

PUBLIC HEARING SEPTEMBER 7, 2022
PUBLIC COMMENT ON WATER SYSTEM FOR HAMLET

OPENING of Town Board meeting
ROLL CALL/PLEDGE/LATE ADDITIONS:

by Supervisor John Cammarata

6:30PM

ATTENDANCE:

Supervisor John Cammarata ALSO:
Councilman Bob Whitmore
Councilman Shane Butler
Councilwoman Pam Holcomb
Councilman Russell Wark

Alison Owens, Town Clerk
Brendon Becker, Lamont Engineering
Residents:
John Root
Judy Vanderbundt Plage, Barbara Vanderbundt
Fred Heisler, Marie Kehl, David Curtis

The purpose of the Public Hearing is to hear Public Comment on a proposed water system for the hamlet of Smithville Flats. The notice of Public Hearing was read by Town Clerk Owens and Supervisor John Cammarata declared the Public Hearing OPEN @ 6:35pm.

Presentation by Brendon Becker from Lamont Engineering: The Town of Smithville hired Lamont Engineering to do a study for the creation of a water district, to address the complaints of the hamlet water from private wells, to create a boundary for the district, to find a distribution source, (at this time and juncture proposed mostly on the east side of the hamlet or potentially south), and to test water samples of different wells within the hamlet. Limited results of the water testing were available with the worst water of the wells tested coming from the Post Office, the Town Hall and others in the immediate area. The Town Hall tested positive for coliform, iron.

The proposed system as it stands now would require 25K lineal feet of pipeline to run from a possible water source on the east hill to the hamlet area. It could cost \$5 million for distribution of the water, with probably \$700-\$900. per year cost for users of the water system. Debt cost could be potentially \$50-60K to the Town.

To help finance the construction of such a water system, Brendon Becker is proposing a 60% grant from NYS Environmental Facilities, 40% of which would be at 0% interest rate; other grant programs available including a USDA Rural Development grant program could also be available. An Ad Valorem tax could be added to the district residents.

Supervisor Cammarata opened the hearing up to questions. These are not done in order or in full as the taping mechanism for the meeting failed and the only available notes were taken on a computer by the Town Clerk.

Supervisor Cammarata: asked about homeowner's insurance for people living within the district--would their rates be affected?

Brendon Becker: homeowner's insurance rates would be lower.

Supervisor Cammaarata: asked about piping from the street to the house.

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Brendon Becker: The stop is at the curb or “curbstop”; piping to the house is the homeowners responsibility. Meters would be installed either on a meter at the house or possibly in a Meter pit in the yard. A check valve would be available.

Resident Dave Curtis: What about gas wells?

Brendon Becker: Finding available water in an area where there are gas wells would have to be worked around. It can be a concern

Board member Butler brought up a couple other options for grant funding

Resident Dave Curtis: Is there an option to tie in to the system or not?

Brendon Becker: yes, there would be an opt out but there would be a debt service charge to the property owner.

Resident Dave Curtis: what about apartment houses?

Brendon Becker: it would have to be decided by the Town Board

Resident Dave Curtis: what would the water be filtered with?

Brendon Becker: hopefully chlorine which would not require a filtering system

Resident Dave Curtis: said he uses green sand and ultra-violet light in his apartment building located next to the General Store

Barbara Vanderbundt: Would GC Controls be in the district? The Iron and sulfur at her daughter’s house is bad.

Brendon Becker: yes

Board member Whitmore: most people have conditioners of some sort. There are many Septic systems next to wells in the hamlet. He also commented that the replacement of the NYS bridge in the center of the hamlet started this whole project. There might come a point when the Town would be forced to put in a water system. There is a safety issue as well.

Fred Heisler: asked about the funding process which could end up costing more than the proposal. What about the tax cap?

Brendon Butler: tax cap does not apply to the special district.

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Board member Butler: The Town can always use stopping points along the way if the financial steps do not fall in line.

Brendon Becker: there are certain steps the Board would have to take tonight if they are willing to follow through with the water system. They are as follows:

- 1.) SEQR project: no contests. Need negative declaration Resolution. An initial environmental review was done with no negative responses there. This authorizes John to sign and pass the Negative Declaration
- 2.) Create the hamlet water District based on the map currently on display. Any costs incurred would be placed on taxpayers. Properties not located within the district can be involved in the district.
- 3.) Bond Resolution to sign authorizing the Town Board to bond up to \$8 million

Board members moved forward with each step in the following Resolutions:

RESOLUTION # 37 (2022): APPROVE THE SEQR NEGATIVE DECLARATION FOR THE HAMLET WATER SYSTEM

On a motion by Boardmember Butler, 2nd by Boardmember Whitmore, the following Resolution was ADOPTED

Holcomb: aye
Butler: aye
Wark: aye
Whitmore: aye
Cammarata: aye

RESOLVED to approve the SEQR Negative Declaration for the Hamlet Water System. The Resolution in its entirety will be located at the end of the minutes.

