

PRELIMINARY OFFICIAL STATEMENT DATED JULY 25, 2023

NEW ISSUE  
SERIAL BONDS

MOODY'S INVESTOR SERVICE: “

”

*In the opinion of Squire Patton Boggs (US) LLP, Bond Counsel, under existing law and (i) assuming continuing compliance with certain covenants and the accuracy of certain representations, interest on the Bonds is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals, and the Bonds are qualified tax-exempt obligations as defined in Section 265(b)(3) of the Code and (ii) interest on the Bonds is exempt from personal income taxes imposed by the State of New York and political subdivisions thereof, including The City of New York and the City of Yonkers. Interest on the Bonds may be subject to certain federal taxes imposed only on certain corporations. For a more complete discussion of the tax aspects, see “Tax Matters” herein.*

The Town will designate the Bonds as “qualified tax-exempt obligations” pursuant to the provision of Section 265(b)(3) of the Code.

**TOWN OF PLATTSBURGH  
CLINTON COUNTY, NEW YORK**

(the “Town”)

**\$7,600,000\* PUBLIC IMPROVEMENT SERIAL BONDS – 2023  
(the “Bonds”)**

**BOND MATURITY SCHEDULE  
(See Inside Front Cover)**

*Security and Sources of Payment:* The Bonds are general obligations of the Town of Plattsburgh, Clinton County, New York and will contain a pledge of the faith and credit of the Town 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 Town, subject to certain statutory limitations imposed by Chapter 97 of the Laws of 2011, as amended. (See “Tax Levy Limit Law” herein).

*Prior Redemption:* The Bonds maturing on August 15, 2031 and thereafter are subject to redemption prior to maturity, at the option of the Town, as a whole or in part, on any date on or after August 15, 2030. (See “Optional Redemption” under “THE BONDS,” herein.)

*Form and Denomination:* The Bonds will be registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York (“DTC”) as book-entry bonds. Individual purchases of the Bonds may be made in denominations of \$5,000 or integral multiples thereof. Bondholders will not receive certificates representing their respective interests in the Bonds purchased. See “Book-entry System” herein.

*Payment:* Payment of the principal of and interest on any Bonds issued in book-entry form will be made by the Town to DTC which will in turn remit such payment to its Participants for subsequent distribution to the Beneficial Owners of the Bonds in accordance with standing instructions and customary practices. Payment to the Beneficial Owners will be the responsibility of the DTC Participant or Indirect Participant and not of DTC or the Town, subject to any statutory and regulatory requirements as may be in effect from time to time. See “Book-entry System” herein.

Proposals for the Bonds will be received at 11:00 A.M. (Prevailing Time) on August 3, 2023 at the office of Munistat Services, Inc., 12 Roosevelt Avenue, Port Jefferson Station, New York 11776.

*The Bonds are offered subject to the final approving opinions of Squire Patton Boggs (US) LLP, New York, New York, Bond Counsel, and certain other conditions. It is expected that delivery of the Bonds will be made on or about August 17, 2023 in New York, New York, or as otherwise agreed to by the Town and the purchaser.*

THIS OFFICIAL STATEMENT IS IN A FORM “DEEMED FINAL” BY THE TOWN FOR THE PURPOSES OF SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12 (THE “RULE”). FOR A DESCRIPTION OF THE TOWN’S AGREEMENT TO PROVIDE CONTINUING DISCLOSURE FOR THE BONDS, AS DESCRIBED IN THE RULE, SEE “DISCLOSURE UNDERTAKING” HEREIN.

\*Preliminary, subject to change.

August , 2023

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.

**TOWN OF PLATTSBURGH  
CLINTON COUNTY, NEW YORK**

**\$7,600,000\* PUBLIC IMPROVEMENT SERIAL BONDS – 2023**

**MATURITIES, RATES AND YIELDS**

**Dated: August 17, 2023  
inclusive**

**Principal Due: August 15, 2024 -2043,**

**Interest Due: February 15, 2024, August  
15, 2024 and semi-annually  
thereafter on February 15  
and August 15 in each year  
to maturity**

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Yield or Price</u>	<u>CUSIP #</u>
2024	\$260,000			
2025	270,000			
2026	275,000			
2027	280,000			
2028	295,000			
2029	310,000			
2030	320,000			
2031*	335,000			
2032*	350,000			
2033*	365,000			
2034*	380,000			
2035*	390,000			
2036*	405,000			
2037*	430,000			
2038*	440,000			
2039*	460,000			
2040*	480,000			
2041*	500,000			
2042*	515,000			
2043*	540,000			

\*Subject to optional redemption prior to maturity.



**TOWN OF PLATTSBURGH  
CLINTON COUNTY, NEW YORK**

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Plattsburgh, New York 12901  
Telephone: (518) 562-6800  
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**TOWN BOARD**

Michael S. Cashman, Supervisor

Barbara E. Herbert  
Charles A. Kostyk

Dana Isabella  
Tom Wood

-----

Patrick Bowen, Finance Manager  
Kathryn Kalluche, Town Clerk  
James Coffey, Esq., Attorney for the Town

**BOND COUNSEL**

Squire Patton Boggs (US) LLP  
New York, New York

**SQUIRE**   
**PATTON BOGGS**

\* \* \*

**MUNICIPAL ADVISOR**



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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 Town 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 Town. 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 Notes 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 Town 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 Town since the date hereof.

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# **OFFICIAL STATEMENT**

## **TOWN OF PLATTSBURGH CLINTON COUNTY, NEW YORK**

### **\$7,600,000 PUBLIC IMPROVEMENT SERIAL BONDS – 2023 [BOOK-ENTRY BONDS]**

This Official Statement and the appendices hereto present certain information relating to the Town of Plattsburgh, in the County of Clinton, in the State of New York (the “Town,” “County” and “State,” respectively) in connection with the sale of \$7,600,000 Public Improvement Serial Bonds – 2023 (the “Bonds”).

All quotations from and summaries and explanations of provisions of the Constitution and Laws of the State and acts and proceedings of the Town 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 Town 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 August 17, 2023, and will mature on August 15 in each of the years 2024 to 2043, inclusive, in the principal amounts as set forth on the inside cover page hereof.

The Bonds will be registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York (“DTC”) as book-entry bonds. Bondholders will not receive certificates representing their respective interests in the Bonds purchased. See "Book-Entry System" herein.

Interest on the Bonds will be payable on February 15, 2024 and August 15, 2024 and semi-annually thereafter on February 15 and August 15 in each year to maturity. Principal and interest will be paid by the Town to DTC, which will in turn remit such principal and interest to its Participants, for subsequent distribution to the Beneficial Owners of the Bonds, as described herein. The Bonds may be transferred in the manner described on the Bonds and as referenced in certain proceedings of the Town referred to therein.

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

The Town’s contact information is as follows: Patrick Bowen, Finance Manager, Town of Plattsburgh, Town Hall, 151 Banker Road, Plattsburgh, New York 12901, telephone number (518) 562-6839, email [patrickb@townofplattsburgh.org](mailto:patrickb@townofplattsburgh.org).

##### **Optional Redemption for the Bonds**

The Bonds maturing on or before August 15, 2030 will not be subject to redemption prior to maturity. The Bonds maturing on August 15, 2031 and thereafter, will be subject to redemption, at the option of the Town, prior to maturity, 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 August 15, 2030, at par plus accrued interest to the date of redemption.

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.

### Authorization for and Purpose of 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 various resolutions duly adopted by the Town Board.

Date Authorized	Project	Amount Outstanding	Amount to be Paid	Amount to be Issued
03/15/18	\$1,433,000 Serial Bond Resolution (Improvements to Base Sewer District)	\$ 1,020,120	\$ 51,006	\$ 969,114
03/15/18	\$4,567,944 Serial Bond Resolution (Improvements to Base Water District)	616,749	30,837	585,912
03/15/18	\$4,780,000 Serial Bond Resolution (Improvements to Consolidated Sewer District)	3,388,509	169,426	3,219,083
03/15/18	\$13,194,899 Serial Bond Resolution (Improvements to Consolidated Water District)	<u>2,974,622</u>	<u>148,731</u>	<u>2,825,891</u>
	Total	<u>\$8,000,000</u>	<u>\$400,000</u>	<u>\$7,600,000</u>

### Continuing Disclosure Undertaking for the Bonds

At the time of delivery of the Bonds, the Town will provide an executed copy of its “Undertaking to Provide Continuing Disclosure” (the “Undertaking”). Said Undertaking will constitute a written agreement or contract of the Town for the benefit of holders of and owners of beneficial interest in the Bonds, to provide, or cause to be provided to the Electronic Municipal Market Access (“EMMA”) System implemented by the Municipal Securities Rulemaking Board (“MSRB”) established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934, or any successor thereto or to the functions of such Board contemplated by the Undertaking:

(1) (i) to the Electronic Municipal Market Access (“EMMA”) system of the Municipal Securities Rulemaking Board (“MSRB”) or any other entity designated or authorized by the Commission to receive reports pursuant to the Rule, during each fiscal year in which the Bonds are outstanding, (i) certain annual financial information and operating data for the preceding fiscal year in a form generally consistent with the information contained or cross-referenced in the final Official Statement relating to the Bonds under the headings “The Town”, “Economic and Demographic Information”, “Indebtedness of the Town”, “Finances of the Town”, “Tax Information”, “Litigation” and all Appendices (other than any related to bond insurance) by the end of the sixth month following the end of each succeeding fiscal year, commencing with the fiscal year ending December 31, 2023, and (ii) a copy of the audited financial statement, if any, (prepared in accordance with accounting principles generally accepted in the United States of America in effect at the time of the audit) for the preceding fiscal year, commencing with the fiscal year ending December 31, 2023; such audit, if any, will be so provided on or prior to the later of either the end of the sixth month of each such succeeding fiscal year or, if an audited financial statement is not available at that time, within sixty days following receipt by the Town of its audited financial statement for the preceding fiscal year, but, in any event, not later than the last business day of each such succeeding fiscal year; and provided further, in the event that the audited financial statement for any fiscal year is not available by the end of the sixth month following the end of any such succeeding fiscal year, unaudited financial statements in the form provided to the State, if available, will be provided no later than said date; provided however, that provision of unaudited financial statements in any year shall be further conditioned upon a determination by the Town of whether such provision is compliant with the requirements of 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;

(2) timely notice, not in excess of ten (10) business days after the occurrence of such event, of the occurrence of any of the following events:

(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 Bonds, or other material events affecting the tax status of the Bonds; (vii)

modifications to rights of Bondholders, if material; (viii) Bond calls, if material, and tender offers; (ix) defeasances; (x) release, substitution, or sale of property securing repayment of the Bonds, if material; (xi) rating changes; (xii) bankruptcy, insolvency, receivership or similar event of the Town; (xiii) the consummation of a merger, consolidation, or acquisition involving the Town or the sale of all or substantially all of the assets of the Town, 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; (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 Town, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a financial obligation, any of which affect security holders, if material; and (xvi) default, event of acceleration, termination event, modification of terms or other similar events under a financial obligation of the Town, if any, such event reflects financial difficulties.

Event (iii) is included pursuant to a letter from the SEC staff to the National Association of Bond Lawyers, dated September 19, 1995. However, event (iii) is not applicable, since no “debt service reserves” will be established for the Bonds.

With respect to event (iv) the Town does not undertake to provide any notice with respect to credit enhancement added after the primary offering of the Bonds.

With respect to event (xii) 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 Town 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 Town, or if such jurisdiction has been assumed by leaving the existing governing body and official 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 Town.

With respect to events (xv) and (xvi), the term “financial obligation” means a (i) debt obligation (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term “financial obligation” shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

The Town may provide notice of the occurrence of certain other events, in addition to those listed above, if it determines that any such other event is material with respect to the Bonds; but the Town does not undertake to commit to provide any such notice of the occurrence of any event except those events listed above; and

(3) in a timely manner, not in excess of ten (10) business days after the occurrence of such event, notice of a failure to provide the annual financial information by the date specified.

The Town’s Undertaking shall remain in full force and effect until such time as the principal of, redemption premiums, if any, and interest on the Bonds shall have been paid in full or in the event that those portions of the Rule which require the Undertaking, or such provisions, as the case may be, do not or no longer apply to the Bonds. The sole and exclusive remedy for breach or default under the Undertaking is an action to compel specific performance of the undertakings of the Town, and no person or entity, including a holder of the Bonds, shall be entitled to recover monetary damages thereunder under any circumstances. Any failure by the Town to comply with the Undertaking will not constitute a default with respect to the Bonds.

