

At a regular meeting of the Town Board of the Town of Thompson, Sullivan County, New York, held at the Town Hall, in Monticello, New York, New York, in said Town, on March 05, 2024, at 7:00 o'clock P.M., Eastern Time.

The meeting was called to order by Supervisor William J. Rieber, Jr., and upon roll being called, the following were

PRESENT:

William J. Rieber, Jr.  
Supervisor

Melinda S. Meddaugh  
Councilperson

John A. Pavese  
Councilperson

Ryan T. Schock  
Councilperson

Scott S. Mace  
Councilperson

ABSENT:

The following resolution was offered by Councilwoman Melinda S. Meddaugh who moved its adoption, seconded by Councilman Ryan T. Schock, to-wit:

BOND RESOLUTION DATED MARCH 05, 2024.

A RESOLUTION AMENDING THE BOND RESOLUTION DATED SEPTEMBER 01, 2020, AUTHORIZING THE ISSUANCE OF BONDS OF THE TOWN OF THOMPSON, SULLIVAN COUNTY, NEW YORK, TO PAY THE COSTS OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE EMERALD GREEN SEWER DISTRICT-LAKE LOUIS MARIE SEWER DISTRICT, IN SAID TOWN, FOR THE JOINT BENEFIT OF THE EMERALD GREEN-LAKE LOUIS MARIE AND ROCK HILL SEWER DISTRICTS, CONSISTING OF THE UPGRADING AND IMPROVEMENT OF THE EMERALD GREEN WASTEWATER TREATMENT PLANT, TO INCREASE THE ESTIMATED MAXIMUM COST THEREOF AND THE AMOUNT OF BONDS AUTHORIZED TO \$16,057,378, AND TO REFLECT THE FORMATION OF THE CONSOLIDATED ROCK HILL/EMERALD GREEN SEWER DISTRICT.

WHEREAS, pursuant to a Bond Resolution dated September 01, 2020, the Town Board of the Town of Thompson, Sullivan County, New York (the "Town"), authorized \$13,553,241 bonds of said Town to pay the cost for the increase and improvement of the facilities of the Emerald Green-Lake Louis Marie Sewer District, in said Town, for the joint benefit of the Emerald Green-Lake Louis Marie and Rock Hill Sewer Districts, consisting of the upgrading and improvement of the Emerald Green Wastewater Treatment Plant;

WHEREAS, in 2021, the Town dissolved the Emerald Green-Lake Louise Marie and the Rock Hill sewer districts and created the Consolidated Rock Hill/Emerald Green Sewer District (the "District");

WHEREAS, the Town Board of said Town has duly caused Delaware Engineering, D.P.C. to prepare an updated plan and report, including a revised estimate of cost, titled "Emerald Green Wastewater Treatment Plant Upgrade Map, Plan and Report," as revised in January 2024, relating to said increase and improvement of facilities in said District, consisting of the upgrading and improvement of the Emerald Green wastewater treatment plant; and

WHEREAS, the Town has been notified that the project has been awarded the following grants: \$416,800 through the Water Quality Improvement Program (WQIP), \$3,363,899 through the Water Infrastructure Improvement Act (WIIA), and \$6,939,000 through the Federal Infrastructure Investment & Jobs Act; and

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly a public interest order dated March 05, 2024, said Town Board has determined it to be in the public interest to increase and improvement of the facilities of the Consolidated Rock Hill/Emerald Green Sewer District (the "District"), consisting of the upgrading and improvement of the Emerald Green Wastewater Treatment Plant, including incidental expenses in connection therewith, in said Town, at an estimated maximum cost of \$16,057,378; and

WHEREAS, it is now desired to increase the estimated maximum cost of the aforesaid class of objects or purposes from \$13,553,241 to \$16,057,378, an increase of \$2,504,137 over that previously authorized;

WHEREAS, it is now desired to provide funding for such capital project;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of said Town, as follows:

SECTION A. The entire bond resolution of the said Town, duly adopted by the Town Board on September 01, 2020, titled:

