

**Resolution #77-15-** Council Member Passonno motioned seconded by Council Member Potter the following resolution;

A special meeting of the Town Board of the Town of Duanesburg, Schenectady County, New York was convened in public session at the Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York 12056 on January 26, 2015 at 7:00 o'clock p.m., local time.

The Town Board members were accounted for as follows:

		(Present)	(Excused/Absent)
Roger Tidball	Supervisor	<u>yes</u>	
John Ganther	Councilman	<u>          </u>	absent
Francis Potter	Councilman	<u>yes</u>	
Randy Passonno	Councilman	<u>yes</u>	
Charles Leoni	Councilman	<u>yes</u>	

The following resolution was offered by Council Member Passonno seconded by Council Member Potter to wit;

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IN THE MATTER OF THE

ESTABLISHMENT OF DUANESBURG SEWER DISTRICT No. 3 IN THE TOWN OF DUANESBURG, IN THE COUNTY OF SCHENECTADY, STATE OF NEW YORK PURSUANT TO ARTICLE 12-A OF THE TOWN LAW.

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A RESOLUTION AND ORDER APPROVING THE ESTABLISHMENT OF DUANESBURG SEWER DISTRICT No. 3, AND PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO PERMISSIVE REFERENDUM AND APPROVAL OF THE STATE COMPTROLLER

WHEREAS, the Town Board of the Town of Duanesburg, Schenectady County, New York (the "Town") has engaged Delaware Engineering, D.P.C., a competent engineer duly licensed by the State of New York, to prepare a Map, Plan and Report for the proposed Duanesburg Sewer District No. 3; and

WHEREAS, Delaware Engineering, D.P.C. prepared a proposed Map, Plan and Report dated January 2, 2015 showing the boundaries of the proposed sewer district, all outlets and the terminus and course of each proposed main sewer, together with the location and a general description of all sewage disposal plants, pumping stations and other public works, a general plan and a report of the proposed method of operations (the "Map, Plan and Report"), and submitted the Map, Plan and Report to the Town Board and the Town Board accepted the same on January 8, 2015; and

WHEREAS, the Town Board caused the Map, Plan and Report to be filed in the office of the Town Clerk of the Town of Duanesburg, and the same was and is available for public inspection; and

WHEREAS, the Map, Plan and Report describes the establishment of Duanesburg Sewer District No. 3 on approximately 216 acres of land consisting of approximately 107 parcels located in the vicinity of NYS Rt. 7 and Rt. 20 in the Town of Duanesburg, Schenectady County, New York, as more particularly set forth herein; and

WHEREAS, the proposed improvements described in the Map, Plan and Report include the installation of a gravity sewer collection system, construction of a pump station and construction of a force main to convey wastewater to Duanesburg Sewer District No. 1, as well as upgrades to the existing wastewater treatment plant in order to achieve the benefits of connection thereto (collectively, the "Improvements"); and

WHEREAS, the estimated maximum total cost for the construction of the Improvements is \$3,000,000; and

WHEREAS, the Map, Plan and Report states that the Town will pay for the cost of the Improvements by issuing its obligations pursuant to the Local Finance Law, and anticipates that the Town will receive a reduced rate of interest loan from NYS Environmental Facilities Corporation ("NYSEFC"); and

WHEREAS, the Map, Plan and Report includes a detailed explanation of how the estimated cost of any hook-up fees and the cost of the district to a typical property was computed, and as set forth in the Map, Plan and Report: (i) the estimated total annual cost for a typical residential customer or unit will be approximately \$1,050 for the first year following construction; and (ii) the proposed hookup fee for the average property will be \$100 or less; and

WHEREAS, said Town Board duly considered said Map, Plan and Report for the establishment of Duanesburg Sewer District No. 3 at a Public Hearing held on January 26, 2015, in the manner prescribed in Section 209-e of the Town Law, and pursuant to Section 209-d of Town Law, the Town Board may authorize the formation of the sewer district only after it hears comments and receives evidence given at a public hearing and determines that it is the public interest to authorize such creation; and

