned* represents the residual classification for the government's general fund, and could report a surplus or deficit. In funds other than the general fund, the unassigned classification is only used to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or assigned.

When resources are available from multiple classifications, the District spends funds in the following order: restricted, committed, assigned, unassigned.

The District has, by resolution, adopted a fund balance policy that states the District has a targeted minimum unrestricted (the total of committed, assigned, and unassigned) fund balance that will guarantee the rendition of necessary services by the District in the event of adverse economic conditions, revenue shortfalls and unforeseen expenditures due to emergency conditions. For 2018, the Board of Commissioners determined the minimum unrestricted fund balance should range between \$74,048 and \$222,143.

Portions of fund balance are reserved or designated to either satisfy legal restrictions or to plan for future expenditures. Interest earned on reserve fund resources becomes part of the respective reserve fund. While a separate bank account is not necessary for each reserve fund, a separate identity for each reserve fund must be maintained.

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
DECEMBER 31, 2018

1. Summary of Significant Accounting Policies – continued

o. Accrued Liabilities and Long-Term Obligations

In the fund financial statements, liabilities are reported only to the extent that expenses have been incurred and they are due for payment; requiring outflow of financial resources. Long term obligations are accounted for in the General Long-Term Debt Account Group; the expenditures related to these long-term obligations are recognized only when payment is due.

p. Use of Estimates

The preparation of financial statements on the regulatory basis requires management to make estimates and assumptions that affect the reported amount of assets, deferred outflows, liabilities and deferred inflows and disclosure of contingent assets and liabilities at the date of the financial statements and the reported revenues and expenses during the reporting period. Accordingly, actual results could differ from those estimates. Estimates and assumptions are made in a variety of areas, including computation of encumbrances, compensated absences, and potential contingent liabilities.

q. Total Columns of the Financial Statements

The total columns in the combined financial statements are presented only to facilitate financial analysis. Data in these columns do not represent the financial position, results of operations or changes in financial position in conformity with accounting principles generally accepted in the United States of America, nor is such data comparable to a consolidation. Interfund eliminations have not been made in the aggregation of this data.

r. Reclassifications

Certain amounts presented in these co-existing financial statements have been reclassified from the Annual Update Document submitted to the OSC. Management believes that the financial statement presentation, while different than the Annual Update Document, conforms in all material respects to the accounting practices as set forth in the USA, prescribed and permitted by the OSC, which is a comprehensive basis of accounting other than GAAP.

s. Stewardship, Compliance, Accountability

i. Budget Procedures

The District administration prepares an annual budget for the general fund in October of each year, for approval by the Board of Fire Commissioners. Upon Board approval, the budget is then submitted to the Town of Brookhaven for inclusion in the Town Budget and a public hearing is held thereon. The budget is not subject to a referendum. Any revisions to the annual budget are adopted by a resolution of the Board of Fire Commissioners.

In June of 2011 New York State passed Chapter 97 of the Laws of 2011 (Tax Cap Law). This law applies to all local governments in New York State. The Tax Cap Law restricts the amount of real property taxes that may be levied by the Fire District in a particular year, beginning with the 2012 budget year. The growth of the District's annual levy is limited to the lesser of two percent or the annual change in the national unadjusted Consumer Price Index for All Urban Consumers – All Items (CPI-U), subject to certain limited exceptions and adjustments. The District's annual levy for 2018 exceeded the New York State "Tax Cap", this was approved by a vote of 60% of the Board of Fire Commissioners.

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2018

1. Summary of Significant Accounting Policies – continued

s. Stewardship, Compliance, Accountability – continued

ii. Encumbrances

Encumbrance accounting, under which purchase orders, contracts and other commitments for the expenditure of moneys are recorded for budgetary control purposes to reserve that portion of the applicable appropriations, is employed as a control in preventing over expenditure of established appropriations. Open encumbrances are reported as reservations of fund balances since they do not constitute expenditures or liabilities and will be honored through budget appropriations in the subsequent year. Expenditures for such commitments are recorded in the period in which the liability is incurred. There were no encumbrances at year end.

iii. Budget Basis of Accounting

Budgets are adopted annually by the Board in accordance with New York State law. Appropriations authorized for the current year are increased by the amount of encumbrances, commitments or assignments carried forward from the prior year.

t. Deferred Outflows/Inflows of Resources

The District has adopted GASB Statement No. 63 and GASB Statement No. 65. GASB Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*, and GASB Statement No. 65, *Items Previously Reported as Assets and Liabilities*, defined and classified deferred outflows of resources and deferred inflows of resources. A deferred outflow of resources is a consumption of fund balance that applies to future period(s), and as such, will not be recognized as an outflow of resources (expense/expenditure) until that time. A deferred inflow of resources is an acquisition of fund balance that applies to future period(s), and as such, will not be recognized as an inflow of resources (revenue) until that time.

2. Deposits with Financial Institutions and Investments

The District's investment policies are governed by state statutes and District policy. Resources must be deposited in Federal Deposit Insurance Corporation (FDIC) insured commercial banks or trust companies located within the state. Permissible investments include obligations of the U.S. Treasury and U.S. Agencies, repurchase agreements and obligations of New York State or its localities. Collateral is required for demand and time deposits and certificates of deposit as provided for by law for all deposits not covered by FDIC insurance.

Obligations that may be pledged as collateral are obligations of the United States and its Agencies and obligations of New York State and its municipalities. Investments are stated at fair value.

Custodial credit risk is the risk that in the event of a bank failure, the District's deposits may not be returned to it. The Governmental Accounting Standards Board (GASB) directs that deposits be disclosed as exposed to custodial credit risk if they are not covered by depository insurance and the deposits are either:

- A. Uncollateralized,
- B. Collateralized by securities held by the pledging financial institution, or
- C. Collateralized by securities held by the pledging financial institution's trust department or agent but not in the District's name.

None of the District's aggregate bank balances, not covered by depository insurance, were exposed to custodial credit risk as described above at year-end. The District typically does not purchase investments for a long enough duration for it to be considered to be exposed to a material interest rate risk.

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2018

2. Deposits with Financial Institutions and Investments – continued

Investment pool

The District participates in a multi-municipal cooperative investment pool agreement pursuant to New York State General Municipal Law Article 5-G, §119-O, whereby it holds a portion of the investments in cooperation with other participants. The investments are highly liquid and are considered to be cash equivalents. Total investments of the cooperative as of December 31, 2018 are \$2,169,461,612 of which \$336,886,857 in Repurchase Agreements, \$1,296,397,017 in Treasury Bills, \$299,944,768 in U.S. Treasury Securities, and \$236,232,970 in collateralized bank deposits, with various interest rate and due dates.

