

SPECIAL MEETING TOWN HALL 46 CO RT 11

MARCH 31, 2004 WEST MONROE, NY

Present: Supervisor Manchin, Councilors Timothy McCarthy, Michael Hickey, Gary Ross,

and Ned Green

Town Clerk Christine Shaw, Deputy Clerk Louise Herbert

Attorney Joseph Shields

Engineer John Franz and Charlie Ligget

Approximately 80 people

Supervisor Manchin moved to open the Special Meeting at 9:19 with Mr. Ross making the motion to approve the formation of the water district. Mr. Hickey seconded the motion:

RESOLUTION TO ESTABLISH TOWN OF WEST MONROE CENTRAL WATER DISTRICT

WHEREAS, an informal petition seeking the creation of a Water District has been filed by residents living within the proposed Water District; and

WHEREAS, on December 10, 2003, the Town Board of the Town of West Monroe, New York (the "Town") duly adopted a resolution directing John Franz of Camp, Dresser & McKee, Inc., the Engineer of the Town to supervise the preparation of a map, plan and report for providing the facilities, improvements or services in a portion of the Town, wherein a water district was proposed to be established, as hereinafter described; and

WHEREAS, after the said Town Engineer duly filed said map, plan and report in the office of the Town Clerk of the Town of West Monroe, the said Town Board did on March 10, 2004, duly adopt an order reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the improvement, the proposed method of financing to be employed, the fact that a plan, map and report describing the same are on file in the Town Clerk's office for public inspection and specifying that said Town Board shall meet at the Town Hall located at 46 County Route 11, West Monroe, New York 13167, on the 31st day of March, 2004, for the purpose of conducting a public hearing on such proposal to establish the water district with the specified improvements and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, copies of said order were duly published and posted according to law, and said Town Board did, at the time and place specified in said order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same; and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determination hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board, in the County of Oswego, that it be and hereby is determined as follows:

(1) The notice of hearing was published and posted as required by law and is otherwise sufficient.

(2) That all of the property and property owners, within the proposed Water District are benefited thereby.

(3) That all of the property and property owners benefited are included within the proposed Water District.

(4) It is in the public interest to establish the proposed Water District as hereinafter described, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a Water District as hereinafter described to be known as Town of West Monroe Central Water District described as follows:

The proposed area of the Water District includes the roads in the Toad Harbor area, Route 49 starting at the cemetery and ending at the town line, Pinnacle Rd, The portions of Lower Rd and West Rd found within the town limits, Depot Rd, County Route 11 from Route 49 up to and including the Evergreen, Partridge Acres and Northway Park mobile home communities, Whig Hill Rd, Morey Rd including, the Monroe Blvd Circle, Gulf Bridge Rd including Dee Char Lane and Brookside Dr. Dutch Rd between Morey Rd and County Route 84, County Route 84 between County Route 11 and Dutch Rd, Hellinger Rd, Pulver Rd, County Route 37 from Pulver Rd up to and including the Deer Run mobile home community and Hillview Dr. The project will involve the construction of approximately 157,000 LF of 8-inch DICL pipe along the project corridors. Approximately 270 hydrants will be constructed. (The Town will be charged \$49.29/year/hydrant or approximately \$13,500). The pipeline will connect the existing water mains on NYS Route 49 and C.R. 37. It is anticipated that cased crossings will be required at some locations within the new district (such as NYS Route 49 and CR 37.)

Beginning at a point on the division line between the Town of Hastings on the west and the Town of West Monroe on the east at the northwest corner of Tax Map Parcel #260-04-32.02 said point also being the northwest corner of a water district formed in 1999/2000; thence running along the town line northerly a distance of about 12,000 feet to the northwest corner of Farm Lot #49; thence running easterly along the north line of Farm Lot #49 a distance of about 1,550 feet to the west line of Tax Map Parcel #243-01-03; thence northerly a distance of about 700 feet to the northwest corner of Tax Map Parcel #243-01-03; thence easterly a distance of about 850 feet to the northeast corner of Tax Map Parcel #243-01-03; thence southerly a distance of about 700 feet to the northwest corner of Farm Lot #50; thence easterly along the north lines of Farm Lots #50 and #51 a distance of about 4,300 feet to the southeast corner of Tax Map Parcel #243-02-16; thence running northerly a

