

**RESOLUTION NO. 2017 – 229: ESTABLISHMENT OF WATER EXTENSION #42,  
CANANDAIGUA CONSOLIDATED WATER DISTRICT AND AUTHORIZATION FOR TOWN  
SUPERVISOR TO EXECUTE DOCUMENTS**

**WHEREAS**, the Town Board of the Town of Canandaigua, (“Board”), Ontario County, New York in relation to the establishment of a proposed water district extension to be known as the “Water Extension #42 to the Canandaigua Consolidated Water District”, (“Extension”), pursuant to article 12 of the Town Law, has received a petition purporting to be executed by more than fifty-percent (50%) of all owners of taxable real property within the proposed Extension and executed by more than fifty-percent (50%) of all resident owners of taxable real property within the proposed Extension, a copy of which petition is on file in the Town Clerk’s Office, and

**WHEREAS**, the Town Board has appropriated money from the General Funds of said Town to compensate the Town Engineer for preparation of a report, plan and map outlining the Extension, and

**WHEREAS**, said map, plan and report, including an estimate of cost, were duly prepared by MRB Group, P.C., engineers duly licensed under the laws of the State of New York, and

**WHEREAS**, said map, plan and report has been filed in the Office of the Town Clerk of the Town of Canandaigua where the same is available for inspection during regular business hours, and

**WHEREAS**, the Extension shall be bounded and described as set forth in the Attachment 18, and

**WHEREAS**, the improvements proposed for the Extension are extending an existing water main located on Rossier Road beginning approximately 500 feet west of the intersection with NYS Route 21, heading west a distance of approximately 2,400 linear feet to the intersection of Woolhouse Road, thence extending south along Woolhouse Road a distance of approximately 3,400 feet to an existing connection, and consisting of the installation of an 8-inch water main, valves, hydrants, and appurtenances, and

**WHEREAS**, the maximum amount proposed to be expended for said improvements is **\$258,545.00** and shall be financed by a capital contribution from the Canandaigua Consolidated Water District in the amount of \$60,000.00, with the balance of \$198,545.00 being financed by the issuance of serial bonds of the Town of Canandaigua maturing in annual installments over a period not exceeding 30 years, such bonds to be payable from the assessment levied upon all the taxable real property in the extension, assessed upon all the taxable real property within the Extension at the same time and in the same manner as other Town Charges, in an amount sufficient to pay the principle and interest on said bonds as the same become due, but if not paid by such source, all the taxable real property in the Town of Canandaigua shall be subject to the levy of ad valorem taxes without limitation as to the rate or amount sufficient to pay the principle and interest on said bonds as the same shall become due , and

**WHEREAS**, the estimated cost of hookup fees to the typical property in the Extension is **\$925.00** and the estimated cost of hookup fees to the typical one or two family home in the Extension is **\$925.00**, and

**WHEREAS**, the annual estimated cost of the Extension to the typical property therein is **\$1,303.15** for operation, maintenance and other charges and expenses to be paid, and the annual estimated cost of the Extension to the typical one or two family home therein is **\$1,303.15** for operation, maintenance, and other charges and expenses to be paid, and

**WHEREAS**, an explanation of the manner by which were computed said estimated costs of hookup fees and annual cost to the typical property and the typical one or two-family home in said Extension has been duly filed in the Office of the Town Clerk where the same is available during regular office hours for examination by any person interested in the subject matter thereof, and

**WHEREAS**, the establishment of said Extension and the improvements proposed therein have 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, implementation which as proposed, the Town Board has determined will not result in any significant environmental effect, and

**WHEREAS**, an order was duly adopted by the Board on May 24, 2017, containing a legal description of the boundaries of the district, the improvements to be constructed, the maximum amount to be expended by the Board for said improvements, the method of financing to be employed, the fact that a map, plan and report were on file in the Office of the Town Clerk during the pendency of this proceeding for public inspection, and specifying the 19<sup>th</sup> day of June 2017 at 6:00 O'CLOCK P.M., at the Canandaigua Town Hall, 5440 Routes 5&20 West, Canandaigua, New York, as the time when and the place where the Board would hold a public hearing to hear all persons interested in the subject thereof; and

**WHEREAS**, said order issued by the Board directed that the Town Clerk duly publish the order in the official newspaper of the Town of Canandaigua, within the time prescribed by Town Law and proof of such publication having been duly presented to the Board; and

**WHEREAS**, said order issued by the Board directed that the Town Clerk duly post the order on the designated sign board located at the Town Hall within the time prescribed by Town Law, and proof of such posting having been duly presented to the Board; and

**WHEREAS**, the Board determined that the notice of public hearing was published and posted as required by law, and was otherwise sufficient, and

**WHEREAS**, the Board determined that all the property owners included in the extension are benefited thereby, that all property owners benefited by the extension are included in the extension and the establishment of the extension is in the public interest, all as more particularly set forth in the record of the proceedings, and

**WHEREAS**, said public hearing was duly opened at the time and place set forth in said order at which time all persons desiring to be heard were duly heard; and

**WHEREAS**, following said public hearing, and based upon the evidence given thereat, the Board on June 19, 2017, duly adopted a resolution determining in the affirmative all the questions set forth in Section 194(1) of the Town Law and approving the establishment of said extension; and

**WHEREAS**, the extension will require the approval of the New York State Comptroller prior to construction of the improvements as the annual estimated charge of the extension exceeds the maximum average annual cost allowance established by the New York State Department of Audit and Control,