The Town reserves the right to amend or modify the Undertaking under certain circumstances set forth therein; provided that, any such amendment or modification will be done in a manner consistent with Rule 15c2-12 as then in effect.

### **Compliance History**

On July 26, 2023 the Town filed a material event notice for the failure to file its Statement of Annual Financial and Operation Information for the fiscal year ended December 31, 2022, in a timely manner.

### **BOOK-ENTRY SYSTEM**

DTC, will act as securities depository for the Notes. The Notes will be issued as fully-registered securities registered 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 for all of the Bonds bearing the same rate of interest.



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”). 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 the 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 Town 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 Town, 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 Town, 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 depository with respect to the Bonds at any time by giving reasonable notice to the Town. Under such circumstances, in the event that a successor depository is not obtained, bond certificates are required to be printed and delivered to the Bondowners. The Town may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository). In such event, bond certificates will be printed and delivered to the Bondowners.

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 Town takes no responsibility for the accuracy thereof. In addition, the Town will not have any responsibility or obligation to participants, to indirect participants or to any beneficial owner with respect to: (i) the accuracy of any records maintained by DTC, any participant or any indirect participant; (ii) the payments by DTC or any participant or any indirect participant of any amount with respect to the principal of, or premium, if any, or interest on the Bonds or (iii) any notice which is permitted or required to be given to Bondowners.

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

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

The Bonds will be general obligations of the Town and will contain a pledge of the faith and credit of the Town for the payment of the principal thereof and the interest thereon. For the payment of such principal of and interest on the Bonds, the Town has the power and statutory authorization to levy ad valorem taxes on all taxable real property in the Town, subject to the applicable provisions of Chapter 97 of the laws of 2011, as amended (the "Tax Levy Limit Law" herein). The Tax Levy Limit Law imposes a statutory limit on the Town's power to increase its annual real property tax levy, including such taxes to pay the principal of and interest on the Bonds.

Under the Constitution of the State, the Town is required to pledge its faith and credit for the payment of the principal of and interest on the Bonds, and the State is specifically precluded from restricting the power of the Town to levy 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 Town's power to increase its annual tax levy. (See "Tax Levy Limit Law" herein).

### **Remedies Upon Default**

Under current law, provision is made for contract creditors (including the Bondholders) of the Town to enforce payments upon such contracts, if necessary, through court action, although the present statute limits interest on the amount adjudged due to 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, although judicial mandates to officials to appropriate and pay judgments out of current funds or the proceeds of a tax levy have been issued.

Remedies for enforcement of payment are not expressly included in the Town's contract with holders of its bonds and notes, although any permanent repeal by statute or constitutional amendment of a Bondholders remedial right to judicial enforcement of the contract should, in the opinion of Bond Counsel, be held unconstitutional.

The State has consented that any municipality in the State may 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. Subject to such consent, under the United States Constitution, Congress has jurisdiction over such matters and has enacted amendments to the existing federal bankruptcy statute, generally to the effect and with the purpose of affording municipal corporations, under certain circumstances, with easier access to judicially approved adjustment of debts, including judicial control over identifiable and unidentifiable creditors.

In recent times, certain events and legislation affecting remedies on default have resulted in litigation. While courts of final jurisdiction have upheld and sustained the rights of bondholders and bondholders, such courts might hold that future events, including financial crises as they may occur in the State and in municipalities of the State, require the exercise by the State of its emergency police powers to assure the continuation of essential public services.

No principal or interest payments on Town indebtedness are past due. The Town has never defaulted in the payment of the principal of and interest on any indebtedness.

## **THE TOWN**

### **General Information**

The Town, which is a First Class Town pursuant to State Law, encompasses an area of 48 square miles and has a population of 11,867 according to the 2020 U.S. Census, is located in the central eastern portion of the County and completely surrounds the City of Plattsburgh. It is bound on the north by the Town of Beekmantown, on the west by the Town of Saranac, on the south by the Towns of Schuyler Falls and Peru and on the east by Lake Champlain.

The Town is agricultural, industrial and residential in nature with residents finding employment in the industries in the Town and in the City of Plattsburgh, which is also the County Seat of the County.

While major portions of the County are rural and agricultural in character, the County includes the City of Plattsburgh and its surrounding area, which serve as the commercial, industrial, governmental and educational hub of the northern Adirondack region. Situated in the Plattsburgh area is the State University at Plattsburgh, the Clinton Correctional Facility at Dannemora, manufacturing facilities of Schluter Systems., Packaging Corporation of America, Bombardier Transit Corp. and Nova Bus, among others. The County has been involved in the development of Plattsburgh International Airport, following the closing of the Plattsburgh Air Force Base in 1995. See “Plattsburgh International Airport” herein.

### **Government**

The Town was established in 1785. Three independently governed school districts are located wholly or partially within the Town which rely on their own taxing powers granted by the State to raise revenues. The school districts use the Town’s assessment roll as their basis for taxation of property located with the Town.

Subject to the provisions of the State Constitution, the Town operates pursuant to the Town Law, the Local Finance Law, other laws generally applicable to the Town, and any special laws generally applicable to the Town. Under such laws, there is no authority for the Town to have a charter, but pursuant to the Town Law and other laws generally applicable to home rule, the Town may from time to time adopt local laws.

The legislative power of the Town is vested in the Town Board, which consists of five members including the Supervisor, who is the chief executive officer and chief fiscal officer of the Town, elected for a term of four years. The four other members of the Town Board are elected to four-year terms, which terms are staggered such that two councilmembers are elected every two years. All the Town Board members are elected at large and there is no limitation to the number of terms each may serve.

The Town Supervisor, Town Clerk and the Highway Superintendent are elected to four-year terms. The Town Board appoints the Assessor and the Town Attorney.

### **Utilities and Other Services**

Electricity and natural gas is supplied to the Town by the New York State Electric and Gas (NYSEG). The Town supplies water to various special assessment water districts and is responsible for the financing and construction of water transmission lines as well as maintenance of the necessary facilities in such areas. Police protection is provided by the County Police Department and fire protection is provided by five Fire Districts which serve the entire Town.

### **Transportation**

Greater Plattsburgh is centrally located and offers great access to some of the largest markets in the world. It is located one hour south of Montreal and within a five hour drive of New York City, Boston and Toronto. The County has highway access through Interstate 87 and Interstate 90 both allow all of northeastern U.S to be accessible within a day’s drive. I-87 provides immediate access to the entire area and allows access to Canada which is twenty miles north of Plattsburgh. Due to recent renovations to the Champlain – Lacolle Port of Excellence along with Quebec’s Highway 15, the port is now the Country’s most modern northern border crossing. The port has an average of 2,000 vehicles crossing each day which makes it the sixth busiest Canada-U.S. border crossing.

Within the greater Plattsburgh area, there is a rail line for Canadian Pacific, which connects New York City with Montreal. A rail spur, already being used for industrial purposes, runs to Plattsburgh International Airport (see “Plattsburgh International Airport”, herein). Passenger rails via Amtrak are used to provide daily connections between Montreal and New York City.

### **Plattsburgh International Airport**

In February 2003, the Clinton County Legislature agreed to take title to the portion of the former Plattsburgh Air Force Base containing the aviation assets. On February 28, 2003, the Chairperson of the Clinton County Legislature executed a “Lease in Furtherance of Conveyance” agreement with the U.S. Air Force that allowed the County to assume control over 1,700 acres of land for the operation of an airport. The County also entered into an agreement with Plattsburgh Airbase Redevelopment Corp. (“PARC”) on February 28, 2003 that obligated PARC to manage and operate the airport on behalf of the County for one year.

Over the past several years, the County has been engaged in several capital improvement projects to relocate Clinton County Airport to Plattsburgh International Airport. The projects include construction of a new passenger terminal, major renovations of the ILS (instrument landing system) and precision instrument approach, runway improvements and repairs, and construction of a new fuel farm. The projects are now complete, and the airport operates as a Part 139 certificate Commercial Service Airport, supporting activities of industrial tenants, general aviation, and passenger flights.

Plattsburgh International Airport – Terminal Expansion and Capacity Enhancement Project – This terminal expansion project at Plattsburgh International Airport is intended to accommodate current demand as well as forecast demand through 2030. The proposed expansion will address the passenger terminal (including ancillary functions such as fueling, aircraft boarding, etc.), vehicle parking, roadway, and utility enhancements needed to accommodate 2030 forecast demands. The project will include design for the following major terminal expansion elements:

- Approximately 60,000 +/- SF expansion of the existing terminal building including additional boarding gates, ticket counters, passenger screening facilities, concessions, baggage makeup and claim facilities, passenger circulation and waiting rooms and concessions.
- Re-configuration and expansion of vehicular access and circulation roadway system within the airport property.
- Re-configuration and expansion of existing terminal parking lot to accommodate future demand and replace parking capacity that will be lost due to the terminal building expansion.
- Convert the existing aircraft apron between nose docks 7 and 8 to vehicle parking lots to provide vehicle parking to accommodate 2030 forecast demand and replace parking capacity that will be lost due to terminal building expansion.
- Upgrade and reallocation of utilities, as needed.
- Storm water management measures needed to meet regulatory requirements for added impervious surface.
- Security enhancements as needed to comply with Transportation Security Administration requirements for perimeter and access control, monitoring, etc.

### **Education**

Primary and secondary education is the responsibility of three public schools within the Town. Higher education is available within the County at SUNY Plattsburgh and Clinton County Community College.

Founded in 1890, SUNY Plattsburgh is a highly regarded institution that offers both undergraduate and graduate degree programs. The University has approximately 5,400 undergraduate students enrolled and offers programs in 59 disciplines. SUNY Plattsburgh has one of the largest international student populations per capita of any comprehensive college in the State University of New York system. Approximately 8% of its students come from different countries all around the world.

Established in 1956, Clinton County Community College is a two year school which offers over twenty different programs. The campus is located in the Town and allows students to complete the two year program then either pursue a career or transfer to another school. Other institutions surrounding the area include the University of Vermont, Concordia University, McGill University and The University of Quebec, all located within an hour drive.

### **Healthcare**

Town residents are provided healthcare through one of two facilities located within the County. The Champlain Valley Physicians Hospital (CVPH) Medical Center is the region's largest medical complex. It is located in the City of Plattsburgh and provides services to residents of Clinton, Essex, Franklin, and St. Lawrence counties of New York. The CVPH Medical Center was established in 1972 and has been expanding ever since. CVPH Medical Center is among the top 10 hospitals in New York State for overall cardiology services. CVPH Medical Center is licensed as a 341 bed acute care hospital and 70 bed skilled nursing facility. It has approximately 2,350 employees and 200 members of its medical staff.

Clinton County Nursing Home (CCNH) was established in 1874 and has been providing quality long term health care ever since. It is an 80 bed Medicare and Medicaid certified nursing facility located in the City of Plattsburgh and operated by Clinton County. CCNH provides services ranging from short-term restorative rehabilitation to long-term skilled nursing care.

### **Culture and Recreation**

Within the Town there are many recreational activities to enjoy. Lake Champlain offers numerous water activities including sailing, power boating, fishing, water-skiing, sightseeing and scenic rivers. The Adirondack Mountains provide access to hiking, back-packing, skating, skiing, wildlife observation and canoeing. Lake Placid is a place where a number of competitive and recreational events occur. Including bike races and triathalons. Lake Placid annually host one of five ironman triathalons that take place throughout the U.S. Another annual event that brings a lot of tourists is the bass tournaments held in Lake Champlain. These tournaments bring about 1,500 anglers and co-anglers to Plattsburgh each year.

Surrounding areas of the Town include Montreal, Quebec, which has vibrant cultural and art scenes, diverse dining options, museums and big-city nightlife. Burlington, Vermont is another area located on the east shore of Lake Champlain, and it offers the charm and energy of church street shopping. Another popular destination is Lake George, which has recreational and historic activities that attract tourists.

