

The August 12, 2020 Town of Bethel regular Town Board meeting was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Dr. Duggan Community Center meeting room.

Council members present: Vicky Simpson
Lillian Hendrickson
Bernie Cohen
Dawn Ryder

The meeting was opened with the Pledge of Allegiance.

Mr. Sturm presented 20-Year Service Awards (some are accumulative totals) to the following Town of Bethel employees who were present: Vicky Vassmer Simpson, Town Councilwoman and Marion Vassmer, Town Historian (1999-2019). Robert Bonnaci, Highway Superintendent and Cindy Barber, Town Justice were unable to attend tonight's meeting and will be mailed their certificates.

Audit of Bills

<u>Fund</u>	<u>Amount</u>	<u>Check(s)</u>
General Fund	\$221,748.88	9460-9540
Highway Fund	\$209,537.76	2619, 2641-2666, 2668-2669
Kauneonga Lake Sewer Dist.	\$ 30,872.87	2037-2057
Kauneonga Lake Light Dist.	\$ 3,617.05	1052-1054
Planning & Zoning Escrow	\$ 3,026.00	1224-1227

Motion by Mrs. Simpson to approve the audit of bills. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Supervisor's Monthly Report

General Fund:
Refuge is up 67%.
Camp expenses and revenue are down due to COVID-19
11% down in expenses
94% of the budget revenue is received
Spent 56.6% of budget expenses
Interest & earnings are good

Highway Fund:
Down 15% in expenses
48% of the budget is spent

Motion by Mrs. Simpson to receive and file Supervisor's Monthly Report as submitted. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Building Department Monthly Report

July 2020 Fees	\$ 13,964.00	
July 2019 Fees	\$ 4,095.00	Fees are up 241%
July 2020 Construction Totals	\$5,645,367.00	
July 2019 Construction Totals	\$3,299,446.00	Up 41% YTD

Motion by Mrs. Hendrickson to receive and file Building Department Monthly Report as submitted. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Town Clerk’s Monthly Report

Total fees for July, 2020	\$12,152.79
State Share	\$ 511.30
Town Share	\$11,641.49

Motion by Mrs. Simpson to receive and file Town Clerk’s Monthly Report as submitted. Seconded by Mr. Cohen, put to a vote and carried 5-0.

NYS DOH Children’s Camp Summary Report

Inspection report dated August 7, 2020 by the State of New York Department of Health, Monticello, NY for the Bethel Children’s Camp.

Inspector comments: Campers observed in small groups for playground, arts and crafts, and swimming activities. All staff were abiding by COVID-19 rules with proper facial coverings and social distancing. Peer aquatics director, campers are identified as swimmer’s vs. non-swimmers via bracelet method. Buddy check observed: 2 pairs and 1 trio, no deficiencies. Buddies were grouped by family members if possible, pre-k to 6th grade age range.

Mr. Sturm stated that the staff did an excellent job. I not only thank the staff but the parents. Many towns closed their facilities. Not only were we able to have camp, but we opened the pool from 1:30 pm to 6:30 pm Monday through Thursday, but allow outside residents to swim safely as well.

Reappoint Daniel Sturm as Marriage Officer

Mr. Sturm stated that his four (4) year term as Marriage Officer for the Town of Bethel will be expiring and request that the Town Board re-appointment himself as Marriage Officer for another four (4) years.

Motion by Mr. Cohen to re-appointment Daniel Sturm as Marriage Officer for the Town of Bethel for another four (4) years. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Bid Results for Removal of Unsafe Structures

Sealed bids were received and publicly opened and read at the Town Clerk’s Office on August 11, 2020 for the unsafe structure located at 13W. Sullivan Place, Smallwood, NY. Bid was received as follows:

LCP Group, Inc., 450 Commerce Road, Vestal, NY

13 W. Sullivan (Coppolino) demolition cost	\$17,000.
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LCP Group also included the cost for removal of the unsafe structures that had previously been put out to bid twice and with no results as follows:

192 Lee Cole Road (Lee Cole Home Corp.)	\$23,000.
9 Thompson Place (Hafner)	\$15,000.

Discount per property if more than one are performed during the same mobilization ...\$2,500.

Hafner (9 Thompson Place) #41.-25-18)

Per Rita Sheehan, Town Clerk, no bids were received on August 3, 2020 for the removal of the unsafe structure.

Per BJ Gettel, Mr. Hafner has a new buyer and the new buyer wants to take the structure down himself.

Motion by Mr. Cohen to table this item until the September 9, 2020 Town Board Meeting. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

Lee Cole Home Corp. (192 Lee Cole Road) #9.-1-4)

Per Rita Sheehan, Town Clerk, no bids were received on August 3, 2020 for the removal of the unsafe structure.