The District's held aggregate funds in the investment pool described above in the amount of \$84,096 at December 31, 2018.

The above amounts represent the cost of the investment pool shares, and are considered to approximate fair value. The investment pool is categorically exempt from the New York State collateral requirements. Additional information concerning the cooperative is presented in the annual report of the New York Cooperative Liquid Assets Securities System (NYCLASS).

3. General Fixed Assets

The District maintains its land, buildings and equipment at historical cost. Capital asset balances and activity for the year ended December 31, 2018 were as follows:

	<u>Balance</u> <u>1/1/2018</u>	<u>Additions</u>	<u>Deletions</u>	<u>Adjustments</u>	<u>Balance</u> <u>12/31/2018</u>
Land	\$ 293,000	\$ -	\$ -	\$ -	\$ 293,000
Buildings	2,353,575	9,750	-	35,275	2,398,600
Equipment	<u>3,605,480</u>	<u>150,546</u>	<u>(184,130)</u>	<u>(388,576)</u>	<u>3,183,320</u>
	<u>\$ 6,252,055</u>	<u>\$ 160,296</u>	<u>\$ (184,130)</u>	<u>\$ (353,301)</u>	<u>\$ 5,874,920</u>

4. Interfund Transactions

As of December 31, 2018, the interfund transactions and balances are detailed as follows:

	<u>Interfund</u> <u>Revenues</u>	<u>Interfund</u> <u>Expenditures</u>
General Operating Fund	\$ -	\$ 400,000
Capital and Equipment Reserve	<u>400,000</u>	<u>-</u>
Total	<u>\$ 400,000</u>	<u>\$ 400,000</u>

The District transfers from the general operating fund to the reserve funds in accordance with the general fund budget. The District may also transfer general operating fund surplus based on Board resolution.

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2018

5. Pension Plans

New York State and Local Employees' Retirement System

Plan Description

The District participates in the New York State and Local Employees' Retirement System (ERS or System). The System is a cost-sharing, multiple-employer, defined benefit retirement system. The net position of the System is held in the New York State Common Retirement Fund (the Fund), which was established to hold all net assets and record changes in the fiduciary net position allocated to the System. The Comptroller of the State of New York serves as the trustee of the Fund and is the administrative head of the System. System benefits are established under the New York State Retirement and Social Security Law (NYSRSSL). Once an employer elects to participate in the System, the election is irrevocable. The New York State Constitution provides that pension membership is a contractual relationship and plan benefits cannot be diminished or impaired. Benefits can be changed for future members only by enactment of State stature. The System provides retirement benefits as well as death and disability benefits. Obligations of employers and employees to contribute and benefits to employees are governed by the New York State Retirement and Social Security Law (NYSRSSL). As set forth in the NYSSRSL, the Comptroller of the State of New York (Comptroller) serves as sole trustee and administrative head of the System. The Comptroller shall adopt and may amend rules and regulations for the administration and transaction of the business of the System and for the custody and control of their funds. The system issues a publicly available financial report that includes financial statements and required supplementary information. That report may be obtained in writing to the New York State and Local Retirement Systems, 110 State Street, Albany, NY 12244 or may be found at <http://www.osc.state.ny.us/retire/publications/index.php>.

Benefits Provided

The System provides retirement benefits as well as death and disability benefits.

*Tiers 1 and 2*

Eligibility: Tier 1 members, with the exception of those retiring under special retirement plans, must be at least age 55 to be eligible to collect a retirement benefit. There is no minimum service requirement for Tier 1 members. Tier 2 members, with the exception of those retiring under special retirement plans, must have five years of service and be at least age 55 to be eligible to collect a retirement benefit. The age at which full benefits may be collected for Tier 1 is 55, and the full benefit age for Tier 2 is 62.

Benefit Calculation: Generally, the benefit is 1.67 percent of final average salary for each year of service if the member retires with less than 20 years. If the member retires with 20 or more years of service, the benefit is 2 percent of final average salary for each year of service. Tier 2 members with five or more years of service can retire as early as age 55 with reduced benefits. Tier 2 members age 55 or older with 30 or more years of service can retire with no reduction in benefits. As a result of Article 19 of the RSSL, Tier 1 and Tier 2 members who worked continuously from April 1, 1999 through October 1, 2000 received an additional month of service credit for each year of credited service they have at retirement, up to a maximum of 24 additional months.

Final average salary is the average of the wages earned in the three highest consecutive years. For Tier 1 members who joined on or after June 17, 1971, each year of final average salary is limited to no more than 20 percent of the previous year. For Tier 2 members, each year of final average salary is limited to no more than 20 percent of the average of the previous two years.

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2018

5. Pension Plans – continued

New York State and Local Employees' Retirement System – continued

Benefits Provided - continued

*Tiers 3, 4, and 5*

Eligibility: Tier 3 and 4 members, with the exception of those retiring under special retirement plans, must have five years of service and be at least age 55 to be eligible to collect a retirement benefit. Tier 5 members, with the exception of those retiring under special retirement plans, must have ten years of service and be at least age 55 to be eligible to collect a retirement benefit. The full benefit age for Tiers 3, 4 and 5 is 62.

Benefit Calculation: Generally, the benefit is 1.67 percent of final average salary for each year of service if the member retires with less than 20 years. If a member retires with between 20 and 30 years of service, the benefit is 2 percent of final average salary for each year of service. If a member retires with more than 30 years of service, an additional benefit of 1.5 percent of final average salary is applied for each year of service over 30 years. Tier 3 and 4 members with five or more years of service and Tier 5 members with ten or more years of service can retire as early as age 55 with reduced benefits. Tier 3 and 4 members age 55 or older with 30 or more years of service can retire with no reduction in benefits.

Final average salary is the average of the wages earned in the three highest consecutive years. For Tier 3, 4 and 5 members, each year of final average salary is limited to no more than 10 percent of the average of the previous two years.

*Tier 6*

Eligibility: Tier 6 members, with the exception of those retiring under special retirement plans, must have ten years of service and be at least age 55 to be eligible to collect a retirement benefit. The full benefit age for Tier 6 is 63 for ERS members and 62 for PFRS members.

Benefit Calculation: Generally, the benefit is 1.67 percent of final average salary for each year of service if the member retires with less than 20 years. If a member retires with 20 years of service, the benefit is 1.75 percent of final average salary for each year of service. If a member retires with more than 20 years of service, an additional benefit of 2 percent of final average salary is applied for each year of service over 20 years. Tier 6 members with ten or more years of service can retire as early as age 55 with reduced benefits.