**Employees**

The Town provides services through approximately 55 full-time employees and 20 part-time employees, some of which are represented by organized labor:

<u>Name of Union</u>	<u>Approximate Membership</u>	<u>Date Contract Expires</u>
Teamster Local 687	30	12/31/2025

**ECONOMIC AND DEMOGRAPHIC INFORMATION**

**Population Characteristics**

The Town has had a population trend, as compared to the County and the State as indicated below:

<u>Year</u>	<u>Town of Plattsburgh</u>	<u>Clinton County</u>	<u>State of New York</u>
1990	17,241	85,969	17,990,455
2000	11,190	79,894	18,976,457
2010	11,844	82,128	19,378,102
2020	11,867	80,320	19,514,849

Source: U.S. Bureau of the Census

**Income Data**

	<u>Per Capita Money Income</u>			
	<u>1990</u>	<u>2000</u>	<u>2010</u>	<u>2020<sup>a</sup></u>
Town of Plattsburgh	\$11,283	\$19,385	\$26,094	34,212
County of Clinton	11,444	17,946	22,607	29,960
State of New York	16,501	23,389	30,791	40,898

  

	<u>Median Family Income</u>			
	<u>1990</u>	<u>2000</u>	<u>2010</u>	<u>2020<sup>a</sup></u>
Town of Plattsburgh	\$26,019	\$41,713	\$53,610	62,834
County of Clinton	26,903	37,028	46,843	59,510
State of New York	32,965	43,393	55,603	71,117

Source: United States Bureau of the Census

a. Based on American Community Survey 5-Year Estimates (2016-2020)

### Building Permits

<u>Year</u>	<u>Total</u>	<u>Estimated Costs</u>
2018	342	\$17,112,404
2019	479	43,417,701
2020	491	26,144,820
2021	477	34,768,458
2022	455	28,316,046
2023 (YTD)	69	3,746,806

### Selected Listing of Larger Employers in the Town

<u>Name</u>	<u>Type</u>	<u>Estimated Number Of Employees</u>
Walmart Supercenter	Retail	357
Nova Bus	Manufacturer	350
Advocacy Resource Center	NFP Vocational/health	337
Champlain Valley Services	Vocational Services	265
Clinton Community College	Educational	200
Salerno	Manufacturer	199
BHSN	Health	180
Camso Manufacturing	Manufacturer	168
Sam' Club	Retail	150
Pactiv Evergreen	Manufacturer	135

Source: Town Officials.

### Unemployment Rate Statistics

Unemployment statistics are not available for the Town as such. The smallest area for which such statistics are available is the County of Clinton. The information set forth below with respect to the County and the State is included for information purposes only. It should not be implied from the inclusion of such data in this Statement that the Town is necessarily representative of the County or the State or vice versa

<u>Annual Averages:</u>	<u>Clinton County (%)</u>	<u>New York State (%)</u>
2018	4.4	4.1
2019	4.4	4.0
2020	8.0	10.0
2021	5.0	7.2
2022	3.2	4.4
2023 (5 month average)	3.5	4.2

Source: Department of Labor, State of New York.

## INDEBTEDNESS OF THE TOWN

### Constitutional Requirements

The New York State Constitution limits the power of the Town (and other municipalities and school districts of the State) to issue obligations and to otherwise contract indebtedness. Such constitutional and statutory limitations include the following, in summary form, and are generally applicable to the Town and the Bonds.

**Purpose and Pledge.** The Town 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 Town may contract indebtedness only for a Town 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 weighted average maturity thereof; no installment may be more than fifty per centum in excess of the smallest prior installment, unless the Town has authorized the issuance of indebtedness having substantially level or declining annual debt service. The Town is required to provide an annual appropriation for the payment of interest due during the year on its indebtedness and for the amounts required in such year for amortization and redemption of its bond anticipation notes.

**General.** The Town is further subject to constitutional limitation by the general constitutionally imposed duty on the State Legislature to restrict the power of taxation, assessment, borrowing money, contracting indebtedness and loaning the credit of the Town so as to prevent abuses in the exercise of such powers; however, as has been noted under "*Security and Source of Payment*", the State Legislature is prohibited by a specific constitutional provision from restricting the power of the Town to levy 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 Town's power to increase its annual tax levy, unless the Town complies with certain procedural requirements to permit the Town to levy 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 Town to borrow and incur indebtedness subject, of course, to the constitutional and statutory provisions set forth above. The power to spend money, however, generally derives from other law, including the Town Law and the General Municipal Law.

Pursuant to the Local Finance Law, the Town authorizes the incurrence of indebtedness by the adoption of a bond resolution approved by at least two-thirds of the members of the Board of Trustees, except in the event that the Town determines to subject the bond resolution to voter approval by mandatory referendum, in which case only a three-fifths vote is required.

The Local Finance Law also provides a twenty-day statute of limitations after publication of a bond resolution which, in effect, estops thereafter legal challenges to the validity of obligations authorized by such bond resolution except for alleged constitutional violations. The Town has complied with such procedure for the bond resolutions authorizing the issuance of the Bonds.

Each bond resolution usually authorizes the construction, acquisition or installation of the object or purpose to be financed, 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 thereto.

Each bond resolution also authorizes the issuance of bond anticipation notes prior to the issuance of serial bonds. Statutory law in New York permits notes to be renewed each year provided that principal is amortized and provided that such renewals do not (with certain exceptions) extend more than five years beyond the original date of borrowing. However, bonds issued in anticipation of the sale of serial bonds for assessable improvements are not subject to such five-year limit and may be renewed subject to annual reductions of principal for the entire period of probable usefulness of the purpose for which such bonds were originally issued. (See "*Payment and Maturity*" under "*Constitutional Requirements*").

In addition, under each bond resolution, the Board of Trustees may delegate, and has delegated, power to issue and sell bonds, to the Town Treasurer, the chief fiscal officer of the Town.

In general, the Local Finance Law contains similar provisions providing the Town with power to issue general obligation revenue anticipation notes, tax anticipation notes, deficiency notes and budget notes.

**Debt Limit.** The Town has the power to contract indebtedness for any Town purpose so long as the aggregate outstanding principal amount thereof shall not exceed seven per centum of the average full valuation of taxable real estate of the Town and subject to certain enumerated exclusions and deductions such as water and certain sewer facilities and cash or appropriations for current debt service. The constitutional and statutory method for determining the full valuation is by dividing the assessed valuation of taxable real estate by the respective equalization rates assigned to each assessment roll. Such equalization rates are the ratios which each of such assessed valuations bear to the respective full valuation of such year, as assigned by the New York State Office of Real Property Services. The State Legislature is required to prescribe the manner by which such ratios shall be determined. Average full valuation is determined by adding the full valuations for the most recently completed assessment roll and the four immediately preceding assessments rolls and dividing the resulting sum of such addition by five.

There is no constitutional limitation on the amount that may be raised by the Town 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 Town to increase its annual tax levy. The amount of such increases is limited by the formulas set forth in the Tax Levy Limit Law. (See "*Tax Levy Limit Law*," herein).

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

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**Calculation Of Total Net Indebtedness and Net Debt Contracting Margin**  
(As of July 25, 2023)

Fiscal Year ending <u>December 31:</u>	<u>Assessed Valuation</u>	State Equalization <u>Rate (%)</u>	<u>Full Valuation</u>
2018	\$1,159,096,432	100.00	\$1,159,096,432
2019	1,183,164,849	100.00	1,183,164,849
2020	1,161,807,455	100.00	1,161,807,455
2021	1,195,107,290	90.00	1,327,896,989
2022	1,325,949,497	100.00	1,325,949,497
Total Five Year Full Valuation			\$6,157,915,222
Average Five Year Full Valuation			1,231,583,044
Debt Limit - 7% of Average Full Valuation			86,210,813
Inclusions:			
Various Purpose Debt			-
Sewer Purpose Debt			2,824,750
Water Purpose Debt			7,543,117
Bond Anticipation Notes			8,000,000
Total Indebtedness			<u>18,367,867</u>
Exclusions:			
Appropriations for Bonds			149,168
Appropriations for Notes			400,000
Water Purpose Debt			7,543,117
Total Exclusions			<u>8,092,285</u>
Total Net Indebtedness Before Issuing the Bonds			<u>10,275,582</u>
The Bonds			7,600,000
Less: BANs Being Redeemed by the Bonds			7,600,000
Net Effect of Issuing the Bonds			<u>0</u>
Total Net Indebtedness After Issuing the Bonds			<u>10,275,582</u>
Net Debt Contracting Margin			<u><u>\$ 75,935,231</u></u>
Per Cent of Debt Contracting Margin Exhausted			13.53%

## Debt Service Requirements - Outstanding Bonds<sup>a</sup>

Fiscal Year Ending <u>December 31</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2022	\$ 847,748	\$ 256,878	\$ 1,104,626
2023	540,975	245,518	786,493
2024	551,203	233,855	785,058
2025	561,430	221,835	783,265
2026	566,657	209,531	776,188
2027	581,884	197,193	779,077
2028	584,112	184,067	768,179
2029	589,339	171,442	760,781
2030	599,566	158,658	758,224
2031	614,793	145,689	760,482
2032	609,542	132,054	741,596
2033	624,880	118,218	743,098
2034	615,000	103,956	718,956
2035	630,000	89,494	719,494
2036	645,000	74,731	719,731
2037	655,000	59,488	714,488
2038	670,000	44,046	714,046
2039	685,000	28,173	713,173
2040	600,000	12,000	612,000
Totals	<u>\$11,772,129</u>	<u>\$2,686,826</u>	<u>\$14,458,955</u>

a. Does not include payments made to date.

### Details of Short-Term Indebtedness Outstanding (As of July 25, 2023)

The Town has outstanding bond anticipation notes in the amount of \$8,000,000 for water and sewer improvements to the Town that mature on August 19, 2022. The Bonds, along with \$400,000 of available funds, will be used to redeem the outstanding bond anticipation notes.

#### Capital Water and Wastewater Plan

The Town Board authorized a Capital Plan and report to determine how best to move forward with improvements to the existing water and sewer infrastructure in the Town as well as the addition of some new infrastructure that benefits the entire system. As part of the planning process, the way the Town charges outside Town users as well as how the costs between the Town districts are allocated was reviewed.

Overall, there has been \$17,763,000 of capital improvements identified for the water system between the Consolidated Water and Base Water Districts and another \$6,213,000 for the Consolidated Sewer and Base Sewer Districts. The overall total capital program is \$23,976,000.

Although this figure is significant, the Town is in a very good position to undertake a program of this magnitude. Some of the projects identified in the plan can be undertaken by funding them through the operating budget. This includes items such as water meter replacement and asset management systems. Some funds have already been set aside for the testing required at the potential water supply location at May Currier Park. Others can be funded with available surplus funds that are allocated to the various districts. The remainder of the projects are expected to be funded through bonds authorized by the Town Board.

The following is a listing of all the projects defined in this plan along with their estimated cost and funding mechanism.

CONSOLIDATED WATER DISTRICT		FUNDING
Existing Water storage Facilities	\$6,233,000	Bond/Surplus
Salmon River Road	750,000	Bond
Quarry Road	750,000	Bond
BASE WATER DISTRICT		
Water Storage	1,500,000	Bond
Water Mains	2,750,000	Bond/Surplus
NON-DISTRICT SPECIFIC WATER		
Source of Supply:		
Additional Supply Capacity	2,000,000	Bond/Grant
Bullis Road Pump Station	750,000	Bond/ARPA (\$370,000)
Well 2 Testing	50,000	Surplus
2,000,000 gallon storage tank at Kimberly Lane	1,750,000	Bond
Metering	1,200,000	Operating Budget
Asset Management System	<u>30,000</u>	Operating Budget
Total Water System Improvement Capital Required	<u>\$17,763,000</u>	
CONSOLIDATED SEWER DISTRICT		FUNDING
Water Lift Stations		
Route 9 North	\$ 500,000	Surplus
Trade Road (aka I-87)	1,000,000	Surplus
Cliff Haven	500,000	Bond/Surplus
Flannigan	150,000	Bond
Church Street	150,000	Bond
Singing Sands	150,000	Bond
Beach	300,000	Bond
Woodcliff	300,000	Bond
Lake Land	150,000	Bond
Carsons	150,000	Bond
Cadyville Wastewater Treatment Plant	500,000	Bond
Cliff Haven Sewer Lining	900,000	Bond
BASE SEWER DISTRICT		
Manholes	433,000	Operating Budget
Connecticut Avenue Pump	1,000,000	Bond/Surplus
NON-DISTRICT SPECIFIC SEWER		
Asset Management System	<u>30,000</u>	Operating Budget
Total Sewer System Improvement Capital Required	<u>\$6,213,000</u>	

### Authorized but Unissued Indebtedness

As of the date of this Official Statement, the Town has authorized but unissued debt in the aggregated amount of \$2,664,843.

### Trend of Town Indebtedness

The following table represents the trend of outstanding indebtedness of the Town at the end of the last five preceding fiscal years.

