

# Town Board Meeting Agenda

TOWN OF WALLKILL

TOWN BOARD MEETING

June 24, 2021

TIME: 7:25 PM

## **Pledge of Allegiance**

## **7:25- Public Hearing: Adjustment To The Tow Law**

## **TOPICS: Reinventing the Conservation Committee, Call For Members**

- 1 Public Participation-Agenda Items Only (3 minute limit per individual)**
- 2 Correspondence: Email To Police Department**
- 3 Resolutions:**
  - A. Resolution of The Town Board of The Town of Wallkill Scheduling Time And Place For A Public Hearing With Respect To Amending Certain Section Of The Town Code
  - B. Resolution of The Wallkill Town Board Of The Town Of Wallkill Appointing A Person to The Position Of Part-Time Dispatcher
  - C. Resolution Of The Town Board Of The Town Of Wallkill Authorizing The Reduction Of the Performance Bond Being Held By The Town With Respect To The Garnet Health Medical Center Expansion Project
- 4 Department Head Reports**
- 5 Town Clerk's Comments**
- 6 Committee /Councilman Comments**
- 7 Supervisor's Comments/Announcements**
- 8 Public Comment (5 minute limit per individual)**
- 9 Motion to Adjourn**

## **Lisa Dysard**

---

**From:** Robert Hertman  
**Sent:** Thursday, June 17, 2021 2:26 PM  
**To:** Frank Dendant; TownBoard  
**Cc:** Lisa Dysard  
**Subject:** FW: Telephone Call

Please add below to the agenda for the next Town Board meeting.

Thank you.

RH

---

**From:** Joseph Stueber  
**Sent:** Thursday, June 17, 2021 1:27 PM  
**To:** Robert Hertman  
**Cc:** Antonino Spano; Robert McLymore; Lisa Costello; Robert Clark  
**Subject:** Telephone Call

Chief,

Today I received a telephone call from Thomas Gerace of Goshen a retired Haverstraw Police Officer. He had originally called the station in regards to losing his wallet at Walmart, PO Clark responded for the call. Mr Gerace had nothing but praise for PO Clark, his quick response and relationship with Loss Prevention assisted in the return of Mr Gerace's wallet. It was located in a shopping cart that was in use and the woman that was using it was unaware that it had fallen under the child seat.

## **SGT. JOSEPH STUEBER**

Town of Wallkill Police Department  
99 Tower Drive, Building B  
Middletown, NY 10941  
Phone: (845)692-6757  
Fax: (845)692-7849  
E-mail: [jstueber@townofwallkill.com](mailto:jstueber@townofwallkill.com)

### **Disclaimer:**

This e-mail, including any attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, and may contain highly sensitive, privileged and confidential information for the use of the designated recipients named above. If you are not the intended recipient, you are hereby notified that you have received this communication in error and that any review, disclosure, dissemination, distribution or copying of it or its contents is prohibited. If you have received this communication in error, please notify the sender immediately by reply e-mail and delete all copies of the original e-mail from your system, and destroy all copies of the original message.

**THE TOWN OF WALLKILL  
TOWN BOARD**

**ROLL CALL VOTE**

Names	Ayes	Noes	Abstain	Absent
<i>Councilman</i> <b>Mr. Coyne</b>				
<i>Councilman</i> <b>Mr. Valentin</b>				
<i>Councilman</i> <b>Mr. Meyer</b>				
<i>Councilman</i> <b>Mr. Johnson</b>				
<i>Supervisor</i> <b>Mr. DenDanto</b>				
<b>TOTAL</b>				

The following was presented

By: \_\_\_\_\_

Sec'd by: \_\_\_\_\_

Date of Adoption: \_\_\_\_\_

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
SCHEDULING TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO  
AMENDING CERTAIN SECTION OF THE TOWN CODE**

**WHEREAS**, the Town Board of the Town of Wallkill wishes to amend and update certain sections of the Town Code as deemed appropriate and specified in the Notice of Public Hearing to be published in accordance with this Resolution with respect to the following sections:

Chapter 194-Sewage and Sewage Disposal

Chapter 203-Stormwater Management

Chapter 242-Water

Chapter 249-Zoning including:

Article III-Section 249-3: Definitions

Article IV: General Regulations Applicable to All Districts

Article IV-Section 249-8: Accessory buildings and structures; exceptions to height restrictions; roadside stands; property abutting sewage treatment plant; crematories.