Final average salary is the average of the wages earned in the five highest consecutive years. For Tier 6 members, each year of final average salary is limited to no more than 10 percent of the average of the previous four years.

*Special Plans*

The 25-Year Plans allow a retirement after 25 years of service with a benefit of one-half of final average salary, and the 20-Year Plans allow a retirement after 20 years of service with a benefit of one-half of final average salary. These plans are available to certain PFRS members, sheriffs, and correction officers.

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
DECEMBER 31, 2018

5. Pension Plans – continued

New York State and Local Employees' Retirement System – continued

Benefits Provided - continued

*Ordinary Disability Benefits*

Generally, ordinary disability benefits, usually one-third of salary, are provided to eligible members after ten years of service; in some cases, they are provided after five years of service.

*Accidental Disability Benefits*

For all eligible Tier 1 and Tier 2 ERS and PFRS members, the accidental disability benefit is a pension of 75 percent of final average salary, with an offset for any Workers' Compensation benefits received. The benefit for eligible Tier 3, 4, 5 and 6 members is the ordinary disability benefit with the years-of-service eligibility requirement dropped.

*Ordinary Death Benefits*

Death benefits are payable upon the death, before retirement, of a member who meets eligibility requirements as set forth by law. The first \$50,000 of an ordinary death benefit is paid in the form of group term life insurance. The benefit is generally three times the member's annual salary. For most members, there is also a reduced post-retirement ordinary death benefit available.

*Post-Retirement Benefit Increases*

A cost-of-living adjustment is provided annually to: (i) all pensioners who have attained age 62 and have been retired for five years; (ii) all pensioners who have attained age 55 and have been retired for ten years; (iii) all disability pensioners, regardless of age, who have been retired for five years; (iv) ERS recipients of an accidental death benefit, regardless of age, who have been receiving such benefit for five years and (v) the spouse of a deceased retiree receiving a lifetime benefit under an option elected by the retiree at retirement. An eligible spouse is entitled to one-half the cost-of-living adjustment amount that would have been paid to the retiree when the retiree would have met the eligibility criteria. This cost-of-living adjustment is a percentage of the annual retirement benefit of the eligible member as computed on a base benefit amount not to exceed \$18,000 of the annual retirement benefit. The cost-of-living percentage shall be 50 percent of the annual Consumer Price Index as published by the U.S. Bureau of Labor, but cannot be less than 1 percent or exceed 3 percent.

Contributions

The System is noncontributory except for employees who joined the New York State and Local Employees' Retirement System after July 27, 1976, who contribute 3% of their salary for the first ten (10) years of membership and employees who joined on or after January 1, 2010 who generally contribute 3% of their salary for the entire length of service. For Tier 6 members, the contribution rate varies from 3 percent to 6 percent depending on salary. Generally, Tier 5 and 6 members are required to contribute for all years of service. Under authority of the NYSRSSL, the Comptroller annually certifies the actuarially determined rates expressed used in computing the employers' contributions based on salaries paid during the System's fiscal year ending March 31. Contributions for the current year and two preceding years were equal to 100% of the contributions required, and were as follows:

	<u>2018</u>	<u>2017</u>	<u>2016</u>
District Contributions	\$ 54,382	\$ 50,911	\$ 55,024

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2018

5. Pension Plans – continued

New York State and Local Employees' Retirement System – continued

Contributions – continued

The District's contribution to the system is actuarially determined and is established and may be amended by the ERS Board of Trustees.

Chapter 57 of the Laws of 2011 of the State of New York was enacted that allows local employers to amortize a portion of their retirement bill for 10 years in accordance with the following stipulations:

- For State fiscal year 2010-2011, the amount in excess of the graded rate of 9.5 percent of employee's covered pensionable salaries, with the first payment of those pension costs not due until the fiscal year succeeding that fiscal year in which the amortization was instituted.
- For subsequent State fiscal years, the graded rate will increase or decrease by up to one percent depending on the gap between the increase or decrease in the system's average rate and the previous graded rate.
- The interest rate will be set annually and will be comparable to taxable fixed income investments of a similar duration.
- For subsequent State fiscal years in which the System's average rates are lower than the graded rates, the employer will be required to pay the graded rate. Any additional contributions made will first be used to pay off existing amortizations, and then any excess will be deposited into a reserve account and will be used to offset future increases in contribution rates.

Chapter 57 of the Laws of 2013 of the State of New York was enacted that allows local employers to amortize a portion of their retirement bill for up to 12 years in accordance with the following stipulations:

- The maximum amount an employer can amortize is the difference between the normal annual contribution (total bill, excluding payments for deficiency, group life, previous amortizations, incentive costs, and prior year adjustments) and the graded contribution.
- For subsequent State fiscal years (SFYs), the graded rate will increase or decrease by up to one-half of one percent depending on the gap between the increase or decrease in the System's average rate and the previous graded rate.
- The interest rate will be set annually and will be comparable to a 12-year US Treasury Bond plus one percent.
- For subsequent SFYs in which the System's average rates are lower than the graded rates, the employer will be required to pay the graded rate. Any additional contributions made will first be used to pay off existing amortizations, and then any excess will be deposited into a reserve account and will be used to offset future increases in contribution rates.

This law requires participating employers to make payments on a current basis, while amortizing existing unpaid amounts relating to the System's fiscal years when the local employer opts to participate in the program.

The District's required pension contribution for 2018 was paid as of December 31, 2018.

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2018

5. Pension Plans – continued

New York State and Local Employees' Retirement System – continued

Pension Liabilities, Pension Expense and Deferred Outflows and Inflows of Resources Related to Pensions

At December 31, 2018 the District reported a liability of \$52,836 for its proportionate share of net pension liability in the General Long-Term Debt Account Group. The net pension liability was measured as of March 31, 2018, and the total pension liability was determined by an actuarial valuation as of that date. The District's proportion of the net pension liability was based on a projection of the District's long-term share to the pension plan relative to the projected contributions of all participating members, actuarially determined.

