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August 9, 2022

**VIA E-MAIL** (supervisor@dryden.ny.us; townclerk@dryden.ny.us)

Hon. Jason Leifer, Supervisor  
Ms. Bambi Avery, Town Clerk  
Town of Dryden  
93 East Main Street  
Dryden, New York 13053

**Discussion  
Draft No. 2  
Revised Amount**

Re: Town of Dryden, Tompkins County, New York  
Construction of a Town-Wide Broadband Service System - \$14,535,281 Bonds  
Orrick File: New

Dear Supervisor Leifer and Ms. Avery:

Enclosed please find a draft form of bond resolution in relation to the above. Please check "SEQRA" status. Must be complete prior to adoption.

As you know, because the bond resolution authorizes bonds having a maturity in excess of five years, the resolution must be adopted subject to permissive referendum. This requires that you follow the following posting and publication procedures:

- a) The enclosed Notice of Adoption must be published in the official newspapers of the Town designated for this purpose in the bond resolution within ten days of the adoption of such resolution; and
- b) Such Notice of Adoption (including the bond resolution) must be posted on the official signboard of the Town within such 10-day period.

If adopted in the present form, in due course, please furnish us, **via pdf followed by original mailed to our office**, with the following:

- 1) A certified copy of the enclosed bond resolution, showing the vote taken thereon.
- 2) Original printer's affidavit of publication of the Notice of Adoption of such resolution.



Hon. Jason Leifer  
Ms. Bambi Avery  
August 9, 2022  
Page 2

- 3) Original Town Clerk's Certification of Posting of such Notice. For your convenience, we are enclosing herewith a form for such certification. When returning the same to us, please make sure there is attached thereto, as recited therein, a true, correct and complete copy of the Notice of Adoption as was actually posted.

With best wishes.

Very truly yours,

*Douglas*

Douglas E. Goodfriend

DEG/zmt  
Enclosures  
4150-0663-8396.01

cc: Nathan VanWhy, Esq. (w/encl.) (nvanwhy@cglawoffices.com)  
Mr. Jeffrey Smith (w/encl.) (jrsmith@municipalsolution.com)

**BOND RESOLUTION**  
**(Permissive Referendum)**

At a regular meeting of the Town Board of the Town of Dryden, Tompkins County, New York, held at the Town Hall, in Dryden, New York, in said Town, on the 18<sup>th</sup> day of August, 2022 at 6:00 o'clock P.M., Prevailing Time.

The meeting was called to order by \_\_\_\_\_, and upon roll being called, the following were

PRESENT:

ABSENT:

The following resolution was offered by Councilman \_\_\_\_\_, who moved its adoption, seconded by Councilman \_\_\_\_\_, to-wit:

BOND RESOLUTION DATED AUGUST 18, 2022.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE CONSTRUCTION OF A TOWN-WIDE BROADBAND SERVICE SYSTEM, FOR THE TOWN OF DRYDEN, TOMPKINS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$14,535,281 AND AUTHORIZING THE ISSUANCE OF \$14,535,281 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not have any significant adverse impact on the environment; and

WHEREAS, in the Working to Implement Reliable and Equitable Deployment of Broadband Act of 2022, constituting part MMM of Chapter 58 of the Laws of 2022 (the “Broadband Act”), the State Legislature found and declared that access to high-speed, reliable and affordable broadband is “essential for education, economic growth and full participation in civic life” and that the “benefits of broadband access should be available to all”; and

WHEREAS, in said Broadband Act, the General Municipal Law was amended by adding a new Section 99-y thereof authorizing any county, city, town or village to “establish, construct, and maintain broadband and related telecommunication infrastructure”; and

WHEREAS, the Town of Dryden, Tompkins County, New York has determined to provide the availability of broadband service, as defined in the Act, to all residents of the Town, including the villages therein; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Dryden, Tompkins County, New York, as follows:

Section 1. The construction of a Town-wide broadband service system, for the Town of Dryden, Tompkins County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and other incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$14,535,281.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$14,535,281 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; **PROVIDED, HOWEVER**, that to the extent that any grants-in-aid are received for such purpose, the amount of obligations 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 15 years, pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law (provided, however, in the event that the State Legislature provides a specific period of probable usefulness for a broadband service system prior to the date of issuance of obligations hereunder, this bond resolution will be supplemented to conform thereto). It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Dryden, Tompkins County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such 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 annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 6. 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 the 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. 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 7. 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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

\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_

The resolution was thereupon declared duly adopted.

