

# TOWN OF BETHLEHEM

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Town Supervisor

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<p><b>TOWN OF BETHLEHEM</b> <b>ANNUAL INVESTMENT REPORT</b> <b>FOR THE YEAR ENDED 12/31/18</b></p>
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There are eleven designated depositories for the Town. All but Key Bank have a deposit limit of \$20,000,000. Key Bank's deposit limit is \$50,000,000 due to the timing of tax collections and distributions. The following chart identifies banks in which the Town placed funds during the year, as well as balances invested at year-end:

Key Bank of New York, NA Four Corners Office Delmar, NY 12054	17,167,987
JP Morgan Chase 12 Corporate Woods Boulevard Albany, NY 12211	264,280
Capital Bank 1365 New Scotland Road Slingerlands, NY 12159	3,059,970
National Bank of Coxsackie 331 Route 9W Glenmont, NY 12077	2,042,695
Pioneer Commercial Bank 184 Delaware Avenue Delamar, NY 12054	278,407

Other Banks Approved for Investment: Bank of America, Berkshire Bank, First Niagara Commercial Bank, Kinderhook Savings, TD Bank and M&T Bank.

Fees Paid to Brokers: None.

Investment Guidelines: See **Exhibit A** for a copy of the 2018 Investment Policy, which was passed by the Town Board on January 10, 2018 – the Town's 2018 Organizational Meeting.

Amendments to Guidelines: None.

Results of Annual Independent Audit: The firm of BST & Co. CPAs, LLP has been engaged to perform an audit of the 2018 financial activity. The audit is complete and the report is expected to be issued in April 2019. Copies will be on file on the Town's website.

Inventory of Existing Investments as of 12/31/18: See **Exhibit B** for a summary of accounts held at year-end.

Investment Income Record: See **Exhibit C** for a detailed schedule of interest earned. The interest earnings for 2018 were equal to \$268,950, an approximate 400% increase from the 2017 earnings of \$54,394. This was due to rising interest rates as well as the Town's having made use of T-Bills (Treasury Bills) as an alternate investment strategy for a full year, in addition to the traditional money market funds. These short-term notes earned interest at rates which averaged 1.74% during the year; up from an average of 0.96% in 2017.

The following schedule lists information on interest rates on the Town's largest accounts:

2018

Type of Investment	High	Low	Average
Key Money Market	0.85	0.00	0.21
Key Bank Investment Services Treasury Bills	2.17	1.20	1.74
Chase Money Market	0.10	0.07	0.10
National Bank of Coxsackie Money Market	1.00	0.20	0.63
Capital Bank Money Market / ICS	1.00	0.20	0.63
Pioneer Commercial Money Market	0.20	0.05	0.17

2017

Type of Investment	High	Low	Average
Key Money Market	0.00	0.00	0.00
Key Bank Investment Services Treasury Bills	1.01	0.90	0.96
Chase Money Market	0.07	0.01	0.04
National Bank of Coxsackie Money Market	0.20	0.20	0.20
National Bank of Coxsackie CD (thru 4/17)	0.44	0.44	0.44
Capital Bank Money Market / ICS	0.20	0.20	0.20
Pioneer Commercial Money Market	0.05	0.05	0.05

- The Money Market accounts provide a safe, liquid, and competitive return, with minimal investment of administrative time to manage.
- The Town maintains an ICS (Insured Cash Sweep) account at Capital Bank. This investment program acts similar to a Money Market, but provides full FDIC protection on 100% of the deposit by spreading the funds to multiple banks within the program; each deposit is held below the federally insured threshold. The account is fully liquid and managed by Capital Bank at no cost to the Town.
- In August 2017, the Town began using T-Bills, a short-term debt obligations backed by the Federal Treasury Department, as an alternative investment strategy in an effort to maximize interest earnings without tying up a significant amount of money for an extended period of time.
- The Town's Tax Receiver accounts, held at Key Bank, National Bank of Coxsackie and Capital Bank, do not provide cash interest. However, the funds do provide an offset toward bank service charges (primarily at Key Bank) as described below.
- The Town's bond account does not provide cash interest, to ensure that the Town does not create an arbitrage situation, which relates to the tax-exempt status of the Town's debt. However, the funds do provide an offset toward bank service charges at Key Bank as described below.