	Fiscal Year Ending December 31:				
	2018	2019	2020	2021	2022
Debt Outstanding End of Year:					
Bonds	\$3,646,536	\$3,073,207	\$12,629,071	\$11,772,129	\$10,924,381
BANs	6,370,000	14,000,000	5,325,000	8,000,000	8,000,000
Other Notes	0	0	0	0	0
Total Debt Outstanding	\$10,016,536	\$17,073,207	\$17,954,071	\$19,772,129	\$18,924,381

### Calculation of Estimated Overlapping and Underlying Indebtedness

In addition to the Town, the following political subdivisions have the power to issue bonds and to levy taxes or cause taxes to be levied on taxable real property in the Town. The estimated applicable outstanding indebtedness of such political subdivisions is as follows:

<u>Overlapping Units</u>	<u>Date of Report</u>	<u>Percentage Applicable (%)</u>	<u>Applicable Total Indebtedness</u>	<u>Applicable Net Indebtedness</u>
Clinton County	07/07/2022	31.40	\$15,126,519	\$14,535,329
Saranac CSD	12/21/2022	33.20	5,556,020	5,556,020
Beekmantown CSD	12/27/2022	69.30	9,213,957	9,213,957
Peru CSD	12/20/2022	25.60	5,239,040	5,239,040
Cumberland Head FD	12/31/2021	100.00	735,000	735,000
Fire District 3	12/31/2021	100.00	120,000	120,000
Cadyville FD	12/31/2021	53.00	544,233	544,233
Morrisonville FD	12/31/2021	57.00	0	0
South Plattsburgh FD	12/31/2021	83.00	3,091,750	3,091,750
Totals			\$39,626,519	\$39,035,329

Sources: Annual Reports of the respective units for the most recently completed fiscal year on file with the Office of the State Comptroller or more recently published Statements.

**Debt Ratios**  
(As of July 25, 2023)

	<u>Amount</u>	<u>Per Capita<sup>a</sup></u>	<u>Percentage of Full Value (%)<sup>b</sup></u>
Total Direct Debt	\$18,367,867	\$1,548	1.385
Net Direct Debt	10,275,582	866	0.775
Total Direct & Applicable Total Overlapping Debt	57,994,386	4,887	4.374
Net Direct & Applicable Net Overlapping Debt	49,310,911	4,155	3.719

a. The estimated population of the Town is 11,867 (2020 U.S. Census).

b. The full valuation of taxable real property in the Town is \$1,325,949,497.

**FINANCES OF THE TOWN**

**Financial Statements and Accounting Procedures**

The Town maintains its financial records in accordance with the Uniform System of Accounts for Towns prescribed by the State Comptroller. The financial records of the Town are audited by independent accountants. The last such audit made available for public inspection covers the fiscal year ended December 31, 2022, such report is attached as Appendix B. In addition, the financial affairs of the Town are subject to periodic compliance review by the Office of the State Comptroller to ascertain whether the Town has complied with the requirements of various State and Federal statutes.

*Fund Structure and Accounts*

The Town utilizes fund accounting to record and report its various service activities. A fund represents both a legal and an accounting entity which segregates the transactions of specific programs in accordance with special regulations, restrictions or limitations.

There are two basic fund types: (1) governmental funds that are used to account for basic services and capital projects; and (2) fiduciary funds that account for assets held in a trustee capacity. Account groups, which do not represent funds, are used to record fixed assets and long-term obligations that are not accounted for in a specific fund.

The Town presently maintains the following governmental funds: General Fund, Highway Fund, Sewer Funds, Water Fund, Consolidated Ambulance, Consolidated Street lighting, Storm Drain and Capital Projects Fund. Fiduciary funds consist of a Custodial Fund. There are no proprietary funds. Account groups are maintained for fixed assets and long-term debt.

*Basis of Accounting*

The governmental fund statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. The Town considers all revenues reported in the governmental funds to be available if the revenues are collected within 365 days after the end of the fiscal year. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, sanitary landfill post closure costs, installment purchases, judgments and claims, and compensated absences, which are recognized as expenditures to the extent they have matured. General capital asset acquisitions are reported as expenditures in governmental funds. Proceeds of general long-term debt and acquisitions under capital leases are reported as other financing sources.

## Investment Policy

Pursuant to the statutes of the State of New York and its adopted Investment Policy, the Town is permitted to temporarily invest moneys which are not required for immediate expenditures, with the exception of moneys the investment of which is otherwise provided for by law, in the following investments: (1) special time deposit accounts in, or certificates of deposit issued by a bank or trust company located and authorized to do business in the State, provided however, that such time deposit account or certificate of deposit is payable within such time as the proceeds shall be needed to meet the expenditures for which such moneys were obtained and provided further that such time deposit account or certificate of deposit, in excess of the amount insured under the Federal Deposit Insurance Act, be secured by either a pledge of eligible securities, an eligible surety bond or an eligible letter of credit, as those terms are defined in the law; (2) obligations of the United States of America; (3) 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; (4) obligations of the State of New York; (5) with the approval of the New York State Comptroller in tax anticipation notes or revenue anticipation notes issued by any municipalities, school district, or district corporation, other than those notes issued by the Town; (6) certificates of participation issued by political subdivisions of the State, as those terms are defined in the law; (7) obligations of a New York public corporation which are made lawful investments for the Town pursuant to the enabling laws of such public corporation; or (8) in the case of moneys held in certain reserve funds established by the Town pursuant to law, in obligations of the Town. Any investments made by the Town pursuant to law are required to be payable or redeemable at the option of the Town 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 notes, shall be payable or redeemable in any event, at the option of the owner, within two years of the date of purchase. These statutes also require that the Town's investments, unless registered or inscribed in the name of the Town, must be purchased through, delivered to and held in custody of a bank or trust company in the State. All such investments held in the custody of a bank or trust company must be held pursuant to a written custodial agreement as that term is defined in the law.

Collateral is required for demand deposit, money market accounts and certificates of deposit not covered by Federal deposit insurance and the eligible securities utilized for such collateral must be held by a third party financial institution, pursuant to security and custodial agreements. 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 and school districts.

The Town maintains a list of financial institutions and dealers approved for investment purposes and establishes appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the Town conducts business must be credit worthy. Banks are required to provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town. Security dealers not affiliated with a bank are required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The chief fiscal officer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

The Town Supervisor is authorized to contract for the purpose of investments: (1) directly, including through a repurchase agreement, from an authorized trading partner, (2) by participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board; and (3) by utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the Town, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the Town, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the Town a perfected interest in the securities.

Repurchase agreements are authorized subject to the following restrictions: (1) all repurchase agreements must be entered into subject to a Master Repurchase Agreement; (2) trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers; (3) obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America; (4) no substitution of securities will be allowed; and (5) the custodian shall be a party other than the trading partner.

## **Budgetary Procedures**

The head of each administrative unit of the Town is required to file detailed estimates of revenues (other than real property taxes) and expenditures for the next fiscal year with the budget officer on or before August 15<sup>th</sup>. After reviewing these estimates, the budget officer prepares a tentative budget which includes his recommendations. A budget message explaining the main features of the budget is also prepared at this time. The tentative budget is filed with the Town Clerk not later than the 30th of September. Subsequently, the Town Clerk presents the tentative budget to the Town Board at the regular or special hearing which must be held on or before October 5th. The Town Board reviews the tentative budget and makes such changes as it deems necessary and that are not inconsistent with the provisions of the law. Following this review process, the tentative budget and such modifications, if any, as approved by the Board become the preliminary budget. A public hearing, notice of which must be duly published in the Town's official newspaper, on the preliminary budget is generally required to be held on the Thursday immediately following the general election. At such hearing, any person may express his opinion concerning the preliminary budget; however, there is no requirement or provision that the preliminary budget or any portion thereof be voted on by members of the public. After the public hearing, the Town Board may further change and revise the preliminary budget. The Town Board, by resolution, adopts the preliminary budget as submitted or amended no later than November 20th, at which time, the preliminary budget becomes the annual budget of the Town for the ensuing fiscal year. Budgetary control during the year is the responsibility of the Supervisor who is assisted in this area by the Finance Manager. However, any changes or modifications to the annual budget including the transfer of appropriations among line items must be approved by resolution of the Town Board.

Budget Summaries for the 2022 and 2023 fiscal years may be found in Appendix A.

## **Financial Operations**

The Supervisor functions as the chief fiscal officer as provided in Section 2 of the Local Finance Law; in this role, the Supervisor is responsible for the Town's accounting and financial reporting activities. Pursuant to Section 30 of the Local Finance Law, the Supervisor has been authorized to issue or renew certain specific types of notes. As required by law, the Supervisor must execute an authorizing certificate which then becomes a matter of public record.

The Town Board, as a whole, serves as the finance board of the Town and is responsible for authorizing, by resolution, all material financial transactions such as operating and capital budgets and bonded debt.

Town fund statements are classified as major and non-major governmental funds. Major funds consist of the General Fund, Capital Projects Fund, and Special Revenue Funds. Town finances are operated primarily through the General and Special Revenue Funds. The General Fund receives most of its revenue from sales tax and State aid. Current operating expenditures are paid from these funds subject to available appropriations. The Special Revenue Funds are made up of the Highway, Water/Sewer Administration & Ambulance, Sewer and Water. The primary source of income for these districts comes from property taxes and special assessments levied against district properties at the same time real estate taxes are levied. The Town also maintains non-major funds which include Storm Drainage, Street Lighting and Special Grant funds. The Town observes a calendar year (January 1 through December 31) for operating and reporting purposes.

## **The State Comptroller's Fiscal Stress Monitoring System**

The New York State Comptroller has reported that New York State's school districts and municipalities are facing significant fiscal challenges. As a result, the Office of the State Comptroller has developed a Fiscal Stress Monitoring System ("FSMS") to provide independent, objectively measured and quantifiable information to school district and municipal officials, taxpayers and policy makers regarding the various levels of fiscal stress under which the State's school districts and municipalities are operating.

The fiscal stress scores are based on financial information submitted as part of each school district's ST-3 report filed with the State Education Department annually, and each municipality's annual report filed with the State Comptroller. Using financial indicators that include year-end fund balance, cash position and patterns of operating deficits, the system creates an overall fiscal stress score which classifies whether a school district or municipality is in "significant fiscal stress", in "moderate fiscal stress," as "susceptible to fiscal stress" or "no designation". Entities that do not accumulate the number of points that would place them in a stress category will receive a financial score but will be classified in a category of "no designation." This classification should not be interpreted to imply that the entity is completely free of fiscal stress conditions. Rather, the entity's financial information, when objectively scored according to the FSMS criteria, did not generate sufficient points to place them in one of the three established stress categories.

The most current applicable report of the State Comptroller designates the Town as "No Designation". (Fiscal Score: 0.0%, Environmental Score: 6.7%).

See the State Comptroller's official website for more information on FSMS. Reference to this website implies no warranty of accuracy of information therein.

In addition, the Office of the State Comptroller helps local government officials manage government resources efficiently and effectively. The Comptroller oversees the fiscal affairs of local governments statewide, as well as compliance with relevant statutes and observance of good business practices. This fiscal oversight is accomplished, in part, through its audits, which identify opportunities for improving operations and governance. The Town has not been audited in the last five years.

### Revenues

The Town receives most of its revenues from a real property tax on all non-exempt property situated within the Town and from State Aid. A summary of such revenues for the five most recently completed fiscal years may be found in Appendix A. See "Real Property Tax Information", herein.

### State Aid

The Town receives financial assistance from the State. If the State should not adopt its budget in a timely manner, municipalities and school districts in the State, including the Town, may be affected by a delay in the payment of State aid. Additionally, if the State should experience difficulty in borrowing funds in anticipation of the receipt of State taxes in order to pay State aid to municipalities and school districts in the State, including the Town, in this year or future years, the Town may be affected by a delay in the receipt of State aid until sufficient State taxes have been received by the State to make State aid payments.

No assurance can be given that present State aid levels will be maintained in the future. Currently, due to the outbreak of COVID-19, the State has 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. The outbreak of COVID-19 and the dramatic steps taken by the State to address it are expected to negatively impact the State's economy and financial condition. The full impact of COVID-19 upon the State is not expected to be known for some time; however, it is anticipated that the State will experience budgetary restrictions which will require certain gap-closing actions. Such actions may include, but are not limited to: reductions in State agency operations and/or the delay, elimination or substantial reduction in payments to municipalities, school districts or other recipients of State aid in the State. If this were to occur, reductions in the payment of State aid could adversely affect the financial condition of municipalities and school districts in the State, requiring either a counterbalancing increase in revenues from other sources to the extent available, or a curtailment of expenditures. (See also "*Market Factors Affecting Financings of the State and Municipalities of the State*" herein.)