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$13,553,241 BONDS OF THE TOWN OF THOMPSON, SULLIVAN COUNTY, NEW YORK, TO PAY COSTS OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE EMERALD GREEN SEWER DISTRICT-LAKE LOUIS MARIE SEWER DISTRICT, IN SAID TOWN, FOR THE JOINT BENEFIT OF THE EMERALD GREEN-LAKE LOUIS MARIE AND ROCK HILL SEWER DISTRICTS, CONSISTING OF THE UPGRADING AND IMPROVEMENT OF THE EMERALD GREEN WASTEWATER TREATMENT PLANT, IN SAID DISTRICT.

are hereby amended to read as follows:

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$16,057,378 BONDS OF THE TOWN OF THOMPSON, SULLIVAN COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE CONSOLIDATED ROCK HILL/EMERALD GREEN SEWER DISTRICT, CONSISTING OF THE UPGRADING AND IMPROVEMENT OF THE EMERALD GREEN WASTEWATER TREATMENT PLANT, IN AND FOR SAID TOWN.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly a public interest order dated March 05, 2024, said Town Board has determined it to be in the public interest to increase and improvement of the facilities of the Consolidated Rock Hill/Emerald Green Sewer District (the "District"), consisting of the upgrading and improvement of the Emerald Green Wastewater Treatment Plant, including incidental expenses in connection therewith, in said Town, at an estimated maximum cost of \$16,057,378; and

WHEREAS, it is now desired to provide funding for such capital project; NOW, THEREFORE, BE IT

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

Section 1. For the class of objects or purposes of paying costs of the increase and improvement of the facilities of the Consolidated Rock Hill/Emerald Green Sewer District, in said Town, consisting of the upgrading and improvement of the Emerald Green Wastewater Treatment Plant, including incidental expenses in connection therewith, there are hereby authorized to be issued \$16,057,378 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$16,057,378 and that the plan for the financing thereof is by the issuance of the \$16,057,378 bonds of said Town authorized to be issued pursuant to this bond resolution. The amount of bonds ultimately to be issued shall be reduced by any grants in aid received by the Town to pay a portion of the cost of the aforesaid class of objects or purposes.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision four of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. To the extent not provided for from other sources, an annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. Such cost shall be annually apportioned and assessed upon the several lots and parcels of land within the District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds as the same become due.

Section 6. Such bonds shall be in fully registered form and shall be signed 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 or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such 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. Such bonds shall contain substantially 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 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The Supervisor is hereby further authorized, at his or her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The validity of such bonds and bond anticipation notes 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 12. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 13. This resolution, which takes effect immediately, shall be published in summary in the Sullivan County Democrat, a newspaper having general circulation in said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

SECTION B. The validity of such bonds and bond anticipation notes authorized by the bond resolution dated and duly adopted September 01, 2020, and as amended by this bond resolution, 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 C. Upon this resolution taking effect, the same shall be published in summary in Sullivan County Democrat, a newspaper having general circulation in said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

SECTION D. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

William J. Rieber, Jr., Supervisor	VOTING	Aye
Melinda S. Meddaugh, Councilwoman	VOTING	Aye
John A. Pavese, Councilman	VOTING	Aye
Ryan T. Schock, Councilman	VOTING	Aye
Scott S. Mace, Councilman	VOTING	Aye

The resolution was thereupon declared duly adopted.

\* \* \*

STATE OF NEW YORK        )  
                                      ) ss.:  
COUNTY OF SULLIVAN     )

I, the undersigned Clerk of the Town of Thompson, Sullivan County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on March 05, 2024, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that said meeting was (i) open to the general public pursuant to Section 103 of the Public Officers Law or (ii) conducted in conformance with Section 103-a of the Public Officers Law.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspaper and/or other news media as follows:

<u>Newspaper and/or Other News Media</u>	<u>Date Given</u>
Sullivan County Democrat	01/05/2024
Bold Gold Media Group Radio Stations	01/03/2024

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notices

Date of Posting

Town Hall	01/03/2024
Town Website	01/03/2024
Sullivan County Government Center	01/03/2024

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town,  
on March 06, 2024.

Marilee J. Calhoun

Marilee J. Calhoun, Town Clerk

(SEAL)