\* \* \* \* \*



**CERTIFICATION**

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

I, the undersigned Clerk of the Town of Dryden in the County of Tompkins, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 18<sup>th</sup> day of August, 2022.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (*the meeting at which the proceeding was adopted*) was caused to be given **PRIOR THERETO** in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication - should be a date or dates falling prior to the date set forth above in item 1)

**POSTING** (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this 18<sup>th</sup> day of August, 2022.

\_\_\_\_\_  
Town Clerk

(CORPORATE SEAL)

**NOTICE OF ADOPTION OF RESOLUTION**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Dryden, Tompkins County, New York, at a meeting held on the 18<sup>th</sup> day of August, 2022, duly adopted a resolution, which is published herewith **subject to a permissive referendum**.

Dated: Dryden, New York,  
August 18, 2022.

/s/ Bambi Avery  
Town Clerk

BOND RESOLUTION DATED AUGUST 18, 2022.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE CONSTRUCTION OF A TOWN-WIDE BROADBAND SERVICE SYSTEM, FOR THE TOWN OF DRYDEN, TOMPKINS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$14,535,281 AND AUTHORIZING THE ISSUANCE OF \$14,535,281 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not have any significant adverse impact on the environment; and

WHEREAS, in the Working to Implement Reliable and Equitable Deployment of Broadband Act of 2022, constituting part MMM of Chapter 58 of the Laws of 2022 (the “Broadband Act”), the State Legislature found and declared that access to high-speed, reliable and affordable broadband is “essential for education, economic growth and full participation in civic life” and that the “benefits of broadband access should be available to all”; and

WHEREAS, in said Broadband Act, the General Municipal Law was amended by adding a new Section 99-y thereof authorizing any county, city, town or village to “establish, construct, and maintain broadband and related telecommunication infrastructure”; and

WHEREAS, the Town of Dryden, Tompkins County, New York has determined to provide the availability of broadband service, as defined in the Act, to all residents of the Town, including the villages therein; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Dryden, Tompkins County, New York, as follows:

Section 1. The construction of a Town-wide broadband service system, for the Town of Dryden, Tompkins County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and other incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$14,535,281.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$14,535,281 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; **PROVIDED, HOWEVER**, that to the extent that any grants-in-aid are received for such purpose, the amount of obligations 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 15 years, pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law (provided, however, in the event that the State

Legislature provides a specific period of probable usefulness for a broadband service system prior to the date of issuance of obligations hereunder, this bond resolution will be supplemented to conform thereto). It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Dryden, Tompkins County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such 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 annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 6. 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 the 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. 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 7. 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10.    **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE  
REFERENDUM.**

**CERTIFICATION OF POSTING**

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

I, the undersigned Clerk of the Town of Dryden, Tompkins County, New York, DO  
HEREBY CERTIFY:

That on the \_\_\_\_\_ day of August, 2022, I caused to be posted on the official  
signboard maintained by me pursuant to subdivision 6 of Section 30 of the Town Law, a Notice  
of Adoption of a bond resolution adopted by the Town Board of said Town on the \_\_\_\_\_ day  
of August, 2022.

A true and correct copy of such Notice of Adoption is attached hereto.

\_\_\_\_\_  
Town Clerk

Sworn to before me this \_\_\_\_ day  
of August, 2022.

\_\_\_\_\_  
Notary Public

