

**RESOLUTION #12 OF 2019
RESOLUTION FOR ESTABLISHMENT OF SEWER
DISTRICT AFTER PUBLIC HEARING**

WHEREAS, on March 13, 2019 the Town Board of the Town of Middletown, New York (the "Town"), duly adopted a resolution accepting and adopting the materials needed for the formation of the Sewer District, including a description of the proposed district, reciting that the cost of the formation of the Sewer District will be fully subsidized by the New York City and directing a copy of the Sewer District Formation Report (including the Engineer's Report and Plan, Service Area Map, Narrative Description and a detailed explanation of the costs to each residential and non-residential landowner) to be placed in the Town Clerk's office and made available for public inspection,

WHEREAS, the Town Board did, on March 13, 2019 duly adopt a resolution specifying that said Town Board shall meet at the Town Hall, Town of Middletown, New York on the 10th of April, 2019, for the purpose of conducting a public hearing on such proposal to establish the sewer district with the specified improvements and to hear all persons interested in the subject thereof concerning the same,

WHEREAS, the Town Board continued the public hearing on such proposal to establish the sewer district and did continue said public hearing on May 8, 2019; and

WHEREAS, copies of said orders were duly published and posted according to law, and said Town Board did at, the time and place specified in said orders, 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 determinations hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board 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 Sewer District are benefited thereby.
- (3) That all of the property and property owners benefited are included within the proposed Sewer District.
- (4) It is in the public interest to establish the proposed Sewer District as hereinafter described, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a Sewer District as hereinafter described to be known as the New Kingston Sewer District more particularly described in the DESCRIPTION OF THE SEWER DISTRICT FOR THE TOWN OF MIDDLETOWN, DELAWARE COUNTY, a copy of which is on file in the Town Clerk's office, and be it

FURTHER RESOLVED, that the maximum amount proposed to be expended for the improvement (including all costs incurred to date) is \$5,200,000. The project will be funded by Block Grants Funds received from Catskill Watershed Corporation ("CWC") in accordance with the Community Wastewater Management Facility Agreement executed between the Town of Middletown and the CWC. If the total grant funding is not sufficient to complete the project, the Town Board may terminate the project prior to incurring any costs to the community, and be it

FURTHER RESOLVED, that the improvements, including costs of rights of way, construction costs, legal fees and other expenses were funded by and are being funded by CWC under the terms of the Community Wastewater Management Facility Agreement.

FURTHER RESOLVED, that pursuant to Town Law § 94, this resolution shall, before becoming effective, be approved by a majority of the qualified electors of the proposed Sewer District voting at a special election of the Town to be held on June 29, 2019 from 9:00 a.m. to 5:00 p.m. and to be held at a location to be announced by the Town Board. The Clerk is hereby authorized and directed to give notice of the proposition to approve this resolution in the manner provided by law and to cause suitable ballots to be prepared for use at said election, which said ballots shall be in substantially the following form:

SHALL the qualified electors located in the proposed Sewer District of the Town of Middletown, in the County of Delaware, approve the Resolution, adopted by the Town Board of the said Town on the 8th day of May, 2019, which resolution authorizes the establishment a sewer district with the general boundaries of said proposed sewer district being those properties located in the Hamlet of New Kingston. The cost to construct the community septic system and collection system to serve the residents within the proposed sewer district are being funded through the funds received from the Catskill Watershed Corporation. In exchange for the grants, the properties within the *sewer* district with existing septic systems will be required to close those systems with project funds upon connection to the new sewer system. No local funds will be spent on the design, permitting and construction of the system. Once constructed, the operation and maintenance of the sewer system will be funded primarily by New York City with the remainder funded by the households within the sewer district (\$100 per household per year with adjustment for inflation after three years) and by non-households within the sewer district (minimum annual charge of \$250 plus an additional amount based upon flow; median annual charge for operation and maintenance to a non-household within the district is estimated to be approximately \$250 per year). The sewer district will own and be responsible for the sewer system. A Special Benefit Assessment will apply to new construction connecting to the sewer system (i.e., construction on vacant lots within the District that did not have a septic system closed hereunder).

WHEREUPON, the Resolution was put to a vote and recorded as follows:

Motion made by: Carl P. Davis

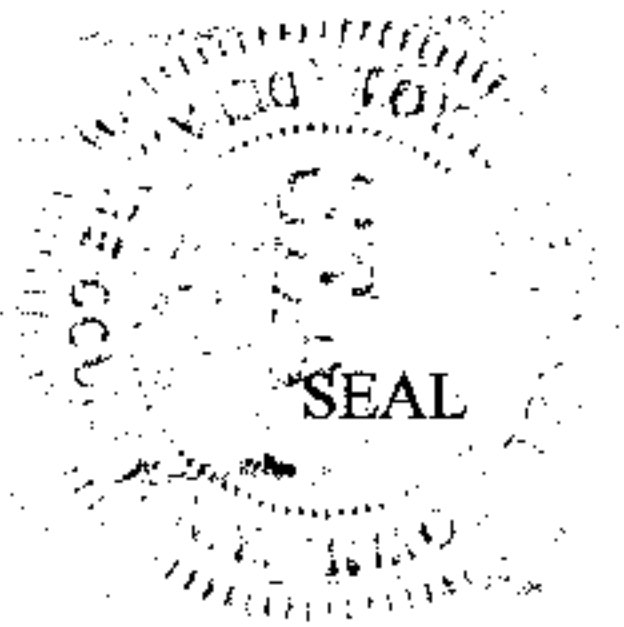
Seconded by: Kenneth Taylor

Resolution adopted by a vote of 5 ayes and 0 nays

I hereby certified that the above resolution was duly adopted by the Town Board of the Town of Middletown at its regular meeting held on May 8th, 2019.

Dated: May 8th, 2019

Patricia F. Kelly
Patricia F. Kelly, Town Clerk
Town of Middletown



STATE OF NEW YORK }
COUNTY OF DELAWARE }
TOWN OF MIDDLETOWN }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Middletown at a regular meeting held May 8th, 2019, 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
Supervisor Davis
Councilperson Sweeney
Councilperson Taylor
Councilperson Reischel
Councilperson Dabritz

MEMBERS ABSENT

VOTE
Yea/Nay/Abstain
Yea/Nay/Abstain
Yea/Nay/Abstain
Yea/Nay/Abstain
Yea/Nay/Abstain

Dated: May 8th, 2019

Patricia F. Kelly
Patricia F. Kelly, Town Clerk
Town of Middletown