WHEREAS, the Town Board previously declared the establishment of the proposed Duanesburg Sewer District No. 3 and the construction of the Improvements is an unlisted action pursuant to the State Environmental Quality Review Act and declared its intent to be the lead agency, all of which was circulated by the Town Clerk to the interested and involved agencies as required by law; and

WHEREAS, the Town Board, as lead agency, adopted a SEQR Negative Declaration on November 13, 2014; and

WHEREAS, the Town Board has heretofore duly caused Delaware Engineering, D.P.C., competent engineers duly licensed by the State of New York, to prepare the Map, Plan and Report concerning the proposed establishment of Duanesburg Sewer District No. 3 (the "District") in the Town, consisting of the installation of a gravity sewer collection system, construction of a pump station and construction of a force main to convey wastewater to Duanesburg Sewer District No. 1, as well as upgrades to the existing wastewater treatment plant in order to achieve the benefits of connection thereto; including land or rights in land, original equipment, machinery, furnishings, services, appurtenances, related site work and ancillary costs; which Map, Plan and Report has been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, pursuant to the Resolution and Order Calling Public Hearing duly adopted on January 8, 2015, as amended by Amendment to Resolution dated January 26, 2015 ("Order"), the Town Board determined to proceed with the proposed establishment of the said District and adopted an Order reciting a description of the tax map parcels of the lands included within the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the Improvements proposed, the maximum amount proposed to be expended for the construction of the said Improvements, in connection with the District, the proposed method of financing to be employed, the Town's compliance with all applicable laws, rules and regulations with respect to environmental matters, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying January 26, 2015, at 7:00 pm as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the proposed District, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, certified copies of such Order were duly published, posted and filed pursuant to the provisions of article 12-A of the Town Law; and

WHEREAS, a Public Hearing on the matter was duly held by said Town Board on January 26, 2015, commencing at 7:00 pm at the Town Hall, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed District.

NOW, THEREFORE, BE IT HEREBY RESOLVED UPON THE EVIDENCE ADDUCED AT THE PUBLIC HEARING, by the Town Board of the Town of Duanesburg, Schenectady County, New York, as follows:

Section 1. It is hereby determined that:

(a) the Notice of Public Hearing was published, posted and filed as required by Law, and it is otherwise sufficient;

(b) all the property and property owners benefited included within the proposed District hereinabove referred to in the recitals hereof are benefited thereby;

(c) all the property and property owners benefited are included within the limits of the

proposed District; and

(d) it is in the public interest to establish the District.

Section 2. The Town has reviewed and approved an application, a copy of which is attached hereto and made part hereof, prepared by Delaware Engineering, D.P.C., for permission of the State Comptroller pursuant to 2 NYCRR Part 85.4 (the "Application") and the Town hereby determines (i) the contents of the Application are accurate, (ii) the District is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof, and (iii) if the cost of the proposed Improvements is to be assessed in whole or in part against a benefitted area, all real property so assessed will be benefitted by the proposed Improvements and that no benefitted property has been excluded.

Section 3. The establishment of the proposed District is hereby approved, as hereinafter described, and said District shall be designated and known as Duanesburg Sewer District No. 3 in the Town of Duanesburg, and shall include those properties within the Town of Duanesburg described as Tax Map Parcel Numbers:

55.00-4-22.11	67.00-1-17.2	67.05-2-5.1
55.00-4-22.12	67.05-1-10	67.05-2-6.1
55.00-4-25.1	67.05-1-11	67.05-2-7
66.00-2-10	67.05-1-12.11	67.05-2-8
66.00-2-11	67.05-1-13	67.05-2-9.1
66.00-2-12	67.05-1-14	67.05-2-9.21
66.00-2-13	67.05-1-15	67.05-3-1.1
66.00-2-14	67.05-1-16	67.05-3-10
66.00-2-15	67.05-1-17	67.05-3-11
66.00-2-30.1	67.05-1-18	67.05-3-12
66.00-2-7.4	67.05-1-19	67.05-3-13
66.00-2-8	67.05-1-20	67.05-3-14.1
66.00-2-9.112	67.05-1-21	67.05-3-15.1/1
66.00-2-9.15	67.05-1-22	67.05-3-3.1
66.00-2-9.2	67.05-1-23	67.05-3-3.2
66.00-2-9.3	67.05-1-24	67.05-3-4
66.00-2-9.41	67.05-1-25	67.05-3-5
66.00-2-9.51	67.05-1-26	67.05-3-6
66.00-4-2.121	67.05-1-27	67.05-3-7
66.00-4-2.31	67.05-1-28	67.05-3-8
66.00-4-2.31	67.05-1-29	67.05-3-9
66.00-5-1	67.05-1-30	67.05-4-1
66.00-5-2.11	67.05-1-7	67.05-4-10
66.00-5-2.114	67.05-1-8.1	67.05-4-11
66.00-5-2.14	67.05-1-8.21	67.05-4-12
66.00-5-2.41	67.05-1-9	67.05-4-13
66.00-5-24	67.05-2-1.1	67.05-4-14
66.00-5-3	67.05-2-1.2	67.05-4-15
66.00-5-4.1	67.05-2-10.1	67.05-4-16
66.00-5-6.1	67.05-2-11	67.05-4-17.1
66.00-5-8.11	67.05-2-12	67.05-4-17.2
66.00-5-9.11	67.05-2-13.1	67.05-4-4.1
67.00-1-1	67.05-2-13.2	67.05-4-6
67.00-1-14	67.05-2-2	67.05-4-7
67.00-1-16.1	67.05-2-3	67.05-4-8
67.00-1-17.1	67.05-2-4	67.05-4-9

Section 4. The maximum amount proposed to be expended for the construction of the Improvements is estimated to be \$3,000,000.00, and the plan of financing includes the issuance of \$3,000,000.00 serial bonds of the Town to finance said cost, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 5. The permission of the State Comptroller is required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and the Town Clerk shall file a certified copy of the this resolution with the State Comptroller as required by the Town Law.

Section 6. The Town Clerk is further authorized and directed to post immediately a certified copy of this Order on the sign-board of the Town maintained in the Town Hall, cause this resolution and order to be published within ten (10) days of its adoption at least once in the Daily Gazette, the official newspaper of the Town of Duanesburg, and to the extent practical, to be make this resolution and order available on the Town`s website.

Section 7. This resolution shall be subject to a permissive referendum in the manner provided by section 209-e of the Town Law. If no qualified petition requesting a referendum is received within thirty (30) days of publication of this resolution, the Town Clerk shall file a certified copy of this Resolution in the Schenectady County Clerk`s Office certifying no petition was filed requesting a referendum.

CERTIFICATE OF TOWN CLERK

I, Leah Lennon, Town Clerk of the Town of Duaneburg, in the County of Schenectady, State of New York, HEREBY CERTIFY, as follows:


That the Resolution and Order entitled:

A RESOLUTION AND ORDER APPROVING THE ESTABLISHMENT OF DUANESBURG SEWER DISTRICT No. 3, AND PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO PERMISSIVE REFERENDUM AND STATE COMPTROLLER APPROVAL

a copy of which is attached hereto and made a part hereof, was adopted by the Town Board of said Town on January 26, 2015, and that a notice setting forth the date of adoption of the resolution and order and containing an abstract of said order concisely stating the purpose and effect thereof, was duly posted and published as required by law.

That no petition signed and acknowledged by the owner of taxable real property situate in the proposed Duaneburg Sewer District No. 3 in said Town, as prescribed by section 209-e of the Town Law, protesting against said resolution and order and requesting that said resolution and order be submitted to the owners of such taxable real property for their approval or disapproval has been filed with the Town Clerk within thirty (30) days after the date of adoption thereof, or at any other time since said adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 26th day of January, 2015.

  
Leah Lennon  
Town Clerk

(Town Seal)