

At a regular meeting of the Town Board of the Town of New Paltz, in the County of Ulster, New York, held via videoconference

on _____,

2021 at _____ P.M.

PRESENT: Supervisor Neil Bettez, Council Member Daniel Torres, Council Member Julie Seyfert-Lillis, Council Member David Brownstein, Council Member Alex Baer

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In the Matter of the : ORDER ESTABLISHING
Establishment Extension No. 1 of Sewer District No. 1 : EXTENSION NO. 1 OF
in the Town of New Paltz, County of Ulster, New York. : SEWER DISTRICT NO. 1

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At a regular meeting of the Town Board of the Town of New Paltz, Ulster County, New York, held at the Town Hall, in New Paltz, New York, in said Town on the ____ day of _____, 20 ____, at _____ o'clock P.M., Prevailing time.

The meeting was called to order by Council Member _____, and upon roll being called, the following roll was taken:

	<u>PRESENT</u>	<u>ABSENT</u>
Supervisor Neil Bettez	_____	_____
Council Member Daniel Torres	_____	_____
Council Member David Brownstein	_____	_____
Council Member Julie Seyfert-Lillis	_____	_____
Council Member Alex Baer	_____	_____

The following resolution was offered by Council Member _____, who moved its adoption, seconded by Council Member _____, to wit:

WHEREAS, a written petition, sworn to on the 15th day of October, 2021 of petitioner, BFB New Paltz, LLC, has been submitted in due form containing the required signatures of all of the owners of the taxable real property situate within the proposed extension of the sewer district referred to above and filed with the Town Board of the Town of New Paltz, County of Ulster, New York, for the establishment of an extension to an existing sewer district within the Town Sewer District, to be known as Extension No. 1 of Sewer District No. 1, which is bounded and described on "Schedule A" attached thereto; and

WHEREAS, the improvements proposed consist of the construction and maintenance of a sewer system to serve said extension of said district in accordance with a certain map and plan description prepared by Colliers Engineering & Design, dated September 20, 2021, made a part of such petition and on file in the office of the Town Clerk of said Town; and

WHEREAS, the petition is submitted with the understanding that all construction work for the laying out and installing of the improvements within said proposed district extension will be paid for entirely by the petitioning landowner so that no expenses occasioned by the creation of said district extension herein petitioned nor for the construction of all improvements situate therein shall be paid for by the Town and any and all of such work will be done and completed by the petitioner in accordance with the map and plan hereinafter described. Further the Town intends to accept title to the improvements within the district extension in the name of the Town of New Paltz on behalf of the sewer district and assuring the right of benefitted properties within the proposed district extension to access the improvements and obtain service therefrom.; and

WHEREAS, accompanying the petition is a map and plan prepared by Colliers Engineering & Design, duly licensed by the State of New York, showing the boundaries of the proposed district extension and a general plan of the proposed sewer system to be constructed therefor including all outlets and the terminus and course of each proposed main; and

WHEREAS, the maximum amount proposed to be expended for the proceeding for extension, plan review, consultants' reviews and construction of the proposed sewer system is estimated to be approximately \$93,000.00, no part of which shall be paid for by the Town. The average cost of sewer for all users within the district extension is estimated to be \$46.71/1000 gallons of sewer used. The average annual cost for sewer consumption for the typical property within the extension district is estimated to be \$46,714.00 per year; and

WHEREAS, the estimated cost of hook-up fees for a service connection to the typical property lying within the extension district is in an amount to be determined per the fee schedule. It is anticipated that stubs will be left in the new sewer main at a minimum of one (1) location for connection by the owner of the property; and

WHEREAS, the expense of operation and maintenance of said Sewer District No. 1 shall be assessed, levied and collected from the several lots and parcels of land within the proposed Extension No. 1 of Sewer District No. 1 so much upon and from each as shall be in just proportion to the amount of benefit which the Town Board shall determine the improvement shall confer upon the same.

WHEREAS, on the 18th day of November, 2021 the Town Board of the Town of New Paltz, New York, duly adopted an order calling a public hearing virtually by phone (dial in +1 929 205 6099, Meeting ID: 836 6723 4905, Passcode: 883506) and

<https://us02web.zoom.us/j/83667234905?pwd=MVRkSDJPczREN0ZRblMxRIJ0ZldVQT09>

on December 2, 2021 at 7:00 P.M. to consider said petition and to hear all persons on the subject thereof concerning the same and for such action on the part of said Town Board with relation to said petition as may be authorized and required by law; and

WHEREAS, notice of such public hearing and of any subsequent continuations thereof was duly published and posted in the manner required by law; and

WHEREAS, notice of such public hearing and of any subsequent continuations thereof was duly published and posted in the manner required by law; and

WHEREAS, after said public hearing and all continuations thereof and upon consideration, the evidence given thereat, said Town Board duly adopted an order on the ____ day of _____, 2021 determining to grant the petition for such district extension and construction of the proposed district improvements therein, all in accordance with said petition and the map and plan accompanying the same and the map, plan and report on file in the Office of the Town Clerk ; and

WHEREAS, based upon the foregoing, the approval of the Comptroller of the State of New York for the creation of said sewer district is not required;

NOW, THEREFORE, BE IT:

RESOLVED, by the Town Board of the Town of New Paltz, County of Ulster, State of New York, as follows:

Section 1. It is hereby determined:

- (a) That said petition is signed, acknowledged or proved as required by law and is otherwise sufficient;
- (b) That all the property and property owners within the proposed district extension are benefited thereby;
- (c) That all the property and property owners benefited are included within the limitation of the proposed district extension; and
- (d) That it is in the public interest to grant in whole the relief sought.

Section 2. That the district extension as requested in said petition be and the same is hereby established and the boundaries of such district extension as hereby established are hereby determined to be all those lands situated in the Town of New Paltz, County of Ulster, State of New York, bounded and described on "Schedule A" consisting of two (2) pages attached hereto and made a part hereof; and

Section 3. The construction and maintenance of a sewer system in said sewer district extension with necessary manholes, connections and appurtenances in accordance with the map and plan submitted with said petition and with the map, plan and report on file in the office of the Town Clerk of said Town, at "no cost" to the town as stated in said petition, is hereby authorized and approved.

Section 4. That a certified copy of this resolution be forthwith recorded in the Office of the Clerk of the County of Ulster.

Section 5. Said Town Board hereby delegates the conduct of all further proceedings in this matter pursuant to applicable law made and provided to the Town Board of the Town of New Paltz, acting as the commissioners of the sewer district and all extensions thereof.

Section 6. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call which resulted as follows:

<u>VOTE</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Supervisor Neil Bettez	_____	_____	_____
Council Member Daniel Torres	_____	_____	_____
Council Member David Brownstein	_____	_____	_____
Council Member Julie Seyfert-Lillis	_____	_____	_____
Council Member Alex Baer	_____	_____	_____

The order was thereupon declared duly adopted.

I, ROSANNA ROSENKRANSE, Clerk of the Town of New Paltz, County, New York, DO
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of
said Town of New Paltz, New York, including the order contained therein, held on the
_____ day of _____, 20____ with the original thereof on file in my office and that
the same is a true and correct transcript therefrom and of the whole of said original so far as the
same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this
_____ day of _____, 20_____.

Rosanna Rosenkranse, Town Clerk