Based on the audited financial statements of the Town, the Town received approximately 5.77% of its total General Fund operating revenue from State aid in 2022. There is no assurance, however, that State appropriations for aid to municipalities will continue, either pursuant to existing formulas or in any form whatsoever. The State is not constitutionally obligated to maintain or continue such aid and, in fact, the State has drastically reduced funding to municipalities and school districts in the last several years in order to balance its own budget.

Although the Town cannot predict at this time whether there will be any delays and/or reductions in State aid in the current year or in future fiscal years, the Town may be able to mitigate the impact of any delays or reductions by reducing expenditures, increasing revenues appropriating other available funds on hand, and/or by any combination of the foregoing.

The following table sets forth the percentage of the Town's General Fund revenue (including transfers) comprised of State aid for each of the fiscal years 2018 through 2022, and budgeted for 2023.

<u>Fiscal Year Ending December 31:</u>	<u>General Fund Total Revenue</u>	<u>State Aid</u>	<u>State Aid to Revenues (%)</u>
2018	\$3,854,575	\$380,914	9.88
2019	4,054,928	303,200	7.48
2020	4,099,124	297,015	7.25
2021	5,293,085	467,286	8.83
2022	4,849,045	279,988	5.77
2023 (Budgeted)	4,897,101	575,803	11.76

Source: Audited financial statements (2018-2022), and the Adopted Budget for 2023.

a. Budgeted revenues include the use of appropriated fund balance.



## Expenditures

The major categories of expenditures for the Town are General Government Support, Public Safety, Transportation, Economic Assistance and Opportunity, Home and Community Services, Culture and Recreation, Employee Benefits and Debt Service. A summary of the expenditures for the five most recently completed fiscal years may be found in Appendix A.

## Pension Systems

Substantially all employees of the Town are members of the New York State and Local Employees' Retirement System (the "Retirement System" or "ERS"). The Retirement Systems are a cost-sharing multiple public employer retirement system. The obligation of employers and employees to contribute and the benefits to employees are governed by the New York State Retirement System and Social Security Law (the "Retirement System Law"). The Systems 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 the Retirement Systems 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 Systems. The Retirement Systems are non-contributory with respect to members hired prior to July 27, 1976. All members hired on or after July 27, 1976 must contribute three percent of their gross annual salary towards the costs of retirement programs until they attain ten years in the Retirement System, at such time contributions become voluntary. On December 10, 2009, the Governor signed into law the creation of a new Tier 5, which is effective for new ERS employees hired after January 1, 2010. New ERS employees in Tier 5 will now contribute 3% of their salaries. There is no provision for these contributions to cease for Tier 5 employees after a certain period of service. Additionally, on March 16, 2012, the Governor signed into law the new Tier 6 pension program, effective for new ERS and TRS employees hired after April 1, 2012. The Tier 6 legislation provides for increased employee contribution rates of between 3% and 6%, an increase in the retirement age from 62 years to 63 years, a readjustment of the pension multiplier, and a change in the time period for final average salary calculation from 3 years to 5 years. Tier 6 employees will vest in the system after five years of employment and will continue to make employee contributions throughout employment.

As a result of significant capital market declines in the recent past, in certain years the State's Retirement System portfolio has experienced negative investment performance and severe downward trends in market earnings. As a result of the foregoing, it is anticipated that the employer contribution rate for the State's Retirement System in future years may be higher than the minimum contribution rate established under applicable law. Since 2010, various forms of legislation have been enacted to allow local governments and school districts the option of amortizing required contributions to the Retirement System. However, although these options reduce near term payments, it will require higher than normal contributions in later years. The Town has decided not to amortize any payments to the Retirement System.

## Required Contributions to the Retirement Systems

Fiscal Year Ending <u>December 31:</u>	<u>ERS</u>
2018	\$456,378
2019	446,116
2020	446,659
2021	543,536
2022	394,462
2023 (Budgeted)	501,240

## Other Post Employment Benefits

The Town provides post-retirement healthcare benefits to various categories of former employees. These costs may be expected to rise substantially in the future. School districts and Boards of Cooperative Education Services, unlike other municipal units of government in the State, have been prohibited from reducing retiree health benefits or increasing health care contributions received or paid by retirees below the level of benefits or contributions afforded to or required from active employees. This protection from unilateral reduction of benefits had been extended annually by the New York State Legislature until recently when legislation was enacted to make permanent these health insurance benefit protections for retirees. Legislative attempts to provide similar protection to retirees of other local units of government in the State have not succeeded as of the date hereof. Nevertheless, many such retirees of all varieties of municipal units in the State do presently receive such benefits.

GASB Statement No. 75 (“GASB 75”) of the Governmental Accounting Standards Board (“GASB”), requires state and local governments to account for and report their costs associated with post-retirement healthcare benefits and other non-pension benefits (“OPEB”). GASB 75 generally requires that employers account for and report the annual cost of the OPEB and the outstanding obligations and commitments related to OPEB in essentially the same manner as they currently do for pensions. Under previous rules, these benefits have generally been administered on a pay-as-you-go basis and have not been reported as a liability on governmental financial statements. Only current payments to existing retirees were recorded as an expense.

GASB 75 requires that state and local governments adopt the actuarial methodologies to determine annual OPEB costs. Annual OPEB cost for most employers will be based on actuarially determined amounts that, if paid on an ongoing basis, generally would provide sufficient resources to pay benefits as they come due.

During the year ended December 31, 2018, the Town adopted GASB 75, which supersedes and eliminates GASB 45. Under GASB 45, based on actuarial valuation, an annual required contribution (“ARC”) will be determined for each state or local government. The ARC is the sum of (a) the normal cost for the year (the present value of future benefits being earned by current employees) plus (b) amortization of the unfunded accrued liability (benefits already earned by current and former employees but not yet provided for), using an amortization period of not more than 30 years. If a municipality contributes an amount less than the ARC, a net OPEB obligation will result, which is required to be recorded as a liability on its financial statements.

GASB 75 establishes new standards for recognizing and measuring OPEB liabilities, deferred outflows of resources, deferred inflows of resources, and expense/expenditures to provide more transparent reporting and useful information about the liability and cost of benefits. Municipalities and school districts are required to account for OPEB within the financial statements rather than only noted in the footnotes as previously required by GASB 45. It is measured as of a date no earlier than the end of the employer’s prior fiscal year and no later than the employer’s current fiscal year. The discount rate is based on 20-year, tax exempt general obligation municipal bonds. There is no amortization of prior service cost.

Those that have more than 200 participants are required to have a full actuarial valuation annually. Plans with fewer than 200 participants are required to have a full valuation every two years.

For the fiscal year ended December 31, 2018, the Town implemented GASB 75. The implementation of this Statement resulted in the reporting of the entire actuarial accrued liability for other post-employment benefits. The Town’s total OPEB liability at December 31, 2022 is as follows:

Total OPEB Liability at January 1, 2022	<u>\$5,486,833</u>
Charges for the Year:	
Service Cost	182,093
Interest	119,150
Changes in Benefit Terms	0
Differences Between Expected and Actual Experience	(580,989)
Changes in Assumptions or Other Inputs	(172,827)
Benefit Payments	<u>(97,278)</u>
Net Changes	<u>(549,851)</u>
Total OPEB Liability at December 31, 2022	<u><u>\$4,936,982</u></u>

Actuarial valuation will be required every 2 years for OPEB plans with more than 200 members, every 3 years, if there are less than 200 members.

In April 2015, the State Comptroller announced legislation to create an optional investment pool to help the State and local governments fund retiree health insurance and other post-employment benefits. The proposed legislation would allow the following:

- Authorize the creation of irrevocable OPEB trusts, not part of the New York State Common Retirement Fund, so that New York state and its local governments can, at their option, help fund their OPEB liabilities;
- Establish an OPEB investment fund in the sole custody of the State Comptroller for the investment of OPEB assets of the state and participating eligible local governments;
- Designate the president of the Civil Service Commission as the trustee of the state’s OPEB trust and the governing boards as trustee for local governments; and
- Allow school districts to transfer certain excess reserve balances to an OPEB trust once it is established.

Under the State Comptroller’s proposal, there were no restrictions on the amount a government can deposit into the trust. The proposed legislation was not enacted into law in past legislative sessions. It is not possible to predict whether the Comptroller’s proposed legislation will be reintroduced or enacted if introduced.

**TAX INFORMATION**

**Real Property Taxes**

The Town does not levy a General Fund Tax Levy. (see “Statement of Revenues, Expenditures and Changes in Fund Balance” in Appendix B, herein.) On June 24, 2011, the Tax Levy Limit Law was enacted, which imposes a tax levy limitation upon the municipalities, school districts and fire districts in the State, including the Town, without providing an exclusion for debt service on obligations issued by municipalities and fire districts, including the Town. See “Tax Levy Limit Law,” herein.

The Real Property Tax Revenue amounts in the Town’s financial statements are made up of PILOT payments and real property tax interest and penalties. PILOT payments are agreed upon for a certain period of time. There can be no assurance that the presently agreed upon payments will remain at the current amounts after the expiration of an agreement. A large portion of the Town’s General Fund revenues come from sales taxes. (See “Sales Tax” herein).

The following table sets forth the percentage of the Town’s General Fund revenue (excluding other financing sources) comprised of real property tax items for each of the fiscal years 2018 through 2022 inclusive and budgeted for the fiscal year 2023.

<u>Fiscal Year Ending</u> <u>December 31:</u>	<u>Total Revenue</u>	<u>Real Property Tax Items</u>	<u>Real Property Tax Items</u> <u>to Revenues (%)</u>
2018	\$3,854,575	\$46,966	1.22
2019	4,054,928	36,181	0.89
2020	4,099,124	42,358	1.03
2021	5,293,085	46,395	0.88
2022	4,849,045	37,762	0.78
2023 (Budgeted)	4,897,101	38,000	0.78

Source: Audited financial statements (2018-2022), and the Adopted Budget for 2023.

a. Budgeted revenues include the use of appropriated fund balance.

**Tax Collection Procedure**

The Tax Receiver or Deputy Tax Receiver is responsible for the collection of Town and County Real Property Taxes. The Tax Receiver provides a weekly payment to the Town Supervisor for collections from the previous week. The Tax Receiver makes payments to the Town Supervisor until the Town’s Tax Levy has been satisfied in full. The Tax Receiver then makes payment to the County for collections of County real property tax. The Tax Receiver and the County perform a collection settlement at the end of the tax season.

**Sales Tax**

Most counties in the State share some portion of the proceeds from their sales tax with cities, towns, villages, or school districts. These sales tax distributions are done in accordance with sharing agreements based on population, real property valuation and/or other factors, some of which are required by statute under certain circumstances and others or which are left to the discretion of the town. All of the sharing agreements must be approved by the Town Board, and any agreement between cities and counties that does not allocate revenues solely in proportion to population must also be approved by the State Comptroller.

The County presently imposes a sales tax and use tax of 4%, in addition to the 4% tax imposed by the State for a countywide sales tax rate of 8%. Such sales and use tax collections are administered by the State Tax Commission and paid at least monthly to the County. The County, pursuant to a Sales Tax Sharing Agreement shares the proceeds of the County’s 4% sales and use tax with the one city, fourteen towns and four villages within the County. Under the terms of the Agreement, on the first 3%, the County retains 55% of the sales tax revenues up to \$27.1 million, 65% of the sales tax revenues over \$27.1 million with the balance disbursed quarterly to the municipalities on a formula basis. The additional 1% is retained by the County.

The following table sets forth the percentage of the Town’s General Fund revenue (excluding other financing sources) comprised of sales tax for each of the fiscal years 2018 through 2022 and budgeted for 2023.

<u>Fiscal Year Ending</u> <u>December 31:</u>	<u>Total Revenue</u>	<u>Sales Taxes</u>	<u>Sales Taxes to</u> <u>Revenues (%)</u>
2018	\$3,854,575	\$2,962,904	76.87
2019	4,054,928	2,984,673	73.61
2020	4,099,124	2,617,968	63.87
2021	5,293,085	3,855,214	72.83
2022	4,498,732	3,799,633	84.46
2023 (Budgeted)	4,897,101	2,824,107	57.67

Source: Audited financial statements (2018-2022), and the Adopted Budget for 2023.

a. Budgeted revenues include the use of appropriated fund balance.

