

**PUBLIC NOTICE
TOWN OF WINDSOR**

NOTICE IS HEREBY GIVEN that the **Town Board of the Town of Windsor** at a regular meeting held on **August 4, 2010**, duly adopted, subject to permissive referendum, an Order, as follows:

Town of Windsor, Broome County, New York, Order Calling for an Increase in Maximum Cost of a Sewer District, per Town Law 12A, #25-2010

PRESENT: Honorable Supervisor Randy J. Williams
Honorable Councilman LeWayne H. Colwell
Honorable Councilman George B. West
Honorable Councilman William H. Ellsworth
Honorable Councilman Jeffrey Olin

Resolution Offered By: Councilman Jeff Olin
Seconded By: Councilman William H. Ellsworth

Title: PUBLIC INTEREST ORDER

In the Matter of the Increase in Maximum Cost of Sewer District No.3., in the Town of Windsor, County Of Broome, New York, Pursuant to Sections 209(h) and 196 of the Town Law

WHEREAS, the Town Board of the Town of Windsor (the "Town Board" and the "Town", respectively), in the County of Broome, New York, has previously undertaken proceedings to establish Sewer District #3 (the "District"); and

WHEREAS, after review of an application made by the Town Board subject to section 194 of Article 12 of the Town Law, approval to form the District was granted by the Office of the State Comptroller on August 29, 2006; and

WHEREAS, the boundaries of the District were set forth at that time; and

WHEREAS, the map, plan and report on file at the office of the Town Clerk has been amended to include, along with all other previously proposed improvements, the construction of individual service laterals, additional treatment plant capacity and anticipated impacts resulting from the proposal to provide wastewater treatment services for a sewer district to serve an area called Fairview Drive in the adjacent Town of Kirkwood; and

WHEREAS, the proposed scope of the project now includes construction of the Town of Windsor Sewer District #3 at a cost not to exceed Nine Million, Two Hundred Eighty Six Thousand, Two Hundred Eleven Dollars (\$9,286,211.00), and the Town of Kirkwood Fairview Drive Sewer District at a cost not to exceed Five Hundred Twenty-Six Thousand, Eight Hundred Ninety Six Dollars (\$526,896), a joint project will have a total project cost of Nine

Million, Eight Hundred Thirteen Thousand, One Hundred Seven Dollars (\$9,813,107); and

WHEREAS, the map, plan and report now details information concerning the joint project, including a description of the scope and cost of the project; and

WHEREAS, the Town Boards have given due consideration to the impact that such construction of both the Town of Windsor Sewer District #3 and the Town of Kirkwood Fairview Drive Sewer District may have on the environment and on the basis of such consideration, the Town Boards have determined the joint project will have no significant environmental impact, if any, to be caused by such construction; additionally the current changes involve only increases in financing and costs are non-actions under State Environmental Quality Review Act that do not require review; and

WHEREAS, the Town of Windsor and the Town of Kirkwood have entered into an inter-municipal agreement which will provide that the Town of Windsor will issue bonds for the joint project and the Town of Kirkwood will levy assessments on the properties within the Fairview Drive Sewer District to pay its proportional share of debt and operation and maintenance costs: and

WHEREAS, the maximum amount proposed to be expended for the construction of the Sewer Improvement is increased from Seven Million, Two Hundred Twenty Five Thousand, Eight Hundred Dollars (\$7,225,800.00) to a cost of Nine Million, Three Hundred Thirty Three Thousand, One Hundred Seven Dollars (\$9,333,107) to currently Nine Million, Eight Hundred Thirteen Thousand, One Hundred Seven Dollars (\$9,813,107), of which no more than Nine Million, Two Hundred Eighty Six Thousand, Two Hundred Eleven Dollars (\$9,286,211.00) is authorized for construction of Windsor Sewer District #3 and no more than Five Hundred Twenty-Six Thousand, Eight Hundred Ninety Six Dollars (\$526,896) is authorized for construction of the Town of Kirkwood Fairview Drive Sewer District, and the plan of financing includes the issuance of Nine Million, Eight Hundred Thirteen Thousand, One Hundred Seven Dollars (\$9,813,107) in serial bonds of the Town of Windsor to finance said cost except that the issue of serial bonds shall be reduced dollar for dollar by aid made available such purpose from the United States Department of Agriculture Rural Development agency of approximately One Million Dollars (\$1,000,000); from the Appalachian Regional Commission Area Development Program of approximately One Hundred Fifty Thousand Dollars (\$150,000); a local government efficiency grant of approximately One Hundred Sixty-Five Thousand Dollars (\$165,000.00); and the New York State Financial Assistance to Business program of approximately One Million, Two Hundred Thousand Dollars (\$1,200,000); 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: and