distance of about 400 feet to the centerline of County Route #84; thence southerly along the centerline a distance of about 700 feet to the southwest corner of Tax Map Parcel #243-02-04; thence northerly a distance of about 175 feet to the northwest corner of Tax Parcel #243-02-04; thence easterly a distance of about 190 feet to the centerline of Dutch Hill Road; thence southerly along same a distance of about 190 feet to the northwest corner of Farm Lot #52; thence running easterly along the north line of Farm Lot #52 and north line of Farm Lot #53, a distance of about 5,000 feet to the northeast corner of Lot #53; thence running southerly along the east line of Farm Lot #53 a distance of about 2,600 feet to the northeast corner of Farm Lot #61; thence running easterly along the north line of Farm Lot #62 and the north line of Farm Lot #63, a distance of about 2,000 feet to the northeast corner of Tax Map Parcel #261-02-18; thence running southerly a distance of about 1,150 feet to the centerline of Grannis Road; thence easterly along same a distance of about 300 feet to the north-west corner of Tax Map Parcel #261-03-01; thence southerly a distance of about 500 feet to the southwest corner; thence easterly a distance of about 650 feet to the southeast corner of Tax Map Parcel #261-03-01; thence northerly a distance of about 500 feet to the centerline of Grannis Road; thence easterly along same, a distance of about 1,150 feet to the east line of Lot #63; thence southerly a distance of about 3,000 feet to the southwest corner of Tax Map Parcel #261-03-03; thence easterly a distance of about 1,850 feet to the southeast corner of Parcel #261-03-03; thence southerly a distance of about 1,350 feet to the north line of Farm Lot #80 at the southwest corner of Tax Map Parcel #261-03-05; thence easterly along the north line of Farm Lot #80, a distance of about 1800 feet to the northeast corner of Lot #80 also being the division line between the Town of West Monroe on the west and the Town of Constantia on the east; thence running southerly along said town line a distance of about 19,000 feet to the shore of Oneida Lake near Toad Harbor; thence running along said shoreline a distance of about 17,000 feet to the southwest corner of Lot #129; thence running northerly along the line of farm lots a distance of about 15,000 feet to the northeast corner of Tax Map Parcel #260-04-09 said point also being the northeast corner of a water district formed in 1999/2000; thence running along said line westerly a distance of about 5,170 feet to the point of beginning; and be it

FURTHER RESOLVED, that the following improvements in said district be constructed upon the required funds being made available or provided for the West Monroe Central Water District; and be it

FURTHER RESOLVED, that the proposed improvements, including cost of rights of way, construction costs, legal fees and other expenses shall be financed as follows:

\$9,731,400.00 from taxes assessed to the benefited area

Using the Unit charge method by special assessments of \$525.74 for Equivalent Dwelling Unit; and be it

FURTHER RESOLVED, that this resolution is subject to a 30-day permissive referendum; and be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is authorized and directed to file a certified copy of this resolution, in duplicate in the office of the State Department of Audit and Control, at Albany, New York, together with an application, in duplicate, for permission to so create said Water District in the manner and form prescribed by Town Law § 209-e within ten days after the adoption of this resolution; and be it

FURTHER RESOLVED, that this resolution shall take affect upon approval of the State comptroller; and be it

FURTHER RESOLVED, that the Town Supervisor be and he is hereby authorized and directed to execute said application on behalf of the Town.

Mr. Hickey stated that with the magnitude of this project that he feels the only fair way to handle this is to put it to vote.

Mr. Green explained that the board has no hidden agenda and have hear the people at all the meetings as well as many people who have contacted him in favor of having public water so in his opinion this project such be decided on by the people via public vote.

Mr. McCarthy stated that the tough decision is putting this out for vote, it is the only fair way to decide.

Mr. Manchin stated that the democratic way to decide this issue is to have the people decide by vote.

The vote of the board was Mr. Ross - yes

Mr. Green - yes

Mr. Hickey - yes

Mr. McCarthy - yes

Mr. Manchin - yes

Motion Carried

The following petition was presented to the town board:

WHEREAS, on the 31st day of March, 2004, the Town Board of the Town of West Monroe, New York (the "Town") did adopt a Resolution to establish Town of West Monroe Central Water District; and

WHEREAS, said Resolution is subject to a permissive referendum;

NOW, THEREFORE, the undersigned being duly qualified electors of the Town do protest against such Resolution and hereby petition and request the taking of a referendum vote upon said Resolution as provided for by statute.

IN WITNESS WHEREOF, we have hereunto set our hands the day and year placed opposite our signatures.

This petition contained 98 signatures therefore the town board set the date for the public referendum for Tuesday, June 8th from 12 noon to 9PM on a motion by Mr. Ross. Mr. Hickey seconded the motion with unanimous board approval.

The attorney will supply Absentee Ballots.

Mr. Mel Drake asked the board: when the water district fails what would they do then. The Board explained that when it fails its done, the people will have spoken.

The meeting was adjourned at 9:34PM