RESOLUTION # 38 (2022): CREATE THE HAMLET WATER DISTRICT IN THE TOWN OF SMITHVILLE

On a motion by Boardmember Whitmore, 2nd by Boardmember Butler, the following Resolution was ADOPTED

Holcomb: aye
Butler: aye
Wark: aye
Whitmore: aye
Cammarata: aye

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RESOLVED to create a water district for the hamlet of Smithville Flats in the Town of Smithville. The Resolution in its entirety will be located at the end of the minutes.

RESOLUTION # 39 (2022): APPROVE A BOND RESOLUTION IN THE MAXIMUM AMOUNT OF \$8 MILLION FOR THE PURPOSES OF FINANCING A WATER SYSTEM FOR THE HAMLET OF SMITHVILLE FLATS

On a motion by Boardmember Butler, 2nd by Boardmember Whitmore, the following Resolution was ADOPTED

Holcomb: aye
Butler: aye
Wark: aye
Whitmore: aye
Cammarata: aye

RESOLVED to approve a Bond Resolution in the maximum amount of \$8 million for the purposes of financing a water system for the hamlet of Smithville Flats. The Resolution in its entirety will be located at the end of the minutes.

4.) Resolution authorizing Supervisor Cammarata to Sign the WIIA grant application for the water system.

RESOLUTION # 40 (2022): AUTHORIZE SUPERVISOR CAMMARATA TO SIGN THE WIIA GRANT APPLICATION FOR THE WATER SYSTEM.

On a motion by Boardmember Whitmore, 2nd by Boardmember Butler, the following Resolution was ADOPTED

Holcomb: aye
Butler: aye
Wark: aye
Whitmore: aye
Cammarata: aye

RESOLVED to authorize Supervisor Cammarata to sign the WIIA Grant application for the water system.

During the October 17th Board meeting, a design for an Ad Valorem tax will be discussed.

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Supervisor Cammarata declared the Public Hearing CLOSED at 7:29pm.

OTHER TOWN BUSINESS:

BOND RESOLUTION FOR CAT LOADER:

A Bond Resolution to buy the loader is needed before paperwork can be completed. The total cost of the Loader is \$219,618.00, minus the trade-in of an older model of \$52,000. The total amount to be financed is \$167,618.00. This will be done for a 5 year payout with \$38,033.14 per year due; the 1st payment date is Aug 15, 2023. The pay off date is Aug 15, 2027. Financing will come from KS State Bank with an interest rate of 4.36% for the term of the loan.

RESOLUTION # 41 (2022): APPROVE FINANCING FOR THE LOADER AT KS STATE BANK AT A RATE OF 4.36% FOR A PERIOD OF 5 YEARS.

On a motion by Boardmember Wark, 2nd by Boardmember Whitmore, the following Resolution was ADOPTED

Holcomb: aye
Butler: aye
Wark: aye
Whitmore: aye
Cammarata: aye

RESOLVED to bond in financing the purchase of a new CAT Grader for the Town Highway Dept at a cost of \$219,618.00, minus the trade in of an older model of \$52,000. The total amount to be financed is \$167,618.00., with \$38,033.14 per year due; the 1st payment date is Aug 15, 2023. The pay off date is Aug 15, 2027. Financing will come from KS State Bank with an interest rate of 4.36% for the term of the loan.

SEPTIC COMPLAINT:

Town Clerk Owens has received a septic complaint from Lynne Conklin 2053 County Rd 2 regarding her next door neighbor's septic system. Over the years Mrs. Conklin claims the septic at 2063 County Rd 2 (immediately next door) has leaked out onto her property. The house at 2063 County Rd 2 burned in December 2021 and there is nothing there now except a slab. The property has less than 2 acres and is currently for sale. Additionally, the property at 2063 County Rd 2 has a right-of-way driveway as that property belongs to Mrs. Conklin.

