

RESOLUTION # 29 / 2013 PUBLIC INTREST ORDER FOR PEACH LAKE SEWER DISTRICT

At a regular meeting of the Town Board of the Town of Southeast, Putnam County, New York, held at the Town Hall, in Brewster, New York, in said Town, on the 21st day of March, 2013, at 7:00 o'clock P.M., Prevailing Time.

PRESENT:

Tony Hay	Supervisor
Robert Cullen	Councilmember
Elizabeth Hudak	Councilmember
Lynne Eckardt	Councilmember
Edwin Alvarez	Councilmember

In the Matter Of	<u>PUBLIC</u> <u>INTEREST</u> <u>ORDER</u>
a Proposed Increase (Pursuant to Section 209-h of the Town Law) in the Maximum Amount Authorized to be Expended in Connection with the Establishment of a Sewer District in the Town of Southeast, Putnam County, New York, Known as Peach Lake Sewer District in said Town	

WHEREAS, the Town Board of the Town of Southeast, Putnam County, New York (the “Town”), has heretofore received a map, plan and report including an estimate of cost, prepared by a competent engineer, duly licensed by the State of New York, which have been filed in the office of the Town Clerk of said Town in relation to and heretofore approved the establishment of, a sewer district in said Town, known as the Peach Lake Sewer District in the Town of Southeast, Putnam County, New York (the “Sewer District”) at a maximum estimated cost of \$7,228,296.00 the properties within which are set forth in Exhibit A attached hereto and hereby made a part hereof; and

WHEREAS, it now appears that the maximum estimated costs of the improvements for such Sewer District must be increased by \$400,000.00 to a new maximum estimated cost of \$7,628,296.00 pursuant to Section 209-h of the Town Law; and

WHEREAS, said capital project, being the establishment of said Sewer District and the improvements required therefor, 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, it has been determined will not result in a significant environmental effect; and

WHEREAS, an Order was duly adopted by said Town Board on February 21, 2013 regarding said Sewer District, the improvement proposed therefor, and the increase in the maximum amount proposed to be expended for said improvement, and specifying the 7th day of March, 2013, at 7:00 o'clock P.M., Prevailing Time at the Town Hall, in Brewster, New York, in said Town, as the time when

and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such Order was duly published and posted in the manner and within the time prescribed by Section 209-h of the Town Law and proof of such publication and posting has been presented to said 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; and

WHEREAS, the estimated cost of said Sewer District to the typical property therein, being the typical one or two-family home therein, is \$1,200.00 in the first year in which operation, maintenance, debt service and other charges and expenses are to be paid, said amount being unchanged from that previously determined upon establishment of said Sewer District; and

WHEREAS, there is no separate administrative cost or hook-up fees to the typical property in said Sewer District, being the typical one or two family home therein; and

WHEREAS, a detailed explanation of the manner by which were computed said estimated first-year costs to the typical property, being the typical one or two-family home, in said Sewer District, and all documentation concerning compliance with SEQRA, has been filed in the office of the Town Clerk where the same are available during regular office hours for examination by any person interested in the subject manner thereof; and

WHEREAS, it is now desired to increase the maximum estimated cost for the establishment of said Sewer District; NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

Section 1. Pursuant to Section 209-h of the Town Law, it is hereby determined that it is in the public interest to increase the maximum amount authorized to be expended in connection with the establishment of Peach Lake Sewer District in the Town of Southeast, Putnam County, New York, to an increased maximum estimated cost of \$7,628,296.00 and that the maximum amount to be so expended is hereby increased from \$7,228,296.00 to \$7,628,296.00 which will not constitute an undue burden on the property in said Sewer District. It is hereby further determined that all real property to be assessed to pay the cost thereof will be benefitted by the proposed improvements at the increased cost thereof and no benefitted property has been excluded from the boundaries of said Sewer District.

Section 2. The improvements proposed for said Sewer District consist of the construction of a wastewater collection system, including installation of mains and laterals, the construction and operation of pumping stations and the construction and operation of a wastewater treatment facility to serve properties in a sewer district in the Town of Southeast, Putnam County, New York, as well as

properties located in a similar district established in the adjacent Town of North Salem, Westchester County, New York, pursuant to an Inter-Municipal Agreement. The maximum amount to be expended by said Sewer District pursuant to these proceedings for said improvement shall not exceed \$7,628,296.00 an increase of \$400,000.00 over that previously authorized for the establishment of said Sewer District. Said cost of said improvement shall be financed by the issuance of serial bonds of said Town maturing in annual installments over a period not exceeding 40 years, payable in the first instance from assessments levied upon and collected from the several lots and parcels of land within said Sewer District deemed benefitted from the improvements, in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 3. This Order is hereby adopted subject to permissive referendum and the Town Clerk shall publish a notice of adoption thereof, together with the full text, including Exhibit A hereof, within 10 days of the date hereof in the official newspaper of the Town and post same on the official signboard and website of the Town within said 10 days hereof.

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

Tony Hay	voting	<u>Aye</u>
Robert Cullen	voting	<u>Aye</u>
Elizabeth Hudak	voting	<u>Aye</u>
Lynne Eckardt	voting	<u>Aye</u>
Edwin Alvarez	voting	<u>Aye</u>

The Order was thereupon declared duly adopted.