At December 31, 2018 the District's proportion was .0016371%. For the year ended December 31, 2018 the District recognized pension expense of \$57,277. The District made a contribution subsequent to the measurement date in the amount of \$57,927; under a GAAP presentation this would be considered a deferred outflow of resources. However, under the modified accrual basis of accounting, \$42,973 was expensed and \$14,324 was recorded as prepaid expense in the general fund. Under a GAAP presentation the District would have reported deferred outflows of resources and deferred inflows of resources related to pensions at December 31, 2018 from the following sources:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 18,845	\$ 15,573
Net difference between projected and actual investment earnings on pension plan investments	35,035	151,479
Changes of assumptions	76,741	-
Changes in proportion and differences between employer contribution and proportionate share of contributions	8,931	52,716
District contributions subsequent to the measurement date	<u>57,297</u>	<u>-</u>
Total	<u>\$ 196,849</u>	<u>\$ 219,768</u>

The District made contributions subsequent to measurement date of \$57,297, this contribution will be recognized as a reduction of the net pension liability in the plan year ending March 31, 2018. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions would be recognized as pension expense under a GAAP basis as follows:

Year ended December 31,:	
2019	\$ (8,542)
2020	(3,270)
2021	(45,512)
2022	<u>(22,892)</u>
Total	<u>\$ (80,216)</u>

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2018

5. Pension Plans – continued

New York State and Local Employees' Retirement System – continued

Actuarial Assumptions

The total pension liability at March 31, 2018 was determined by using an actuarial valuation as of April 1, 2017, with update procedures used to roll forward the total pension liability to March 31, 2018. The actuarial valuation used the following actuarial assumptions.

Significant actuarial assumptions used in the April 1, 2017 valuation were as follows:

Inflation rate	2.5%
Salary scale	
ERS	3.8%
Investment rate of return, including inflation	7.00% compounded annually, net of investment expenses
Cost of living adjustment	1.3% annually
Decrement tables	Developed from the Plan's 2015 experience study of plan April 1, 2010 through March 31, 2015
Mortality improvement	Society of Actuaries Scale MP-2014

Annuitant mortality rates are based on April 1, 2010 – March 31, 2015 System's experience with adjustments for mortality improvements based on MP-2014.

The actuarial assumptions used in the April 1, 2017 valuation are based on the results of an actuarial experience study for the period April 1, 2010 – March 31, 2015.

The long term expected rate of return on pension plan investments was determined using a building block method in which best estimate ranges of expected future real rates of return (expected returns net of investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic real rates of return for each major asset class included in the target asset allocation as of March 31, 2018 are summarized below:

***Long Term Expected Rate of Return 2018***

<u>Asset Type</u>	Long Term <u>Expected</u> <u>Real Rate</u>	Target <u>Allocation</u>
Domestic Equity	4.55%	36%
International Equity	6.35%	14%
Private Equity	7.50%	10%
Real Estate	5.55%	10%
Absolute Return	3.75%	2%
Opportunistic Portfolio	5.68%	3%
Real Asset	5.29%	3%
Bond and Mortgages	1.31%	17%
Cash	-0.25%	1%
Inflation Indexed Bonds	1.25%	4%

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
DECEMBER 31, 2018

5. Pension Plans - continued

New York State and Local Employees' Retirement System – continued

Discount Rate

The discount rate used to calculate the total pension liability was 7.0%. The projection of cash flows used to determine the discount rate assumes that contributions from plan members will be made at the current contribution rates and that contributions from employers will be made at statutorily required rates, actuarially. Based upon the assumptions, the System's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the Proportionate Share of the Net Pension Liability to the Discount Rate Assumption

The following presents the District's proportionate share of the net pension liability calculated using the discount rate of 7.0%, as well as what the District's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1% lower (6.0%) or 1% higher (8.0%) than the current rate:

Sensitivity of the Proportionate Share of the Net Pension Liability to the Discount Rate Assumption

	1% Decrease (6.0%)	Current Assumption (7.0%)	1% Increase (8.0%)
District's proportionate share of the net pension liability	\$ 399,775	\$ 52,836	\$ (240,666)

Pension Plan Fiduciary Net Position

The components of the current-year net pension liability of the employers as of March 31, 2018, were as follows:

	(Dollars in Thousands) Employees' Retirement System
Employers' total pension liability	\$ 183,400,590
Plan net position	<u>(180,173,145)</u>
Employers' net pension liability	<u>\$ 3,227,445</u>
Ratio of plan net position to the employers' total pension liability	98.24%

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2018

6. Length of Service Awards Program - LOSAP

The Fire District's financial statements are for the year ended December 31, 2018. The balances reported in the Trust and Agency Fund represent LOSAP asset values at December 31, 2018. The information contained in this note is based on service earned through the end of 2018. The Fire District established a defined benefit LOSAP for the active volunteer firefighters of the Sound Beach Fire Department. The program took effect on January 1, 1990. The program was established pursuant to Article 11-A of the General Municipal Law. The program provides municipally-funded pension-like benefits to facilitate the recruitment and retention of active volunteer firefighters. The Fire District is the sponsor of the program.

*Program Description*

Participation, Vesting and Service Credit

Active volunteer firefighters who have reached the age of eighteen (18) and who have completed one (1) year of firefighting service are eligible to participate in the program. Participants acquire a non-forfeitable right to a service award after being credited with five (5) years of firefighting service or upon attaining the program's entitlement age. The program's entitlement age is age sixty-two (62). In general, an active volunteer firefighter is credited with a year of firefighting service for each calendar year after the establishment of the program in which he or she accumulates fifty (50) points. Points are granted for the performance of certain activities in accordance with a system established by the sponsor on the basis of a statutory list of activities and point values. A participant may also receive credit for five (5) years of firefighting service rendered prior to the establishment of the program.

Benefits

A participant's benefit under the program is the actuarial equivalent of a monthly payment for life equal to \$20 multiplied by the person's total number of years of firefighting service. The number of years of firefighting service used to compute the benefit cannot exceed forty (40). Benefits are not payable until age sixty-two (62). On and after that date, except in the case of disability or death, benefits are payable when a participant reaches entitlement age. The program provides statutorily mandated death and disability benefits.

Fiduciary Investment and Control

Service credit is determined by the governing board of the sponsor, based on information certified to the governing board by each fire company having members who participate in the program. Each fire company must maintain all required records on forms prescribed by the governing board.

The governing board of the sponsor has retained and designated Hometown/RSA Consultants to assist in the administration of the program. The designated program administrator's primary responsibility is to administer the plan for the exclusive benefit of the participants and their beneficiaries. Such duties include the determination of eligibility of firefighters to participate in the plan, the computation of participant entitlements, disbursement of program assets for the payment of benefits or administrative expenses. These must be approved by the Board of Commissioners. The following is an explanation of process for approving disbursements:

*Payment of Benefits:*

Entitlement Benefits – The 3<sup>rd</sup> party administrator prepares and submits to the Sponsor a Verification of Benefits statement and an Annuity Enrollment form for participants active at entitlement age and for vested participants upon termination from the Plan. Following review for accuracy, the Plan Administrator signs and returns the paperwork to the 3<sup>rd</sup> party administrator authorizing the 3<sup>rd</sup> party administrator to disburse entitlement benefits.