Protocol for a septic complaint according to the Local Law for Sanitary Regulations # 1 (1989) is to present it before the Town Board who has the authority to request the Ordinance Officer to run a test of the septic system to see if it is functioning properly. Town Board members discussed the complaint but noted that

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since there is currently not a structure at 2063 County Rd. 2, an evaluation of the septic system could not take place. Their advice was to wait and see what action is taken once the property is sold. If new owners would like to build on it, they would have to do a site plan review and appear before the Planning Board for permission to build. At that time Mrs. Conklin's complaint would have to be addressed.

BANNERS: Board member Whitmore and Jane Whitmore have identified 26 banners they feel would be appropriate for the electric poles in the hamlet of Smithville Flats; 13 of these would be American flags, 13 would be holiday related. The cost of the 26 banners plus the hardware to install them comes to \$4,471.51, the purchase to be made from The Flag and Banner company. There was discussion as to financing the cost of the purchase. Donated funds in the amount of \$825. have been received but the cost is also eligible to be used under ARPA funds. Board members decided to pay it fully from ARPA funds.

RESOLUTION # 42 (2022): APPROVE SPENDING \$ 4,471.51 FROM ARPA FUNDS FOR PURCHASE OF BANNERS AND HARDWARE FOR INSTALLATION ON NYSEG POLES IN THE HAMLET

On a motion by Board member Wark, 2nd by Board member Holcomb, the following Resolution was ADOPTED

Holcomb: aye
Butler: aye
Wark: aye
Whitmore: aye
Cammarata: aye

RESOLVED to authorize purchase of 26 banners and hardware from The Flag and Banner Company for installation of these banners on NYSEG poles in the hamlet of Smithville Flats. The amount of the purchase is \$4,471.51 and will be paid for from ARPA funds.

Time was then allowed for 2023 Town Budget work. Supervisor Cammarata called for another Budget Work Session on Wednesday Sept. 14, 2023, 6:30pm. Due to increased costs for fuel, the 2023 Budget is expected to be impacted significantly.

There was no other business to come before the Board. Supervisor Cammarata declared the meeting adjourned at 9:15pm.

Alison B. Owens

Smithville Town Clerk

TOWN OF SMITHVILLE
PO Box 217, 2585 State Hwy 41
Smithville Flats, New York 13841

SEQR Negative Declaration Resolution
September 7, 2022

Resolution #37 (2022)

WHEREAS, the Town Board of the Town of Smithville is undertaking a project called the Hamlet of Smithville Flats Water Project (hereinafter referred to as "the Project") which includes the potential for developing a municipal water system to serve the Hamlet of Smithville Flats in the Town of Smithville, Chenango County; and

WHEREAS, the Town Board of the Town of Smithville intends to proceed with the developing of a Map, Plan and Report for the consideration of the Project to provide municipal water system for the Hamlet of Smithville Flats; and

WHEREAS, the Town Board of the Town of Smithville intends to apply for grants and loans to undertake said improvements through New York State Water Infrastructure Improvements Act Program, New York State Department of Health Drinking Water State Revolving Fund and potentially USDA Rural Development Water & Environmental Programs.

WHEREAS, the Town Board of the Town of Smithville has previously designated itself as Lead Agency pursuant to the State Environmental Quality Review Act in the environmental review of the Project; and

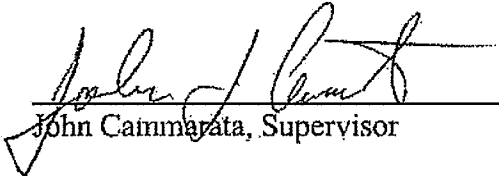
WHEREAS the Town Board of the Town of Smithville has prepared an Environmental Assessment Form and has provided copies of this document to the involved and interested agencies for the Project; and

WHEREAS, the probable environmental impacts of the Hamlet of Smithville Water System Project have been carefully considered by the Town Board;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Smithville adopts the findings and conclusions relating to the probable environmental impacts contained in the Environmental Assessment Form and files the Negative Declaration in accordance with the applicable provisions of the law; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to take such further steps as might be necessary to the discharge of the Town Board's responsibility as lead agency for this action.