Article IV-Section 249-12: Off-Street Parking and Loading Requirements

Article V-Section 249-19: RA Rural Agricultural District

Article X-Section 249-39.1: Standards for Specific special Permit Uses in Commercial and Industrial Districts

Article XII-Section 249-42: Construction Bonding; Inspections; As-Built Plans

Resolution No. :\_of 2021

Chapter A251-Street Specifications; and

**WHEREAS**, the Town Board wishes to schedule a public hearing for July 22, 2021 at 7:25 pm to consider the adoption of the foregoing proposed amendments to the Town Code and to consider the potential adverse environmental impacts of the same; and

**WHEREAS**, the Town Board of the Town of Wallkill hereby initially determines that the aforementioned proposed amendments to the Town Code are Type I with respect to Chapter 249 (Zoning Code) and Type II with respect to Chapters 194 (Sewage and Sewage Disposal), 203 (Stormwater Management) and 242 (Water) subject to the SEQRA regulations and determines that it will be the Lead Agency with respect to the consideration, review, and determination of significance of the proposed Zoning Code amendments pursuant to SEQRA regulations,

**NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

1. In accordance with the provisions of § 617.6 of the regulations implementing the New York State Environmental Quality Review Act (“SEQRA”), (the “SEQRA regulations”), the Town Board hereby determines that portions of the aforementioned proposed amendments to the Town Code are actions subject to SEQRA regulations; and
2. The Town Board preliminarily classifies the aforementioned actions as Type I with respect to Chapter 249 (Zoning Code) and Type II with respect to Chapters 194 (Sewage and Sewage Disposal), 203 (Stormwater Management) and 242 (Water) pursuant to Chapter 617 of the SEQRA regulations; and
3. The Town Board determines that it is, and will be, the Lead Agency with respect to the consideration, review, and determination of significance of the proposed Zoning Code changes pursuant to SEQRA regulations; and
4. The Town Clerk is directed to notify all involved agencies of the Town Board’s Lead Agency Declaration in accordance with SEQRA regulations; and
5. The Town Clerk is directed to refer those sections of the Zoning Code to be amended to the Orange County Planning Department, pursuant to General Municipal Law Section 239-l and 239-m, for review and comment accompanied by the Notice of Public Hearing; and
6. The Town Clerk is directed to refer those sections of the Zoning Code to be amended to the Town Planning Board for proceedings consistent with Town Code Section 249-49; and

Resolution No. :\_of 2021

7. That a public hearing be held by the Town Board on July 22, 2021 at 7:25 p.m. with respect to amending the Town Code; and it is further

**RESOLVED**, that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law, including Town Code Section 249-49(B).

**TOWN OF WALLKILL**

**LOCAL LAW NO. 3 OF 2021**

**A LOCAL LAW AMENDING CHAPTER 225  
OF THE TOWN CODE OF THE TOWN OF WALLKILL, NEW YORK,  
ENTITLED "TOWING"**

Be it enacted by the Town Board of the Town of Wallkill, County of Orange, State of New York, as follows:

**Section 1. Purpose.**

This Local Law is enacted for the purpose of amending the background check provisions of Chapter 225 of the Town Code regulating vehicle towing operations within the Town of Wallkill.

