

**TOWN OF LENOX TOWN BOARD
PUBLIC HEARING RESOLUTION AND ORDER**

At a Regular Meeting of the Town Board of the Town of Lenox, Madison County, New York, held at the Town Hall, located at 205 South Peterboro Street, Canastota, New York, on November 14, 2022 at 7:00 p.m.

The meeting was called to order by Supervisor Pinard and upon roll being called, there were:

PRESENT:	Joseph J. Pinard	Supervisor
	Dominick A. Perretta, Jr.	Councilor
	Wesley R. Hood	Councilor
	Richard Wimmer	Councilor
	Thomas Bush	Councilor

**IN THE MATTER OF
THE ESTABLISHMENT OF THE TOWN OF LENOX WATER DISTRICT NO. 14
PURSUANT TO ARTICLE 12 OF THE TOWN LAW
IN THE TOWN OF LENOX,
COUNTY OF MADISON, STATE OF NEW YORK**

Councilor Wimmer moved and Councilor Hood seconded the following resolution:

WHEREAS, the Town Board of the Town of Lenox (the "Town Board" and the "Town", respectively), in the County of Madison, State of New York, has received a petition, dated October 18, 2022, pursuant to Article 12 of the Town Law, for the formation and establishment of the **Town of Lenox Water District No. 14** which petition is signed by the owners of taxable real property situate in the proposed District, owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed District, as shown upon the latest completed assessment roll of said Town, and including the signatures of resident owners of taxable real property owning taxable real property aggregating at least one-half of the assessed

valuation of all the taxable real property of the proposed District, owned by resident owners according to the latest completed assessment roll; and

WHEREAS, said petition purported to describe the boundaries of the proposed District in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the proposed District is bounded and described in the attached Schedule "A"; and

WHEREAS, the construction of water facilities within the proposed District, consist generally of: 7,700 l.f. of 8-inch water main with 17 hydrants to be installed in the road right-of-way, the proposed district facilities will be connected to the existing water main on North Main Street and ¾ inch water services will be installed to the right-of-way line for each property – all in the Town of Lenox, and all as more fully set forth in the Map, Plan and Report dated September 26, 2022 (and last revised October 18, 2022), prepared by Dunn & Sgromo Engineers, PLLC, which is now on file in the Office of the Town Clerk; and

WHEREAS, the maximum amount proposed to be expended for the construction of the water improvements is estimated to be One Million One Hundred Thousand and 00/100 Dollars (\$1,100,000.00) and the plan of financing includes the issuance of bonds of the Town to finance said cost and 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 benefitted 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, all as shown on the attached financing plan (Schedule

“B”) as set forth in said Map, Plan and Report and further anticipates a Water Infrastructure Improvement Act (WIIA) Grant, financing through USDA Rural Development and other sources of funding and financing; and

WHEREAS, the estimated cost of the District to the “typical property” (as defined in the Town Law) is Nine Hundred Eighty-Eight and 00/100 Dollars (\$988.00) (taking into account the capital/debt service, operation and maintenance, water use, user fees and county fees), annually; and

WHEREAS, the estimated cost of hook-up fees to the typical property in said District is Two Thousand and 00/100 Dollars (\$2,000.00); and

WHEREAS, the cost and expenses of operation and maintenance of said District, shall be a charge to the benefitted property owners and shall not be a general charge against the Town; and; and

WHEREAS, the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk a detailed explanation of how such estimates were computed; and

WHEREAS, the project 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 (“SEQRA”), the implementation of which as proposed, and it has been determined that the Town Board of the Town of Lenox shall act as lead agency, and the documentation relating to SEQRA is available in the office of the Town Clerk for inspection during normal office hours; and

WHEREAS, a Short Environmental Assessment Form has been prepared and has been reviewed by the Town; and

WHEREAS, the Town Board has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may reasonably be expected to result from the construction of the District improvements against said criteria.

WHEREAS, it is now desired to call a public hearing on the question of the formation and establishment of said District, in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of the Town Law.

NOW THEREFORE, BE IT RESOLVED AND DETERMINED, ORDERED, that the Town Board has determined that this action shall have no significant adverse impact on the environment, that accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution and order shall constitute a Negative Declaration under SEQRA; and it is further

RESOLVED AND DETERMINED, that a hearing of the Town Board of said Town of Lenox shall be held at the Town Hall located at 205 South Peterboro Street, Canastota, New York 13032 on the 12th day of December, 2022, at 7:00 p.m., or as soon thereafter as the matter can be heard, to consider the formation and establishment of the proposed District herein referred to and the construction of such water improvements therein, 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 it is further

RESOLVED AND DETERMINED, the Town Clerk publish at least once in 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 less than ten (10) nor more than twenty (20) days before the date of such public hearing; and it is further

RESOLVED AND DETERMINED, 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.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Dominick A. Perretta, Jr.	Councilor	Voted	Yes
Wesley R. Hood	Councilor	Voted	Yes
Richard Wimmer	Councilor	Voted	Yes
Thomas Bush	Councilor	Voted	Yes
Joseph J. Pinard	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: November 14, 2022

SCHEDULE "A"