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2018

6. Length of Service Awards Program – LOSAP – continued

Fiduciary Investment and Control - continued

Death Benefits – Upon notification from the Sponsor of a participant death, the 3<sup>rd</sup> party administrator prepares a Verification of Benefits statement and a Lump Sum Death Benefit form. Following review for accuracy, the Sponsor signs and returns the paperwork accompanied by a death certificate to the 3<sup>rd</sup> party administrator authorizing the 3<sup>rd</sup> party administrator to disburse a death benefit.

Disability Benefits – Upon notification from the Sponsor of a participant total and permanent disability, the 3<sup>rd</sup> party administrator prepares a Verification of Benefits Statement, a Physician Statement form, and a Lump Sum Disability Benefit form. Following review for accuracy, the Sponsor signs and returns the paperwork authorizing the 3<sup>rd</sup> party administrator to disburse a disability benefit.

Payment of Administrative Expenses – Per the executed service fee agreement, the Sponsor agrees to pay the 3<sup>rd</sup> party administrator as contracted.

Program assets are required to be held in trust by LOSAP legislation, for the exclusive purpose of providing benefits to participants and their beneficiaries or for the purpose of defraying the reasonable expenses of the operation and administration of the program. Program assets are held in trust. The trust agreement is dated February 11, 2005 and the trustee is the Board of Fire Commissioners.

Authority to invest program assets is vested in Board of Fire Commissioners. Program assets are invested in accordance with the statutory “prudent person” rule and is primarily held in commercial annuity and checking accounts.

The sponsor is required to retain an actuary to determine the amount of the sponsor’s contributions to the plan. The actuary retained by the sponsor for this purpose is BPAS Actuarial and Pension Services, LLC. Portions of the following information are derived from a report prepared by the actuary dated March 2019.

*Program Financial Condition*

Assets and Liabilities

Actuarial Present Value of Benefits at December 31, 2018		\$ 3,021,112
Less: Assets Available for Benefits		
	<u>% of total</u>	
Cash	2.37%	\$ 53,681
Annuity Contracts	97.63%	<u>2,207,815</u> <u>2,261,496</u>
Total Unfunded Benefits		<u>\$ 759,616</u>
Unfunded Liability for Prior Service		<u>\$ 759,616</u>
Unfunded Normal Benefits		<u>\$ -</u>

Prior Service Costs

Prior service costs are being amortized over a range of 10 to 19 years at a discount rate of 5.00%.

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2018

6. Length of Service Awards Program – LOSAP – continued

Receipts and Disbursements (most recent plan year data available)

Plan Net Assets - January 1, 2018	2,163,967
Changes during the year:	
+ Plan contributions	154,800
+ Plan contributions - for insurance coverage	3,341
+ Investment income earned	74,329
- Plan benefit withdrawals	(131,600)
- Life insurance premiums paid	<u>(3,341)</u>
 Plan Net Assets - December 31, 2018	 <u>\$ 2,261,496</u>

Contributions

Amount of sponsor's 2018 contribution recommended by actuary:	\$112,182 - \$150,576
Amount of sponsor's actual 2018 contribution:	\$158,141 <sup>1</sup>
 Amount of sponsor's 2019 recommended by actuary:	 \$120,838 - \$154,666

<sup>1</sup> Includes the cost of insurance premiums paid by the District on behalf of LOSAP

Administration Fees

Fees paid to designated program administrator: \$ -

Normal Costs

The actuarial valuation methodology used by the actuary to determine the sponsor's contribution is Unit Credit Cost Method. The assumptions used by the actuary to determine the sponsor's contribution and the actuarial present value of benefits are:

Assumed rate of return on investments: 5.00%.

Mortality Tables used for:

Pre-entitlement	None
Post-entitlement	RP2 - RP2000 Mortality Table
Retirement	None
Death (actives/inactives)	None

7. Long-Term Liabilities

Long-term liability balances and activity for the year are summarized below:

	Balance <u>1/1/2018</u>	Net <u>Change</u>	Balance <u>12/31/2018</u>	Amounts Due Within <u>One Year</u>
Long-term debt:				
Bonds payable	\$ 170,000	\$ (40,000)	\$ 130,000	\$ 40,000
Net pension obligation to NYS ERS	179,927	(127,091)	52,836	
Compensated absences	<u>42,536</u>	<u>6,732</u>	<u>49,268</u>	
	<u>\$ 392,463</u>	<u>\$ (160,359)</u>	<u>\$ 232,104</u>	

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2018

7. Long-Term Liabilities – continued

a. Bonds Payable

The Fire District borrows money in order to acquire or construct buildings, improvements and apparatus. This enables the cost of capital assets to be borne by the present and future taxpayers that will receive the benefit of these capital assets. These long-term liabilities, which are backed by the full faith and credit of the District, are recorded in the Long-Term Debt account group. The provision to be made in future budgets for capital indebtedness represents the amount exclusive of interest, authorized to be collected in the future years from taxpayers and others for liquidation of the long-term liabilities.

Bonds payable are comprised of the following:

<u>Description</u>	<u>Issue Date</u>	<u>Final Maturity</u>	<u>Interest Rate</u>	<u>Outstanding at 12/31/2018</u>
Serial Bond - Purchase of property	10/15/2006	10/15/2021	4.3-4.375%	\$ 130,000

The following is a summary of future debt service requirements for bonds payable:

Fiscal Year Ending <u>December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2019	\$ 40,000	\$ 5,688	\$ 45,688
2020	45,000	3,937	48,937
2021	<u>45,000</u>	<u>1,969</u>	<u>46,969</u>
Total	<u>\$ 130,000</u>	<u>\$ 11,594</u>	<u>\$ 141,594</u>

*Other Long-Term Liabilities*

In addition to the above long-term debt, the District had the following non-current liabilities:

b. Compensated Absences

The general fund is typically used to liquidate the long-term liability as employees retire or otherwise terminate employment with the District. Additions and reductions to compensated absences are shown net since it is impractical to separately determine these amounts. The maturity of compensated absences is not determinable.