**Section 2. Amendment.**

Town of Wallkill Town Code entitled **Chapter 225. TOWING** shall be and hereby is amended by this Local Law as follows:

The following shall be added to subsection 4 of §225-3 entitled Eligibility Requirements; Regulations for Licensing:

- e. In connection with the required background checks, all fingerprint cards and any applicable fees shall be submitted to the New York State Division of Criminal Justice Services ("DCJS") in the form and manner prescribed by DCJS.**
- f. The Towing List Coordinator within the Town Police Department shall be responsible for reviewing the criminal history record information received from DCJS and reporting the results thereof to the Town Board.**
- g. In addition to the criteria set forth in this Section, if a prospective applicant has been convicted of a crime, any decision regarding such prospective applicant's fitness for a license must be made upon consideration of New York State Correction Law §§701-703-b and §§751-753.**

**Section 3. Separability**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the

validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Wallkill hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 4. Repeal**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 5. Effective Date**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**THE TOWN OF WALLKILL  
TOWN BOARD**

**ROLL CALL VOTE**

Names	Ayes	Noes	Abstain	Absent
<i>Councilman</i> <b>Mr. Coyne</b>				
<i>Councilman</i> <b>Mr. Valentin</b>				
<i>Councilman</i> <b>Mr. Meyer</b>				
<i>Councilman</i> <b>Mr. Johnson</b>				
<i>Supervisor</i> <b>Mr. DenDanto, III</b>				
<b>TOTAL</b>				

The following was presented

By: \_\_\_\_\_

Sec'd by: \_\_\_\_\_

Date of Adoption: \_\_\_\_\_

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
APPOINTING A PERSON TO THE POSITION OF PART-TIME POLICE  
DISPATCHER**

**WHEREAS**, there exists a vacancy in the Town of Wallkill Police Department for a part-time dispatcher; and

**WHEREAS**, Macen DeLesio fulfills the civil service requirements of knowledge, skills, and experience for the part-time Dispatcher position; and

**WHEREAS**, the Town of Wallkill Police Department has a need for a part-time Police Dispatcher for the efficient and cost-effective functioning of that Department; and

**WHEREAS**, it is the opinion of the Chief of the Wallkill Police Department and the Town Board of the Town of Wallkill that the aforesaid person is qualified to fill said position;

**NOW, THEREFORE, BE IT HEREBY**

**RESOLVED**, that the Town Board of the Town of Wallkill hereby appoints **Macen DeLesio** to the position of part-time Dispatcher to serve in said capacity at the Town of Wallkill Police Department, effective immediately provided that: 1) the Chief of Police approves said appointees following a final employment interview; 2) all background checks are satisfactorily completed; and 3) all appropriate documentation is submitted and accepted by the Orange County Department of Human Resources-Civil Service Department.



**THE TOWN OF WALLKILL  
TOWN BOARD**

**ROLL CALL VOTE**

The following was presented

By: \_\_\_\_\_

Sec'd by: \_\_\_\_\_

Date of Adoption: \_\_\_\_\_

Names	Ayes	Noes	Abstain	Absent
<i>Councilman</i> <b>Mr. Coyne</b>				
<i>Councilman</i> <b>Mr. Valentin</b>				
<i>Councilman</i> <b>Mr. Meyer</b>				
<i>Councilman</i> <b>Mr. Johnson</b>				
<i>Supervisor</i> <b>Mr. DenDanto</b>				
<b>TOTAL</b>				

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WALLKILL  
AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND BEING HELD  
BY THE TOWN WITH RESPECT TO THE GARNET HEALTH MEDICAL CENTER  
EXPANSION PROJECT**

**WHEREAS**, Garnet Health (“Developer”) has posted a certain Performance Bond # 30093745 in the amount of \$668,242.85 issued by Western Surety Company with the Town for the construction of the Garnet Health Medical Center expansion project located at 707 East Main Street within the Town, and

**WHEREAS**, Developer has requested that the aforementioned Performance Bond be reduced in accordance with Town Code requirements; and

**WHEREAS**, the Town’s Consulting Engineer, McGoey, Hauser & Edsall, has indicated by correspondence dated June 21, 2021 that it has no objection to Developer’s request, provided that the reduced Performance Bond noted below to be posted by Developer is acceptable in form and content to the Town Attorney;

**NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

1. That the Town Board of the Town of Wallkill hereby approves the reduction of security with respect to the Performance Bond #: 30093745 issued by Western Surety posted in connection with the Garnet Health Medical Center expansion project from \$668,242.85 to \$77,499.95; and
2. That the Town Supervisor or his designee is authorized to execute any necessary documents associated with the foregoing, once any unpaid inspection fees, professional fee invoices or other outstanding or unpaid fees due to the Town are paid in full.