**Large Taxable Properties**  
2023 Assessment Roll<sup>a</sup>

<u>Name</u>	<u>Type</u>	<u>Assessed Valuation</u>
Platcon A, LLC	Industrial	\$32,000,000
Fort Schuyler Mgmt Corp	Commercial	15,000,000
Pyramid Company of Plattsburgh	Commercial	14,000,000
NYSEG	Utility	11,550,290
Champlain Centre North LLC	Mall	10,000,000
Target Corporation	Retail	8,500,000
NYSEG	Utility	8,046,727
Prevost Car Us Inc	Industrial	8,000,000
NYSEG	Utility	7,669,776
UMS Property LLC	Industrial	7,295,000
NYSEG	Utility	6,720,479
Lowe's	Retail	6,350,000
UMS Property LLC	Commercial	6,100,000
NYSEG	Utility	5,909,750
ARCP GSPLTNY01 LLC	Commercial	5,500,000
Nine Platt Corporation	Commercial	5,350,000
Schonbeck & Co. Inc	Industrial	4,500,000
City of Plattsburgh	Utility	4,207,854
Rt.3 Development	Commercial	4,200,000
Days Inn Plattsburgh	Hotel	4,100,000
	Total <sup>a</sup>	<u><u>\$174,999,876</u></u>

a. Assessment Roll established in 2022 for levy and collection of taxes in 2023.

b. Represents 13.20% of the 2022 Taxable Assessed Valuation of the Town.

## **Tax Levy Limitation Law**

On June 24, 2011, Chapter 97 of the Laws of 2011, as amended (the “Tax Levy Limit Law” or “TLLL”) was enacted. The Tax Levy Limitation Law imposes a tax levy limitation on the Town for any fiscal year each commencing after January 1, 2012 without providing an express exclusion for real property taxes levied for payment of principal of and interest on general obligations issued by the Town under the Local Finance Law. Accordingly, the power of the Town to levy real property taxes on all taxable real property within the Town without limitation as to rate or amount in furtherance of the pledge of its faith and credit as required in the New York Constitution is subject to statutory limitations pursuant to formulae set forth in the Tax Levy Limitation Law.

The Tax Levy Limit Law restricts the increase in the amount of the succeeding year’s tax levy to no more than the lesser of (i) two percent (2%) or (ii) the annual increase in the consumer price index (“CPI”), over the amount of the prior year’s tax levy. The TLLL also provides for certain adjustments for taxable real property full valuation increases or changes in physical or quantity growth in the real property base as defined in Section 1220 of the Real Property Tax Law. The 2% limit can be increased and overridden annually through a local law enacted by a 60% supermajority vote by the Town Board subject to referenda requirements, if any, set forth in the Municipal Home Rule Law. Express exclusions from the 2% limit of TLLL include (i) funds needed to pay judgments in excess of 5% of the prior year’s tax levy, and (ii) retirement systems growth in the average actuarial contribution rate in excess of 2%. The Town is also permitted to carry forward a certain portion of its unused levy limitation from a prior year. Each municipality prior to adoption of each fiscal year budget must submit for review to the Office of the State Comptroller any information that is necessary in the calculation of its tax levy for each fiscal year.

The TLLL does not provide an express exclusion from the tax levy limitation for payment of principal and interest on general obligations authorized and issued by the Town under the Local Finance Law. A plain English reading of the TLLL compared with the applicable and corresponding provisions of Article VIII of the New York Constitution (Local Government Finance) could lead to the conclusion that the TLLL is contrary to and violative of certain provisions of Article VIII the New York Constitution.

In the opinion of bond counsel, under current law, the limitations imposed by TLLL on real property tax levies do not diminish the prior lien on the first revenues of the Town set forth in the New York State Constitution and established by the aforesaid pledge of the Town’s faith and credit requiring the Town to raise the necessary moneys and to exceed normal real estate tax limitations to pay the principal of and interest on the Notes. Bond counsel expresses no opinion on the validity of Chapter 97 of the Laws of 2011 under the applicable provisions of Article VIII of the New York Constitution.

## **Tax Certiorari Claims**

In common with other municipalities, there are a number of tax certiorari proceedings pending involving properties that are subject to the levy of Town taxes. The plaintiffs in these matters have asserted that their properties are over-assessed and are seeking assessment reductions. A refund of excess taxes is also generally requested. Historically, certiorari claims have been settled through negotiations, resulting in amounts, at times, substantially less than originally claimed. Many settlements provide for future adjustments with no direct outlay of money. Any outstanding tax certiorari claims are not expected to have an adverse effect on the financial condition of the Town. (See “*Tax Collection Procedure*” and “*LITIGATION*” herein).

## **LITIGATION**

In common with other municipalities, the Town from time to time receives notices of claim and is party to litigation. In the opinion of the Town, after consultation with the Town Attorney, unless otherwise set forth herein and apart from matters provided for by applicable insurance coverage, there are no significant claims or actions pending in which the Town has not asserted a substantial and adequate defense, nor which, if determined against the Town, would have an adverse material effect on the financial condition of the Town.

## **CYBERSECURITY**

The Town, 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 Town 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 Town 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. The results of any such attack could impact business operations and/or damage Town digital networks and systems and the costs of remedying any such damage could be substantial.

## IMPACT OF 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 Town's financial condition and operating results. The Town received approximately \$1.3 million in direct aid through the ARPA which was signed into law on March 11, 2021. According to the ARPA, the Town must obligate the funds by December 31, 2024 and expend them by December 31, 2026. The Town, under the provisions allowable under the ARPA, has obligated such funds for infrastructure improvements.

Although the ARPA provides for funds paid to the State, it is not possible to predict whether any future federal legislation will contain reduction in other federal aid to the State. Any reduction in Federal funding levels could have a materially adverse impact on the State budget. In addition to the potential fiscal impact of policies that may be proposed and adopted by the administration and Congress, the State budget may be adversely affected by other actions taken by the federal government, including audits, disallowances, and changes to federal participation rates or other Medicaid rules. The Town will continue to monitor closely the 2023 economic environment and take the proactive measures as required to ensure the strong financial condition of the Town.

## 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 Town's credit rating could be affected by circumstances beyond the Town's control. Economic conditions such as 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 Town property and its ability to maintain fund balances and other statistical indices commensurate with its current credit rating. Accordingly, a decline in the Town's credit rating could adversely affect the market value of the Bonds.

In addition, if and when a holder of any of the Bonds should elect to sell a Bond prior to its maturity, there can be no assurance that a market shall have been established, maintained and be in existence for the purchase and sale of any Bonds. The price or principal value of the Bonds is dependent on the prevailing level of interest rates. If interest rates should increase, the price of a bond may decline causing the bondholder to potentially incur a capital loss if such bond is sold prior to its maturity.

The financial condition of the Town as well as the market for the Bonds could be affected by a variety of factors, some of which are beyond the Town's control. There can be no assurance that adverse events in the State including, for example, the seeking by a municipality 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. If a significant default or other financial crisis should occur in the affairs of the State or any of its agencies or political subdivisions thereby further impairing the acceptability of obligations issued by borrowers within the State, both the ability of the Town to arrange for additional borrowing and the market for and market value of outstanding debt obligations, including the Bonds, could be adversely affected.

The Town is dependent in part on financial assistance from the State in the form of State aid ("State Aid"). State aid accounts for a 11.76% portion of the Town's 2023 budgeted revenues. The availability of such monies and the timeliness of such payment may be affected by a delay in the adoption of the State budget, the impact to the State's economy and financial condition due to the COVID-19 outbreak and other circumstances, including State fiscal stress. State aid appropriated and apportioned to the Town can be paid only if the State has such monies available therefore. Should the Town fail to receive all or a portion of the amounts of State Aid expected to be received from the State in the amounts and at the times anticipated, occasioned by a delay in the payment of such moneys or by a reduction in State Aid or its elimination, the Town is authorized pursuant to the Local Finance Law ("LFL") to provide operating funds by borrowing in anticipation of the receipt of such uncollected State Aid, however, there can be no assurance that, in such event, the Town will have market access for any such borrowing on a cost effective basis. (See also "*State Aid*" herein.)

Future amendments to applicable statutes affecting the treatment of interest paid on municipal bonds, 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 district in the State, including the Town, without providing exclusion for debt service on obligations issued by municipalities and fire districts, including the Town, may have an impact upon the market price for the Bonds. (See "*Tax Levy Limit Law*," herein).

## TAX MATTERS

In the opinion of Squire Patton Boggs (US) LLP, Bond Counsel, under existing law: (i) interest on the Bonds is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and the Bonds are qualified tax tax-exempt obligations as defined in Section 265(b)(3) of the Code; and (ii) interest on the Bonds is exempt from personal income taxes imposed by the State of New York and political subdivisions thereof, including The City of New York and the City of Yonkers. Bond Counsel expresses no opinion as to any other tax consequences regarding the Bonds.

The opinion on federal tax matters will be based on and will assume the accuracy of certain representations and certifications, and continuing compliance with certain covenants, of the Town contained in the transcript of proceedings and that are intended to evidence and assure the foregoing, including that the Bonds are and will remain obligations the interest on which is excluded from gross income for federal income tax purposes. Bond Counsel will not independently verify the accuracy of the Town's certifications and representations or the continuing compliance with the Town's covenants.

The opinion of Bond Counsel is based on current legal authority and covers certain matters not directly addressed by such authority. It represents Bond Counsel's legal judgment as to exclusion of interest on the Bonds from gross income for federal income tax purposes but is not a guaranty of that conclusion. The opinion is not binding on the Internal Revenue Service ("IRS") or any court. Bond Counsel expresses no opinion about (i) the effect of future changes in the Code and the applicable regulations under the Code or (ii) the interpretation and the enforcement of the Code or those regulations by the IRS.

The Code prescribes a number of qualifications and conditions for the interest on state and local government obligations to be and to remain excluded from gross income for federal income tax purposes, some of which require future or continued compliance after issuance of the obligations. Noncompliance with these requirements by the Town may cause loss of such status and result in the interest on the Bonds being included in gross income for federal income tax purposes retroactively to the date of issuance of the Bonds. The Town has covenanted to take the actions required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, and not to take any actions that would adversely affect that exclusion. After the date of issuance of the Bonds, Bond Counsel will not undertake to determine (or to so inform any person) whether any actions taken or not taken, or any events occurring or not occurring, or any other matters coming to Bond Counsel's attention, may adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds or the market value of the Bonds.

Interest on the Bonds may be subject to (1) a federal branch profits tax imposed on certain foreign corporations doing business in the United States (2) a federal tax imposed on excess net passive income of certain S corporations and (3) for tax years beginning after December 31, 2022, to the alternative minimum tax imposed under Section 55(b) of the Code on "applicable corporations" (within the meaning of Section 59(k) of the Code). Under the Code, the exclusion of interest from gross income for federal income tax purposes may have certain adverse federal income tax consequences on items of income, deduction or credit for certain taxpayers, including financial institutions, certain insurance companies, recipients of Social Security and Railroad Retirement benefits, those that are deemed to incur or continue indebtedness to acquire or carry tax-exempt obligations, and individuals otherwise eligible for the earned income tax credit. The applicability and extent of these and other tax consequences will depend upon the particular tax status or other tax items of the owner of the Bonds. Bond Counsel will express no opinion regarding those consequences.

Payments of interest on tax-exempt obligations, including the Bonds, are generally subject to IRS Form 1099-INT information reporting requirements. If a Bond owner is subject to backup withholding under those requirements, then payments of interest will also be subject to backup withholding. Those requirements do not affect the exclusion of such interest from gross income for federal income tax purposes.

Bond Counsel's engagement with respect to the Bonds ends with the issuance of the Bonds, and, unless separately engaged, Bond Counsel is not obligated to defend the Town or the owners of the Bonds regarding the tax status of interest thereon in the event of an audit examination by the IRS. The IRS has a program to audit tax-exempt obligations to determine whether the interest thereon is includible in gross income for federal income tax purposes. If the IRS does audit the Bonds, under current IRS procedures, the IRS will treat the Town as the taxpayer and the beneficial owners of the Bonds will have only limited rights, if any, to obtain and participate in judicial review of such audit. Any action of the IRS, including but not limited to selection of the Bonds for audit, or the course or result of such audit, or an audit of other obligations presenting similar tax issues, may affect the market value of the Bonds.

Prospective purchasers of the Bonds upon their original issuance at prices other than the respective prices indicated on the inside cover of this Official Statement, and prospective purchasers of the Bonds at other than their original issuance, should consult their own tax advisors regarding other tax considerations such as the consequences of market discount, as to all of which Bond Counsel expresses no opinion.