Motion by Mrs. Hendrickson to approve the demolition on 192 Lee Code Road Tax Map #9.-1-4 in the amount of \$23,000. (less \$2,500.) Seconded by Mrs. Simpson, put to a vote and carried 5-0.

Coppolino (f/k/a/ Althaus) (13 W. Sullivan Place)(#42.-8-8

Received a bid from LCP Group, Inc., 450 Commerce Road, Vestal, NY 13850 for demolition at a cost of \$17,000. (includes all labor, material, equipment and insurance required to perform the demolition. Excluded are – 1. Third party air will be required. LCP will coordinate, but cannot include this service in our proposal, per NYS regulations. 2. Notification fees are excluded from our proposal, an additional \$2,000 per building will be added if fee waivers are not approved by NYS.

Motion by Mrs. Hendrickson to approve the demolition on 13 Sullivan Place, Smallwood, NY Tax Map #42.-8-8 in the amount of \$17,000. (less \$2,500.). Seconded by Mr. Cohen, put to a vote and carried 5-0.

There are two demolitions at the cost of \$23,000 and \$17,000 for a sub-total of \$40,000 less the discount per property of \$2,500 x 2 for a total of \$35,000.

Speed Limit Request Briscoe Road

Received a verbal request from Mr. Durney, 452 Briscoe Road that he would like his speed limit lowered.

Per Mr. Sturm we will table this item for now. I have been told that there are sufficient speed limit signs posted from Route 52 and the Briscoe Road to the triangle (Y) (where White Sulphur Springs or Swan Lake signs split). The speed varies between 35 and 45 mph. We will have the constables monitor the area.

Motion by Mr. Cohen to table Mr. Durney's request regarding lowering the speed limit on the Briscoe Road. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Speed Limit Request West Shore Drive

Received an email from Lee Karasik regarding speed limits and signage on West Shore Drive, Kauneonga Lake, NY dated July 30, 2020. Mr. Karasik indicated that the current speed limit on West Shore Drive is 30 MPH. During the summer months, I'd like the Town Board to consider lowering this to 15 MPH adding additional signage and enforcing it.

Motion by Mrs. Simpson to receive, file and request from Mr. Karasik and send the constables to monitor the area. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Request for speed limit/deer/parking/etc. signage in Smallwood

Received an email from Joyce Caracci dated July 28, 2020 requesting signage in Smallwood (speed limit signs, deer signs, children playing signs, and slow down signs along several roads in Smallwood). She has witnessed the reckless and excessive speeds of drivers along Pine Grove Road, Stratton Avenue and Lakeshore and Lakeview Roads.

Mr. Sturm reported the Highway Superintendent surveyed the area and found numerous signs throughout the roadways. Smallwood is a 30 mph “area” speed limit and only the entrances need to be posted.

Motion by Mrs. Simpson to receive and file Joyce Caracci’s request. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

2020 Harvest Festival Traffic Plan and Road Order

At a meeting of the Town Board of the Town of Bethel, Sullivan County, NY on the 12th day of August, 2020.

In the Matter of the

Regulation of Traffic within the Town of Bethel during the **Bethel Woods Harvest Festival for 2020.**

TRAFFIC CONTROL ORDER

WHEREAS, the Bethel Woods Center for the Arts will commence operation of its 2020 Harvest Festival on August 30, 2020 and every Sunday thereafter through September 27, 2020 with two possible additional dates of October 4th and October 11th; and

WHEREAS, a new traffic management plan (the “Traffic Plan”) has been prepared for the 2020 season which recommends implementation of the closing of West Shore Road from Hurd Road west to the Bethel Woods Conservatory during this public event; and

WHEREAS, a copy of the Traffic Plan has been delivered to and reviewed by the members of the Town Board; and

WHEREAS, the Town adopts this Order to assist in the management of vehicular traffic in the Town from 10 a.m. – 4:30 p.m. the times that Harvest Festival attendees will impact West Shore Road; and

NOW THEREFORE IT IS ORDERED by the Town Board of the Town of Bethel, pursuant to the authority set forth in section 1660 of the NY Vehicle & Traffic Law, will authorize the implementation of this temporary measures. A copy of the Traffic Plan is attached hereto and incorporated herein by reference; and it is further

ORDERED, that during any event covered by the Traffic Plan, the Town Supervisor, or his duly authorized designee, is authorized to amend any portion of this Order relating to the use of town highways or road closure locations or time periods as local traffic conditions require; and be it further

ORDERED, that during any event covered by the Traffic Plan, and in accordance with §1660(8) of the NY Vehicle & Traffic Law, any Town Constable, County Sheriff’s Officer, State Policeman or any other peace officer or the Town Supervisor may order the removal and storage of vehicles parked or abandoned on any town highway or found unattended where they constitute an obstruction to traffic or at any place where stopping, standing or parking is prohibited. The owner or operator of any such removed vehicle shall be responsible for the payment of reasonable charges for such vehicle removal and storage; and be it further

ORDERED, that the action contemplated by this Order is a Type II action under the State Environmental Quality Review Act (“SEQRA”) and is not subject to review under SEQRA (*see*, 6 NYCRR §§617.5[a] and [c][16] and [20]); and be it further

ORDERED, that this Order shall take effect when adopted.