Legal Description – Lenox Water District No. 14

Water District 14, in the Town of Lenox, encompasses portions of approximately 32 properties along North Main Street from Pine Ridge Road to Colton Road, and 4 properties on Colton Road. The width of the district is 600 feet centered on the highway, and is more specifically defined as:

Beginning at a point on tax parcel 27.-2-24, that is also the easterly boundary of the Town of Lenox Water District #12 on Pine Ridge Road, and is also 300 feet south of the centerline of North Main Street;

Thence, northeasterly in a line parallel to the centerline of North Main Street, an approximate distance of 6,000 feet, encompassing portions of the following tax parcels: 27.-2-24; 27.-2-25; 27.-2-48; 27.-2-49; 27.-2-50; 27.- 2-51; 27.-2-52; 27.-2-53; 27.-2-55, 27.-2-56; 27.-2-57.3; 27.-2-57.2; 27.-2-57.1; 27.-2-58.1; 27.-2-58.2; 27.-2- 59-18 to a point, that is 300 feet northeast of the projection of the centerline of Colton Road, on tax parcel 27- .2-59.1;

Thence, northwesterly in a line parallel to the centerline of Colton Road, and its projection, encompassing a portion of tax parcel 27.-2-59.1, approximately 2,000 feet to a point;

Thence, southwesterly on the northwesterly property line at parcel 27.-2-59.1, and its projection 300 feet to a point in the centerline of Colton Road;

Thence, southwesterly across Colton Road to and along the northwesterly property line of tax parcel 27.-2-59.12 a distance of 300 feet to a point;

Thence, southeasterly in a line parallel to the centerline of Colton Road, a distance of approximately 1,100 feet, encompassing tax parcels 27.2-59.12, 27.2-59.14, 27.2-59.13, and 27.2-59.11 to a point that is 300 feet northwest of the centerline of North Main Street, on tax parcel 27.-2-59.11;

Thence, southwesterly in a line parallel to North Main Street, a distance of approximately 5,000 feet encompassing portion of tax parcels 27.-2-59.11; 27.-2-59.16; 27.-3-19; 27.-3-18; 27.-3-17; 27.-3-16; 27.-3- 15; 27.-3-13; 27.-3-12; 27.-3-11; 27.-3-10; 27.3-9; 27.3-8; 27.-2-7; 27.-3-2 to a point on the easterly boundary of Water District #12 on Pine Ridge Road;

Thence, southerly along the easterly boundary of Water District #12 to the point of beginning.

Water District #14 includes all or portions of the following tax parcels: 27.-2-24; 27.-2-25; 27.-2-48; 27.-2-49; 27.-2-50; 27.-2-51; 27.-2-52; 27.-2-53; 27.-2-55; 27.-2-56; 27.-2-57.1; 27.-2-57.2; 27.-2-57.3; 27.-2-58.1; 27.-2-58.2; 27.-2-59.15; 27.-2-59.16; 27.-2-59.18; 27.-2-59.1; 27.-3-2; 27.-3-7; 27.-3-8; 27.-3-9; 27.-3-10; 27.-3-11; 27.-3-12; 27.-3-13; 27.-3-15; 27.-3-16; 27.-3-17; 27.-3-18; 27.-3-19; 27.-2-59.11; 27.-2-59.12; 27.-2-59.13; and 27.-2-59.14.

SCHEDULE "B"

Preliminary Budget

October 18, 2022

I.	Construction Costs:		
	Colton Road	1,700 feet of 8" water main & appurtenances	(3.5 units)
	North Main Street	<u>6,000</u> feet of 8" water main & appurtenances	<u>(20.75 units)</u>
	Total	7,700 feet of 8" water line x \$95/foot	(24.25 units) (approximate)
			= \$ 731,500 (use \$735,000)
II.	Contingency (15%)		= \$ 110,000
III.	Soft Costs (25%)		= \$ <u>185,000</u>
IV.	Total Project Cost		<i>Use \$1.1 Million</i>
V.	Water District Unit Costs:		
	1. OCWA Hydrant Maintenance Fee - 17 hydrants @ \$80 each (subject to change by OCWA)		= \$ 1,400/year
	2. OCWA Water Use Levy - .0001 x total district assessment (approximately \$2.0 million)		= \$ 200/year
	3. Project Cost Financing: a. \$1.1 million at 4% for 38 years (.0516)		= \$ 56,760
	4. Total Annual District Cost		= \$ 58,360
	5. Units		= 24.25 (approximate)
	6. Approximate Annual Unit Cost (debt service plus levy and maintenance)		= \$ 2,407
	7. Cost for typical annual water use for typical single-family home		= \$ 350
	8. Total annual cost to typical user (unit cost plus water use)		= \$ 2,757
VI.	2022 Comptroller's Limit for Typical Property (annual debt service, and O&M unit cost plus annual water use)		= \$ 989
VII.	Grant Amount Needed to Meet Comptroller's Limit for Typical Property		= \$ \$835,000 (76%)
VIII.	Maximum debt service, and O&M unit cost to meet comptroller's limit		= \$ 638
IX.	Cost to a typical property owner (with 75% grant) plus water use		= \$ 988
	Other Costs:		
	a. Meter Installation Fee = \$170 or \$180 (one-time charge) (subject to change by OCWA)		
	b. Individual Private Water Service and Plumbing = varies		

NOTE: All costs are estimate for the year 2023.