## Risk of Future Legislative Changes and/or Court Decisions

Legislation affecting tax-exempt obligations is regularly considered by the United States Congress and may also be considered by the State legislature. Court proceedings may also be filed, the outcome of which could modify the tax treatment of obligations such as the Bonds. There can be no assurance that legislation enacted or proposed, or actions by a court, after the date of issuance of the Bonds will not have an adverse effect on the tax status of interest on the Bonds or the market value or marketability of the Bonds. These adverse effects could result, for example, from changes to federal or state income tax rates, changes in the structure of federal or state income taxes (including replacement with another type of tax), or repeal (or reduction in the benefit) of the exclusion of interest on the Bonds from gross income for federal or state income tax purposes for all or certain taxpayers.

For example, federal tax legislation that was enacted on December 22, 2017 reduced corporate tax rates, modified individual tax rates, eliminated many deductions, repealed the corporate alternative minimum tax that was in effect at that time, and eliminated the tax-exempt advance refunding of tax-exempt bonds and tax-advantaged bonds, among other things. Additionally, investors in the Bonds should be aware that future legislative actions might increase, reduce or otherwise change (including retroactively) the financial benefits and the treatment of all or a portion of the interest on the Bonds for federal income tax purposes for all or certain taxpayers. In all such events, the market value of the Bonds may be affected and the ability of holders to sell their Bonds in the secondary market may be reduced.

Investors should consult their own financial and tax advisors to analyze the importance of these risks.

### Original Issue Discount and Original Issue Premium

Certain of the Bonds (“Discount Bonds”) may be offered and sold to the public at an original issue discount (“OID”). OID is the excess of the stated redemption price at maturity (the principal amount) over the “issue price” of a Discount Bond. The issue price of a Discount Bond is the initial offering price to the public (other than to bond houses, brokers or similar persons acting in the capacity of underwriters or wholesalers) at which a substantial amount of the Discount Bonds of the same maturity is sold pursuant to that offering. For federal income tax purposes, OID accrues to the owner of a Discount Bond over the period to maturity based on the constant yield method, compounded semiannually (or over a shorter permitted compounding interval selected by the owner). The portion of OID that accrues during the period of ownership of a Discount Bond (i) is interest excluded from the owner’s gross income for federal income tax purposes to the same extent, and subject to the same considerations discussed above, as other interest on the Bonds, and (ii) is added to the owner’s tax basis for purposes of determining gain or loss on the maturity, redemption, prior sale or other disposition of that Discount Bond. A purchaser of a Discount Bond in the initial public offering at the issue price (described above) for that Discount Bond who holds that Discount Bond to maturity will realize no gain or loss upon the retirement of that Discount Bond.

Certain of the Bonds (“Premium Bonds”) may be offered and sold to the public at a price in excess of their stated redemption price at maturity (the principal amount). That excess constitutes bond premium. For federal income tax purposes, bond premium is amortized over the period to maturity of a Premium Bonds, based on the yield to maturity of that Premium Bond (or, in the case of a Premium Bond callable prior to its stated maturity, 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 that Premium Bond), compounded semiannually. No portion of that bond premium is deductible by the owner of a Premium Bond. For purposes of determining the owner’s gain or loss on the sale, redemption (including redemption at maturity) or other disposition of a Premium Bond, the owner’s tax basis in the Premium Bond is reduced by the amount of bond premium that is amortized during the period of ownership. As a result, an owner may realize taxable gain for federal income tax purposes from the sale or other disposition of a Premium Bond for an amount equal to or less than the amount paid by the owner for that Premium Bond. A purchaser of a Premium Bond in the initial public offering at the price for that Premium Bond who holds that Premium Bond to maturity (or, in the case of a callable Premium Bond, to its earlier call date that results in the lowest yield on that Premium Bond) will realize no gain or loss upon the retirement of that Premium Bond.

*Owners of Discount and Premium Bonds should consult their own tax advisors as to **the determination for federal income tax purposes of the existence of OID or bond premium**, as to the determination for federal income tax purposes of the amount of OID or bond premium properly accruable or amortizable in any period with respect to the Discount or Premium Bonds and as to other federal tax consequences **in respect of OID and bond premium** and the treatment of OID and bond premium for purposes of state and local taxes on, or based on, income.*



## **DOCUMENTS ACCOMPANYING DELIVERY OF THE BONDS**

### **Absence of Litigation**

Upon delivery of the Bonds, the Town shall furnish a certificate of the Town Attorney, dated the date of delivery of the Bonds, to the effect that there is no controversy or litigation of any nature pending or threatened to restrain or enjoin the issuance, sale, execution or delivery of the Bonds, or in any way contesting or affecting the validity of the Bonds or any of the proceedings taken with respect to the issuance and sale thereof or the application of moneys to the payment of the Bonds, and further stating that there is no controversy or litigation of any nature now pending or threatened by or against the Town wherein an adverse judgment or ruling could have a material adverse impact on the financial condition of the Town or adversely affect the power of the Town to levy, collect and enforce the collection of taxes or other revenues for the payment of the Bonds, which has not been disclosed in this Official Statement.

### **Legal Matters**

Legal matters incident to the authorization, issuance and sale of the Bonds will be subject to the final approving opinion of the law firm of Squire Patton Boggs (US) LLP, Bond Counsel to the Town with respect to the Bonds, which will be available at the time of delivery of the Bonds. Such opinion will be to the effect that the Bonds are valid and legally binding general obligations of the Town for which the Town has validly pledged its faith and credit and, unless paid from other sources, all the taxable real property within the Town is subject to the levy of ad valorem real estate taxes to pay the Bonds and interest thereon, subject to the limitations imposed by the Tax Levy Limit Law. The opinion shall also discuss the treatment of interest on the Bonds under applicable tax laws, as further described in the section entitled "Tax Matters" and shall also contain further statements to the effect that (a) the enforceability of rights or remedies with respect to the Bonds may be limited by bankruptcy, insolvency, or other laws affecting creditors' rights or remedies heretofore or hereafter enacted, and (b) said law firm gives no assurances and expresses no opinion as to the adequacy, sufficiency or completeness of the Official Statement of the Town relating to the Bonds, or any additional proceedings, reports, correspondence, financial statements or other documents, containing financial or other information relative to the Bonds which have been or may be furnished or disclosed to purchasers of the Bonds.

### **Closing Certificates**

Upon the delivery of the Bonds, the Purchaser will be furnished with the following items: (i) a Certificate of the Town Supervisor of the Town to the effect that as of the date of this Official Statement and at all times subsequent thereto, up to and including the time of the delivery of the Bonds, this Official Statement did not and does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements herein, in the light of the circumstances under which they were made, not misleading, and further stating that there has been no adverse material change in the financial condition of the Town since the date of this Official Statement up to and including the time of delivery of the Bonds, and having attached thereto a copy of this Official Statement; (ii) a Certificate signed by the Town Supervisor evidencing payment for the Bonds; (iii) a Signature Certificate evidencing the due execution of the Bonds, including statements that (a) no litigation of any nature is pending or threatened, restraining or enjoining the issuance and delivery of the Bonds or the levy and collection of taxes to pay the principal thereof and interest thereon, nor in any manner questioning the proceedings and authority under which the Bonds were authorized or affecting the validity of the Bonds thereunder, (b) neither the corporate existence or boundaries of the Town nor the title of any of the officers thereof to their respective offices is being contested, and (c) no authority or proceedings for the issuance of the Bonds have been repealed, revoked or rescinded; and (iv) a Tax Certificate executed by the Town Supervisor, as described under "Tax Matters."

### **RATING**

The Town 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 and such rating is pending at this time. Such 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 Town.

## 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 Town on matters relating to debt management. The Municipal Advisor is a financial 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 legal 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 Town and other sources of information believed to be reliable. The Municipal Advisor has not audited, authenticated, or otherwise verified the information provided by the Town or the information set forth in this Official Statement or any other information available to the Town 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 the office of Patrick Bowen, Finance Manager, Town of Plattsburgh, Town Hall, 151 Banker Road, Plattsburgh, New York 12901, telephone number (518) 562-6839, email [patrickb@townofplattsburgh.org](mailto:patrickb@townofplattsburgh.org) 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 Town nor Munistat Services, Inc. assumes any liability or responsibility for errors or omissions on such website. Further, Munistat Services, Inc. and the Town 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 Town also assume no liability or responsibility for any errors or omissions or for any updates to dated website information.

Squire Patton Boggs (US) LLP expresses no opinion regarding the accuracy or completeness of any document prepared by or on behalf of the Town for use in connection with the offer and sale of the Notes, including this Official Statement and the appendices thereto.

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 Town and the original purchasers or owners of any of the Notes.

The preparation and distribution of this Official Statement has been authorized by various resolutions of the Town which delegates to the Town Supervisor the power to sell and issue the Notes.

By: s/s MICHAEL S. CASHMEN  
Town Supervisor and Chief Fiscal Officer  
Town of Plattsburgh  
Plattsburgh, New York

July , 2023

**APPENDIX A**

**FINANCIAL INFORMATION**

**Statement of Revenues, Expenditures and Changes in Fund Balances  
General Fund**

	Fiscal Year Ending December 31:				
	2018	2019	2020	2021	2022
Revenues:					
Real Property Taxes	\$ 46,966	\$ 36,181	\$ 42,358	\$ 46,395	\$ 37,762
Non-property Taxes	2,962,904	2,984,673	2,941,326	3,855,214	3,799,633
Departmental Income	41,705	85,747	48,394	116,066	73,276
Intergovernmental Charges	5,392	5,057		2,245	2,714
Use of Money and Property	19,231	42,226	27,004	17,839	69,474
Licenses and Permits	65,860	191,905	170,267	320,285	147,500
Fines and Forfeitures	290,098	297,094	218,715	233,654	245,412
Sale of Property and Comp. for Loss	26,987			314	65,092
Miscellaneous	14,518	108,845	354,045	233,787	128,194
State Aid	380,914	303,200	297,015	467,286	279,988
Federal Aid					
Total Revenues	<u>3,854,575</u>	<u>4,054,928</u>	<u>4,099,124</u>	<u>5,293,085</u>	<u>4,849,045</u>
Expenditures:					
General Government Support	1,548,040	1,557,486	1,593,953	1,683,008	1,770,677
Public Safety	20,477	20,581	23,084	21,317	10,455
Health	600	600	600	600	600
Transportation	84,807	83,956	97,308	87,252	91,416
Economic Assistance and Opportunity	34,764	48,709	32,998	33,566	37,025
Culture and Recreation	157,893	170,734	145,948	157,737	202,860
Home and Community Services	483,645	645,182	680,143	679,747	523,210
Employee Benefits	824,895	793,650	850,028	853,985	809,627
Debt Service					262,331
Capital Outlay	96,324	242,042	82,761	174,991	
Total Expenditures	<u>3,251,445</u>	<u>3,562,940</u>	<u>3,506,823</u>	<u>3,692,203</u>	<u>3,708,201</u>
Excess (Deficiency) Revenue Over Expenditures	<u>603,130</u>	<u>491,988</u>	<u>592,301</u>	<u>1,600,882</u>	<u>1,140,844</u>
Other Financing Uses:					
BANS Redeemed From Appropriations					
Operating Transfers In	15,000	15,000	15,000	15,000	15,000
Operating Transfers (Out)	0	0	0	(597,308)	(102,692)
Total Other Financing Sources (Uses)	<u>15,000</u>	<u>15,000</u>	<u>15,000</u>	<u>(582,308)</u>	<u>(87,692)</u>
Net Change in Fund Balances	<u>618,130</u>	<u>506,988</u>	<u>607,301</u>	<u>1,018,574</u>	<u>1,053,152</u>
Fund Balance Beginning of Year	<u>2,267,641</u>	<u>2,885,771</u>	<u>3,392,759</u>	<u>4,000,060</u>	<u>5,018,634</u>
Prior Period Adjustment					
Fund Balance, Restated	<u>2,267,641</u>	<u>2,885,771</u>	<u>3,392,759</u>	<u>4,000,060</u>	<u>5,018,634</u>
Fund Balance End of Year	<u>\$ 2,885,771</u>	<u>\$ 3,392,759</u>	<u>\$ 4,000,060</u>	<u>\$ 5,018,634</u>	<u>\$ 6,071,786</u>

Sources: Audited Annual Financial Reports (2018-2022)  
This Schedule Not Audited.