Non-Monetary Compensation: The Town receives numerous bank services and benefits, beyond interest payments, for the balances deposited at our approved banking institutions. In 2018:

Service Received from Key Bank included,

- Payment Processing (“Lockbox”) – receipt and processing of water/sewer payments, Property tax and some school tax payments;
- Positive Pay - checks written on Town account are matched to a master file;
- Reconciliation Services - verification of outstanding checks;
- Debit blocks - ACH debits rejected unless preapproved;
- Free Checks and Deposit Slips\*;
- KTT - online access to view current and historical banking data as well as transfer and wire;
- Accelerated earnings for compensating credits (Average 0.75%);
- Free credit card processing (waived \$9,398 in processing fees)\*;

While most of these services do not have a direct monetary value associated with them, the lockbox services deployed in 2012 have allowed the Town to absorb the attrition from one full time position and contributed to the savings from a second full time position; saving over \$104K annually in salary and fringe costs since 2012.

If you have any questions, please do not hesitate to call.

Michael Cohen  
April 10, 2019

\* As of October 2018, Key Bank is no longer offsetting these charges through Compensating Balances. They have opted to increase interest payments instead.

# Exhibit A

## INVESTMENT POLICY FOR THE TOWN OF BETHLEHEM

### I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual, and is effective as of January 1, 1993, and as annually renewed and/or amended thereafter.

The Board shall annually review the Investment Policy, and amend if necessary.

### II. OBJECTIVES

The primary objectives of the local government's investment activities are, in priority order:

- a) to conform with all applicable federal, state and other legal requirements (legal);
- b) to adequately safeguard principal (safety);
- c) to provide sufficient liquidity to meet all operating requirements (liquidity);
- d) to obtain a reasonable rate of return (yield);
- e) to maximize efficient use of bank services offered in compensation for deposits.

### III. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the Comptroller, who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

### IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Bethlehem to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudent discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

### V. DIVERSIFICATION

It is the policy of the Town of Bethlehem to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

### VI. INTERNAL CONTROLS

It is the policy of the Town of Bethlehem for all moneys collected by any officer or employee of the government to transfer those funds to the Comptroller on a weekly basis, or within the time period specified in law, whichever is shorter. The only exception to this requirement is for funds collected by the Town Clerk and by the Justices, which are normally transferred to the Comptroller monthly.

The Comptroller is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

**VII. DESIGNATION OF DEPOSITORIES**

The banks and trust companies authorized for the deposit of moneys up to the maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>
Key Bank of New York	\$50,000,000
JP Morgan Chase	\$20,000,000
Berkshire Bank	\$20,000,000
Capital Bank	\$20,000,000
TD Bank North	\$20,000,000
Bank of America	\$20,000,000
Pioneer Commercial Bank	\$20,000,000
Kinderhook Savings	\$20,000,000
First Niagara Commercial Bank	\$20,000,000
M&T Bank	\$20,000,000
National Bank of Coxsackie	\$20,000,000

**VIII. COLLATERALIZING OF DEPOSITS**

In accordance with the provisions of General Municipal Law, Section 10, all deposits of the Town of Bethlehem, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value" as provided by GML Section 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By a pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the aggregate amount of deposits from such officers within the State at the bank or trust company.
3. By an "eligible letter of credit," payable to the Town of Bethlehem as security for the payment of 140 percent of the aggregate amount of deposits and the agreed-upon interest, if any. An "eligible letter of credit" shall be an irrevocable letter of credit issued in favor of the Town of Bethlehem, for a term not to exceed 90 days, by a qualified bank (other than the bank where the secured money is deposited). A qualified bank is either one whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company's commercial paper and other unsecured short-term debt obligations) are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization, or one that is in compliance with applicable federal minimum risk-based capital requirements.