8. Commitments – Non Cancelable Operating Lease

The District leases various equipment under non-cancelable operating leases. Rental expense for the year was \$3,360. The minimum remaining operating lease payments are as follows:

<u>Year End</u>	<u>Payments Due</u>
2019	\$ 3,360
2020	<u>1,120</u>
	<u>\$ 4,480</u>

SOUND BEACH FIRE DISTRICT  
NOTES TO FINANCIAL STATEMENTS  
DECEMBER 31, 2018

9. Risk Management

The District is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; injuries to employees; errors and omissions; natural disasters, etc. These risks are covered by commercial insurance purchased from independent third parties. Settled claims from these risks did not exceed commercial insurance coverage for the past year.

10. Spending Limitation

The District did not exceed the statutory spending limitation mandated by New York State Law for the year ended December 31, 2018.

11. Related Party Transactions

For the year ended December 31, 2018 there were no related party transactions requiring disclosure in the financial statements.

12. Subsequent Events

The date through which management has evaluated the impact of subsequent events on these financial statements is May 3, 2019, which is the date the financial statements were available to be issued.

SOUND BEACH FIRE DISTRICT

SUPPLEMENTAL STATEMENT OF REVENUE, EXPENDITURES AND CHANGE IN FUND BALANCE - BUDGET

AND ACTUAL - GENERAL OPERATING FUND - REGULATORY BASIS

FOR THE YEAR ENDED DECEMBER 31, 2018

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance to Final Budget Favorable (Unfavorable)</u>
<u>REVENUES</u>				
Real property taxes	\$ 1,721,588	\$ 1,721,588	\$ 1,721,588	\$ -
Rental of real property	-	-	600	600
Sale of real property	-	-	23,000	23,000
Refunds and other miscellaneous	42,500	42,500	452	(42,048)
Interest and earnings	<u>2,700</u>	<u>2,700</u>	<u>1,296</u>	<u>(1,404)</u>
Total revenues	<u>1,766,788</u>	<u>1,766,788</u>	<u>1,746,936</u>	<u>(19,852)</u>
<u>EXPENDITURES</u>				
Personal services	450,000	472,000	467,953	4,047
Equipment	50,000	50,000	36,015	13,985
Fire protection - contractual	498,700	513,200	479,607	33,593
State Retirement System	59,000	57,000	56,539	461
Local pension fund	160,000	158,000	158,141	(141)
Social security	34,500	36,000	36,091	(91)
Workers' compensation	181,000	138,500	118,276	20,224
Life Insurance	6,000	23,250	10,197	13,053
Disability Insurance	9,750	-	8,254	(8,254)
Hospital and medical	45,400	46,400	41,707	4,693
Serial bond, principal	40,000	40,000	40,000	-
Serial bond, interest	<u>7,438</u>	<u>7,438</u>	<u>7,438</u>	<u>-</u>
Total expenditures	<u>1,541,788</u>	<u>1,541,788</u>	<u>1,460,218</u>	<u>81,570</u>
Excess (deficiency) of revenues over expenditures	<u>225,000</u>	<u>225,000</u>	<u>286,718</u>	<u>61,718</u>
<u>OTHER FINANCING SOURCES AND (USES)</u>				
Operating transfers (out)	<u>(225,000)</u>	<u>(225,000)</u>	<u>(400,000)</u>	<u>(175,000)</u>
Total other financing sources and (uses)	<u>(225,000)</u>	<u>(225,000)</u>	<u>(400,000)</u>	<u>(175,000)</u>
Net Change in Fund Balance	<u>\$ -</u>	<u>\$ -</u>	<u>(113,282)</u>	<u>\$ (113,282)</u>
Fund Balance - Beginning of Year			<u>462,673</u>	
Fund Balance - End of Year			<u>\$ 349,391</u>	

The accompanying notes are an integral part of these financial statements.



# Craig, Fitzsimmons & Michaels, LLP

Certified Public Accountants, Management and IT Consultants

20 Manor Road • Smithtown, New York 11787

## REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

### INDEPENDENT AUDITOR'S REPORT

To the Board of Fire Commissioners  
Sound Beach Fire District  
152 Sound Beach Boulevard  
Sound Beach, NY 11789

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the regulatory basis financial statements of the Sound Beach Fire District (the District) as of and for the year ended December 31, 2018 and the related notes to the financial statements, as listed in the table of contents, which collectively comprise the Sound Beach Fire District's basic financial statements, and have issued our report thereon dated May 3, 2019. As more fully described in Note 1 to the financial statements the District has prepared their financial statements using practices prescribed and permitted by the Office of the New York State Comptroller, which is a comprehensive statutory basis of accounting (referred to as a "Regulatory Basis") for a governmental entity other than accounting principles generally accepted for governmental entities in the United States of America.

#### **Internal Control Over Financial Reporting**

In planning and performing our audit of the regulatory basis financial statements, we considered the District's internal control over financial reporting ("internal control") to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

#### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

**Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance.

**Limitations on Use and Distribution**

This report is intended solely for the information and use of the Board of Fire Commissioners, management and others you deem appropriate within the District, and any governmental authority you need to share this information with. It is not intended to be and should not be used by anyone other than these specified parties.

A handwritten signature in cursive script that reads "Craig, Fitzsimmons & Michaels, LLP".

Smithtown, NY

May 3, 2019

**APPENDIX C**

**FORM OF BOND COUNSEL OPINION**

Hawkins Delafield & Wood LLP  
7 World Trade Center  
250 Greenwich Street  
New York, New York 10007

July 1, 2020

The Board of Fire Commissioners of  
the Sound Beach Fire District,  
in the Town of Brookhaven,  
Suffolk County, New York

Ladies and Gentlemen:

We have acted as Bond Counsel to the Sound Beach Fire District, in the Town of Brookhaven, Suffolk County (the "Fire District"), a district corporation of the State of New York, and have examined a record of proceedings relating to the authorization, sale and issuance of the Fire District's \$2,920,000 Fire District Serial Bonds-2020 (the "Bonds"), dated and delivered on the date hereof.

In such examination, we have assumed the genuineness of all signatures, the authenticity of all documents submitted to us as originals and the conformity with originals of all documents submitted to us as copies thereof. Based on and subject to the foregoing, and in reliance thereon, as of the date hereof, we are of the following opinions:

1. The Bonds are valid and legally binding general obligations of the Fire District for which the Fire District has validly pledged its faith and credit and, unless paid from other sources, all the taxable real property within the Fire District is subject to the levy of ad valorem real estate taxes to pay the Bonds and interest thereon, subject to certain statutory limitations imposed by Chapter 97 of the New York Laws of 2011, as amended. The enforceability of rights or remedies with respect to such Bonds may be limited by bankruptcy, insolvency or other laws affecting creditors' rights or remedies heretofore or hereafter enacted.

