

June 26, 2018

**RESOLUTION
TOWN BOARD
TOWN OF MOREAU**

SUBJECT: RESOLUTION ESTABLISHING EXTENSION NO. 5 OF SEWER DISTRICT NO. 1 WITHIN THE TOWN OF MOREAU

WHEREAS, the Town Board of the Town of Moreau (“Town Board”) is considering the establishment of Extension No. 5 of Sewer District No. 1 within the Town of Moreau (“Extension No. 5”) as described in the Map, Plan and Report that has been prepared for Extension No. 5 of Sewer District No. 1 and which has been filed with the Town Clerk of the Town of Moreau in accordance with the requirements of the Town Law; and

WHEREAS, an order was adopted by the Town Board of the Town of Moreau on June 12, 2018, reciting the filing of the map, the improvements proposed, the estimated expense thereof, the proposed method of financing, the fact that the map, plan and report are on file in the Town Clerk’s Office for public inspection, and all other matters required by law to be stated; and

WHEREAS, the order set June 26, 2018 at 8:00 p.m. at the Moreau Town Complex, 351 Reynolds Road, Moreau, New York as the date, time and place of the public hearing to consider the map, plan and report, and to hear all persons interested in the subject, and to take action as required and authorized by law; and

WHEREAS, a public hearing on the establishment of Extension No. 5 was duly conducted by the Town Board on June 26, 2018 at 8:00 p.m. at the Moreau Town Complex; and

WHEREAS, the Notice of Public Hearing was published, posted and filed as required by Law, and is otherwise sufficient; and

WHEREAS, the Town Board considered the comments made at the public hearing; and

WHEREAS, all the property and property owners benefited included within the proposed Extension No. 5 are benefited thereby; and

WHEREAS, all the property and property owners benefited are included within the limits of the proposed Extension No. 5; and

WHEREAS, it is in the public interest to establish the proposed Extension No. 5; and

WHEREAS, the Town Board as lead agency has issued a determination of non-significance under the State Environmental Quality Review Act (“SEQRA”) for this Type I action;

NOW, THEREFORE, BE IT

RESOLVED, that the establishment of the proposed Extension No. 5 is hereby approved, as hereinafter described, and said Extension No. 5 shall be designated and known as Sewer District No. 1, Extension No. 5 in the Town of Moreau, and shall consist of 538.4 acres encompassing 86 total parcels, as is more fully detailed and described in the Map, Plan and Report dated May 2018 and on file in the Town Clerk’s Office; and be it further

RESOLVED, that the maximum amount proposed to be expended for the construction of Extension No. 5 is estimated to be \$16,000,000 and the plan of financing includes the issuance of \$16,000,000 in serial bonds from the New York State Environmental Facilities Corporation (“EFC”) maturing in annual installments over a period not exceeding thirty (30) years; and be it further

RESOLVED, that the annual debt service cost to the property owner is based upon a benefit basis and will be spread across the properties within Extension No. 5 on both an ad valorem basis and a parcel area basis such that the tax rate shall equal \$17.64/\$1,000 on the ad valorem rate and that the parcel area rate shall equal \$194.55/\$1,000 for the first year after District formation; and be it further

RESOLVED, that operation and maintenance expenses are projected to be \$169,000.00 in the first year and allocated on a use basis at a rate of \$4.61 per 1,000 gallons as measured by existing water meters, and at an ad valorem rate of \$1.22/\$1,000 of assessed value; and be it further

RESOLVED, that the Town of Moreau may, if deemed necessary, enter into an Addendum to the Facility Agreement with the Board of Water and Sewer Commissioners of the City of Glens Falls to provide for additional reserve capacity at the Glens Falls Sewage Treatment Plant particular to the wastewater generated from the Extension No. 5 parcels, and the Supervisor is authorized to enter into any such addendum on behalf of the Town upon recommendation from the attorney for the Town; and be it further

RESOLVED, that the Rules and Regulations for Sewer District No. 1 contained in Article 1 of Chapter 115 of the Moreau Town Code shall apply to and be enforced in Extension No. 5; and be it further

RESOLVED, that the Supervisor and Town Clerk are hereby authorized to execute and deliver all necessary documents to further the purposes of this resolution, including the filing of this Resolution in the Office of the Saratoga County Clerk and the Office of the State Department of Audit and Control; and be it further

RESOLVED, that the permission of the State Comptroller is required with respect to Extension No. 5 because the estimated cost of Extension No. 5 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 will file a certified copy of this Order with the State Comptroller as required by the Town Law; and be it further

RESOLVED, that this resolution shall be subject to a mandatory referendum to be voted on by the property owners of Extension No. 5 to be held on August 27, 2018.

Motion: Councilman VanTassel

Second: Councilwoman LeClair

Roll Call:

Councilman Hogan	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Councilman Van Tassel	Aye
Supervisor Kusnierz	Aye

I hereby certify that this Resolution was duly adopted by the Town Board of the Town of Moreau at a Regular Meeting of the Town Board conducted on June 26, 2018.

By: _____
Leeann McCabe, Town Clerk
Town of Moreau