By (unanimous/majority) vote of the Town Board of the Town of Smithville at its meeting of September 7, 2022



John Cammarata, Supervisor



Alison Owens, Clerk

9/8/22
Date

Sept. 8, 2022
Date

Resolution #38 (2022)

At a meeting of the Town Board of the Town of Smithville, Chenango County, New York held at the Town Hall located at 5285 NYS Route 41, Smithville Flats, New York 13841 on September 7, 2022, the following resolution was offered by Board member Whitmore, who moved its adoption, seconded by Board member Butler

RESOLUTION ESTABLISHING THE SMITHVILLE WATER DISTRICT NO. 1

WHEREAS, a meeting of the Town Board of the Town of Smithville, Chenango County, New York (the "Town") was held on September 7, 2022 regarding the establishment of the Smithville Water District No. 1 (the "District") pursuant to Article 12-A of the Town Law; and

WHEREAS, a map, plan and report (the "Maps and Plans") relating the establishment of the District, have been prepared by a licensed engineer and been filed with the Town Clerk in accordance with the requirements of Article 12-A of the Town Law; and

WHEREAS, the establishment of the District will include the construction of approximately 23,500 linear feet of water main piping in addition to new municipal wells and a new water treatment plant; and

WHEREAS, the boundaries of the District are set forth in the attached Exhibit A;
and

WHEREAS, the Maps and Plans state that the proposed project shall provide water service to the Hamlet of Smithville Flats, which presently relies entirely on individual wells; and

WHEREAS, on July 18, 2022, the Town Board adopted a resolution scheduling a public hearing; and

WHEREAS, the resolution called a public hearing to be held on September 7, 2022 at 6:30 p.m. to hear all persons interested in this matter and to take action as required by law; and

WHEREAS, the resolution was published and posted as required by law; and

WHEREAS, a public hearing on the matter was held by the Town Board on September 7, 2022 at 6:30 p.m. and the matter was fully discussed and all interested persons were heard; and

WHEREAS, the Town proposes to acquire, construct and install a municipal water system in the District to serve homes that are not presently adequately served, including water mains, municipal wells, and a municipal water treatment plant, together with all equipment, machinery or apparatus and land or rights required in connection therewith (the "Project"), all as more particularly described in the Maps and Plans; and

WHEREAS, the maximum amount proposed to be expended for the Project will be \$8,000,000.00; and

WHEREAS, there will be no hook-up fees charged by the District for connections during the construction of the improvements, however, a typical user will have to spend approximately \$2,500 to abandon an existing water system and connect to the new municipal water system; and

WHEREAS, the cost of the proposed District to the typical property in the area in the first year following formation of the District (or, if greater, the first year in which both principal and interest on indebtedness and operation and maintenance costs will be paid) is estimated to be \$911.00; and

WHEREAS, the proposed method of financing the costs of the Project consists of the issuance of bond anticipation notes and serial bonds of the Town to mature in annual installments over an estimated term of 40 years, payable in the first instance from assessments levied on benefited real property in the proposed District; and

WHEREAS, the cost of the Project and related debt service will be assessed by the Town Board in proportion as nearly as may be to the benefit which each lot or parcel in the District will derive therefrom; and

WHEREAS, the Maps and Plans describing the foregoing, including a detailed explanation of how the estimated cost of the District to the typical property was computed, have been filed in the Town Clerk's office and are available for public inspection during regular business hours.

NOW, THEREFORE, the Town Board of the Town of Smithville hereby resolves and determines that:

1. The notice of hearing was published and posted as required by law and is otherwise sufficient.
2. All the property and property owners within the proposed District are benefited thereby.
3. All the property and property owners benefited are included within the limits of the proposed District.
4. The establishment of this District is in the public interest.

IT IS FURTHER RESOLVED AND DETERMINED that the establishment of the District and the acquisition, construction and installation of the proposed water system improvements therein are in the public interest and will not constitute an undue burden on the property which will bear the cost thereof.

IT IS FURTHER RESOLVED AND DETERMINED that the establishment of the District is hereby approved and that the proposed acquisition, construction and installation of a

water system in the District, including pipes and pumps, together with all equipment, machinery or apparatus and land or rights in land required in connection therewith, all as more particularly described in the Maps and Plans, shall be acquired, constructed and installed when the required funds are available and provided therefor.

IT IS FURTHER RESOLVED AND DETERMINED that this District shall be known as the Smithville Water District No. 1 and shall be bounded and described as set forth on Exhibit A attached hereto.

IT IS FURTHER RESOLVED AND DETERMINED that the cost of the Project, including legal and engineering fees, and all other costs and expenses, shall be financed by the issuance of serial bonds and bond anticipation notes of the Town containing such terms as may be determined by the Town Board, and such costs shall be assessed by the Town Board in as close a proportion to the benefit to which each lot or parcel will derive from the Improvement as is possible.