Motion by Town Board member Bernard Cohen, seconded by Town Board member Lillian Hendrickson, and this Order is adopted upon a roll call vote as follows:

		A YE	N AY
Bernie Cohen	Voting	X	
Lillian Hendrickson	Voting	X	
Dawn Ryder	Voting	X	
Vicky Simpson	Voting	X	
Daniel Sturm	Voting	X	

Fireworks Update

Mr. Sturm read the following statement: To all, the Bethel town board has tried to keep as much of our normal summer programming in place this year. We have continued with our public pool and TOBY camp, the Kauneonga Lake Farmer’s Market, Bethel Lakeside Music, and Yoga while at the same time following mask requirements and social distancing to keep everyone as safe as possible. We have been very successful with this do far.

With this in mind and with an abundance of caution, the town board and I have had to make the regrettable and difficult decision to cancel the July 4th fireworks we have re-scheduled for August 15th (Woodstock Weekend) in Kauneonga Lake. The safety of our residents and visitors must take priority. There is simply no way that we can guarantee that the potentially overflow crowds in our limited public spaces will follow proper safety practices during this event. We hope that everyone understands and will support our decision.

Motion by Mrs. Simpson to cancel the Town of Bethel planned fireworks for the health and safety of our community scheduled for August 15, 2020. Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Resolution to approve decommissioning bond for Bethel I Solar Project.

RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL APPROVING A DECOMMISSIONING BOND FOR BETHEL I, LLC SOLAR PROJECT

WHEREAS, Bethel I, LLC is currently before the Town of Bethel Planning Board for approvals needed to commence construction of a 4.4 MW Solar Project located at 2017 State Route 17B; and

WHEREAS, in accordance with Town of Bethel Code 345-39(G)(7)(b) Bethel I, LLC is required to post a decommissioning bond in an amount and type approved by the Town Board; and

WHEREAS, Bethel I, LLC has agreed to post a bond in the amount of \$135,000 cash to be held in a Decommissioning Account with an additional 2.5% of the then existing amount in the Decommissioning Account to be paid each year on the anniversary date with said annual payments to be deposited into the Decommissioning Account; and

AND WHEREAS, the Planning Board has recommended the amount and type of Decommissioning Bond to be posted.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Bethel approves the Decommissioning Bond in an amount of \$135,000 in cash to be deposited into a Decommissioning Account with annual additional payments of 2.5% of the amount held in the Decommissioning Account to be paid annually on the anniversary date and also to be deposited into the Decommissioning Account.

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute a Decommissioning Bond Agreement with Bethel I, LLC consistent with this resolution and as approved by the Attorney for the Town.

Motion by: Councilwoman Vicky Simpson
Seconded by: Councilwoman Bernard Cohen

Duly adopted upon a roll call vote as follows:

Dawn Ryder	VOTING	Aye
Bernard Cohen	VOTING	Aye
Daniel Sturm	VOTING	Aye
Vicky Simpson	VOTING	Aye
Lillian Hendrickson	VOTING	Aye

Resolution to approve Landscape Security Agreement for Bethel I, LLC Solar Project.

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
AUTHORIZING THE SUPERVISOR TO SIGN AN AGREEMENT FOR
LANDSCAPE SECURITY WITH BETHEL I, LLC FOR ITS SOLAR PROJECT**

WHEREAS, Bethel I, LLC is currently before the Town of Bethel Planning Board for approvals needed to commence construction of a 4.4 MW Solar Project located at 2017 State Route 17B; and

WHEREAS, the Planning Board has required Bethel I, LLC to post a landscaping security as part of their review process; and

WHEREAS, Bethel I, LLC has agreed to post a bond in the amount of \$20,000 cash to be held in a special purpose account for the purpose of Landscape Security; and

AND WHEREAS, the Planning Board has recommended the amount and type of landscape security to be posted.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Bethel authorizes the Town Supervisor to execute an Agreement for Landscaping Security with Bethel I, LLC consistent with this resolution and as approved by the Attorney for the Town.

Motion by: Councilwoman Vicky Simpson
Seconded by: Councilwoman Lillian Hendrickson

Duly adopted upon a roll call vote as follows:

Dawn Ryder	VOTING	Aye
Bernard Cohen	VOTING	Aye
Daniel Sturm	VOTING	Aye
Vicky Simpson	VOTING	Aye
Lillian Hendrickson	VOTING	Aye

Order of the Town Board to erect a sign by the Outflow culvert in Kauneonga Lake

Mr. Sturm stated that people are messing with the grate by the outflow culvert in the Kauneonga Lake. Someone has tampered with the grate by digging and actually removing/stealing the grate. We need to adopt and order and erect a sign. Mr. Sturm stated this is a Felony.