WHEREAS, it has been determined and stated that the estimated cost of hookup fees formerly estimated to be \$1,000.00 to \$1,500.00 per unit estimated typical cost for lateral service lines, is now estimated to be Four Hundred Dollars (\$400), as lateral service lines will be constructed and paid for with aid available to the Town for construction of the District, but each owner may need to pay to connect from their home or building to the Town's lateral service lines (an estimated 5 feet) and may pay to pump, remove, or fill-in any existing septic system on their individual property as may be required by the Broome County Department of Health (estimated typical cost to be \$450.00), and the estimated cost of the District to the "typical property" (as defined in the Town Law), which was formerly estimated to be Seven Hundred Seventy Eight Dollars (\$778.00) annually, and then Seven

Hundred Fifty Five Dollars (\$755), annually, and is now Nine Hundred and Seven Dollars (\$907) annually, the increase in estimated annual cost to the typical property being caused by the decrease in the number of units due to the combination of multiple properties into one tax map number by a number of property owners and due to additional costs associated with the construction of this project; and that the Town Board has theretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and further that the cost of the District to such typical property 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

WHEREAS, an order was duly adopted by the Town Board on July 7, 2010, calling for a public hearing on August 4, 2010 at 7:35 PM, at the Town Hall, Main Street, Windsor, New York, to consider the increase in the estimated cost, 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 with relation thereto as may be required by law; and

WHEREAS, the order calling for a public hearing was duly published and posted by the Town Clerk in the manner of the District prescribed by Section 209(d) of Article 12-A of the Town Law and proof of such publication and posting has been presented to the Town Board; and,

WHEREAS, said public hearing was duly held at the time and place set forth in said Order, as aforesaid, at which time all persons desiring to be heard were duly heard;

NOW, THEREFORE, IT IS HEREBY ORDERED, by the Town Board of the Town of Windsor, Broome County, New York, as follows:

Section 1. The notice of Public Hearing was published and posted as required by law, and is otherwise sufficient.

Section 2. Upon evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase in the maximum cost of the total project from Nine Million, Three Hundred Thirty Three Thousand, One Hundred Seven Dollars (\$9,333,107) to Nine Million, Eight Hundred Thirteen Thousand, One Hundred Seven Dollars (\$9,813,107), and.

Section 3. This Order is subject to permissive referendum.

Section 4. The Town Clerk is directed to publish at least once in the Windsor Standard, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not more than ten (10) days after the date of this adoption of this order.

Section 5. A Certified Copy of this Order shall be filed with the Comptroller's Office.

Section 6. The Order shall take effect immediately.

DATED: August 4, 2010

Vote of the Board:

AYE - Supervisor Randy J. Williams

AYE - Councilman LeWayne H. Colwell

AYE - Councilman George B. West

AYE - Councilman William H. Ellsworth

AYE - Councilman Jeffrey Olin

Resolution Adopted: August 4, 2010

CERTIFICATE OF RECORDING OFFICER

The attached Resolution is a true and correct copy of Resolution **#25-2010** authorizing the execution and filing of an application for an increase in maximum cost of the proposed Town of Windsor Sewer District #3, as regularly adopted at a legally convened meeting of the Town Board of the Town of Windsor on this **4th day of August, 2010**; and further that such Resolution has been fully recorded in the Book of Town Board Minutes in my office. In witness whereof; I have hereunto set my hand this **5th day of August, 2010**.

Barbara Rajner Miller, Town Clerk
Town of Windsor