

At a Special Meeting of the  
Town Board of the Town of  
Schoharie held on  
April 29, 2020 at 5:00 p.m.

RESOLUTION OF THE 33-2020  
TOWN BOARD FOR THE  
TOWN OF SCHOHARIE

ORDER FORMING TOWN OF SCHOHARIE  
WATER DISTRICT - WATER DISTRICT NO. 2 -  
SCHOHARIE BUSINESS PARK

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WHEREAS, by virtue of multiple requests to the Town Board to form a district for the operation and maintenance of the existing water system, the Town of Schoharie, Schoharie County, New York has proposed to form a water district and assume responsibility for the operation and maintenance of the existing facilities; and

WHEREAS, a Map, Plan and Report was prepared by Lamont Engineers, professional engineers, concerning the proposed water district formation and the existing water facilities, as more specifically set forth and described in the Map, Plan and Report (the "Project"); and

WHEREAS, the Map, Plan and Report was filed in the Town Clerk's Office and is available for public inspection; and

WHEREAS, the Map, Plan and Report delineates the boundaries of the water district, a general plan of the water system, a report of the water system and method of operation; and

WHEREAS, the Town has caused to be prepared a Detailed Explanation of how the cost of hook-up fees and cost of the District to the typical property and the typical one or two family home was computed which is on file in the Office of the Town Clerk; and

WHEREAS, the boundaries of the Water District are shown on the map entitled "General Plan of Existing Conditions" included with the Map, Plan and Report and on file with the Town Clerk's Office. The benefited properties proposed to be a part of the Water District are as identified on that map. The description of the boundaries of the district is listed in the map, plan and report and is restated as Attachment A hereto and the parcels contained within the district include:

48.-4-25.2	48.-4-25.115	48.-4-26.2
48.-4-25.12	48.-4-25.116	48.-4-21
48.-4-25.111	48.-4-25.117	48.-4-22
48.-4-25.112	48.-4-25. 118	48.-4-23
48.-4-25.113	48.-4-25.119	48.-4-24
48.-4-25.114	48.-4-26.1	

WHEREAS, the existing improvements include: two wells, a water treatment plan and a water distribution system. The improvements are still more fully described in the Map, Plan and Report; and

WHEREAS, there are minor improvements and upgrades to be installed as more fully described in the Map, Plan and Report. They include routine deferred maintenance items, a back-up chlorine pump, control panel upgrades, and a back-up water pump; and

WHEREAS, the maximum amount proposed to be expended for these improvements is \$100,000; and

WHEREAS, the "Typical Property" is defined as a benefited property having an assessed value that approximates the assessed value of the mode of the benefited properties situated in the district that will be required to finance the cost of the proposed improvements. The total estimated annual cost of the District to the "Typical Property" during the first year following formation would be a not to exceed cost of \$1,543.00. The cost to the "Typical One or Two Family Property" is \$0.00 in the first year of operation; and

WHEREAS, the cost to hook-up a property to the system is not included in that cost as all users are presently connected to the system and no new users are anticipated in year one; and

WHEREAS, the proposed method of financing the total cost of the Project includes the following:

The Project cost will be paid for by a bond issuance amortized over five years to be issued by the Town on behalf of the Water District guaranteeing repayment. Debt service on the Bond will be paid by an annual benefit charge (unit charge) to users and annual water use charges will be imposed to pay the costs of operation and maintenance.

WHEREAS, the Town Board met and held a public hearing to hear all persons interested in the formation of the Water District at 5:00 p.m. on April 29, 2020, at the Town Hall, 300 Main Street, Schoharie, New York via video conference; and

WHEREAS, the notice of the public hearing was published and posted in accordance with law; and

WHEREAS, the public hearing was duly convened on April 29, 2020 and discussion on the matter having been had and all persons desiring to be heard having been heard in favor of and in opposition to said increase and improvements of facilities at the revised estimated maximum cost; and

WHEREAS, pursuant to Part 617 of the Implementing Regulations pertaining to the State Environmental Quality Review Act it has been previously determined by the Town Board that the acquisition and operation of the Project will not have an adverse impact on the environment and a Negative Declaration having been issued;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF SCHOHARIE, SCHOHARIE COUNTY, NEW YORK:

**IT IS HEREBY:**

**FOUND AND DETERMINED**, by the Town Board of the Town of Schoharie that the Notice of Public Hearing was published and posted as required by Town Law and is otherwise sufficient; and that annexed hereto as **Exhibit "A" – District Boundaries - Legal Description** is a description of the boundaries of the Town of Schoharie Water District No. 2 – Schoharie Business Park as finally determined, and be it further

**FOUND AND DETERMINED**, by the Town Board of the Town of Schoharie that all of the property owners within the proposed water district are benefitted thereby; and be it further

**FOUND AND DETERMINED**, by the Town Board of the Town of Schoharie that all of the property and property owners benefitted are included within the limits of the proposed district; and be it further

**FOUND AND DETERMINED**, by the Town Board of the Town of Schoharie that establishment of such district is in the public interest; and be it further

**RESOLVED**, that the Water District described aforesaid shall be established in said Town of Schoharie, as described in **Exhibit "A" – District Boundaries - Legal Description** and annexed hereto, to be known as the **Town of Schoharie Water District No. 2 - Schoharie Business Park** and to include all the property described therein, and be it further

**RESOLVED**, that the Town Supervisor is authorized and directed to take all actions necessary to apply for and to make application to any other Governmental agency whose approval may be required, and be it further

**RESOLVED**, that the Town Clerk, Attorneys for the Town and other Town employees and agents are hereby authorized and directed to take such other or further actions as are necessary or desirous to effectuate the purposes of this Resolution, and be it further

**ORDERED**, that this resolution is subject to a permissive referendum and the Town Clerk shall publish and post an abstract of this resolution within ten (10) days after adoption thereof.

Cody Cooper so moved; Benjamin Oevering seconded, and the Town Board voted as follows:

Town Board Member Brisley  
Town Board Member Cooper  
Town Board Member Guernsey  
Town Board Member Oevering  
Supervisor Tavenner

AYE Excused  
AYE  
AYE Excused  
AYE  
AYE

NAY  
NAY  
NAY  
NAY  
NAY

STATE OF NEW YORK       }  
COUNTY OF SCHOHARIE   }  
TOWN OF SCHOHARIE       }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Schoharie at a Special Meeting held April 29, 2020, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT 3            MEMBERS ABSENT 2            VOTE 3

Witness my hand and the seal of the Town of Schoharie, this 30<sup>th</sup> day of April, 2020

Pamela Island  
\_\_\_\_\_, TOWN CLERK  
TOWN OF SCHOHARIE

**ATTACHMENT A**  
**LEGAL DESCRIPTION OF DISTRICT**