Insurance | Risk Management | Consulting

30 Century Hill Drive M 518 869 3333  
Suite 200 F 518 869 3580  
Ithaca, NY 14850 T 888 869 3585  
United States AJP 1/9/17

July 10, 2020

Mr. Samuel J. Paglianite  
Senior Administrator Design and Construction  
**Greater Hudson Valley Health System**  
707 East Main Street  
Middletown, NY 10940

**Re: Bond No. 30093745**  
**Obligee: Town of Wallkill, NY**  
**Performance Bond – Ammended Site Plan**  
**Orange Regional Medical Center**  
**Bond Date: July 10, 2020**  
**Bond Amount: \$668,242.85**

Dear Mr. Paglianite,

Enclosed in duplicate, please find the above captioned Western Surety Company Performance Bond, which we ask that you have signed by Scott Batulis as President of Garnet Health Medical Center and attested by Joseph Anesi as Vice-President.

In addition, we ask that you have Mr. Batulis' signature notarized before filing the bond with the Town of Wallkill.

Very truly yours,

Patrick J. Clyne  
Bond Department

PJC/bhs  
Enclosures

**Sent via UPS (07/10/2020)**



**Western Surety Company**

**PERFORMANCE BOND**

Bond # 30093745

KNOW ALL MEN BY THESE PRESENTS: That we,  
Garnet Health Medical Center, as Principal, and **Western Surety Company**, a South Dakota corporation authorized to do business in the State of New York, having an office and place of business at 151 N. Franklin Street, Chicago, IL 60606, as Surety, are held and firmly bound unto the **TOWN OF WALLKILL, NY**, as Oblige, in the sum of Six Hundred Sixty Eight Thousand Two Hundred Forty Two and 85/100 (\$ 668,242.85) lawful money of the United States of America, for which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally firmly by these presents.

SIGNED, SEALED AND DATED THIS 10th day of July 2020

Whereas the Principal has agreed to complete to the satisfaction of the Town of Wallkill and/or its engineers and/or inspectors, and in accordance with the approvals of the Town of Wallkill Planning Board and the Town Code of the Town of Wallkill, the public and non-public improvements required for that certain subdivision in the Town of Wallkill, State of New York known and designated as 78-1-77.2 located at 707 East Main Street, Town of Wallkill, Orange County, New York, as appear on the approved plans prepared by Lanc & Tully P.C. dated December 27, 2019, last revised April 14, 2020 (pages 1 through 11 of 11) and as appear on the cost estimate dated April 13, 2020, revised April 27, 2020 prepared for Amended Site Plan Orange Regional Medical Center, Wallkill, New York but in no event later than 60 days before this bond, as same may be extended, shall expire.

The Principal shall have the right to request reduction in the bond amount from time to time as items of work are completed, including partial completions, subject to final approval by the Town of Wallkill, the obligee.

The term of this bond shall not be for more than three years, however the bond shall be automatically extended for additional periods of one (1) year each from the expiration date unless, at least sixty (60) days prior to such expiration date, the Town of Wallkill receives notification in writing by registered or certified mail that the surety elects not to renew the bond for an additional period.

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if the Principal shall construct or have constructed, the public and non-public improvements required for a certain subdivision described as "Amended Site Plan Orange Regional Medical Center, Town of Wallkill, Orange County, New York" and shall save the Oblige harmless from any loss, cost or damage by reason of its failure to complete said work, then this obligation shall be null and void: otherwise to remain in full force and effect, until all improvements are completed to the full satisfaction of the Town Engineer and the Bond is discharged.