**Statement of Revenues, Expenditures and Changes in Fund Balances  
Highway Fund**

	Fiscal Year Ending December 31:				
	2018	2019	2020	2021	2022
<b>Revenues:</b>					
Real Property Taxes	\$ 1,197,670	\$ 1,146,358	\$ 1,068,959	\$ 1,086,202	\$ 1,083,145
Non Property Taxes	1,192,763	1,249,077	1,101,335	938,102	80,020
Intergovernmental Charges	75,221	76,346	77,498	78,654	1,237,192
Use of Money and Property	2,403	12,520	4,947	846	26,046
Sale of Property and Comp. for Loss	20,061	27,105	17,120	16,153	33,162
Miscellaneous	1,406	989		39,848	35,399
State Aid	217,660	200,332	177,798	310,843	294,659
Federal Aid	36,581				
Total Revenues	<u>2,743,765</u>	<u>2,712,727</u>	<u>2,447,657</u>	<u>2,470,648</u>	<u>2,789,623</u>
<b>Expenditures:</b>					
General Government Support					
Transportation	1,339,309	1,432,859	1,378,811	1,373,205	2,201,955
Home and Community Services					
Employee Benefits	509,891	480,778	484,738	511,883	542,879
Debt Service	142,425	138,692			
Capital Outlay	363,771	627,131	393,262	491,163	
Total Expenditures	<u>2,355,396</u>	<u>2,679,460</u>	<u>2,256,811</u>	<u>2,376,251</u>	<u>2,744,834</u>
Excess (Deficiency) Revenue Over Expenditures	<u>388,369</u>	<u>33,267</u>	<u>190,846</u>	<u>94,397</u>	<u>44,789</u>
<b>Other Financing Uses:</b>					
Operating Transfers In					
Operating Transfers (Out)					
Total Other Financing Uses	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Net Change In Fund Balances	<u>388,369</u>	<u>33,267</u>	<u>190,846</u>	<u>94,397</u>	<u>44,789</u>
Fund Balances Beginning of Year	<u>1,145,315</u>	<u>1,533,684</u>	<u>1,566,951</u>	<u>1,757,797</u>	<u>1,852,194</u>
Prior Period Adjustment					
Fund Balances, Restated	<u>1,145,315</u>	<u>1,533,684</u>	<u>1,566,951</u>	<u>1,757,797</u>	<u>1,852,194</u>
Fund Balances End of Year	<u>\$ 1,533,684</u>	<u>\$ 1,566,951</u>	<u>\$ 1,757,797</u>	<u>\$ 1,852,194</u>	<u>\$ 1,896,983</u>

Sources: Audited Annual Financial Reports (2018-2022)

Note: This Schedule Not Audited.

**Statement of Revenues, Expenditures and Changes in Fund Balances**  
**Sewer Fund**

	Fiscal Year Ending December 31:				
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Revenues:					
Real Property Taxes	\$ 643,022	\$ 661,694	\$ 700,004	\$ 677,655	\$ 576,321
Departmental Income	1,378,498	1,511,906	1,569,153	1,634,880	1,787,754
Use of Money and Property	25,529	50,995	17,819	8,154	61,382
Sale of Property and Comp. for Loss	1,075				
Miscellaneous	44,866	50,641	61,771	46,649	44,687
State Aid					
Federal Aid					
Total Revenues	<u>2,092,990</u>	<u>2,275,236</u>	<u>2,348,747</u>	<u>2,367,338</u>	<u>2,470,144</u>
Expenditures:					
Home and Community Services	979,886	858,022	916,956	870,091	934,927
Debt Service	104,474	251,353	298,368	342,605	428,263
Capital Outlay	21,286	34,493	3,557	8,498	11,786
Total Expenditures	<u>1,105,646</u>	<u>1,143,868</u>	<u>1,218,881</u>	<u>1,221,194</u>	<u>1,374,976</u>
Excess (Deficiency) Revenue Over Expenditures	<u>987,344</u>	<u>1,131,368</u>	<u>1,129,866</u>	<u>1,146,144</u>	<u>1,095,168</u>
Other Financing Uses:					
Proceeds of Obligations			60,662		
Operating Transfers In	78,658			180,499	
Operating Transfers (Out)	(765,144)	(498,868)	(406,051)	(351,369)	(832,020)
Total Other Financing Sources (Uses)	<u>(686,486)</u>	<u>(498,868)</u>	<u>(345,389)</u>	<u>(170,870)</u>	<u>(832,020)</u>
Net Change In Fund Balances	<u>300,858</u>	<u>632,500</u>	<u>784,477</u>	<u>975,274</u>	<u>263,148</u>
Fund Balance Beginning of Year	<u>3,137,265</u>	<u>3,438,123</u>	<u>4,070,623</u>	<u>4,855,100</u>	<u>5,830,374</u>
Prior Period Adjustment					
Fund Balance, Restated	<u>3,137,265</u>	<u>3,438,123</u>	<u>4,070,623</u>	<u>4,855,100</u>	<u>5,830,374</u>
Fund Balance End of Year	<u>\$ 3,438,123</u>	<u>\$ 4,070,623</u>	<u>\$ 4,855,100</u>	<u>\$ 5,830,374</u>	<u>\$ 6,093,522</u>

Sources: Audited Annual Financial Reports (2018-2022)  
This Schedule Not Audited.

**Statement of Revenues, Expenditures and Changes in Fund Balances**  
**Water Fund**

	Fiscal Year Ending December 31:				
	2018	2019	2020	2021	2022
<b>Revenues:</b>					
Real Property Taxes	\$ 1,560,732	\$ 1,757,085	\$ 1,914,677	\$ 1,742,899	\$ 1,966,983
Departmental Income	1,089,496	1,195,251	1,327,120	1,464,696	1,672,657
Use of Money and Property	106,881	120,890	98,328	93,253	144,165
Fines and Forfeitures	75	15			720
Miscellaneous	32,034	107,422	54,331		
State Aid					
Total Revenues	<u>2,789,218</u>	<u>3,180,663</u>	<u>3,394,456</u>	<u>3,300,848</u>	<u>3,784,525</u>
<b>Expenditures:</b>					
Home and Community Services	338,107	346,236	335,284	372,712	505,682
Debt Service	631,378	1,179,612	1,208,228	1,212,229	2,667,253
Capital Outlay	14,759	12,300	13,337	29,611	65,649
Total Expenditures	<u>984,244</u>	<u>1,538,148</u>	<u>1,556,849</u>	<u>1,614,552</u>	<u>3,238,584</u>
Excess (Deficiency) Revenue Over Expenditures	<u>1,804,974</u>	<u>1,642,515</u>	<u>1,837,607</u>	<u>1,686,296</u>	<u>545,941</u>
<b>Other Financing Uses:</b>					
Proceeds of Obligations			368,803		
Operating Transfers In		10,607		176,514	1,169,287
Operating Transfers (Out)	(2,669,372)	(1,129,580)	(899,997)	(1,612,231)	(1,362,588)
Total Other Financing Sources (Uses)	<u>(2,669,372)</u>	<u>(1,118,973)</u>	<u>(531,194)</u>	<u>(1,435,717)</u>	<u>(193,301)</u>
Net Change In Fund Balances	<u>(864,398)</u>	<u>523,542</u>	<u>1,306,413</u>	<u>250,579</u>	<u>352,640</u>
Fund Balance Beginning of Year	<u>3,663,098</u>	<u>2,798,700</u>	<u>3,322,242</u>	<u>4,628,655</u>	<u>4,879,234</u>
Prior Period Adjustment					
Fund Balance, Restated	<u>3,663,098</u>	<u>2,798,700</u>	<u>3,322,242</u>	<u>4,628,655</u>	<u>4,879,234</u>
Fund Balance End of Year	<u>\$ 2,798,700</u>	<u>\$ 3,322,242</u>	<u>\$ 4,628,655</u>	<u>\$ 4,879,234</u>	<u>\$ 5,231,874</u>

Sources: Audited Annual Financial Reports (2018-2022)

This Schedule Not Audited.

## Balance Sheets

	Fiscal Year Ending December 31, 2022			
	General Fund	Highway Funds	Sewer Funds	Water Funds
<b>Assets:</b>				
Cash	\$ 4,808,263	\$ 1,867,264	\$ 5,997,525	\$ 5,059,173
Other Receivables	134,180	16,958	189,167	197,566
Due from Other Funds	22,561	145		
State & Federal Receivables				
Due from Other Governments	1,212,408	290,000	132,833	118,826
Prepaid Expenses	92,990	22,737		
Total Assets	\$ 6,270,402	\$ 2,197,104	\$ 6,319,525	\$ 5,375,564
<b>Liabilities:</b>				
Accounts Payable	\$ 173,666	\$ 49,326	\$ 169,832	\$ 19,356
Accrued Liabilities				
Other Liabilities				
Bond Anticipation Notes Payable				
Due to Other Funds		1,638		
Due to Other Governments				
Deferred Revenues	24,950	249,157	56,171	124,334
Total Liabilities	198,616	300,121	226,003	143,690
<b>Fund Balances:</b>				
Committed			125,000	125,000
Nonspendable	92,990	22,737		
Restricted	358,590			
Assigned	951,555	1,874,246	5,968,521	5,106,874
Unassigned	4,668,651			
Total Fund Balances	6,071,786	1,896,983	6,093,521	5,231,874
Total Liabilities & Fund Balances	\$ 6,270,402	\$ 2,197,104	\$ 6,319,525	\$ 5,375,564

Sources: Audited Annual Financial Report (2022)

Note: This Schedule Not Audited.



## Balance Sheets

	Fiscal Year Ending December 31, 2021			
	General Fund	Highway Funds	Sewer Funds	Water Funds
<b>Assets:</b>				
Cash	\$ 4,711,599	\$ 1,687,677	\$ 5,582,975	\$ 4,729,073
Other Receivables	119,116	5,120	176,557	165,118
Due from Other Funds	776		64,000	10,000
State & Federal Receivables		310,843		
Due from Other Governments	1,103,228	200,000	136,843	106,312
Prepaid Expenses	70,815	31,609		
Total Assets	\$ 6,005,534	\$ 2,235,249	\$ 5,960,375	\$ 5,010,503
<b>Liabilities:</b>				
Accounts Payable	\$ 241,031	\$ 42,932	\$ 108,146	\$ 15,716
Accrued Liabilities	30,220	43,480		
Other Liabilities				
Bond Anticipation Notes Payable				
Due to Other Funds	497,308			
Due to Other Governments	211,095	16,246	9,635	22,437
Deferred Revenues	7,246	280,397	12,220	93,116
Total Liabilities	986,900	383,055	130,001	131,269
<b>Fund Balances:</b>				
Committed			125,000	125,000
Nonspendable	70,815	31,609		
Restricted	354,758			
Assigned	358,376	1,820,585	5,705,374	4,754,234
Unassigned	4,234,685			
Total Fund Balances	5,018,634	1,852,194	5,830,374	4,879,234
Total Liabilities & Fund Balances	\$ 6,005,534	\$ 2,235,249	\$ 5,960,375	\$ 5,010,503

Sources: Audited Financial Statements (2021)

Note: This Schedule Not Audited.

**ADOPTED BUDGETS  
GENERAL FUND**

	Fiscal Years Ending December 31:	
	2022	2023
Revenues:		
Real Property Taxes	\$ 39,000	\$ 38,000
Non-Property Tax items	3,011,359	2,824,107
Departmental Income	13,500	14,500
Intergovernmental Charges	50,500	68,900
Use of Money and Property	20,830	23,460
Licenses and Permits	139,350	139,831
Fines and Forfeitures	275,000	275,000
Interfund Revenues	15,000	15,000
State Aid	590,803	575,803
Appropriated Fund Balance	343,390	922,500
Total Revenues	4,498,732	4,897,101
Expenditures:		
General Government Support	2,740,006	2,998,259
Public Safety	40,968	29,950
Health	714	704
Transportation	155,906	161,447
Economic Assistance & Opportunity	59,906	46,363
Culture and Recreation	311,297	214,785
Home & Community Services	1,114,935	1,170,593
Budgetary Provision for Other Use	75,000	75,000
Capital Project		
Debt Service		200,000
Operating Transfers Out		
Total Expenditures	\$ 4,498,732	\$ 4,897,101

Source: Adopted Budgets of the Town of Plattsburgh

**TOWN OF PLATTSBURGH**

**APPENDIX B**

**AUDITED FINANCIAL STATEMENTS  
FOR THE FISCAL YEAR ENDED DECEMBER 31, 2022**

**[▶ Click Here For 2022 Audit](#)**

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