

**Town of Windsor, County of Broome, State of New York,
Order Calling for a Public Hearing
for the Increase in Maximum Cost of Sewer District #3
per Town Law (Article 12A).
Resolution 23-#2010**

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

ABSENT: None.

Offered By: Councilman Jeff Olin

Seconded By: Councilman William H. Ellsworth

Title:

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 Article 12A of the Town Law.

**ORDER CALLING
PUBLIC HEARING
TO BE HELD ON
AUGUST 4, 2010 at 7:35 P.M.**

WHEREAS, the Town Board of the Town of Windsor (the "Town Board" and the "Town", respectively), in the County of Broome, New York, have 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 at a maximum cost of Seven Million Two Hundred Twenty-Five Thousand Eight Hundred Dollars (\$7,225,800); and

WHEREAS the project was subsequently increased to Nine Million, Three Hundred Thirty Three Thousand, One Hundred Seven Dollars (\$9,333,107); and

WHEREAS, the boundaries of the District were set forth at that time; in a manner sufficient to identify the lands included therein as in a deed of conveyance and the District is bounded and remains unchanged; and

WHEREAS, the map, plan and report on file at the office of the Town Clerk was 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 the increase of the maximum cost; and

WHEREAS, the map, plan and report details the anticipated levy of charges through an inter-municipal agreement entered into between the Town of Windsor on behalf of Sewer District #3 and the Town of Kirkwood on behalf of the Fairview Drive Sewer District, and funds received from said levy shall be used annually to offset annual debt payment and operations and maintenance costs; and

WHEREAS, and such increase was approved on February 28, 2008 by the New York State Comptroller's Office; and

WHEREAS, the Town Board needs to increase the maximum amount to a cost of Nine Million, Eight Hundred Thirteen Thousand, One Hundred Seven Dollars (\$9,813,107); and

WHEREAS, the map, plan and report on file at the office of the Town Clerk was again amended to include, along with all other previously proposed improvements, this last increase in the maximum amount; 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 Town Board has 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 Board has determined the project will have no significant environmental impact, if any, to be caused by such construction; and

WHEREAS, the maximum amount proposed to be expended for the construction of the Sewer Improvement is increased from Nine Million, Three Hundred Thirty Three Thousand, One Hundred Seven Dollars (\$9,333,107) to a cost of 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 (\$9,813,107.00); 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

NOW THEREFORE, BE IT DETERMINED and stated that the estimated cost of hookup fees formerly estimated to be \$1,000.00 to \$1,500.00 per unit for 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 (an additional 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 Fifty Five Dollars (\$755) annually, 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 be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Main Street, Windsor, New York on Wednesday August 4, 2010 at 7:35 p.m., pursuant to section 209(h) of Article 12(A) of the Town Law, to consider the increase in the maximum cost to be expended for Sewer District #3 from increased from Nine Million, Three Hundred Thirty Three Thousand, One Hundred Seven Dollars (\$9,333,107) and then again to a cost of Nine Million, Eight Hundred Thirteen Thousand, One Hundred Seven Dollars (\$9,813,107), 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 be it

FURTHER ORDERED, that the Town Clerk 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 town's website and post on the town's 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 less than ten (10) nor more than twenty (20) days before the date of such public hearing; and

FURTHER ORDERED, that the Town Clerk file a certified copy of this order with the Comptroller of the State of New York on or about the date of publication of a copy of this order.

DATED: 7/7/2010

Vote of the Board:

AYE - Supervisor Randy J. Williams

AYE - Councilman LeWayne H. Colwell

AYE - Councilman William H. Ellsworth

AYE - Councilman Jeff Olin

AYE - Councilman George B. West

CERTIFICATE OF RECORDING OFFICER

The attached Resolution is a true and correct copy of Order No. 23 of 2010 authorizing the execution and filing of an application for an increase in maximum cost of the Town of Windsor Sewer District #3, as regularly adopted at a legally convened meeting of the Town Board of the Town of Windsor on the 7th day of July, 2010; and further that such Order has been fully recorded in the Book of Town Board Minutes in my office. In witness whereof, I have hereunto set my hand this 21st day of July, 2010.

Barbara Rajner Miller, Town Clerk
Town of Windsor