**CONDITIONS**

The obligation of this Performance Bond shall be null and void unless: (1) the Principal is actually in default under the above agreement and is declared by the Oblige thereafter to be in default (2) the Oblige has performed all of the obligations of the Oblige under the above agreement and (3) the Oblige has provided written notice of default and notice of bond claim to the Surety as promptly as possible, and in any event, within sixty (60) days after such default to the following address:

Western Surety Company - Surety Bond Claim  
C.N.A. Surety  
151 N. Franklin Street  
Chicago IL 60606

LIMITATIONS AND EXCLUSIONS

The Surety, at the sole election and discretion of the Surety, may take any of the following actions:

- (1) With notice to the Obligee, provide financial assistance to the Principal to remedy any contractual default by the Principal; or,
- (2) Undertake the completion of the above noted public and non-public improvements required for a certain subdivision described as "Amended Site Plan Orange Regional Medical Center, Town of Wallkill, Orange County, New York" by the Surety, through its agents or through independent contractors; or,
- (3) Determine the amount for which the Surety may be liable to the Obligee, and as soon as practicable thereafter, tender payment thereof to the Obligee; or,
- (4) Pay the full amount of the above penal sum in complete discharge and exoneration of this Performance Bond, and of all liabilities of the Surety relating thereto.

Within sixty (60) days of Surety's receipt of Town of Wallkill's notice of default and notice of bond claim, Surety shall either advise Town of Wallkill of any failure to satisfy a condition of this bond or, if all conditions have been satisfied, shall advise Town of Wallkill which of the above actions it elects to undertake to perform,

If the Surety so elects to act, all payments and expenditures by the Surety shall be applied against the Bond penal sum and in reduction of the limit of liability of the Surety.

The obligation of this Performance Bond shall not include liability for loss, cost, damage, fines, penalties or expense (including attorneys' fees) from personal injury (including death), or from property damage (including environmental impairment or cleanup), or from any criminal or tortuous act arising out of the performance, default or completion of the above Contract nor shall the Surety be obligated to provide or maintain any policy or undertaking of liability insurance.

No party other than the Obligee shall have any rights hereunder as against the Surety.

The aggregate liability of the Surety for the bond obligation shall not exceed the sum of this bond for any cause or reason whatsoever.

The terms of this bond shall not be modified or changed without the written consent of the Surety, Principal, and Town of Wallkill.

The bond shall be interpreted in accordance with the laws of the State of New York

ATTEST: Joseph Anesi  
Joseph Anesi, Vice-President

Garnet Health Medical Center  
by: Scott Batulis  
Scott Batulis, President

WITNESS: Timothy M. Cyrrell  
Timothy M. Cyrrell

Western Surety Company  
by: Patrick J. Clyne  
Patrick J. Clyne, Attorney-in-Fact

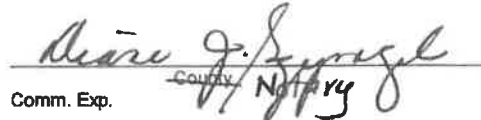
Western Surety Company  
Sioux Falls, SD 57117

ATTORNEY-IN-FACT JUSTIFICATION  
PRINCIPAL'S ACKNOWLEDGMENT - IF A CORPORATION

State of New York,  
County of Orange )\*\*

On this 10th day of July, 2020, before me personally appeared Scott Batulis, to me known, who, being by me duly sworn, deposes and says: That he/she resides in Chester, New York; that he/she is the President of Garnet Health Medical Center, the corporation described in and which executed the within instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like order.