IT IS FURTHER RESOLVED AND DETERMINED that this resolution is subject to permissive referendum as provided in Town Law Section 209-e, in the manner provided in Article 7 of the Town Law.

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

<u>Name</u>	<u>Vote</u>
Pamela Holcomb	aye
Shane Butler	aye
Russell Wark	aye
Robert Whitmore	aye
John Cammarata	aye

The resolution was thereupon declared duly adopted.

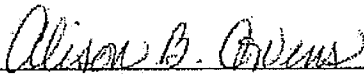
STATE OF NEW YORK)
COUNTY OF CHENANGO) ss.:

I, the undersigned Town Clerk of the Town of Smithville (the "Town"), DO HEREBY CERTIFY that I have compared the foregoing copy of the minutes of the meeting of the Town Board, including the Resolution contained therein, held on September 7, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (i) all members of the Town Board had due notice of said meeting, (ii) said meeting was in all respects duly held, (iii) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law and (iv) there was a quorum of the members of the Town Board present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof the attached Resolution is in full force and effect and has not been amended or repealed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 8th day of September, 2022.



Town Clerk
Town of Smithville

[SEAL]

Resolution #39 (2022)

BOND RESOLUTION DATED SEPTEMBER 7, 2022

BOND RESOLUTION OF THE TOWN OF SMITHVILLE, NEW YORK, AUTHORIZING THE ISSUANCE OF \$8,000,000 SERIAL BONDS TO FINANCE THE COST OF TOWN OF SMITHVILLE, SMITHVILLE FLATS WATER DISTRICT IMPROVEMENTS.

BE IT RESOLVED by the Town Board of the Town of Smithville, Chenango County, New York, as follows:

Section 1. The Town of Smithville, New York (the "Town") hereby approves the acquisition, construction or reconstruction of or addition to Town of Smithville, Smithville Flats Water District, including, but not limited to, a new water treatment plant and distribution piping, including buildings, land or rights in land, original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus required in connection therewith, is hereby authorized at an estimated maximum cost of \$8,000,000.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose to be financed by the Town is \$8,000,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$8,000,000 in serial bonds (the "Bonds") of the Town which are hereby authorized to be issued pursuant to this resolution and the provisions of the Local Finance Law; PROVIDED, HOWEVER, that to the extent that any Federal or State grants are received for such specific objects or purposes; the amount of Bonds to be issued pursuant to this Resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to subparagraph 1 of Section 11.00(a) of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years.

Section 4. Pursuant to Section 107.00(d)(3)(a) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law

and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. 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. There shall annually be apportioned and assessed upon the several lots and parcels of land within the Town of Smithville, Sewer District #1, which the Town Board shall determine and specify to be especially benefited by the capital purpose described in Section 1 of this resolution, an amount sufficient to pay the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, as the same becomes due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on such obligations.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive 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, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by United States Treasury Department Regulation 1.150-2.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer, with the serial bonds and bond anticipation notes authorized by other bond resolutions previously or heretofore adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the consolidation of the serial bonds and the bond anticipation notes with other issues of the Town and the serial maturities of the bonds are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The Town is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). The Supervisor and the Town Clerk 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 thereby, including, but not limited to, actions related to the transaction with the SRF Project Financing Agreement.

Section 11. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution, or a summary thereof, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. This resolution is not subject to a permissive referendum in accordance with Section 35.00(b)(2) of the Local Finance Law.

Section 14. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 15. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 16. This resolution shall take effect immediately.

STATE OF NEW YORK)
)SS.:
COUNTY OF CHENANGO)

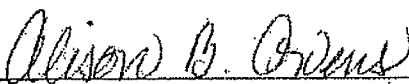
I, the undersigned Clerk of the Town of Smithville, Chenango County, New York (the "Town"), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Town Board of the Town, held on the 8th day of September, 2022, including the resolution contained therein, with the original thereof on file in my office, and the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that the full Board of the Town consists of five (5) members; that five (5) members of the Board were present at such meeting; and that five (5) of such members voted in favor of the above resolution.

I FURTHER CERTIFY that (i) all members of the Board had due notice of the meeting, (ii) pursuant to Article 7 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public, and due notice of the time and place of such meeting was duly given in accordance with Article 7 of the Public Officers Law, and (iii) the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 8th day of September, 2022.



Alison B. Owens, Clerk, Town of Smithville,
Chenango County, New York

(SEAL)