4. By an "irrevocable letter of credit" issued in favor of the Town of Bethlehem by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100 percent of the aggregate amount of deposits and the agreed-upon interest, if any.
5. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

#### **IX. SAFEKEEPING AND COLLATERALIZATION**

Eligible securities used for collateralizing deposits shall be held by the depository or a third party bank or trust company, subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Bethlehem or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

Alternatively, the Town of Bethlehem may choose to arrange for redeposit of moneys through a deposit placement program through a bank or trust company that serves as custodian with respect to the moneys and arranges for the redeposit of the moneys in one or more banking institutions; the moneys being secured, provided that the depository receives deposits from customers of other financial institutions that are at least equal to the amount of moneys so invested.

#### **X. PERMITTED INVESTMENTS**

As authorized by General Municipal Law, Section 11, the Town of Bethlehem authorizes the Comptroller to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- a) Special time deposit accounts;
- b) Certificates of deposit;
- c) Obligations of the United States of America;
- d) 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;
- e) Obligations of the State of New York;

- f) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- g) Obligation issued pursuant to LFL Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town of Bethlehem;
- h) Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorize such investments.
- i) Certificate of participation (COPS) issued pursuant to GML Section 109-b.
- j) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.

All investment obligations shall be payable or redeemable at the option of the Town of Bethlehem within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of Bethlehem within two years of the date of purchase.

**XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

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

**XII. PURCHASE OF INVESTMENTS**

The Comptroller is authorized to contract for the purchase of investments:

1. Directly, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

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

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or

become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

**XIII. REPURCHASE AGREEMENTS**

Repurchase agreements are not authorized as an investment vehicle.

**XIV. ADMINISTRATIVE FEES**

It is the policy of the Town of Bethlehem to invest moneys collected from third parties for contract performance bonds. To compensate itself for the accounting and engineering services rendered in the administration of these funds, the Town imposes an annual fee equal to .5% of the base bond amount, subject to a maximum of \$500 per year.

**XV. REPORTING**

Within 120 days of the end of the fiscal year, the Comptroller shall prepare and submit to the Town Board an annual investment report; recommendations for changes in the Investment Guidelines; the investment income record; a list of total fees; commissions or other charges, if any, paid to the Custodial Bank and such other matters as the Comptroller deems appropriate. The Town Board shall review and approve the annual investment report within 45 days of receipt.

Time Deposits and Investments  
December 31, 2018

Last updated: 4/2/2019

	Account Number	Bank	Bank Balance	Add: Deposits in Transit	Less: Outstanding Checks	Town Balance	
<b>Demand Deposits</b>							
Master Disbursement Acct	810	****0047	Key	256,210.00	75.00	186,323.00	69,962.00
Payroll Account	115	****3654	Key	70,639.00	0.00	43,202.00	27,437.00
Depository Account	810	****0149	Key	10,212,730.00	4,585,164.00	281.00	14,797,613.00
Bond Account	810	****7525	Key	2,351,009.00	0.00	1,480,645.00	870,364.00
Drug Asset Forfeiture-Federal	110	****9720	Key	22,435.00	3,650.00	1,483.00	24,602.00
Drug Asset Forfeiture-State	110	****9738	Key	31,871.00	0.00	0.00	31,871.00
CDBG-ME Grant '14	110	****2877	Key	0.00	0.00	0.00	0.00
CDBG-ME Grant '16	110	****4408	Key	0.00	0.00	0.00	0.00
CDBG-Small Business Grant	110	****9085	Key	0.00	0.00	0.00	0.00
Justice Donovan	410	****3768	Key	46,810.00	0.00	37,510.00	9,300.00
Justice Kirby	410	****1518	Key	35,439.00	0.00	31,409.00	4,030.00
Special Grant, Housing+		****5021	Key	27,924.00	0.00	0.00	27,924.00
Special Grant		****1785	Key	594.00	0.00	0.00	594.00
Town Clerk	410	****0298	Key	244.00	0.00	25.00	219.00
Park Merchant Account	110	****3708	Key	55,190.00	283.00	0.00	55,473.00
DASNY Parks Grant	110	****0829	Key	0.00	0.00	0.00	0.00
Clapper Account	110	****5162	Key	10.00	0.00	10.00	0.00
Roundabout Account	110	****4207	Key	10.00	0.00	10.00	0.00
Chase Money Market	810	****6268	Chase	171,974.00	0.00	0.00	171,974.00
Performance Bonds	410	****4788	Chase	74,369.00	0.00	0.00	74,369.00
Water, Land Acquisition	332	****7035	Chase	17,937.00	0.00	0.00	17,937.00
Key Premier Money Market	810	****4066	Key	4,056,862.00	0.00	3,000,000.00	1,056,862.00
Receiver of Taxes	110	****1541	Key	10.00	0.00	0.00	10.00
Capital Bank Insured Cash Sweep	810	****0144	Capital	3,059,599.00	0.00	0.00	3,059,599.00
Capital Bank Money Market	810	****4152	Capital	361.00	0.00	0.00	361.00
Receiver of Taxes	110	****7386	Capital	10.00	0.00	0.00	10.00
National Bank of Coxackie MM	810	****0036	Ntn'l Bank	2,042,685.00	0.00	0.00	2,042,685.00
National Bank of Coxackie Tax	110	****2706	Ntn'l Bank	10.00	0.00	0.00	10.00
Pioneer Savings	810	****0025	Pioneer	278,407.00	0.00	0.00	278,407.00
<b>Total Demand Deposit Cash</b>				<b>22,813,339.00</b>	<b>4,589,172.00</b>	<b>4,780,898.00</b>	<b>22,621,613.00</b>
<b>Time Deposits</b>							
National Bank of Coxackie CD	810	****0024	Ntn'l Bank	0.00	0.00	0.00	0.00
<b>Total Time Deposit Cash</b>				<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