DIANE J. SZYMCZAK  
Notary Public, State of New York  
No. 01SZ6071008  
Qualified in Ulster County  
Commission Expires March 11, 20 22

  
Comm. Exp. Notary

SURETY COMPANY'S ACKNOWLEDGMENT

State of New York,  
County of Albany)\*\*\*

On this 10th day of July, 2020, before me personally appeared Patrick J. Clyne; to me known, who, being by me duly sworn, did depose and say: That he/she resides in Delmar, New York; that he/she is Attorney-in-Fact of Western Surety Company, the corporation described in and which executed the within instrument; that he/she knows the corporate seal of said Company; that the seal affixed to said instrument is such corporate seal; and that he/she signed said instrument as Attorney-in-Fact by authority of the Board of Directors of said Company; and affiant did further depose and say that the Superintendent of Insurance of the State of New York has, pursuant to Chapter 882 of the Laws of the State of New York for the year 1939, constituting chapter 28 of the Consolidating Laws of the State of New York as the Insurance Law as amended, issued to Western Surety Company his/her certificate that said Company is qualified to become and be accepted as surety or guarantor on all bonds, undertakings, recognizances, guaranties, and other obligations required or permitted by law; and that such certificate has not been revoked.

  
Albany County  
Comm. Exp. 03/30/2023

**TIMOTHY TYRRELL**  
Notary Public, State of New York  
Qualified in Albany County  
4600520  
Commission Expires March 30, ~~2022~~ 2023

**WESTERN SURETY COMPANY**  
**Sioux Falls, South Dakota**  
**Statement of Net Admitted Assets and Liabilities**  
**December 31, 2019**

ASSETS

Bonds	\$ 1,943,152,245
Stocks	27,166,227
Cash, cash equivalents, and short-term investments	27,903,793
Receivables for securities	-
Investment income due and accrued	17,854,019
Premiums and considerations	56,706,652
Amounts recoverable from reinsurers	1,307,522
Current federal and foreign income tax recoverable and interest hereon	2,678,469
Net deferred tax asset	11,798,536
Receivable from parent, subsidiaries, and affiliates	12,821,583
Other assets	601
Total Assets	\$ 2,101,389,646

LIABILITIES AND SURPLUS

Losses	\$ 206,051,147
Loss adjustment expense	52,124,445
Commissions payable, contingent commissions and other similar charges	9,862,381
Other expenses (excluding taxes, license and fees)	3,624
Taxes, License and fees (excluding federal and foreign income taxes)	3,875,999
Federal and foreign income taxes payable	-
Unearned premiums	248,521,840
Advance premiums	6,112,006
Ceded reinsurance premiums payable (net of ceding commissions)	1,673,524
Amounts withheld or retained by company for account of others	5,332,206
Provision for reinsurance	290,516
Payable to parent, subsidiaries and affiliates	2905
Payable on security transactions	-
Other liabilities	97,836
Total Liabilities	\$ 533,948,430

Surplus Account:

Common stock	\$ 4,000,000	
Gross paid in and contributed surplus	280,071,837	
Unassigned funds	1,283,369,380	
Surplus as regards policyholders		\$ 1,567,441,217
Total Liabilities and Capital		\$ 2,101,389,646

I, Amy Smith, Senior Vice President of Western Surety Company hereby certify that the above is an accurate representation of the financial statement of the Company dated December 31, 2019, as filed with the various Insurance Departments and is a true and correct statement of the condition of Western Surety Company as of that date.

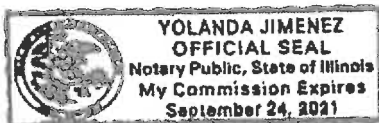


Western Surety Company

By Amy Smith  
 Senior Vice President

Subscribed and sworn to me this 11th day of March, 2020.

My commission expires:



By Yolanda Jimenez  
 Notary Public

# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Charles C Leach, Timothy M Tyrrell, Patrick J Clyne, Jaymie Patricia Columbus, Individually**

of Albany, NY, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

**- In Unlimited Amounts -**

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 7th day of March, 2017.

WESTERN SURETY COMPANY



*Paul T. Brufat*

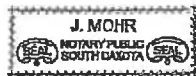
Paul T. Brufat, Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 7th day of March, 2017, before me personally came Paul T. Brufat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2021



*J. Mohr*

J. Mohr, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 10th day of July, 2020.



WESTERN SURETY COMPANY

*L. Nelson*

L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.