2. Under existing statutes and court decisions and assuming continuing compliance with certain tax certifications described herein, (i) interest on the Bonds is excluded from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and (ii) interest on the Bonds is not treated as a preference item in calculating the alternative minimum tax under the Code.

The Code establishes certain requirements which must be met subsequent to the issuance of the Bonds in order that the interest on the Bonds be and remain excluded from gross income for federal income tax purposes under Section 103 of the Code. These requirements include, but are not limited to, requirements relating to the use and expenditure of proceeds of the Bonds, restrictions on the investment of proceeds of the Bonds prior to expenditure and the requirement that certain earnings be rebated to the federal government. Noncompliance with such requirements may cause the interest on the Bonds to become subject to federal income taxation retroactive to the date of issuance thereof, irrespective of the date on which such noncompliance occurs or is ascertained.

On the date of issuance of the Bonds, the Fire District will execute a Tax Certificate relating to the Bonds containing provisions and procedures pursuant to which such requirements can be satisfied. In executing the Tax Certificate, the Fire District represents that it will comply with the provisions and procedures set forth therein and that it will do and perform all acts and things necessary or desirable to assure that the interest on the Bonds will, for federal income tax purposes, be excluded from gross income.

In rendering the opinion in this paragraph 2, we have relied upon and assumed (i) the material accuracy of the Fire District's representations, statements of intention and reasonable expectations, and certifications of fact contained in the Tax Certificate with respect to matters affecting the status of the interest on the Bonds, and (ii) compliance by the Fire District with the procedures and representations set forth in the Tax Certificate as to such tax matters.

3. Under existing statutes, interest on the Bonds is exempt from personal income taxes of New York State and its political subdivisions, including The City of New York.

We express no opinion as to any other federal, state or local tax consequences arising with respect to the Bonds, or the ownership or disposition thereof, except as stated in paragraphs 2 and 3 above. We render our opinion under existing statutes and court decisions as of the date hereof, and assume no obligation to update, revise or supplement our opinion to reflect any action hereafter taken or not taken, any fact or circumstance that may hereafter come to our attention, any change in law or interpretation thereof that may hereafter occur, or for any other reason. We express no opinion as to the consequence of any of the events described in the preceding sentence or the likelihood of their occurrence. In addition, we express no opinion on the effect of any action taken or not taken in reliance upon an opinion of other counsel regarding federal, state or local tax matters, including, without limitation, exclusion from gross income for federal income tax purposes of interest on the Bonds.

We give no assurances as to the adequacy, sufficiency or completeness of the Preliminary Official Statement and/or Official Statement relating to the Bonds or any proceedings, reports, correspondence, financial statements or other documents, containing financial or other information relative to the Fire District, which have been or may hereafter be furnished or disclosed to purchasers of ownership interests in the Bonds.

Very truly yours,

/s/ Hawkins Delafield & Wood LLP

**APPENDIX D**

**FORM OF CONTINUING DISCLOSURE UNDERTAKING**

## UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE

### Section 1. Definitions

“Annual Information” shall mean the information specified in Section 3 hereof.

“EMMA” shall mean the Electronic Municipal Market Access System implemented by the MSRB.

“Financial Obligation” shall mean “financial obligation” as such term is defined in the Rule.

“GAAP” shall mean generally accepted accounting principles as in effect from time to time in the United States.

“Holder” shall mean any registered owner of the Securities and any beneficial owner of Securities within the meaning of Rule 13d-3 under the Securities Exchange Act of 1934.

“Issuer” shall mean the Sound Beach Fire District, in the Town of Brookhaven, Suffolk County, New York, a district corporation of the State of New York.

“MSRB” shall mean the Municipal Securities Rulemaking Board established in accordance with the provisions of Section 15B(b)(1) of the Securities Exchange Act of 1934, or any successor thereto or to the functions of the MSRB contemplated by this Agreement.

“Purchaser” shall mean the financial institution referred to in the Certificate of Award executed by the Fire District Treasurer as of June 17, 2020.

“Rule” shall mean Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934 (17 CFR Part 240, §240.15c2-12), as amended, as in effect on the date of this Undertaking, including any official interpretations thereof issued either before or after the effective date of this Undertaking which are applicable to this Undertaking.

“Securities” shall mean the Issuer’s **\$2,920,000 Fire District Serial Bonds-2020**, dated July 1, 2020, maturing in various principal amounts on June 1 in each of the years 2021 to 2032, inclusive, and delivered on the date hereof.

Section 2. Obligation to Provide Continuing Disclosure. (a) The Issuer hereby undertakes, for the benefit of Holders of the Securities, to provide or cause to be provided either directly or through Munistat Services, Inc., 12 Roosevelt Avenue, Port Jefferson Station, New York, 11776, to the EMMA System:

- (i) no later than nine (9) months following the end of each fiscal year, commencing with the fiscal year ending December 31, 2019, the Annual Information relating to such fiscal year, together with audited financial statements of the Issuer for such fiscal year if audited financial statements are then available; provided, however, that if audited financial statements are not then available, unaudited financial statements shall be provided with

the Annual Information no later than nine (9) months following the end of each fiscal year, and audited financial statements, if any, shall be delivered to the EMMA System within sixty (60) days after they become available and in no event later than one (1) year after the end of each fiscal year; provided further, however, that the unaudited financial statement shall be provided for any fiscal year only if the Issuer has made a determination that providing such unaudited financial statement would be compliant with federal securities laws, including Rule 10b-5 of the Securities Exchange Act of 1934 and Rule 17(a)(2) of the Securities Act of 1933; and

- (ii) in a timely manner, not in excess of ten (10) business days after the occurrence of such event, notice of any of the following events with respect to the Securities:
  - (i) principal and interest payment delinquencies;
  - (ii) non-payment related defaults, if material;
  - (iii) unscheduled draws on debt service reserves reflecting financial difficulties;
  - (iv) unscheduled draws on credit enhancements reflecting financial difficulties;
  - (v) substitution of credit or liquidity providers, or their failure to perform;
  - (vi) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices of determinations with respect to the tax status of the Securities, or other material events affecting the tax status of the Securities;
  - (vii) modifications to rights of Securities holders, if material;
  - (viii) Bond calls, if material, and tender offers;
  - (ix) defeasances;
  - (x) release, substitution, or sale of property securing repayment of the Securities, if material;
  - (xi) rating changes;
  - (xii) bankruptcy, insolvency, receivership or similar event of the Issuer;

Note to clause (12): For the purposes of the event identified in clause (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for

the Issuer in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or government authority has assumed jurisdiction over substantially all of the assets or business of the Issuer, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Issuer;

- (xiii) the consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (xiv) appointment of a successor or additional trustee or the change of name of a trustee, if material.
- (xv) incurrence of a Financial Obligation of the Issuer, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Issuer, any of which affect security holders, if material; and
- (xvi) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the Issuer, any of which reflect financial difficulties.