BY ORDER OF THE TOWN OF BETHEL TOWN BOARD – DO NOT REMOVE, TAMPER OR INTERFERE WITH THE OUTFLOW GRATE

Motion by Mrs. Simpson to adopt order and erect a sign and put by the outflow culvert for the Kauneonga Lake. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Correspondence regarding Bethel Motor Speedway

E-mail correspondence has been received from John (Bud) DeGennaro regarding the 2020 Bethel Motor Speedway. He is a fan and it was a successful and entertaining season. Racers and fans were coming from all over the area.

Motion by Mrs. Hendrickson to receive and file. S
Seconded by Mr. Cohen put to a vote and carried 5-0.

Refunding Bond Resolution – Sewer Extension

REFUNDING BOND RESOLUTION DATED AUGUST 12, 2020.

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE TOWN OF BETHEL, SULLIVAN COUNTY, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS”, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the Town of Bethel, Sullivan County, New York (hereinafter, the “Town”) heretofore issued \$2,572,000 Public Improvement (Serial) Bonds, 2011, pursuant to a bond resolution dated September 14, 2006 to pay the cost of the Kauneonga Lake Sewer District Extension in and for said Town, as further described in the bond determinations certificate of the Supervisor dated August 4, 2011 (hereinafter referred to as the “Refunded Bond Certificate”), such Public Improvement (Serial) Bonds, 2012, being dated August 4, 2011 and maturing or matured on August 15 annually, as more fully described in the Refunded Bond Certificate (the “Refunded Bonds”); and

WHEREAS, it would be in the public interest to refund all or a portion of the \$1,595,000 outstanding principal balance of the Refunded Bonds maturing in 2021 and thereafter by the issuance of refunding bonds pursuant to Section 90.00 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Bethel, Sullivan County, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding principal balance of the Refunded Bonds described above, including providing moneys which, together with the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$1,595,000 pursuant to the provisions of Section 90.00 of the Local Finance Law (the “Refunding Bonds”), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$1,535,000, as provided in Section 4 hereof. The Refunding Bonds shall each be designated substantially

“PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND” together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-20 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the Town shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively the “Fiscal Agent”).

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by Section 90.00 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by Section 90.00 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each object or purpose for which such Refunded Bonds were issued is as specified in the Refunded Bond Determinations Certificates which are incorporated herein by reference;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the specific object or purpose for which said Refunded Bonds were issued in accordance with Section 90.00 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in a single series to refund all of the Refunded Bonds in the principal amount of \$1,535,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This Town Board recognizes that the Refunding Bonds may be issued in series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Town will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Supervisor is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Supervisor. The Supervisor shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Supervisor shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in the Local Finance Law.

Section 6. The faith and credit of said Town of Bethel, Sullivan County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for

the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and Section 90.00 of the Local Finance Law, in the event such bonds are refunded, the Town hereby elects to call in and redeem each of Refunded Bonds which the Supervisor shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, if any, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Holder for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to Robert W. Baird, & Co., Inc. (the "Underwriter") for purchase prices to be determined by the Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. The Supervisor is hereby authorized to execute and deliver a purchase contract or similar agreement for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor to the Underwriter in accordance with said purchase contract in accordance with the terms of the agreement therewith upon the receipt by the Town of said purchase price, including accrued interest.

Section 11. The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection thereof are hereby delegated to the Supervisor.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an

action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspaper of said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Dated: August 12, 2020.

The foregoing resolution was duly put to a vote which resulted as follows:

Dawn Ryder	VOTING	Aye
Bernard Cohen	VOTING	Aye
Daniel Sturm	VOTING	Aye
Victoria Simpson	VOTING	Aye
Lillian Hendrickson	VOTING	Aye

The resolution was thereupon declared duly adopted.

Presentation of Award to Town Clerk from Bethel Lions Club

Marcia Salton, Bethel Lions Clubs President, was present to award Bethel Town Clerk Rita Sheehan their *Citizen of the Year Award*. Their annual dinner was held on August 11, 2020 and Ms. Sheehan was unable to attend. Mrs. Salton thanked Ms. Sheehan for everything she does for the community and the Lions Club. Ms. Sheehan was honored to receive the award.

Public Comment

Susan Brown-Otto asked if the Children at Play signs could be removed on Pucky huddle Road.

Jim Killilea asked if No Dumping signs could be placed on Pine Grove Road after Cliff Street.

Adjournment

There being no further business, Mrs. Hendrickson moved to adjourn the meeting, seconded by Dawn Ryder, put to a vote and carried 5-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk