

**SERIAL BONDS  
BOND ANTICIPATION NOTES**

**Ratings: See "Ratings" herein**

*In the opinion of Harris Beach PLLC, Bond Counsel to the Town for the Bonds and Notes, under existing statutes, regulations, administrative rulings, and court decisions, and assuming continuing compliance by the Town with its covenants relating to certain requirements contained in the Internal Revenue Code of 1986, as amended (the "Code"), and the accuracy of certain representations made by the Town, interest on the Bonds and the Notes is excluded from gross income of the owners thereof for Federal income tax purposes and is not an "item of tax preference" for purposes of the Federal alternative minimum tax imposed on individuals. Bond Counsel is also of the opinion that under existing statutes interest on the Bonds and Notes is exempt from personal income taxes imposed by the State of New York or any political subdivision thereof (including the City of New York). No opinion is expressed regarding other Federal or State tax consequences arising with respect to the Bonds and Notes. See "TAX MATTERS" herein.*

*The Bonds and Notes will not be designated by the Town as "qualified tax-exempt obligations" pursuant to Section 265 of the Code*

**TOWN OF AMHERST  
ERIE COUNTY, NEW YORK**

**\$15,810,000**

**PUBLIC IMPROVEMENT SERIAL BONDS – 2021**

**(the "Bonds")**

**Purchased by: Roosevelt & Cross, Inc. & Associates**

**Dated Date: Date of Delivery**

**Maturity Date: November 1, 2022-2039**

**\$34,295,023**

**1.50% BOND ANTICIPATION NOTES – 2021**

**(the "Notes")**

**CUSIP 031303 8A1**

**[Reoffered @ 0.18%]**

**Dated Date: Date of Delivery**

**Maturity Date: November 4, 2022**

The Bonds and the Notes are general obligations of the Town of Amherst (the "Town"), Erie 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 and the Notes 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 New York Laws of 2011, as amended (the "Tax Levy Limitation Law"). (See "Tax Levy Limitation Law" in Appendix A hereto.)

The Bonds will be dated their Date of Delivery and will bear interest from that date until maturity at the annual rate or rates as specified by the purchaser of the Bonds, with interest payable on November 1, 2022, and semi-annually thereafter on May 1 and November 1 in each year to maturity. The Bonds will mature on November 1 in each year in the principal amounts and will bear interest at the rates as shown on the inside cover page hereof. Certain maturities of the Bonds will be subject to optional redemption prior to maturity, see "Optional Redemption for the Bonds" herein.

The Notes will be dated their Date of Delivery and will bear interest from that date until their respective maturity Dates, at the annual rate(s) as specified by the purchaser(s) of the Notes. The Notes will not be subject to optional redemption prior to maturity.

The Notes will be issued as registered notes and will be registered in the name of Cede & Co., as partnership nominee for The Depository Trust Company ("DTC").

DTC will act as Securities Depository for the Bonds and Notes. Individual purchases may be made in book-entry form only, in principal amounts of \$5,000 or integral multiples thereof, except for one necessary odd denomination for the Notes. Purchasers will not receive certificates representing their ownership interests in the Bonds and Notes. Payment of the principal of and interest on such Bonds and Notes will be made by the Town to DTC, which will in turn remit such principal and interest to its participants for subsequent disbursement to the beneficial owners of such Bonds and Notes as described herein. (See "Book-Entry-Only System" herein.)

Interest on the Bonds and the Notes will be calculated on a 30-day month and 360-day year basis, payable at maturity.

Harris Beach PLLC has not participated in the preparation of the demographic, financial or statistical data contained in this Official Statement, nor verified the accuracy, completeness or fairness thereof, and, accordingly, expresses no opinion with respect thereto. Capital Markets Advisors, LLC has served a Municipal Advisor to the Town in connection with the issuance of the Bonds and the Notes.

The Bonds and the Notes are offered when, as and if issued and received by the purchaser(s) and subject to the receipt of the final approving opinions of Harris Beach PLLC, Buffalo, New York, Bond Counsel to the Town, and certain other conditions. It is anticipated that the Bonds and the Notes will be available for delivery on or about November 4, 2021.

FOR A DESCRIPTION OF THE TOWN'S AGREEMENT TO PROVIDE CONTINUING DISCLOSURE FOR THE BONDS AND THE NOTES AS DESCRIBED IN SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12, SEE "DISCLOSURE UNDERTAKINGS," HEREIN.

Dated: October 26, 2021

The Bonds will mature on November 1, subject to optional redemption prior to maturity, in the following years and principal amounts:

<u>Maturity</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>CUSIP*</u>	<u>Maturity</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>CUSIP*</u>
2022	\$ 1,005,000	5.000%	0.200%	031303 7G9	2031**	\$ 940,000	4.000%	1.320%	031303 7R5
2023	1,015,000	5.000%	0.300%	031303 7H7	2032**	960,000	2.000%	1.600%	031303 7S3
2024	1,050,000	5.000%	0.470%	031303 7J3	2033**	980,000	2.000%	1.750%	031303 7T1
2025	1,080,000	5.000%	0.570%	031303 7K0	2034**	955,000	2.000%	1.880%	031303 7U8
2026	1,115,000	5.000%	0.740%	031303 7L8	2035**	610,000	2.000%	2.000%	031303 7V6
2027	1,140,000	5.000%	0.920%	031303 7M6	2036**	410,000	2.000%	2.060%	031303 7W4
2028	1,175,000	5.000%	1.070%	031303 7N4	2037**	430,000	2.125%	2.125%	031303 7X2
2029	1,170,000	5.000%	1.220%	031303 7P9	2038**	435,000	2.125%	2.170%	031303 7Y0
2030**	970,000	5.000%	1.250%	031303 7Q7	2039**	370,000	2.250%	2.250%	031303 7Z7

\* CUSIP numbers have been assigned by an independent company not affiliated with the Town and are included solely for the convenience of the holders of the Bonds. The Town is not responsible for the selection or uses of these CUSIP numbers and no representation is made to their correctness on the Bonds or as indicated above.

\*\* Subject to optional redemption prior to maturity. (See “*Optional Redemption*” herein.)

**TOWN OF AMHERST  
ERIE COUNTY, NEW YORK**

**Brian J. Kulpa  
Supervisor**

**TOWN BOARD**

Jacqueline G. Berger..... Council Member  
Deborah Bruch Bucki, RN PhD..... Council Member  
Shawn A. Lavin..... Council Member  
Michael Szukala..... Council Member

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Francina J. Spoth..... Town Clerk  
Kathleen Cooper .....Deputy Town Clerk  
Daryl C. Bramer .....Town Comptroller  
Stanley J. Sliwa, Esq..... Town Attorney

**AUDITORS**

**Drescher & Malecki LLP  
Cheektowaga, New York**

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**BOND COUNSEL**

**Harris Beach PLLC  
Buffalo, New York**

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**MUNICIPAL ADVISOR**



**Capital Markets Advisors, LLC  
Hudson Valley \* Long Island \* Southern Tier \* Western New York  
(716) 662-3910**

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 Bonds and 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 that 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.

## **TABLE OF CONTENTS**

THE BONDS.....5	CYBER SECURITY ..... 14
Description.....5	LITIGATION ..... 14
Authority for and Purpose of the Bonds.....6	TAX MATTERS ..... 14
THE NOTES .....7	DISCLOSURE UNDERTAKING ..... 16
Description.....7	Disclosure Undertaking for the Bonds ..... 16
Authority for and Purpose of the Notes.....7	Disclosure Undertaking for the Notes ..... 17
THE BONDS AND THE NOTES.....10	Prior Disclosure History..... 18
Nature of the Obligations ..... 10	RATINGS ..... 18
Optional Redemption for the Bonds.....10	MISCELLANEOUS ..... 18
Certificated Bonds and Notes.....12	MUNICIPAL ADVISOR ..... 19
MARKET MATTERS AFFECTING	ADDITIONAL INFORMATION..... 19
FINANCINGS OF THE MUNICIPALITIES	
OF THE STATE..... 13	

## **APPENDIX A**

THE TOWN ..... A-1	Ten Largest Assessed Values for the 2020 Fiscal
General Information ..... A-1	Year ..... A-10
The Government..... A-1	Tax Levy Limitation Law ..... A-10
Town Services ..... A-1	TOWN INDEBTEDNESS ..... A-11
Employees ..... A-2	Constitutional Requirements ..... A-11
Employee Pension Benefits..... A-2	Statutory Procedure ..... A-12
Other Post-Employment Benefits..... A-4	Constitutional Debt Limit..... A-13
FINANCIAL FACTORS..... A-4	Statement of Debt Contracting Power ..... A-14
Independent Audit ..... A-4	Trend of Outstanding Indebtedness ..... A-14
Fund Structure and Accounts ..... A-4	Direct and Overlapping Indebtedness..... A-14
Revenues ..... A-5	Short Term Indebtedness ..... A-15
Other Revenues ..... A-7	Other Indebtedness ..... A-16
Budget Process ..... A-7	Debt Ratios..... A-17
Investment Policy ..... A-8	Debt Service Schedule..... A-17
The State Comptroller’s Fiscal Stress	ECONOMIC AND DEMOGRAPHIC DATA ..... A-17
Monitoring System ..... A-8	Population ..... A-17
New York State’s Comptroller’s Audit..... A-9	Employment and Unemployment ..... A-18
TAX INFORMATION ..... A-9	Financial Institutions ..... A-19
Real Property Tax Collection Procedures and	Transportation ..... A-19
History..... A-9	Income..... A-19
	Litigation ..... A-20

APPENDIX B – Financial Statement and Budget Summaries

APPENDIX C – Link to Independent Auditors’ Report for the Year Ended December 31, 2020

**TOWN OF AMHERST  
ERIE COUNTY, NEW YORK**

relating to

**\$15,810,000**

**PUBLIC IMPROVEMENT SERIAL BONDS - 2021**

And

**\$34,295,023**

**BOND ANTICIPATION NOTES – 2021**

This Official Statement, which includes the cover page and appendices hereto, presents certain information relating to the Town of Amherst, in the County of Erie, in the State of New York (the ‘Town’, ‘County’ and ‘State,’ respectively) in connection with the sale of \$15,810,000 Public Improvement Serial Bonds – 2021 (the ‘Bonds’) and, \$34,295,023 Bond Anticipation Notes - 2021 (the ‘Notes’).

The factors affecting the Town’s financial condition are described throughout this Official Statement and many of these factors, including economic and demographic factors, are complex and may influence the Town’s tax base, revenues, and expenditures. This Official Statement should be read in its entirety.

Statements in this Official Statement, and the documents included by specific reference, that are not historical facts are forward-looking statements, which are based on the Town management’s beliefs as well as assumptions made by, and information currently available to, the Town’s management and staff. **This Official Statement should be read with the understanding that the ongoing COVID-19 global pandemic has created prevailing economic conditions (at the global, national, State and local levels) that are highly uncertain, generally negative, and rapidly changing, and these conditions are expected to continue for an indefinite period of time. Accordingly, the Town’s overall economic situation and outlook (and all of the specific Town-related information contained herein) should be carefully reviewed, evaluated and understood in the full light of this unprecedented world-wide event, the effects of which are extremely difficult to predict and quantify. (See ‘COVID-19’ herein.)**

**THE BONDS**

***Description***

The Bonds will be dated their Date of Delivery and will bear interest from such date at the annual rate or rates as specified by the purchaser, payable on November 1, 2022 and semi-annually thereafter on May 1 and November 1 in each year until maturity. The Bonds will mature on November 1 in each of the years and will bear interest at the rates as shown on the inside cover page hereof. The Bonds maturing in the years 2022 to 2029, inclusive, will not be subject to redemption prior to maturity. The Bonds maturing in the years 2030 and thereafter will be subject to redemption prior to maturity, see ‘Optional Redemption’ herein.

The record date for the Bonds will be the close of business on the fifteenth day of the month preceding each interest payment date.

The Town will act as Paying Agent for the Bonds. Paying Agent fees, if any, will be paid by the successful purchaser. The Town contact information is as follows: Daryl Bramer, Town Comptroller; phone: 716-631-7005, email: dbramer@amherst.ny.us

### *Authority for and Purpose of the Bonds*

The Bonds are issued pursuant to the Constitution and Laws of the State, including among others, the Town Law and the Local Finance Law, and various bond resolutions duly adopted by the Town Board on the dates set forth below. The proceeds of the Bonds, along with appropriated funds and available cash in the amount of \$1,649,480, will be used to redeem, in part, the applicable portion of bond anticipation notes of the Town that were issued on November 5, 2020 and will mature on November 5, 2021 and to provide \$243 in new money for the Town parking Lot maintenance. Such projects, and their respective amounts, are described below:

<u>Purpose:</u>	<u>Authorization Date</u>	<u>Amount Outstanding</u>	<u>Original Issue Date</u>	<u>Premium Downsize</u>	<u>The Bonds</u>
Bassett Park Accessibility and Pond Improvements II	29-Oct-18	\$ 56,000	11/7/2019	\$6,000	\$46,000
WPCF Clarifier- Grit System Rehab	19-Nov-18	144,000	11/7/2019	9,000	74,000
JJ Audubon Bridge Replacement	19-Nov-18	237,500	11/7/2019	25,000	201,000
Northtown Center Improvements	1-Oct-18	110,023	11/7/2019	11,000	90,000
Pathway Safety Enhancement	1-Oct-18	100,000	11/7/2019	10,000	80,000
ENG Facilities Rehabilitation	10-Dec-18	75,250	11/7/2019	8,000	62,000
2018 WPCF Multiple Project Bond	19-Nov-18	2,058,000	11/7/2019	210,000	1,747,000
Steffen Building Improvements	10-Dec-18	93,111	11/7/2019	10,000	79,000
Niagara Falls Blvd Lighting	29-Oct-18	295,000	11/7/2019	30,000	239,000
Youth & Recreation Equipment A	29-Oct-18	22,515	11/7/2019	2,000	18,000
Youth & Recreation Equipment B	29-Oct-18	45,750	11/7/2019	5,000	37,000
Building Vehicles	15-Apr-19	60,239	11/7/2019	6,000	49,000
Highway Vehicles	1-Jul-19	983,195	11/7/2019	104,000	826,000
Engineering HVAC Improvements	7-Jan-19	178,254	11/7/2019	18,000	146,000
Town Parking Lots	18-Mar-19	185,000	11/7/2019	14,000	110,000
Booking Safety and Improvements	7-Jan-19	564,298	11/7/2019	60,000	473,000
Town Hall Generator	25-Feb-19	129,591	11/7/2019	13,000	106,000
Engineering Roof Replacement	4-Feb-19	101,595	11/7/2019	10,000	82,000
2019 Waterlines Replacements	25-Feb-19	2,238,482	11/7/2019	207,000	1,623,000
2019 Paving & Curbing	25-Feb-19	2,000,000	11/7/2019	196,000	1,643,000
Pool Heaters Replacement	25-Feb-19	106,900	11/7/2019	11,000	87,000
Amherst Canalway Trail Pedestrian Bridge	7-Jan-19; 6-May-19	388,163	11/7/2019	41,000	322,000
Town Guide Rail Replacements	4-Feb-19	100,000	11/7/2019	10,000	82,000
Ditch 5 Culvert Extension	18-Mar-19	325,000	11/7/2019	21,000	163,000
Radio System Upgrades	18-Mar-19	448,084	11/7/2019	46,000	366,000
Town Athletic Facility Improvements - Parking & Signage	15-Apr-19	323,092	11/7/2019	33,000	262,000
Highway Building Improvements	1-Apr-19	300,000	11/7/2019	32,000	252,000
WPCF - Solids Handling Study	6-May-19	300,000	11/7/2019	31,000	249,000
WPCF - Micro screen Additions	6-May-19	1,830,000	11/7/2019	202,000	1,498,000
Billy Wilson Park Improvements	6-May-19	132,000	11/7/2019	14,000	110,000
Sattler Dellwood Park Stormwater Project	6-May-19	108,670	11/7/2019	12,000	91,000
2019 Sanitary Sewer Upgrades and Rehabilitation Projects	6-May-19	325,575	11/7/2019	31,000	243,000
JJ Audubon Bridge Replacement	15-Apr-19	171,000	11/7/2019	18,000	145,000
Reconstruction of 5005 Sheridan Drive	1-Jul-19	220,000	11/7/2019	23,000	184,000
Purchase of 5005 Sheridan Drive	1-Jul-19	780,000	11/7/2019	81,000	641,000
Traffic Signals	22-Jul-19	108,200	11/7/2019	12,000	91,000
Playground Safety Surface Improvements	22-Jul-19	82,705	11/7/2019	9,000	68,000
Engineering Vehicles	16-Sept-19	288,175	11/20/2020	32,000	255,000
NARC Roof Restoration	6-Jan-20	370,500	11/20/2020	39,000	305,000
Police Headquarters Roof Restoration	19-Jan-20	435,000	11/20/2020	48,000	380,000
Police Training Center Improvements	3-Feb-20	175,000	11/20/2020	19,000	153,000
Police Radio Systems Upgrades	3-Feb-20	300,000	11/20/2020	34,900	264,000
Town Road Paving & Curbing	24-Feb-20	2,000,000	11/20/2020	230,000	1,721,000
Town Parking Lot Maintenance	9-Mar-20	166,270	11/20/2020	19,000	147,000
		<u>\$19,462,137</u>		<u>\$2,002,900</u>	<u>\$15,810,000</u>

**THE NOTES**

***Description***

The Notes will be dated and will mature as reflected on the cover page hereof. Interest will be calculated on a 30-day month and 360-day year basis, payable at their respective maturities. The Notes will mature on November 4, 2022 and will not be subject to optional redemption prior to maturity.

The Town will act as Paying Agent for the Notes. Paying Agent fees, if any, will be paid by the successful purchaser. The Town contact information is as follows: Daryl Bramer, Town Comptroller; phone: 716-631-7005, email: dbramer@amherst.ny.us

***Authority for and Purpose of the Notes***

The Notes are issued pursuant to the Constitution and Laws of the State, including among others, the Town Law and the Local Finance Law, and various bond resolutions duly adopted by the Town Board on the dates set forth below. The proceeds of the Notes, along with appropriated funds and available cash in the amount of \$885,731, will be used to redeem and renew, in part, the applicable portion of bond anticipation notes of the Town that were issued on November 5, 2020 and will mature on November 5, 2021 and to provide \$18,758,000 in new money for various projects. Such projects, and their respective amounts, are described below:

<b><u>Purpose:</u></b>	<b><u>Authorization Date</u></b>	<b><u>Amount Outstanding</u></b>	<b><u>Original Issue Date</u></b>	<b><u>New Money</u></b>	<b><u>The Notes</u></b>
Historic Entranceways	19-Sep-16	\$ 51,000	11/8/2017	\$ -	\$26,000
Townwide Intersection ADA Improvements	5-Dec-16	42,000	11/8/2017	-	21,000
2017 Locally Administered Federal Aid Projects Design	17-Jul-17	39,000	11/8/2017	-	20,000
Longmeadow, N Ivyhurst, N Westfield Drainage Improvements	11-Dec-17	45,309	11/7/2018	-	30,000
Engineering Equipment	16-Jan-18;	19,265	11/7/2018	-	12,000
Townwide Security & Building Improvements	9-Jul-19	118,893	11/7/2018	-	84,000
Building Equipment	19-Nov-18	37,799	11/7/2018	-	27,000
Highway Equipment	5-Feb-18	19,826	11/7/2018	-	12,000
Historic Entranceways	5-Feb-18	83,000	11/7/2018	-	57,000
Northtown Center Parking Lot Expansion	4-Jun-18	44,000	11/6/2019	-	33,000
Digital Evidence Retention	10-Dec-18	106,164	11/6/2019	-	77,000
Police Vehicles	30-Jul-18	119,601	11/6/2019	-	60,000
Town Lots Sealing	18-Mar-19	90,450	11/6/2019	-	48,000
Town Comprehensive Planning	18-Mar-19	498,371	11/6/2019	-	393,000
Townwide Security Improvements	25-Feb-19	96,812	11/6/2019	-	81,000
Ash Trees	18-Mar-19	260,000	11/6/2019	-	195,000
2019 WPCF Multiple Project Bond – Lab Equipment	6-May-19	69,100	11/6/2019	-	58,000

Town Athletic Facilities Improvements Phase II	3-Jun-19	250,000	11/6/2019	-	196,000
JJ Audubon Bridge Replacement Supplemental Bond	1-Jul-19	159,000	11/6/2019	-	133,000
Casey Road Pedestrian & Bicycle Safety Improvements	5-Aug-19	71,815	11/6/2019	-	54,000
Townwide Facilities Assessments	19-Aug-19	300,000	11/6/2019	-	252,000
Westside Interceptor Diversion Facility	22-Jul-19	250,000	11/6/2019	-	210,000
Engineering Vehicles	16-Sep-19	120,325	11/5/2020	-	119,000
Youth & Recreation Equipment	12-Nov-19	100,000	11/5/2020	-	46,000
Longmeadow Dellwood Drainage	2-Dec-19	621,509	11/5/2020	-	621,509
Fire Radio Simples Upgrade & Microwave Enhancement	21-Oct-19	370,000	11/5/2020	-	370,000
Facility & Park Area Improvements	12-Nov-19	200,000	11/5/2020	-	200,000
Building & Building Maintenance Vehicles	17-Aug-20	90,000	11/5/2020	-	43,000
Additional Highway Vehicles & Equipment	9-Mar-20	161,500	11/5/2020	-	159,000
Police Vehicles	3-Feb-20	119,900	11/5/2020	-	119,000
Park Area Renovations	6-Oct-20	75,000	11/5/2020	-	75,000
Clearfield Splash Park Replacement	16-Dec-19	600,000	11/5/2020	-	562,000
Police & Court HVAC System Improvements Phase IV	6-Jan-20	480,250	11/5/2020	-	480,250
Police Training Center Shooting Range	21-Jan-20; 20-Apr-20	2,430,000	11/5/2020	-	2,406,000
Townwide Signal Upgrades	21-Jan-20; 8-Sep-20	915,000	11/5/2020	-	915,000
Town Wide Centralized Security Improvements	3-Feb-20	100,000	11/5/2020	-	100,000
Comprehensive Planning	24-Feb-20	550,000	11/5/2020	-	550,000
Townwide Guide Rails	25-Mar-20	50,000	11/5/2020	-	50,000
Town Hall HVAC Redundant Cooling	9-Mar-20	0	11/5/2020	175,000	175,000
Town Parking Lots Sealing & Striping	9-Mar-20	100,000	11/5/2020	-	75,000
Dann Road Reconstruction	9-Mar-20	424,864	11/5/2020	-	424,864
ADA Transition Plan	25-Mar-20	200,000	11/5/2020	-	200,000
Red Oak Drive Waterlines	24-Feb-20	700,000	11/5/2020	-	700,000
Totes	27-Apr-20	181,000	11/5/2020	-	181,000
WPCF Laboratory Equipment Replacements Phase 2	27-Apr-20	70,000	11/5/2020	-	70,000
WPCF Filter System Upgrades Phase 1	27-Apr-20	1,920,000	11/5/2020	-	1,920,000
Buffalo Niagara Heritage Village	6-Apr-20	100,000	11/5/2020	-	100,000



				-	
2020 Drainage Improvements	6-Jul-20; 3-Aug-20	400,000	11/5/2020	-	400,000
Playground Safety Surface Improvements	24-Feb-20	120,000	11/5/2020	-	120,000
TW Streetlight Replacement					
Comprehensive Investment Grade Energy Audit	6-Jul-20	410,000	11/5/2020	-	410,000
2020 Sanitary Sewer Upgrades and Rehab A	3-Aug-20	800,000	11/5/2020	-	800,000
2020 Sanitary Sewer Upgrades and Rehab B	3-Aug-20	250,000	11/5/2020	-	250,000
Y&R Equipment	3-Aug-20	100,000	11/5/2020	-	99,400
Flashing Warning Beacon Installation & Replacement	4-May-20 3-Sep-19;	100,000	11/5/2020	-	100,000
Main Library Expansion Phase 2	21-Sep-20	792,000	11/5/2020	-	792,000
Audubon Library Expansion	3-May-21	0	11/4/2021	2,500,000	2,500,000
Recreation Area Improvements	5-Apr-21	0	11/4/2021	1,700,000	1,700,000
ADP Bailey Avenue Training Center Improvements	4-Jan-21; 26-Jul-21	0	11/4/2021	245,000	245,000
Northtown Center Parking Lot Expansion	4-Jan-21	0	11/4/2021	750,000	750,000
Amherst Gateway Park	19-Jan-21	0	11/4/2021	100,000	100,000
Townwide Comprehensive Planning	19-Jan-21	0	11/4/2021	550,000	550,000
Dann Lake Improvements	1-Feb-21	0	11/4/2021	50,000	50,000
Multiple Project Bond – Smart Signal Upgrade and Replacement	1-Feb-21	0	11/4/2021	400,000	400,000
APD Radio Systems Upgrade	22-Feb-21	0	11/4/2021	300,000	300,000
TW Centralized Security Improvements	22-Feb-21	0	11/4/2021	100,000	100,000
APD Vehicles	22-Feb-21	0	11/4/2021	155,000	155,000
TW Tree Planting & Restoration	22-Feb-21	0	11/4/2021	75,000	75,000
Town Road Paving & Curbing Improvements	22-Feb-21	0	11/4/2021	1,750,000	1,750,000
Asphalt Sealing & Striping	8-Mar-21	0	11/4/2021	125,000	125,000
Town Parking Lot Maintenance	8-Mar-21	0	11/4/2021	155,000	155,000
Highway Vehicles and Equipment (5 Yr PPU)	22-Mar-21	0	11/4/2021	185,000	185,000
Highway Vehicles and Equipment (5 Yr PPU)	22-Mar-21	0	11/4/2021	565,000	565,000
2021 Waterline Replacement	5-Apr-21	0	11/4/2021	1,000,000	1,000,000
Northtown Center Heating Repair	5-Apr-21	0	11/4/2021	100,000	100,000
Golf Course Maintenance Equipment	19-Apr-21	0	11/4/2021	400,000	400,000
ENG Vehicles	3-May-21	0	11/4/2021	32,000	32,000

	3-May-21					
Brompton Rd & Park Club Lane	26-Jul-21	0	11/4/2021	60,000	60,000	
2021 Sanitary Sewer Rehabilitation - Vehicles	7-Jun-21	0	11/4/2021	33,500	33,500	
2021 Sanitary Sewer Rehabilitation - Equipment	7-Jun-21	0	11/4/2021	192,500	192,500	
2021 Sanitary Sewer Rehabilitation Projects	7-Jun-21	0	11/4/2021	610,000	610,000	
Gas Pump Repairs	9-Aug-21	0	11/4/2021	550,000	550,000	
Athletic Fields Replacement Project	18-Oct-21	0	11/4/2021	2,100,000	2,100,000	
	23-Aug-21;					
NCAA Baseball Diamond Project	18-Oct-21	0	11/4/2021	1,700,000	1,700,000	
WPCF	18-Oct-21	0	11/4/2021	2,100,000	2,100,000	
		<u>\$16,422,754</u>		<u>\$18,758,000</u>	<u>\$34,295,023</u>	

## **THE BONDS AND THE NOTES**

### ***Nature of the Obligations***

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

The Bonds and the Notes 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 Town has the power and statutory authorization to levy ad valorem taxes on all taxable real property in the Town, subject to certain statutory limitations imposed by Chapter 97 of the New York Laws of 2011, as amended (the "Tax Levy Limitation Law." (See "*Tax Levy Limitation Law*" herein).

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 Notes, and the State is specifically precluded from restricting the power of the Town to levy taxes on real estate therefor. The Tax Levy Limitation Law imposes a statutory limitation upon the Town's power to increase its annual tax levy. As a result, the power of the Town to levy real estate taxes on all the taxable real property within the Town is subject to statutory limitations set forth in Tax Levy Limitation Law, unless the Town complies with certain procedural requirements to permit the Town to levy certain year-to-year increases in real property taxes. (See "*The Tax Levy Limitation Law*," in Appendix A hereto).

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

The Bonds maturing in the years 2022 to 2029, inclusive, are not subject to redemption prior to maturity.

The Bonds maturing on or after November 1, 2030 will be subject to redemption prior to maturity, at the option of the Town, on any date on or after November 1, 2029, 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), at the redemption price equal to the principal amount of the Bonds to be redeemed, plus accrued interest to the date of redemption.

### ***Selection of Bonds to be Redeemed***

So long as DTC or a successor securities depository is the sole registered owner of the Bonds, the Town will cause notice of redemption to be given only to DTC as registered owner. The selection of the book-entry interests within each Bond maturity to be redeemed will be done in accordance with DTC procedures. See "*THE BONDS AND THE NOTES – Book-Entry-Only System*" herein regarding DTC's practice of determining by lot the amount of the interest of each Direct Participant for partial bond redemptions.

If the Bonds are not registered in book-entry form, any redemption of less than all of a maturity of the Bonds shall be allocated (in the amounts of \$5,000 or any whole multiple) among the registered owners of such maturity of the Bonds then outstanding as nearly as practicable in proportion to the principal amounts of such maturity of the Bonds owned by each registered owner. This will be calculated based on the following formula:

$$\frac{(\text{principal to be redeemed}) \times (\text{principal amount owned by owner})}{(\text{principal amount outstanding})}$$

### ***Notice of Redemption***

Notice of redemption shall be given by mailing such notice to the registered holders of Bonds to be redeemed at their respective addresses as shown upon the registration books of the Town as Paying Agent at least 30 days prior to the date set for any such redemption. If notice of redemption shall have been given as aforesaid, the Bonds so called for redemption shall become due and payable at the applicable redemption price on the redemption date designated in such notice, and interest on such Bonds shall cease to accrue from and after such redemption date.

### ***Optional Redemption for the Notes***

The Notes are not subject to optional redemption prior to maturity.

### ***Book-Entry-Only System***

The Depository Trust Company (“DTC”), New York, New York, will act as securities depository for the Bonds and Notes. The Bonds and Notes will be issued as fully-registered bonds and notes 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 will be deposited with DTC. One fully-registered note certificate will be issued for each Note bearing the same rate of interest and CUSIP number, and will be deposited with DTC.

DTC, the world’s largest depository, 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 securities 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 the Bonds and Notes under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds and Notes on DTC’s records. The ownership interest of each actual purchaser of each bond and note (“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 and the Notes are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not

receive certificates representing their ownership interests in the Bonds and the Notes, except in the event that use of the book-entry system for the Bonds and the Notes is discontinued.

To facilitate subsequent transfers, all Bonds and Notes 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 and the Notes 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 and the Notes; DTC's records reflect only the identity of the Direct Participants to whose accounts such Bonds and Notes are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account 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. Redemption notices shall be sent to DTC. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to the Bonds and the Notes unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the Town 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 and the Notes are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal and interest payments on the Bonds and the Notes 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 County, 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 or the Town, subject to any statutory or regulatory requirements as may be in effect from time to time.

Payment of principal and interest 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 and the Notes at any time by giving reasonable notice to the Town. Under such circumstances, in the event that a successor depository is not obtained, Bond and Note certificates will be printed and delivered.

The Town may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, bond and note certificates will be printed and delivered.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the Town believes to be reliable, but the Town takes no responsibility for the accuracy thereof.

*Source: The Depository Trust Company*

### ***Certificated Bonds and Notes***

DTC may discontinue providing its services with respect to the Bonds and the Notes at any time by giving reasonable notice to the Town and discharging its responsibilities with respect thereto under applicable law, or the Town may terminate its participation in the system of book-entry-only transfers through DTC at any time. In the event that such book-entry-only system is discontinued, the following provisions will apply: the Bonds and Notes

will be issued in fully registered form in denominations of \$5,000 each or any integral multiple thereof for any single maturity, except for one necessary odd denomination for the Bonds maturing November 1, 2022 and for the Notes. The Town will act as Paying Agent for such Bonds and Notes. Interest on the Bonds will remain payable on November 1, 2022 and semiannually thereafter on May 1 and November 1 in each year to maturity. Interest on the Notes will remain payable at maturity on November 4, 2022. Such interest will be payable by check drawn on the Paying Agent and mailed to the registered owner on the maturity date of the Notes and on each interest payment date for the Bonds at the address as shown on the registration books of the Paying Agent as of the fifteenth day of the calendar month preceding each such interest payment date. Bonds and Notes may be transferred or exchanged at no cost to the registered owner at any time prior to maturity at the office of the Paying Agent for the Bonds and the Notes of the same series if any other authorized denomination or denominations in the same aggregate principal amount upon the terms set forth in respective Certificates of Determination executed by the Town Supervisor authorizing the sale of the Bonds and the Notes and fixing the details thereof and in accordance with the Local Finance Law. The Paying Agent shall not be obligated to make any such transfer or exchange of the Bonds between the fifteenth day of the calendar month preceding an interest payment date and such interest payment date

### **MARKET MATTERS AFFECTING FINANCINGS OF THE MUNICIPALITIES OF THE STATE**

The financial condition of the Town as well as the market for the Notes 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 Notes. If a significant default or other financial crisis should occur in the affairs of the State or at 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 borrowings and the market for and market value of outstanding debt obligations, including the Bonds and Notes, could be adversely affected.

The Town does not receive a significant amount of financial assistance from the State in the form of State aid. Should the Town fail to receive State aid expected from the State in the amounts and at the times expected, occasioned by a delay in the payment of such monies and not by a cut in State aid, the Town is authorized by the Local Finance Law to provide operating funds by borrowing in anticipation of the receipt of uncollected State aid.

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

## **CYBER SECURITY**

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.

## **LITIGATION**

In the normal course of business, the Town is involved in various matters of litigation. Other than the matter described below, in the opinion of the Town Attorney, there is no litigation by or pending against the Town that is not covered by insurance, budgetary appropriations or other provisions which could have a materially adverse impact on the financial condition of the Town. In addition, notices of claim have been filed with the Town. The allegations set forth in the claims relate to various circumstances including personal injury, property damage, civil rights violations and breach of contract. The claims seek money damages. In the opinion of the Town Attorney, other than the matter described below, the resolution of such various claims presently pending against the Town will not have an adverse material effect on the Town's financial position. Such matters are immaterial or adequately covered by existing insurance coverage. Pursuant to Local Finance Law, the Town is authorized to issue bonds or notes to finance any judgments and claims decided against the Town, if necessary. In the past, the Town has, on occasion, issued bonds or notes to finance judgments.

The Town is in litigation with Micro-Link LLC which involves a breach of contract claim against the Town stemming from a contract in place from February 2000 until February 2006. Micro-Link claims it is entitled to \$573,400 in unpaid invoices for services rendered under the contract; \$2,164,339 in late fees (1.5% a month for each month payment is late) and \$960,313 in attorneys' fees (TOTAL \$3,717,602). The Town denies liability and asserts that it overpaid Micro-Link \$154,396.37. The matter is scheduled for trial in June 2022.

## **TAX MATTERS**

In the opinion of Bond Counsel, based on existing statutes, regulations, administrative rulings and court decisions and assuming compliance by the Town with certain covenants and the accuracy of certain representations, interest on the Bonds and Notes is excluded from gross income for federal income tax purposes and is not an "item of tax preference" for purposes of federal alternative minimum tax on individuals.

The Internal Revenue Code of 1986, as amended (the "Code"), imposes various limitations, conditions and other requirements which must be met at and subsequent to the date of issue of the Bonds and Notes in order that interest on the Bonds and Notes will be and remain excluded from gross income for federal income tax purposes. Included among these requirements are restrictions on the investment and use of proceeds of the Bonds and Notes and in certain circumstances, payment of amounts in respect of such proceeds to the United States. Failure to comply with the requirement of the Code may cause interest on the Bonds and Notes to be includable in gross income for purposes of federal income tax, possibly from the date of issuance of the Bonds and Notes. The Town has covenanted to comply with certain procedures, and it has made certain representations and certifications, designed to assure satisfaction of the requirements of the Code in respect to the Bonds and Notes. The opinion of Bond Counsel assumes compliance with such covenants and the accuracy, in all material respects, of such representations and certificates.

Prospective purchasers of the Bonds and Notes should be aware that ownership of the Bonds and Notes, and the accrual or receipt of interest thereon, may have collateral federal income tax consequences for certain taxpayers, including financial institutions, property and casualty insurance companies, S corporations, certain foreign corporations, individual recipients of Social Security or Railroad benefits and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry such obligations. Prospective purchasers should consult their tax advisors as to any

possible collateral consequences of their ownership of the Bonds and Notes and their accrual or receipt of interest thereon. Bond Counsel expresses no opinion regarding any such collateral federal income tax consequences.

The Bonds and Notes **will not be** designated as "qualified tax-exempt obligations" within the meaning of, and pursuant to Section 265(b)(3) of the Code.

In the opinion of Bond Counsel, interest on the Bonds and Notes is exempt from personal income taxes imposed by the State or any political subdivision thereof, including the City of New York.

Bond Counsel has not undertaken to determine (or to inform any person) whether any actions taken (or not taken) or events occurring (or not occurring) after the date of issuance and delivery of the Bonds and Notes may affect the tax status of interest on the Bonds and Notes.

No assurance can be given that any future legislation or governmental actions, including amendments to the Code or State income tax laws, regulations, administrative rulings, or court decisions, will not, directly or indirectly, cause interest on the Bonds and Notes to be subject to federal, State or local income taxation, or otherwise prevent Bondholders and Noteholders from realizing the full current benefit of the tax status of such interest. Further, no assurance can be given that the introduction or enactment of any such future legislation, or any judicial decision or action of the Internal Revenue Service or any State taxing authority, including, but not limited to, the promulgation of a regulation or ruling, or the selection of the Bonds and Notes for audit examination or the course or result of an audit examination of the Bonds and Notes or of obligations which present similar tax issues, will not affect the market price, value or marketability of the Bonds and Notes. Prospective purchasers of the Bonds and Notes should consult their own tax advisors regarding the foregoing matters.

All summaries and explanations of the law herein do not purport to be complete and reference is made to such laws for full and complete statements of their provisions.

ALL PROSPECTIVE PURCHASERS OF THE BONDS AND NOTES SHOULD CONSULT WITH THEIR TAX ADVISORS IN ORDER TO UNDERSTAND THE IMPLICATIONS OF THE CODE AS TO THE TAX CONSEQUENCES OF PURCHASING OR HOLDING THE BONDS AND NOTES.

### **LEGAL MATTERS**

Legal matters incident to the authorization, issuance and sale of the Bonds and Notes will be subject to the final approving opinions of Harris Beach PLLC, Buffalo, New York. Such legal opinions will state that in the opinion of Bond Counsel (i) the Bonds and Notes have been authorized and issued in accordance with the Constitution and statutes of the State of New York and constitute valid and legally binding general obligations of the Town, all the taxable real property within which is subject to the levy of ad valorem taxes to pay the Bonds and Notes and interest thereon, subject to the statutory limits of Chapter 97 of the Laws of 2011 of the State of New York (See "REAL PROPERTY TAXES - Tax Levy Limitation Law" herein); provided, however, that the enforceability (but not the validity) of such Bonds and Notes may be limited by any applicable existing or future bankruptcy, insolvency or other law (State or Federal) affecting the enforcement of creditors' rights.

Such legal opinion will also state that (i) in rendering the opinions expressed therein, Bond Counsel has assumed the accuracy and truthfulness of all public records, documents and proceedings examined by Bond Counsel which have been executed or certified by public officials acting within the scope of their official capacities, and has not verified the accuracy or truthfulness thereof, and Bond Counsel also has assumed the accuracy of the signatures appearing upon such public records, documents and proceedings and such certifications; (ii) the scope of Bond Counsel's engagement in relation to the issuance of the Bonds and Notes, as applicable, has extended solely to the examination of the facts and law incident to rendering the opinions expressed therein; (iii) the opinions expressed therein are not intended and should not be construed to express or imply any conclusion that the amount of real property subject to taxation within the boundaries of the Town together with other legally available sources of revenue, if any, will be sufficient to enable the Town to pay the principal of and interest on the Bonds and Notes as the same become due and payable; (iv) reference should be made to the Official Statement for factual information which, in the judgment of the Town, would materially affect the ability of the Town to pay such principal and interest; and (v) while Bond

Counsel has participated in the preparation of the Official Statement, Bond Counsel has not verified the accuracy, completeness or fairness of the factual information contained therein and, accordingly, no opinion is expressed by Bond Counsel as to whether the Town, in connection with the sale of such Bonds and Notes, has made any untrue statement of a material fact, or omitted to state a material fact necessary in order to make any statements made, in the light of the circumstances under which they were made, not misleading.

## **DISCLOSURE UNDERTAKING**

### *Disclosure Undertaking for the Bonds*

At the time of the 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 interests 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 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) On or prior to the 270th day following the end of each fiscal year, commencing with the fiscal year ending December 31, 2021 (i) certain annual financial information, in a form generally consistent with the information contained or cross-referenced in this Official Statement under the headings “LITIGATION” and in Appendices A and B, and (ii) the audited financial statement (prepared in accordance with generally accepted accounting principles in effect at the time of audit), if any, of the Town for each fiscal year, unless such audited financial statement, if any, shall not then be available in which case the unaudited financial statement shall be provided and an audited financial statement shall be provided within 60 days after it becomes available and in no event later than 360 days after the end of each fiscal year;
- (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; [note to clause (xii): For the purposes of the event identified in clause (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 officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the 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; and (xiv) appointment of a successor or additional trustee or the change of name of a trustee, if material; (xv) incurrence of a financial obligation of the Town, if material, or agreement to covenants, events of default, remedies, priority



rights, or other similar terms of a financial obligation of the Town, any of which affect security holders, if material; and (xvi) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the Town, any of which reflect financial difficulties.

With respect to the Undertaking, the Town does not undertake to provide any notice with respect to credit enhancement added after the primary offering of the Bonds.

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, 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 premium, 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 provision, 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.

#### ***Disclosure Undertaking for the Notes***

At the time of the delivery of the Notes, the Town will provide an executed copy of its "Undertaking to Provide Notices of Events" (the "Undertaking"). Said Undertaking will constitute a written agreement or contract of the Town for the benefit of holders of and owners of beneficial interests in the Notes, to provide, or cause to be provided, to the Electronic Municipal Market Access ("EMMA") System implemented by the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934, or any successor thereto, timely notice, not in excess of ten (10) business days after the occurrence of the event, of the occurrence of any of the following events with respect to the Notes:

- (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 Notes, or other material events affecting the tax status of the Notes; (vii) modifications to rights of Noteholders, if material; (viii) Note calls, if material, and tender offers;
- (ix) defeasances; (x) release, substitution, or sale of property securing repayment of the Notes, if material; (xi) rating changes; (xii) bankruptcy, insolvency, receivership or similar event of the Town; [note to clause (xii): For the purposes of the event identified in clause (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 officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the 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; and (xiv) appointment of a successor or additional trustee or the change of name of a trustee, if material; (xv) incurrence of a financial obligation of the Town, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the Town, any of which affect security holders, if material; and (xvi) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the Town, any of which reflect financial difficulties.

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 Notes; but the Town does not undertake to commit to provide any such notice of the occurrence of any event except those events listed above.

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 Notes shall have been paid in full. 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 Notes, 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 Notes.

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.

#### ***Prior Disclosure History***

The Town has been in compliance in all material respects with its previous undertakings made pursuant to Rule 15c2-12 over the past five years.

### **RATINGS**

Moody's Investors Service, Inc. ("Moody's") has assigned a rating of "Aa3" to the uninsured outstanding bonded indebtedness of the Town, including the Bonds. Moody's assigned a "MIG 1" rating on the Notes.

Such ratings reflect only the view of such organization, and an explanation of the significance of such rating may be obtained only from such rating agency, at the following address: Moody's Investors Service, Inc., 7 World Trade Center at 250 Greenwich Street, New York, NY 10007. There can be no assurance that such ratings will continue for any specified period of time or that such ratings will not be revised or withdrawn, if in the judgment of Moody's circumstances so warrant. Any such change or withdrawal of such ratings may have an adverse effect on the market price of such bonds and notes or the availability of a secondary market for those bonds and notes.

### **MISCELLANEOUS**

So far as any statements made in this Official Statement involve matters of opinions or estimates, whether or not so expressly stated, they are set forth as such and not as representations of fact, and no representation is made that any of the opinions or estimates will be realized. Neither this Official Statement nor any statement which may have been made orally or in writing is to be construed as a contract with the holders of the Bonds and the Notes.

Statements in this official statement, and the documents included by specific reference, that are not historical facts are forward-looking statements, which are based on the Town management's beliefs as well as assumptions made by, and information currently available to, the Town's management and staff. Because the statements are based on expectations about future events and economic performance and are not statements of fact, actual results may differ materially from those projected. Important factors that could cause future results to differ include legislative and regulatory changes, changes in the economy, and other factors discussed in this and other documents that the Town files with the repositories. When used in Town documents or oral presentation, the words "anticipate", "estimate", "expect", "objective", "projection", "forecast", "goal", or similar words are intended to identify forward-looking statements.

References herein to the Constitution of the State and various State and federal laws are only brief outlines of certain provisions thereof and do not purport to summarize or describe all of such provisions.

The Official Statement is submitted only in connection with the sale of the Bonds and the Notes by the Town and may not be reproduced or used in whole or in part for any other purpose.

### **MUNICIPAL ADVISOR**

Capital Markets Advisors, LLC has acted as Municipal Advisor to the Town in connection with the sale of the Bonds and the Notes. In preparing the Official Statement, the Municipal Advisor has relied upon governmental officials, and other sources, who have access to relevant data to provide accurate information for the Official Statement, and the Municipal Advisor has not been engaged, nor has it undertaken, to independently verify the accuracy of such information. The Municipal Advisor is not a public accounting firm and has not been engaged by the Town to compile, review, examine or audit any information in the Official Statement in accordance with accounting standards. The Municipal Advisor is an independent advisory firm and is not engaged in the business of underwriting, trading or distributing municipal securities or other public securities and therefore will not participate in the underwriting of the Bonds and the Notes.

### **ADDITIONAL INFORMATION**

Additional information may be obtained from the Town's Municipal Advisor, Capital Markets Advisors, LLC, (716) 662-3910 or from Daryl Bramer, Town Comptroller, 5583 Main Street, Amherst, New York 14221, email: Dbramer@amherst.ny.us, telephone: (716) 631-7005.

Any statements in this Official Statement involving matters of opinion or estimates, whether or not expressly so stated, are intended as such and not as representations of fact. No representation is made that any of such statements will be realized. This Official Statement is not to be construed as a contract or agreement between the Town and the original purchasers or holders of any of the Bonds and the Notes.

This Official Statement has been prepared in connection with the sale of the Bonds and the Notes by the Town and may not be reproduced or used in whole or in part for any other purpose.

Capital Markets Advisors, LLC may place a copy of this Official Statement on its website at [www.capmark.org](http://www.capmark.org). 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. Capital Markets Advisors, LLC 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 Capital Markets Advisors, LLC assumes any liability or responsibility for errors or omissions on such website. Further, Capital Markets Advisors, LLC 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. Capital Markets Advisors, LLC and the Town also assume no liability or responsibility for any errors or omissions or for any updates to dated website information.

Harris Beach PLLC expresses no opinion as to the accuracy or completeness of any documents prepared by or on behalf of the Town for use in connection with the offer or sale of the Bonds and the Notes, including this Official Statement. This Official Statement has been prepared only in connection with the sale of the Bonds and the Notes by the Town and may not be reproduced or used in whole or in part for any other purpose.

**TOWN OF AMHERST  
ERIE COUNTY, NEW YORK**

By:     /s/ Brian Kulpa      
Brian Kulpa  
Town Supervisor

DATED: October 26, 2021

## **APPENDIX A**

## **THE TOWN**

### ***General Information***

The Town of Amherst (the “Town”), a suburban, residential town in Erie County (the “County”), adjacent to the City of Buffalo (the “City”), is the ninth most populous town in the State of New York (the “State”). The Town has a land area of approximately 54 square miles. Since 2010, the population of the Town has grown by 0.92% to the current population level of 123,492 according to the 2013 U.S. Census data. The incorporated Village of Williamsville, which has its own independent form of government, is located wholly within the Town and has a land area of 1-1/2 square miles and a population of 5,300.

The Town's tax base and population growth can be attributed in part to the suburbanization of Buffalo's metropolitan area and to the development of a \$550 million State University of New York at Buffalo campus within the Town. The 1,000 acre campus serves 29,940 students and has a faculty and staff in excess of 9,600.

Conrail, major airlines operating from the Buffalo Niagara International Airport, the New York State Thruway, the Youngman and Lockport expressways, the Niagara Frontier Transit Authority and a network of highways provide transportation to and from the area.

### ***The Government***

The Town was established in 1818 by the State Legislature. The taxable real property in the Village of Williamsville is subject to taxation by the Town for certain purposes. In addition, four independently governed school districts, Williamsville Central School District, Sweet Home Central School District, Amherst Central School District and Clarence Central School District, are located in whole or in part within the Town and rely upon their own taxing powers granted by the State to raise revenues for school district purposes. The school districts use the Town's assessment roll as their basis for taxation of property within 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 applicable to the Town, and is classified as a first class 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 of the Town, elected for a term of four years. The remaining members of the Town Board are elected two and three at a time every two years to four-year terms. All the Town Board members are elected at large. The Town has two judges that are elected to 4-year terms. All elected public officers for the Town are limited to two consecutive terms of four years each while serving in the same public office.

The Town Clerk and the Town Highway Superintendent are elected for four-year terms. The Town Board appoints the Assessor, the Town Comptroller, the Town Engineer, the Purchasing Director, the Town Attorney, and the Deputy Town Attorneys.

The position of Town Comptroller has the responsibility for the overall coordination of the Town's finances. The Town Comptroller reports to the Town Board and shares the responsibility for budgeting, investment, debt management, cash flow, payroll, accounting and reporting of all Town transactions.

### ***Town Services***

The Town purchases its electricity and natural gas with a competitive bid through the Amherst Utility Corp.

The Erie County Water Authority supplies water for the Town and is responsible for the maintenance of the necessary facilities. The Authority charges the cost for the water service including maintenance costs, against the property or property owners served. The Town has a number of special assessment water districts that are responsible for the financing and construction of the water transmission lines within their respective boundaries.

Sanitary sewer services are provided primarily throughout the Town by special assessment sewer districts. The Town is responsible for the financing, construction and maintenance of the facilities located within them.

Police protection is provided by the Town Police Department. Fire Protection is provided by Town Fire Protection Districts, which contract with local volunteer units to provide such service.

***Employees***

The Town provides services through 627 full-time employees, represented by the bargaining units listed below and approximately 57 of whom are not represented. Town employees are represented by several labor organizations, which are listed below.

<u>Bargaining Unit</u>	<u># of Members</u>	<u>Contract Expiration</u>
Civil Service Association	220	12/31/2023
Amherst Highway Association*	132	12/31/2024
Central Fire Alarm Association	12	12/31/2024
Amherst Engineering Association	54	12/31/2024
Amherst Police Club	152	12/31/2024

\* 9 Part time employees are represented by Amherst Highway Association.

Source: Town Officials

***Employee Pension Benefits***

Substantially all employees of the Town are members of the New York State and Local Employees’ Retirement System (the “ERS”) and Local Police and Fire Retirement System (“PFRS”) (collectively the systems are referred to together hereinafter as the "Retirement Systems" where appropriate.) The Retirement Systems are a cost-sharing multiple public employer retirement systems. The obligations of employers and employees to contribute and the benefits to employees are governed by the New York State Retirement and Social Security Law (the “Retirement System Law”). The Retirement Systems offer 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, except for members hired after January 1, 2010 whose benefits vest after ten 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 through and including December 31, 2009, must contribute three percent of their gross annual salary toward the costs of retirement programs until they attain ten years in the Retirement Systems, at such time contributions become voluntary. As discussed herein, members hired after January 1, 2010 must contribute three percent of their gross annual salary toward the costs of retirement programs for the duration of their employment.

Pension reform enacted by New York State changed the billing cycle for employer contributions to the ERS retirement system to match budget cycles of the Town. Under the previous method, the Town was not provided with the required payment until after its budget was implemented. Under the reforms implemented, the employer contribution for a given fiscal year will be based on the value of the pension fund on the prior April 1, instead of the following April 1. As a result, the Town is notified of and can

include the actual cost of the employer contribution in its budget. The law also requires a minimum payment of 4.5% of payroll each year, including years in which investment performance of the fund would make a lower employer contribution possible. The pension payment date for all local governments was changed from December 15 to February 1.

The New York State Retirement System has advised the Town that municipalities can elect to make employer contribution payments in the December or the following February, as required. If such payments are made in the December prior to the scheduled payment date in February, such payments may be made at a discounted amount. The Town prepaid its employer contributions each December in 2004 through 2009, inclusive, did not prepay its employer contributions in December 2010, and again prepaid its employer contributions in December 2011 through 2018.

On December 10, 2009, then Governor Paterson signed into law a new Tier V. The law is effective for new ERS employees hired after January 1, 2010. ERS and PFRS employees will now contribute 3% of their salaries. There is no provision for these contributions to cease after a certain period of service.

On March 16, 2012, Governor Cuomo signed into law the new Tier VI pension program, effective for ERS and PFRS employees hired after April 1, 2012. The Tier VI legislation provides, among other things, for increased employee contribution rates of between 3% and 6%, an increase in the retirement age from 62 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 VI employees will vest in the system after ten years of employment and will continue to make employee contributions throughout employment.

The following schedule reflects the Town's contribution to each of the Retirement Systems for the last three audited fiscal years and the budgeted amount for the current fiscal year.

<b>Fiscal Year</b>	<b>ERS</b>	<b>PFRS</b>
<b><u>Ending December 31:</u></b>	<b><u>Contribution</u></b>	<b><u>Contribution</u></b>
2021 ( <i>Budgeted</i> )	\$4,686,942	\$4,975,000
2020	4,351,699	4,888,117
2019	4,330,041	4,619,015
2018	4,412,323	4,607,107

Due to significant capital market declines in the recent past, the State's Retirement Systems portfolios have experienced negative investment performance and severe downward trends in market earnings. As a result of the foregoing, the employer contribution rates for the State's Retirement Systems will be higher than the minimum contribution rate established by law. To mitigate the expected increases in the employer contribution rates, legislation was enacted that authorizes local governments and school districts to amortize a portion of their required Retirement Systems pension contribution payments with the Retirement Systems. The new legislation also requires that those local governments and school districts choosing to amortize their ERS and PFRS pension contribution payments with the Retirement Systems to reserve funds for future payment increases that are a result of fluctuations in pension plan performance. The Town funds its Annual Required Contribution (ARC) for both plans on an annual basis. The Town has no plans to enter into the pension smoothing program.

In Spring 2013, the State and ERS and PFRS approved a Stable Contribution Option ("SCO"), which modified its existing SCO adopted in 2010, that gives municipalities the ability to better manage the spikes in Actuarially Required Contribution rates ("ARCs"). The plan allows municipalities to pay the SCO amount in lieu of the ARC amount. The Town will not be participating in the modified ERS SCO plan at this time or in the foreseeable future.

On August 29, 2018, the State Comptroller announced The estimated average contribution rate for participating employers in the ERS will decrease in SFY 2019-20 from 14.9 percent of payroll to 14.6 percent of payroll. The estimated average contribution rate for participating employers in the PFRS will remain at 23.5 percent of payroll.



According to OSC, the estimated average employer contribution rate for ERS will be lowered from 16.2% to 11.6% of payroll. The estimated average employer contribution rate for PFRS will be reduced from 28.3% to 27% of payroll.

***Other Post-Employment Benefits***

In June 2015, GASB released GASB Statement No. 75 (“GASB 75”), which was required to be implemented in the Town’s 2018 fiscal year. GASB 75 replaces the requirements of GASB 45 and establishes new standards for recognizing and measuring liabilities, deferred outflows of resources, deferred inflows of resources, and expense/expenditures. Under GASB 75, governments must report a liability on the face of the financial statements for the post-employment benefits (“OPEB”) that they provide; such liability can no longer be a footnote as was allowed under GASB 45.

During the year ended December 31, 2020 the Town implemented GASB statements No. 75.

	<u>2020</u>
Balances at 12/31/2019, as restated:	\$179,148,729
Changes for the year:	
Service Cost	3,472,989
Interest	7,365,643
Changes of assumptions	48,894,293
Contributions - employer	<u>(5,943,820)</u>
Net Changes	<u>53,789,105</u>
Balances at 12/31/2020	<u>\$232,937,834</u>

Should the Town be required to fund its unfunded actuarial accrued OPEB liability, it could have a material adverse impact upon the Town’s finances and could force the Town to reduce services, raise taxes or both. At the present time, however, there is no current or planned requirement for the Town to partially fund its actuarial accrued OPEB liability. At this time, New York State has not developed guidelines for the creation and use of irrevocable trusts for the funding of OPEB. As a result, the Town has decided to continue funding the expenditure on a pay-as-you-go basis.

Legislation has been proposed 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 authorize the creation of irrevocable OPEB trusts so that the State and its local governments can 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 proposed legislation, there are no limits on how much a local government can deposit into the trust. The Town cannot predict at this time whether such proposed legislation will be enacted into law.

**FINANCIAL FACTORS**

***Independent Audit***

The annual financial statements of the Town are audited by Drescher & Malecki, LLP, independent certified public accountants. The Town is also subject to periodic audit by the State Comptroller’s Office. Appendix B to this Official Statement presents a summary of the results of operations for the last five fiscal years and budget summaries for the 2021 fiscal year. The Town also prepares an Annual Financial Report Update Document (unaudited) (“AUD”) that is filed with the Office of the State Comptroller. Said AUD is not prepared in accordance with GAAP. An electronic link to the audited financial statements for the 2020 fiscal year is set forth in Appendix C.

## ***Fund Structure and Accounts***

The financial statements of the Town conform to those prescribed by generally accepted accounting principles as applied to governmental units.

Revenues are recorded when measurable and available to pay liabilities of the current period. Revenues susceptible to accrual include real property taxes, state and federal aid, sales tax and certain user fees such as water and sewer charges.

Expenditures are recorded when the fund liability is incurred. Exceptions to this rule are (1) prepaid and most inventory-type items are generally recognized at the time of disbursement; (2) unmatured interest on general long-term debt which is recognized when due; and (3) compensated absences, such as vacation and sick leave which vests or accumulates, and is charged as an expenditure when paid.

The encumbrance method of accounting is employed in the governmental funds, whereby commitments for contracts and outstanding purchase orders are reported as a reservation of fund balance. Such commitments are recorded as expenditures in the accounting period in which the liability is incurred.

The General Fund is the principal fund of the Town and includes all operations not required to be recorded in other funds. Special Revenue Funds account for the proceeds of specific revenue sources that are legally restricted to expenditures for specific purposes. These funds include Town Outside Village, Special Grant, Highway and Special Districts. Special Districts have been established for sanitary sewer, storm drainage, community environment, lighting, water and fire protection.

## ***Revenues***

The Town derives its revenues from a tax levy on real property, State aid from non-property taxes like the County sales tax, and from departmental fees and charges. A summary of such revenues for the Town's General and Special Revenue Funds over the last five fiscal years is presented in "*Statement of Revenues, Expenditures and Changes in Fund Balances*" in Appendix B. (See also "*Tax Levy Limitation Law*" herein).

**Real Property Tax.** The Town derives a major portion of its revenues from a tax on real property. (See "*Statement of Revenues, Expenditures and Changes in Fund Balance*" in Appendix B herein). Based on audited results, property taxes accounted for 44.6% of total General Fund revenues for the fiscal year ended December 31, 2020.

The following table sets forth total General Fund revenues and real property tax revenues during the last five audited fiscal years and the amount budgeted for the current fiscal year.

**TABLE 1**  
**Property Taxes**  
(General Fund Only)

<b><u>Fiscal Year</u></b> <b><u>Ending December 31:</u></b>	<b><u>Total</u></b> <b><u>Revenues</u></b>	<b><u>Real Property</u></b> <b><u>Taxes</u></b>	<b><u>Real Property</u></b> <b><u>Taxes to</u></b> <b><u>Revenues</u></b>
2016	\$57,852,209	\$24,848,646	43.0%
2017	60,332,619	25,894,973	42.9%
2018	60,643,283	26,166,790	43.1%
2019	65,069,351	28,996,302	44.6%
2020	65,644,634	31,298,412	47.7%
2021 ( <i>Budget</i> )	75,999,977	36,536,963	48.1%

*Source: Town Audited Financial Reports and Revised Budget.*

**Sales Taxes.** The County is authorized to and levies a sales and compensatory use tax of 4.75%, a portion of which is shared with the Town, in addition to the 4% tax levied by the State. Such sales tax collections

in New York are administered by the State Tax Commissioner and the proceeds are paid to the County quarterly. The Town receives quarterly payments from the County.

The following table sets forth general fund revenues and General Fund non-property tax revenues (sales taxes and cablevision franchise tax) received during each of the last five audited fiscal years and the amount budgeted for the current fiscal year.

**TABLE 2**  
**Non-Property Taxes**  
(General Fund Only)

<b><u>Fiscal Year</u></b> <b><u>Ending December 31:</u></b>	<b><u>Total</u></b> <b><u>Revenues</u></b>	<b><u>Non-Property</u></b> <b><u>Taxes</u></b>	<b><u>Non-Property</u></b> <b><u>Taxes to Revenues</u></b>
2016	\$57,852,209	\$19,135,678	33.1%
2017	60,332,619	20,040,656	33.2%
2018	60,643,283	20,804,218	34.3%
2019	65,069,351	21,222,418	32.6%
2020	65,644,634	20,619,250	31.4%

*Source: Town Audited Financial Reports.*

**State Aid.** The Town also receives a portion of its revenues in the form of State aid (per capita, mileage and valuation, and mortgage tax).

The following table sets forth total General Fund revenues and State aid during each of the last five audited fiscal years and the amounts budgeted for the current fiscal year.

**TABLE 3**  
**State Aid**  
(General Fund Only)

<b><u>Fiscal Year</u></b> <b><u>Ending December 31:</u></b>	<b><u>Total</u></b> <b><u>Revenues</u></b>	<b><u>State Aid</u></b>	<b><u>State Aid</u></b> <b><u>to Revenues</u></b>
2016	\$57,852,209	\$4,179,566	7.2%
2017	60,332,619	4,353,142	7.2%
2018	60,643,283	4,249,109	7.0%
2019	65,069,351	4,583,866	7.0%
2020	65,644,634	4,679,756	7.1%

*Source: Town Audited Financial Reports.*

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 any year, 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. Additionally, 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.

The State is not constitutionally obligated to maintain or continue State aid to the Town. No assurance can be given that present State aid levels will be maintained in the future. There can be no assurance that the State's financial position will not change materially and adversely from current projections. State budgetary restrictions which eliminate or substantially reduce State aid could have a material adverse effect upon the Town, 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.)

The State receives a substantial amount of federal aid for health care, education, transportation and other governmental purposes, as well as federal funding to respond to, and recover from, severe weather events and other disasters. Many of the policies that drive this federal aid may be subject to change under the

federal administration and the current Congress. Current federal aid projections, and the assumptions on which they rely, are subject to revision in the future as a result of changes in federal policy.

The federal government may enact budgetary changes or take other actions that adversely affect State finances. State legislation adopted with the State's 2018-2019 Budget continues authorization for a process by which the State would manage significant reductions in federal aid during fiscal year 2018-2019 and fiscal year 2019-2020 should they arise. Specifically, the legislation allows the State Budget Director to prepare a plan for consideration by the State Legislature in the event that the federal government (i) reduces federal financial participation in Medicaid funding to the State or its subdivisions by \$850 million or more; or (ii) reduces federal financial participation of other federal aid funding to the State that affects the State Operating Funds financial plan by \$850 million or more, exclusive of any cuts to Medicaid. Each limit is triggered separately. The plan prepared by the State Budget Director must equally and proportionately reduce appropriations and cash disbursements in the State's General Fund and State Special Revenue Funds. Upon receipt of the plan, the State Legislature has 90 days to prepare its own corrective action plan, which may be adopted by concurrent resolution passed by both houses, or the plan submitted by the State Budget Director takes effect automatically.

On December 22, 2017, Former President Trump signed into law the Tax Cuts and Jobs Act of 2017 (H.R. 1, P.L. 115-97), making major changes to the Federal Internal Revenue Code, most of which are effective in the 2018 tax year. The new federal tax law makes extensive changes to federal personal income taxes, corporate income taxes, and estate taxes, and the deductibility of various taxes and interest costs. The State's income tax system interacts with the federal system in numerous ways. The federal changes are expected to have significant flow-through effects on State tax burdens and revenues. The State's 2018-2019 Enacted Budget includes legislation decoupling certain linkages between federal and local income tax and corporate taxes, increasing the opportunities for charitable contributions, and providing an option to employers to shift to an employer compensation tax and reduce State personal income taxes. In addition, the State's 2018-2019 Enacted Budget includes legislation that grants localities the option to establish local charitable funds that would provide taxpayers with a credit against their property taxes. In response to various state initiatives following changes to federal taxes and deductibility, the Department of Treasury (Treasury Department) and the Internal Revenue Service (IRS) have recently provided guidance regarding state initiatives that would seek to circumvent the new statutory limitation on state and local tax deductions and characterization of payments for federal income tax purposes.

Should the Town fail to receive State aid expected from the State in the amounts and at the times expected, occasioned by a delay in the payment of such monies or by a mid-year reduction in State aid, the Town is authorized by the Local Finance Law to provide operating funds by borrowing in anticipation of the receipt of uncollected State aid.

### ***Other Revenues***

Community Development Block Grants provide another revenue source for the Town. The Town receives these funds in accordance with a contract with the United States Department of Housing and Urban Development whereby grant assistance is provided for expenditures of eligible activities under Title I of the Housing and Community Development Act of 1974, as amended. These are accounted for as special revenue funds.

Historically, the Town has realized surplus funds from operations. The unappropriated fund balance has, in part, been used, from time to time during the course of a fiscal year to finance supplemental appropriations for unanticipated Town needs. A portion of the fund balance has always been designated as an appropriation to fund the subsequent years' expenditures.

### ***Budget Process***

The Supervisor, acting as budget officer with the assistance of the Town Comptroller, prepares a preliminary budget and presents it to the Town Clerk on September 30th. Subsequent to the budget hearing, revisions, if any, are made and the budget is then adopted by the Town Board as its final budget for the

coming calendar year. The preliminary budget, as submitted or amended, shall be finally adopted by resolution of the Town Board not later than November 20<sup>th</sup>. The budget is not subject to voter approval, but the tax levy associated with each budget is subject to the provisions of the Tax Levy Limitation Law. (See "*Tax Levy Limitation Law*" herein).

Appendix B sets forth a summary of the Town's 2020 and 2021 General Fund budgets and a summary of the budgets adopted for all funds including special districts within the Town.

### ***Investment Policy***

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

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

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

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

### ***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, it means that 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”.

<https://www.osc.state.ny.us/files/local-government/fiscal-monitoring/pdf/2020-munis-summary.pdf>

***New York State Comptroller’s Audit***

The financial affairs of the Town are subject to periodic compliance reviews by the Office of the State Comptroller (OSC) to ascertain whether the Town has complied with the requirements of various State and federal statutes.

The last audit conducted by OSC was released on May 15, 2014. The purpose of the audit was to assess municipalities’ (11 municipalities were evaluated throughout this audit) compliance with their parkland alienation bills for the period January 1, 2011 through December 31, 2013. The complete report can be obtained from OSC’s website.

References to websites and/or website addresses presented herein are for informational purposes only and implies no warranty of accuracy of information therein. Unless specified otherwise, such websites and the information or links contained therein are not incorporated into, and are not part of, this Official Statement.

**TAX INFORMATION**

***Real Property Tax Collection Procedures and History***

The Town Clerk collects the County and School District taxes, as well as, the General Town and Special District levies. Pursuant to the Erie County Tax Act, any uncollected items are deducted from the amount returned to the County and the County assumes the responsibility for obtaining payment. Therefore, before the tax rolls are returned to the County at the end of the tax collection period (August 31<sup>st</sup>), the Town Clerk pays in full to the Supervisor, the amount of the General Fund, Town Highway and Special District levies.

The Town employs the one-payment tax system. Taxes are due January 1, payable without penalty to February 15. Penalties are imposed as follows: 1.5% on payments made prior to March 1st, 3% on payments made prior to March 16th, 4.5% on payments made prior to April 1st, 6% on payments made prior to April 16th, 7% on payments made prior to May 1st, and 1.5% on payments made each month thereafter. After June 30, when the rolls are turned over to the County, all taxes are payable to the County with an additional penalty to date of payment.

The following table sets forth the tax collection record of the Town, Highway and Special District levies, and County levies for the past five fiscal years and for the current fiscal year.

**TABLE 4**  
**Tax Levy and Collection Record**

<b><u>Fiscal Year</u></b> <b><u>December 31:</u></b>	<b><u>Total Tax</u></b> <b><u>Warrant</u></b>	<b><u>Collected before February 16</u></b>		<b><u>Uncollected as of June 1<sup>(1)</sup></u></b>	
		<b><u>Amount</u></b>	<b><u>Percentage</u></b>	<b><u>Amount</u></b>	<b><u>Percentage</u></b>
2017	\$129,915,903	\$122,807,396	94.53%	\$3,310,600	2.7%
2018	134,450,800	127,158,497	94.58%	3,911,169	3.1%
2019	138,951,468	131,132,448	94.37%	3,720,248	2.8%
2020	143,139,032	133,260,191	93.10%	4,006,982	3.0%
2021	148,125,391	140,824,657	95.07%	3,750,627	2.7%

(1) As described above, the Town receives 100% of the amount of taxes levied from the county.

Source: Town Clerk

The following table sets forth the assessed and full valuation of taxable real property, the State equalization rate and the Town's real property tax levy for Town purposes for the five most recent fiscal years.

**TABLE 5**  
**Taxable and Full Valuation**

Roll Year Tax Levy Year	Tax Year <sup>(1)</sup>				
	2017 2018	2018 2019	2019 2020	2020 2021	2021 2022
Assessed Valuation <sup>(2)</sup>	\$10,451,685,382	\$10,545,139,090	\$10,557,765,764	10,649,110,379	\$10,703,897,434
State Equalization Rate	100.00%	100%	95.00%	91.00%	88.00%
Full Valuation <sup>(3)</sup>	\$10,451,685,382	\$10,545,139,090	\$11,113,648,173	\$11,702,319,098	12,163,519,81
Tax Levy for Town Purposes Including Special Districts	\$77,695,643	\$83,335,379	\$84,590,098	\$91,071,450	NA
Tax Rate per \$1,000 <sup>(4)</sup>	\$3.40	\$3.69	\$3.88	\$4.30	NA

- (1) Refers to the year for which taxes have been levied from the prior year assessment roll.
- (2) Includes the assessed valuations of special franchises but excludes assessed valuations of all exempt properties to the extent they are exempt from general taxation.
- (3) Computed by dividing the taxable assessed valuation by the State equalization rate established for that year.
- (4) Represents rate for General Fund, Part-Town and Highway purposes only which use the same assessed valuation for tax purposes. It does not include various district taxes or Central Alarm.

Source: Town Assessor

### ***Ten Largest Assessed Values for the 2021 Fiscal Year***

The following table presents the total 2020 assessed valuations of the Town's largest property owners used for the 2022 tax levy.

**TABLE 6**  
**Assessed Valuations** <sup>(1)</sup>

<b><u>Property Owner</u></b>	<b><u>Nature of Business</u></b>	<b><u>Assessed Valuation</u></b>	<b><u>Percentage of Total Valuation</u></b> <sup>(2)</sup>
Benderson Development Corporation	Retail	\$209,215,981	1.71%
National Grid Power	Utility	152,315,173	1.25%
Uniland Development	Offices	130,213,808	1.07%
MJ Peterson	Apartments	129,773,900	1.06%
Zaepfel Development	Offices	58,533,200	0.48%
National Fuel	Utility	54,565,728	0.45%
American Campus Student Housing	Apartments	51,332,800	0.42%
Windsong/Autumn Creek/Renaissance	Apartments	48,275,300	0.40%
Jemal Boulevard	Retail	32,207,539	0.26%
Dockside Village	Apartments	<u>27,135,100</u>	<u>0.22%</u>
Totals:		<u>\$893,568,529</u>	<u>7.32%</u>

- (1) Various taxpayers of the Town are appealing their taxable obligations. Currently, there are claims pending. The Town expects that a resolution of these claims will not have an adverse effect on the collection of such taxes or the finances of the Town.
- (2) Total taxable assessed valuation for 2021-2022 is \$12,205,799,489.

Source: Town Assessor

### ***Tax Levy Limitation Law***

Prior to the enactment of Chapter 97 of the New York Laws of 2011, as amended (the "Tax Levy Limitation Law") all the taxable real property within the Town has been subject to the levy of ad valorem taxes to pay the bonds and notes of the Town and interest thereon without limitation as to rate or amount. However, the Tax Levy Limitation Law imposes a tax levy limitation upon the Town for any fiscal year commencing after January 1, 2012 continuing through June 15, 2020 or longer as provided in the law,

without providing an exclusion for debt service on obligations issued by the Town. As a result, the power of the Town to levy real estate taxes on all the taxable real property within the Town to pay the principal of bonds and notes of the Town and the interest therein, is subject to statutory limitations, imposed by the Tax Levy Limitation Law.

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

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

The Town did not override the tax limit for the 2015 through 2020 fiscal years and currently does not plan to do so for the 2021 fiscal year.

The Tax Levy Limitation Law does not contain an exception from the levy limitation for the payment of debt service on either outstanding general obligation bonds or notes of the Town or such indebtedness incurred after the effective date of the Tax Levy Limitation Law. As such, there can be no assurances that the Tax Levy Limitation Law will not come under legal challenge for violating (i) Article VIII, Section 12 of the State Constitution for not providing an exception for debt service on obligations issued prior to the enactment of the Tax Levy Limitation Law, (ii) Article VIII, Section 10 of the State Constitution by effectively eliminating the exception for debt service to general real estate tax limitations, and (iii) Article VIII, Section 2 of the State Constitution by limiting the pledge of its faith and credit by a municipality or school district for the payment of debt service on obligations issued by such municipality or school district.

## **TOWN INDEBTEDNESS**

### ***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 limitations include the following, in summary form, and are generally applicable to the Bonds and the Notes.

***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 period of probable usefulness of the object or purpose (as determined by statute) or, in the alternative, the weighted average period of probable usefulness of the several objects or purposes for which such indebtedness is to be contracted; no installment may be more than fifty per centum in excess of the smallest prior installment unless the Town determines to issue debt amortized on the basis of 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 serial bonds and bond anticipation notes.

***General.*** The Town is further subject to constitutional limitation by the general constitutionally imposed duty of the State Legislature to restrict the power of taxation and contracting indebtedness to prevent abuses in the exercise of such powers. 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. 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 the principal of and interest on all indebtedness. However, the Tax Levy Limitation 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 Limitation 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 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, including bonds and bond anticipation notes issued in anticipation of such bonds, by the adoption of a bond resolution, approved by at least two-thirds of the members of the Town Board, the finance board of the Town. Certain resolutions may be subject to permissive referendum, or may be submitted to the Town voters at the discretion of the Town Board. If a bond resolution is submitted to the voters by the Town Board, only a three-fifths vote of the Town Board is required for adoption.

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.

The Local Finance Law 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 expects to comply with such procedure with respect to the bond resolutions adopted in connection with authorization of the Bonds and the Notes prior to the closing date thereof, except for those bond resolutions adopted on October 18, 2021.

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 five years beyond the original date of borrowing. However, notes 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 notes were originally issued.

In addition, under each bond resolution, the Town Board may delegate, and has delegated, power to issue and sell bonds and notes, to the Supervisor, 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, delinquency notes, and budget notes.

**Debt Limit.** The Town has the power to contract indebtedness for any Town purpose so long as the principal amount thereof shall not exceed seven per centum of the most recent five-year 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 appropriations for current debt service. The constitutional method for determining full valuation is by taking the assessed valuation of taxable real estate for the last completed assessment roll and applying thereto the final equalization rate as determined by the State Board of Real Property Services. The State Legislature is required to prescribe the manner by which such rate shall be determined. The average full valuation is determined by taking the sum of full valuations of such last completed assessment roll and the four preceding assessment rolls, and dividing such sum by five.

***Constitutional Debt Limit***

The following table sets forth the constitutional debt limit of the Town, as of October 18, 2021.

**TABLE 7**  
**Constitutional Debt Limit**

<u>Roll Year</u>	<u>Tax Year</u>	<u>Assessed Valuation</u>	<u>Equalization Rate</u>	<u>Full Valuation</u>
2017	2018	\$10,451,685,382	100.00%	\$10,451,685,382
2018	2019	10,535,468,340	100.00%	10,535,468,340
2019	2020	10,557,965,764	95.00%	11,113,648,173
2020	2021	10,649,110,379	91.00%	11,702,319,098
2021	2022	10,703,897,434	88.00%	<u>12,163,519,811</u>
Total Five-Year Full Valuation				55,966,640,804
Average Five-Year Full Valuation				<u>\$11,193,328,161</u>
Debt Limit - 7% of Average Full Valuation				<u>\$783,532,971</u>

Source: Town Assessor's Office and the New York State Office of Real Property Services.

## ***Statement of Debt Contracting Power***

The following is the calculation of the debt contracting power of the Town.

**TABLE 8**  
**Statutory Debt Limit and Net Indebtedness**  
(As October 18, 2021)

Debt Contracting Limitation	\$ 783,532,971
Gross Direct Indebtedness	
Bond Anticipation Notes	\$42,389,892
Serial Bonds	<u>85,216,000</u>
Total Gross Direct Indebtedness	\$ 127,605,892
Exclusions and Deductions	
Water Bonds	\$14,609,936
Water BANs	2,938,482
Appropriations for Non-Exempt Bonds	10,906,011
Appropriations for Non-Exempt BANs	<u>2,542,513</u>
Gross Exclusions and Deductions	<u>\$ 30,996,942</u>
Total Net Indebtedness	<u>\$96,608,950</u>
Net Debt-Contracting Margin	<u>\$686,924,021</u>
Percentage of Debt-Contracting Margin Exhausted	<u>12.33%</u>

Source: Town Officials.

## ***Trend of Outstanding Indebtedness***

The following table provides information relating to the capital indebtedness outstanding at year end for the last five audited fiscal years.

**TABLE 9**  
**Outstanding Indebtedness**

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Bonds	\$69,116,410	\$74,647,080	\$80,059,865	\$ 84,246,000	\$86,091,000
Bond Anticipation Notes	<u>32,876,262</u>	<u>32,946,190</u>	<u>31,840,257</u>	<u>34,462,977</u>	<u>37,389,892</u>
Total Outstanding Debt	<u>\$101,992,672</u>	<u>\$107,593,270</u>	<u>\$111,900,122</u>	<u>\$118,708,977</u>	<u>\$123,480,892</u>

Source: Town Audited Financial Reports.

## ***Direct and Overlapping Indebtedness***

The real property taxpayers of the Town are responsible for a proportionate share of outstanding debt obligations of the County and other governmental units. Such taxpayers' share of this overlapping debt is based upon the amount of the Town's equalized property values taken as a percentage of each separate units' total values. The table below sets forth both the total outstanding principal amount of debt issued by the Town and the approximate magnitude of the burden on taxable property in the Town of the debt instruments issued and outstanding by such other political units. Authorized but unissued debt has not been included.

**TABLE 10**  
**Statement of Direct and Overlapping Indebtedness**

Direct Debt:				
Gross Direct Debt				\$ 127,605,892
Exclusions and Deductions				<u>30,996,942</u>
Net Direct Debt				<u>\$ 96,608,950</u>
Overlapping Debt:				
		Net Debt	Town	Amount
<u>Issuer</u>	<u>As of</u>	<u>Outstanding</u>	<u>Share</u>	<u>Applicable To Town</u>
Erie County	09/30/2021	\$305,245,000	17.16%	\$52,380,042
Williamsville CSD	05/18/2021	22,395,000	89.13%	19,960,664
Sweet Home CSD	06/17/2021	43,185,218	84.55%	36,513,102
Amherst CSD	05/04/2021	47,940,000	100.00%	47,940,000
Clarence CSD	07/06/2021	44,158,000	3.32%	1,466,046
Village of Williamsville	05/31/2020	5,320,000	100.00%	<u>5,320,000</u>
Net Overlapping Debt				\$ 163,579,853
Net Direct Debt				<u>\$ 96,608,950</u>
Total Net Direct and Overlapping Debt				<u>\$ 260,188,803</u>

Source: Official Statements and State Comptroller's Special Report.

### ***Short Term Indebtedness***

Following the issuance of the Notes, the Town will have \$34,295,023 in bond anticipation notes which will mature on November 4, 2022.

### ***Other Indebtedness***

The Town does not have any other indebtedness.

### ***Debt Ratios***

The following table presents certain debt ratios relating to the Town's net direct and overlapping indebtedness.

**TABLE 12**  
**Debt Ratios**

	<u>Amount</u>	<u>Debt Per Capita</u> <sup>(1)</sup>	<u>Debt to Full Value</u> <sup>(2)</sup>
Net Direct Debt	\$96,608,950	\$ 782	0.79%
Net Direct & Overlapping Debt	\$260,188,803	\$2,107	2.14%

(1) The population of the Town is 123,492 according to the 2013 U.S. Census.

(2) The Town's full value of taxable real property for 2021 is \$12,163,519,811.

**Debt Service Schedule**

The following table sets forth all principal and interest payments required on the Town's outstanding bonded indebtedness, exclusive of the Bonds, as of October 18, 2021.

**TABLE 13**  
**Bond Principal and Interest Maturity**

<u>Fiscal Year</u> <u>Ending Dec. 31:</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2021	\$ 7,335,000	\$ 1,707,722	\$ 9,042,722
2022	8,125,000	2,446,162	10,571,162
2023	5,760,000	2,199,015	7,959,015
2024	5,580,000	2,011,265	7,591,265
2025	5,460,000	1,828,565	7,288,565
2026	5,450,000	1,653,153	7,103,153
2027	5,175,000	1,476,797	6,651,797
2028	5,050,000	1,309,928	6,359,928
2029	4,755,000	1,146,134	5,901,134
2030	4,525,000	996,271	5,521,271
2031	4,190,000	850,871	5,040,871
2032	3,945,000	728,171	4,673,171
2033	3,535,000	612,465	4,147,465
2034	3,210,000	508,509	3,718,509
2035	3,146,000	410,284	3,556,284
2036	2,650,000	313,919	2,963,919
2037	2,615,000	232,444	2,847,444
2038	2,260,000	151,806	2,411,806
2039	1,835,000	80,906	1,915,906
2040	405,000	19,781	424,781
2041	75,000	4,894	79,894
2042	75,000	3,206	78,206
2043	60,000	1,425	61,425
Totals:	<u>\$85,216,000</u>	<u>\$20,693,695</u>	<u>\$105,909,695</u>

Note: Columns may not sum due to rounding  
Source: Town Officials

**ECONOMIC AND DEMOGRAPHIC DATA**

**Population**

The following table presents population trends for the Town, County, and State based upon recent census data.

**TABLE 14**  
**Population Trend**

	<u>2010</u>	<u>2020</u>	<u>Percentage</u> <u>Change</u>
Town	122,375	129,595	5.9%
County	919,040	954,236	3.8%
State	19,378,102	20,201,249	4.3%

Source: US Census Bureau

## ***Employment and Unemployment***

The following tables provide information concerning employment in the Town, County and State. Data provided for the County and the State may not be representative of the Town. The Town is centrally located in Western New York, many of its residents are employed throughout the neighboring communities.

**TABLE 15**  
**Large Commercial and Industrial Employers in the Town**

<b><u>Name</u></b>	<b><u>Type</u></b>	<b><u>Approx. No. of Employees</u></b>
Geico	Insurance	3,000 – 4,000
People, Inc.	Non-profit	2,000 – 3,000
Williamsville Central School District	Public School District	2,000 – 3,000
Citi	Banking	1,000 – 2,000
Elderwood	Healthcare	1,000 – 2,000
Ingram Micro, Inc.	Technology	1,000 – 2,000
Independent Health	Health Insurance	1,000 – 2,000
Aspire of WNY	Human Services	1,000 – 2,000
National Fuel Gas Co.	Energy	1,000 – 2,000
Town of Amherst	Local Government	500 – 1,000

*Source: Buffalo Business First, published July 28, 2017.*

**TABLE 16**  
**Civilian Labor Force**  
(Thousands)

	<b><u>2016</u></b>	<b><u>2017</u></b>	<b><u>2018</u></b>	<b><u>2019</u></b>	<b><u>2020</u></b>
Town	62.1	61.7	61.8	62.0	60.7
County	445.4	443.7	441.6	440.8	439.3
State	9,527.0	9,549.0	9,511.2	9,507.1	9,289.2

*Source: New York State Department of Labor, Bureau of Labor Statistics.*

**TABLE 17**  
**Yearly Average Unemployment Rates**

<b><u>Year</u></b>	<b><u>Town</u></b>	<b><u>County</u></b>	<b><u>State</u></b>
2016	3.9%	5.0%	4.9%
2017	4.1%	5.1%	4.6%
2018	3.5%	4.4%	4.1%
2019	3.3%	4.1%	3.8%
2020	7.2%	9.5%	10.0%

*Source: New York State Department of Labor, Bureau of Labor Statistics. Information not seasonally adjusted.*

**TABLE 18**  
**Monthly Unemployment Rates**

<u>Month</u>	<u>Town</u>	<u>County</u>	<u>State</u>
September 2020	5.1%	6.9%	9.9%
October	4.5%	6.4%	8.3%
November	4.7%	6.5%	8.3%
December	5.7%	7.9%	8.5%
January 2021	5.4%	7.8%	9.4%
February	5.9%	8.0%	9.7%
March	5.0%	7.1%	8.4%
April	4.6%	6.0%	7.7%
May	4.1%	5.4%	7.0%
June	4.4%	5.7%	7.2%
July	4.5%	5.8%	7.4%
August	4.4%	5.7%	7.1%

Source: New York State Department of Labor, Bureau of Labor Statistics. Information not seasonally adjusted.

*Note: Figures in this table are historical and do not speak as to current or projected employment rates. Unemployment drastically increased beginning in mid-March 2020 due to the COVID-19 global pandemic, although it has since decreased. See "COVID-19" herein.*

### ***Financial Institutions***

The following commercial banks have one or more offices located within the Town: First Niagara, M & T Bank, Citizens Bank, Key Bank and Bank of America, N.A.

### ***Transportation***

Transportation facilities include an excellent network of highways, the New York State Thruway, the Youngman and Lockport Expressways, and the Metro Bus System. Several major airlines operating from the Buffalo-Niagara International Airport also serve the area. These facilities make the Town easily accessible to the large diversified industrial area of the Niagara Frontier.

### ***Income***

**TABLE 19**  
**Per Capita Income**

	<u>2000</u>	<u>2010</u>
Town	\$27,647	\$35,658
% of State	118.2%	118.7%
% of US	128.1%	134.4%

**TABLE 20**  
**Median Family Income**

	<u>1990</u>	<u>2010</u>
Town	\$55,427	\$90,162
% of State	125.3%	161.2%
% of US	141.3%	173.7%

Source: U.S. Census Bureau.

**END OF APPENDIX A**

**APPENDIX B**

**SUMMARY OF FINANCIAL  
STATEMENTS AND BUDGETS**



**Town of Amherst, New York**  
**Comparative Balance Sheet**  
**(General Fund and Special Revenue Funds)**  
**At December 31**

	<u>General Fund</u>		<u>Special Revenue Fund</u>	
	<u>2019</u>	<u>2020</u>	<u>2019</u>	<u>2020</u>
<b><u>ASSETS</u></b>				
Cash and cash equivalents	\$389,355	\$7,865,705	\$9,685,331	\$8,192,859
Restricted Investments	0	278,062	12,606,402	17,073,704
Accounts Receivable	1,947,374	1,949,632	239,705	200,486
Due from Other Funds	1,553,481	591,592	3,438,909	1,548,937
Due from Other Governments	7,545,033	3,052,841	2,921,418	2,200,042
Prepaid Items	2,424,963	4,402,540	593,962	1,176,918
Loans Receivable	0	0	7,277,718	7,297,610
Total Assets	<u>\$13,860,206</u>	<u>\$18,140,372</u>	<u>\$36,763,445</u>	<u>\$37,690,556</u>
<b><u>LIABILITIES AND FUND BALANCE</u></b>				
Liabilities:				
Accounts Payable	1,130,282	884,782	1,827,425	1,464,623
Accrued Liabilities	2,207,011	1,113,973	618,223	452,166
Due to Other Funds	373,658	52,795	319,963	239,333
Due to Other Governments	0	56,550	247	745
Unearned Revenues	15,578	11,134	0	0
Total Liabilities	<u>\$3,726,529</u>	<u>\$2,119,234</u>	<u>\$2,765,858</u>	<u>\$2,156,867</u>
Deferred Inflows of Resources:				
Grant funding and loans receivable	\$37,979	\$75,290	\$2,302,695	
Fund Balance:				
Nonspendable	2,424,963	4,402,540	2,093,962	2,676,918
Restricted	111,625	191,638	19,884,120	20,258,392
Assigned	1,045,290	3,602,387	9,724,963	8,541,130
Unassigned	6,513,820	7,749,283	(8,153)	(7,637)
Total Fund Balance	<u>10,095,698</u>	<u>15,945,848</u>	<u>31,694,892</u>	<u>31,468,803</u>
Total Liabilities & Fund Balance	<u>\$13,860,206</u>	<u>\$18,140,372</u>	<u>\$36,763,445</u>	<u>\$33,625,670</u>

Fire Protection Fund was added to Special Revenue in year 2019.

Source: Audited Governmental Funds Financial Statements.

*THIS SUMMARY WAS NOT SUBJECT TO AUDIT.*

**Town of Amherst, New York**

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

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
<b>Revenues:</b>					
Real Property Taxes	\$24,848,646	\$25,894,973	\$26,166,790	\$28,996,302	\$31,298,412
Real Property Tax Items	1,377,062	1,233,761	1,202,398	1,199,109	1,251,959
Non property Tax Items	19,135,678	20,040,656	20,804,218	21,222,418	20,619,250
Departmental Income	4,694,045	4,805,525	4,717,277	4,861,025	3,305,573
Use of Money and Property	173,431	187,902	323,345	383,538	231,733
Licenses and Permits	135,386	57,393	70,760	40,678	15,208
Fines and Forfeitures	2,076,629	2,150,389	1,920,535	1,924,821	1,105,233
Sale of property and compensation for loss	83,624	94,647	21,022	26,659	804,222
Miscellaneous	1,011,358	1,416,994	1,112,391	1,676,178	1,452,250
State Aid	4,179,566	4,353,142	4,249,109	4,583,866	4,679,756
Federal Aid	136,784	97,237	55,438	154,757	881,038
<b>Total Revenues</b>	<b><u>57,852,209</u></b>	<b><u>60,332,619</u></b>	<b><u>60,643,283</u></b>	<b><u>65,069,351</u></b>	<b><u>65,644,634</u></b>
<b>Expenditures:</b>					
General Government Support	10,989,834	11,845,782	11,899,474	12,144,531	12,343,214
Public Safety	34,497,823	35,891,730	36,243,373	37,339,579	37,301,351
Transportation	1,968,700	2,076,860	2,044,892	2,118,097	1,958,010
Economic Assistance & Opportunity	2,818,824	3,481,356	3,310,243	3,358,806	3,187,254
Culture and Recreation	8,360,155	8,942,684	8,888,128	8,822,759	7,672,670
Home and community services	0	0	0	836,804	1,043,592
Debt Service	147,473	140,333	135,841	217,449	169,874
<b>Total Expenditures</b>	<b><u>58,782,809</u></b>	<b><u>62,378,745</u></b>	<b><u>62,521,951</u></b>	<b><u>64,838,025</u></b>	<b><u>63,675,965</u></b>
<b>Excess of Revenues Over (Under)</b>					
Expenditures	<u>(930,600)</u>	<u>(2,046,126)</u>	<u>(1,878,668)</u>	<u>231,326</u>	<u>1,968,669</u>
<b>Other Financing Sources (Uses):</b>					
Operating Transfers In	3,315,739	3,472,658	3,638,866	4,456,431	3,632,583
Operating Transfers Out	(4,064,913)	(3,413,312)	(4,157,763)	(4,262,250)	(4,751,102)
Issuance of long-term deficiency notes	0	0	0	0	5,000,000
<b>Total Other Financing Sources (Uses)</b>	<b><u>(749,174)</u></b>	<b><u>59,346</u></b>	<b><u>(518,897)</u></b>	<b><u>194,181</u></b>	<b><u>3,881,481</u></b>
<b>Excess of Revenues and Other Financing Sources Over (Under) Expenditures (Uses)</b>	<b>(1,679,774)</b>	<b>(1,986,780)</b>	<b>(2,397,565)</b>	<b>425,507</b>	<b>5,850,150</b>
Fund Balance at January 1	15,258,089	13,578,315	11,591,535	9,193,970	10,095,698
Adjustment	0	0	0	476,221	0
<b>Fund Balance at December 31</b>	<b><u>\$13,578,315</u></b>	<b><u>\$11,591,535</u></b>	<b><u>\$9,193,970</u></b>	<b><u>\$10,095,698</u></b>	<b><u>\$15,945,848</u></b>

Source: Audited Governmental Funds Financial Statements.

**THIS SUMMARY WAS NOT SUBJECT TO AUDIT.**

**Town of Amherst, New York**  
**Special Revenue Funds**  
**Statement of Revenues, Expenditures and Changes in Fund Balances**

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Revenues:					
Real Property Taxes	25,131,466	25,275,590	23,611,781	31,280,151	31,752,674
Departmental Income	651,562	785,791	818,825	918,591	957,724
Intergovernmental Charges	2,775,107	2,571,821	2,233,798	2,634,044	2,635,334
Use of Money and Property	12,590	18,572	182,749	274,450	37,685
Sale of Property / compensation for loss	55,442	136,176	79,921	78,606	260,331
Miscellaneous	705,182	826,127	971,343	1,649,047	1,220,410
State Aid	769,129	952,992	903,693	724,816	975,962
Federal Aid	30,258,568	30,900,767	32,033,667	33,063,876	35,202,428
Total Revenues	<u>60,359,046</u>	<u>61,467,836</u>	<u>60,835,777</u>	<u>70,623,581</u>	<u>73,042,548</u>
Expenditures:					
General Government Support	4,236	6,383	2,790	8,808	19,255
Public Safety	0	0	0	6,183,654	6,291,661
Transportation	9,015,195	9,556,623	10,195,040	9,576,184	8,853,306
Home and Community	43,704,890	45,369,018	47,008,086	48,348,232	49,809,264
Debt Service - Principal	203,500	206,825	210,205	213,640	217,131
Debt Service - Interest	779,998	481,687	365,390	441,101	241,692
Total Expenditures	<u>53,707,819</u>	<u>55,620,536</u>	<u>57,781,511</u>	<u>64,771,619</u>	<u>65,432,309</u>
Excess of Revenues Over (Under) Expenditures	<u>6,651,227</u>	<u>5,847,300</u>	<u>3,054,266</u>	<u>5,851,962</u>	<u>7,610,239</u>
Other Financing Sources (Uses):					
Operating Transfers In	1,030,358	331,080	1,487,944	1,809,589	684,736
Operating Transfers Out	<u>(7,516,647)</u>	<u>(6,568,002)</u>	<u>(7,099,285)</u>	<u>(7,877,680)</u>	<u>(8,521,064)</u>
Other Financing Sources (Uses)	<u>(6,486,289)</u>	<u>(6,236,922)</u>	<u>(5,611,341)</u>	<u>(6,068,091)</u>	<u>(7,836,328)</u>
Excess of Revenues and Other Sources Over (Under) Expenditures and Other Uses	164,938	(389,622)	(2,557,075)	(216,129)	(226,089)
Fund Balance at January 1	<u>22,492,310</u>	<u>22,657,248</u>	<u>22,267,626</u>	<u>31,911,021</u>	<u>31,694,892</u>
Fund Balance at December 31	<u>\$22,657,248</u>	<u>\$22,267,626</u>	<u>\$19,710,551</u>	<u>\$31,694,892</u>	<u>\$31,468,803</u>

Fire Protection Fund was added to Special Revenue in year 2019.

Source: Audited Governmental Funds Financial Statements.  
THIS SUMMARY WAS NOT SUBJECT TO AUDIT.

**Town of Amherst, New York**

**2021 Budget Summary**

	<u>Appropriation</u>	<u>Estimated Revenues</u>	<u>Appropriated Fund Balance</u>	<u>Amount Raised By Taxes</u>
General Fund:				
Town Share	\$71,141,832	\$38,424,877	\$0	\$32,716,955
Village Share	3,290,108	570,252	0	\$2,719,856
Subtotal	<u>74,431,940</u>	<u>38,995,129</u>	0	35,436,811
Central Alarm	1,568,037	467,885	0	1,100,152
Total General Fund	<u>75,999,977</u>	<u>39,463,014</u>	0	36,536,963
Part-Town-Outside Village	5,335,313	3,303,350	1,100,000	931,963
Community Environ.	7,550,837	171,587	0	7,379,250
Highway Fund	13,216,313	1,961,325	1,100,000	10,154,988
Lighting Districts	3,219,235	6,453	0	3,212,782
Fire Protection Fund	6,392,394	30,021	38,800	6,323,573
Sanitary Sewer Districts	22,167,116	3,822,823	1,200,000	17,144,293
Storm Water Drainage Districts	5,915,080	298,043	100,000	5,517,037
Water Districts	<u>1,715,567</u>	<u>114,116</u>	<u>650,000</u>	<u>951,451</u>
Total Operating Budgets	141,511,832	49,170,732	4,188,800	88,152,300
Combined Snow Relief District	44,951			44,951
Commissioned Fire Districts	<u>2,874,199</u>	<u>0</u>	<u>0</u>	<u>2,874,199</u>
<b>TOTAL ALL FUNDS &amp; DISTRICTS</b>	<u><u>\$144,430,982</u></u>	<u><u>\$49,170,732</u></u>	<u><u>\$4,188,800</u></u>	<u><u>\$91,071,450</u></u>

Other Items:	<u>Charge</u>	<u>Interest</u>	<u>Total</u>
Delinquent Water Bills - Erie County Water Authority	\$4,202	\$420	\$4,622
Delinquent Sewer Bills - Village	764	76	840
Code Violations	62,256	6,226	68,482
RPT 520	91,923	0	91,923
Pretreated Charges	271,502	0	271,502
Omitted Tax	<u>3,696</u>	<u>0</u>	<u>3,696</u>
	<u><u>\$434,343</u></u>	<u><u>\$6,722</u></u>	<u><u>\$441,065</u></u>

Source: Budget summary extracted from 2021 Adopted Budget.

**Town of Amherst, New York**

**2020 Budget Summary**

	<u>Appropriation</u>	<u>Estimated Revenues</u>	<u>Appropriated Fund Balance</u>	<u>Amount Raised By Taxes</u>
General Fund:				
Town Share	\$67,349,563	\$39,005,444	\$613,830	\$27,730,289
Village Share	<u>3,099,643</u>	<u>594,973</u>	<u>28,250</u>	<u>\$2,476,420</u>
Subtotal	70,449,206	39,600,417	642,080	30,206,709
Central Alarm	<u>1,509,848</u>	<u>485,639</u>	<u>0</u>	<u>1,024,209</u>
Total General Fund	71,959,054	40,086,056	642,080	31,230,918
Part-Town-Outside Village	5,213,439	3,248,801	100,000	1,864,638
Community Environ.	7,552,884	262,879	40,000	7,250,005
Highway Fund	12,328,486	1,945,656	799,143	9,583,687
Lighting Districts	3,188,591	15,395	30,000	3,143,196
Fire Protection Fund	6,221,371	12,131	12,705	6,196,535
Sanitary Sewer Districts	22,208,795	3,781,772	2,454,571	15,972,452
Storm Water Drainage Districts	5,849,353	284,491	156,158	5,408,704
Water Districts	<u>1,633,669</u>	<u>81,960</u>	<u>480,585</u>	<u>1,071,124</u>
Total Operating Budgets	136,155,642	49,719,141	4,715,242	81,721,259
Snow Relief District 2	44,951	0	0	44,951
Commissioned Fire Districts	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL ALL FUNDS &amp; DISTRICTS</b>	<u><u>\$136,200,593</u></u>	<u><u>\$49,719,141</u></u>	<u><u>\$4,715,242</u></u>	<u><u>\$81,766,210</u></u>

Other Items:	<u>Charge</u>	<u>Interest</u>	<u>Total</u>
Delinquent Water Bills - Erie County Water Authority	\$7,353	\$735	\$8,088
Delinquent Sewer Bills - Village	1,379	138	1,517
Code Violations	42,678	4,268	46,946
RPT 520	67,494	0	67,494
Pretreated Charges	272,502	0	272,502
Omitted Tax	<u>213</u>	<u>0</u>	<u>213</u>
	<u><u>\$391,619</u></u>	<u><u>\$5,141</u></u>	<u><u>\$396,760</u></u>

Source: Budget summary extracted from 2020 Adopted Budget.

**APPENDIX C**

**INDEPENDENT AUDITORS' REPORT  
FOR THE FISCAL YEAR ENDED  
DECEMBER 31, 2020**

**Can be accessed on the Electronic Municipal Market Access (“EMMA”) website  
of the Municipal Securities Rulemaking Board (“MSRB”)  
at the following link:**

**<https://emma.msrb.org/P21472782-P21142426-P21555744.pdf>**

**The audited financial statements referenced above are hereby incorporated into the  
attached Official Statement.**

**\* Such Financial Statements and opinion are intended to be representative only as  
of the date thereof. Drescher & Malecki, LLP has not been requested by the Town  
to further review and/or update such Financial Statements or opinion in connection  
with the preparation and dissemination of this Official Statement.**