COLLATERAL	Max FDIC	FDIC Used	Bank Balance	Collateral Per Bank	Collateral Required	Over/(Under) Collateralized
Key: Non interest & interest bearing	250,000	250,000	17,167,987	17,948,355	16,917,987	1,030,368
Chase: Non interest & interest bearing	500,000	264,280	264,280	-	-	-
Pioneer	250,000	250,000	278,407	99,273	28,407	70,866
National Bank of Coxackie	250,000	250,000	2,042,695	1,968,300	1,792,695	175,605
Capital Bank*	3,059,960	3,059,960	3,059,970	-	-	-
<b>Total Collateral</b>	<b>4,309,960</b>	<b>4,074,240</b>	<b>22,813,339</b>	<b>20,015,928</b>	<b>18,739,089</b>	<b>1,276,839</b>

\* Capital Bank Money Market Account is insured by the FDIC to \$250,000; The insured cash sweep account is fully funded by FDIC, based on the nature of the program.

**Town of Bethlehem  
Summary of Interest Income  
December 31, 2018**

**Exhibit C**

*Last updated: 4/2/2019*

Fund	Key Savings	JP Morgan Chase	Pioneer Commercial	Capital Bank	Nat'l Bank of Cocksackie	Treasury Bills	Total 2018	Total 2017
General	5,511	2	489	21	-	102,115	108,138	25,552
Parkland Set Aside Fees			-				-	-
Highway	1,688	-		9,715	7,419	36,042	54,864	10,190
Water	1,108	61		1,285	999	40,831	44,284	10,236
Water - Restricted	17						17	11
Sewer	1,681	66		7,738	5,244	38,445	53,174	7,965
General Fund Reserve	(141)	-					(141)	49
Composting Reserve							-	-
Highway Reserve	91	-					91	1
Sewer Reserve	187	-					187	205
Sewer Pump Station Projects							-	-
Water Reserve	3,563	-				3,757	7,320	91
Water Capital Projects	0						0	1
Landfill Reserve	415	-					415	29
Sewer Project							-	-
Recreation Reserve	501	-					501	38
Fire Tower Reserve	63	38					101	26
<b>Total 2018</b>	<b>14,684</b>	<b>167</b>	<b>489</b>	<b>18,759</b>	<b>13,662</b>	<b>221,190</b>	<b>268,951</b>	<b>54,394</b>
<b>Total 2017</b>	<b>11,160</b>	<b>2,812</b>	<b>139</b>	<b>7,274</b>	<b>9,588</b>	<b>23,421</b>	<b>54,394</b>	