- (iii) in a timely manner, not in excess of ten (10) business days after the occurrence of such event, notice of a failure to provide by the date set forth in Section 2(a)(i) hereof any Annual Information required by Section 3 hereof.

(b) Nothing herein shall be deemed to prevent the Issuer from disseminating any other information in addition to that required hereby in the manner set forth herein or in any other manner. If the Issuer disseminates any such additional information, the Issuer shall have no obligation to update such information or include it in any future materials disseminated hereunder.

(c) Nothing herein shall be deemed to prevent the Issuer from providing notice of the occurrence of certain other events, in addition to those listed above, if the Issuer determines that any such other event is material with respect to the Securities; but the Issuer does not undertake to commit to provide any such notice of the occurrence of any material event except those events listed above.

Section 3. Annual Information. (a) The required Annual Information shall consist of the financial information and operating data for the preceding fiscal year, in a form generally

consistent with the information contained or cross-referenced in the Issuer's final official statement relating to the Securities under the headings: "ECONOMIC AND DEMOGRAPHIC INFORMATION", "INDEBTEDNESS OF THE FIRE DISTRICT", "FINANCES OF THE FIRE DISTRICT", "TAX INFORMATION", and "LITIGATION" and in Appendix A.

(b) All or any portion of the Annual Information may be incorporated in the Annual Information by cross reference to any other documents which are (i) available to the public on the EMMA System or (ii) filed with the SEC. If such a document is a final official statement, it also must be available from the EMMA System.

(c) Annual Information for any fiscal year containing any modified operating data or financial information (as contemplated by Section 7(e) hereof) for such fiscal year shall explain, in narrative form, the reasons for such modification and the effect of such modification on the Annual Information being provided for such fiscal year. If a change in accounting principles is included in any such modification, such Annual Information shall present a comparison between the financial statements or information prepared on the basis of the modified accounting principles and those prepared on the basis of the former accounting principles.

Section 4. Financial Statements. The Issuer's annual financial statements for each fiscal year, if prepared, shall be prepared in accordance with GAAP or New York State regulatory requirements as in effect from time to time. Such financial statements, if prepared, shall be audited by an independent accounting firm. The Issuer's Annual Financial Report Update Document prepared by the Issuer and filed annually with New York State in accordance with applicable law, shall not be subject to the foregoing requirements.

Section 5. Remedies. If the Issuer shall fail to comply with any provision of this Undertaking, then any Holder of Securities may enforce, for the equal benefit and protection of all Holders similarly situated, by mandamus or other suit or proceeding at law or in equity, this Undertaking against the Issuer and any of the officers, agents and employees of the Issuer, and may compel the Issuer or any such officers, agents or employees to perform and carry out their duties under this Undertaking; provided that the sole and exclusive remedy for breach of this Undertaking shall be an action to compel specific performance of the obligations of the Issuer hereunder and no person or entity shall be entitled to recover monetary damages hereunder under any circumstances. Failure to comply with any provision of this Undertaking shall not constitute an event of default on the Securities.

Section 6. Parties in Interest. This Undertaking is executed to assist the Purchaser to comply with paragraph (b)(5) of the Rule and is delivered for the benefit of the Holders. No other person shall have any right to enforce the provisions hereof or any other rights hereunder.

Section 7. Amendments. Without the consent of any holders of Securities, the Issuer at any time and from time to time may enter into any amendments or changes to this Undertaking for any of the following purposes:

- (a) to comply with or conform to any changes in Rule 15c2-12 (whether required or optional);

- (b) to add a dissemination agent for the information required to be provided hereby and to make any necessary or desirable provisions with respect thereto;
- (c) to evidence the succession of another person to the Issuer and the assumption of any such successor of the duties of the Issuer hereunder;
- (d) to add to the duties of the Issuer for the benefit of the Holders, or to surrender any right or power herein conferred upon the Issuer;
- (e) to modify the contents, presentation and format of the Annual Information from time to time to conform to changes in accounting or disclosure principles or practices and legal requirements followed by or applicable to the Issuer or to reflect changes in the identity, nature or status of the Issuer or in the business, structure or operations of the Issuer or any mergers, consolidations, acquisitions or dispositions made by or affecting any such person; provided that any such modifications shall comply with the requirements of Rule 15c2-12 or Rule 15c2-12 as in effect at the time of such modification; or
- (f) to cure any ambiguity, to correct or supplement any provision hereof which may be inconsistent with any other provision hereof, or to make any other provisions with respect to matters or questions arising under this Undertaking which, in each case, comply with Rule 15c2-12 or Rule 15c2-12 as in effect at the time of such amendment or change;

provided that no such action pursuant to this Section 7 shall adversely affect the interests of the Holders in any material respect. In making such determination, the Issuer shall rely upon an opinion of nationally recognized bond counsel.

Section 8. Termination. This Undertaking shall remain in full force and effect until such time as all principal, redemption premiums, if any, and interest on the Securities shall have been paid in full or the Securities shall have otherwise been paid or legally defeased pursuant to their terms. Upon any such legal defeasance, the Issuer shall provide notice of such defeasance to the EMMA System. Such notice shall state whether the Securities have been defeased to maturity or to redemption and the timing of such maturity or redemption.

In addition, this Agreement, or any provision hereof, shall be null and void in the event that those portions of the Rule which require this Agreement, or such provision, as the case may be, do not or no longer apply to the Securities, whether because such portions of the Rule are invalid, have been repealed, or otherwise.

Section 9. Undertaking to Constitute Written Agreement or Contract. This Undertaking shall constitute the written agreement or contract for the benefit of Holders of Securities, as contemplated under Rule 15c2-12.

Section 10. Governing Law. This Undertaking shall be governed by the laws of the State of New York determined without regard to principles of conflict of law.

IN WITNESS WHEREOF, the undersigned has duly authorized, executed and delivered this Undertaking as of **July 1, 2020**.

By \_\_\_\_\_  
**FIRE DISTRICT TREASURER**