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to the provisions of Town Law, that the Town Board of the Town of Canandaigua herein specifically finds that:

1. The petition was signed and acknowledged or proved or authenticated as required by law and was otherwise sufficient.
2. The notice of hearing was duly published and posted as required by law and notice of the public hearing otherwise complied with due process requirements.
3. All the property and property owners within the proposed extension are benefited thereby.
4. All the property and property owners benefited are included within the limits of the extension.
5. The formation of the extension is in the public interest, and it is further

**ORDERED** by the Town Board of the Town of Canandaigua, Ontario County, New York, as follows:

Section 1. The extension hereby established shall be known as the “Water Extension #42 to the Canandaigua Consolidated Water District”, and shall be bounded and described as set forth more fully in the map, plan and report on file in the Office of the Town Clerk, and as further described in exhibit “A”.

Section 2. The improvements contemplated in the map, plan and report, the associated appurtenances, machinery, apparatus, public works and incidental improvements, and expenses in connection therewith, as more fully described in the map, plan and report, are hereby authorized and approved subject to approval by the NYS Comptroller. The maximum amount to be expended for said improvements is **\$258,545.00** and shall be

financed by a capital contribution from the Canandaigua Consolidated Water District in the amount of \$60,000.00, with the balance of \$198,545.00 being financed by the issuance of serial bonds of the Town of Canandaigua maturing in annual installments over a period not exceeding 30 years, such bonds to be payable from the assessment levied upon all the taxable real property in the extension, assessed upon all the taxable real property within the Extension at the same time and in the same manner as other Town Charges, in an amount sufficient to pay the principle and interest on said bonds as

the same become due, but if not paid by such source, all the taxable real property in the Town of Canandaigua shall be subject to the levy of ad valorem taxes without limitation as to the rate or amount sufficient to pay the principle and interest on said bonds as the same shall become due.

Section 3. The Supervisor of the Town of Canandaigua, or his designee, is hereby authorized and directed to take such action as is necessary and proper, and/or incidental, to obtain the approval of the New York State Comptroller pursuant to Town Law, including but not limited to submitting an application to the New York State Office of the Comptroller for permission to form the Extension.

**RESOLUTION NO. 2017 – 230: PUBLIC INTEREST ORDER RELATING TO 202B CONTRIBUTION ESTABLISHMENT RELATIVE TO EXTENSION #42 CANANDAIGUA CONSOLIDATED WATER DISTRICT**

**WHEREAS**, previously hereto a map, plan and report for the proposed Water Extension #42 to the Canandaigua Consolidated Water District was prepared by MRB Group, P.C., in such manner and in such detail as required by the Town Board of the Town of Canandaigua relating to the extension of the District, (the “Extension”), and

**WHEREAS**, such map, plan and report have been filed in the offices of the Town Clerk of the Town of Canandaigua, where the same is available during regular office hours for examination by any persons interested in the subject matter thereof, and

**WHEREAS**, the establishment of the proposed Extension and the improvements therein have 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, implementation which as proposed, the Town Board has determined will not result in any significant environmental effect, and

**WHEREAS**, the Extension, if approved, will benefit the Canandaigua Consolidated Water District, and

**WHEREAS**, the Canandaigua Consolidated Water District has determined that the Extension will be an increase and improvement to the District and benefit all the residents within the District and has determined to contribute the sum of \$60,000.00 to the Extension, if and when approved, for improvements which consist of construction and maintenance of distribution mains, with associated appurtenances, machinery, apparatus, incidental improvements and expenses, and

**WHEREAS**, the maximum amount to be expended for the Extension is \$258,545.00, of which \$198,545.00 is to be financed by the property within the boundaries of the Extension, and of which \$60,000.00 is to be contributed by the Canandaigua Consolidated Water District pursuant to the Town Law of the State of New York,

**WHEREAS**, an order was duly adopted by the Board on May 24, 2017, that a legal notice be published in a paper of general circulation within the Town of Canandaigua that a public hearing of the Boards would be held at the Canandaigua Town Hall on the 19<sup>th</sup> day of June, 2017 at 6:00 PM for the purpose of authorizing the proposed capital contribution by the district, pursuant to Town Law 202-b, to the extension in accordance with the plan on file in the Office of the Town Clerk of Canandaigua, and

**WHEREAS**, legal notice of the above order was duly published and posted in the manner provided under Town Law 202-b, and proof of said publication and posting having been duly presented to the Board, and

**WHEREAS**, said public hearing was duly held at the time and place set forth in said order at which time all persons desiring to be heard were duly heard, and

**WHEREAS**, a copy of the engineers report is included with this agenda and is identified as Attachment 18 to the agenda; and

**WHEREAS**, following said public hearing, and based upon the evidence given thereat, said Board indicated its intention to approve the capital contribution by the district, subject to approval of the Extension by the NYS Comptroller, and further subject to a final resolution being adopted subject to a permissive referendum, it is

**NOW THEREFORE BE IT RESOLVED AND DETERMINED**, pursuant to the provisions of section 202-b of the Town Law, that:

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

2. All property and property owners within the existing district will be benefitted by the project;
3. The capital contribution to the extension is in the public interest.

**RESOLUTION NO. 2017 – 231: RATIFICATION TO THE NEW YORK STATE COMPTROLLER FOR ESTABLISHMENT OF EXTENSION #42 TO THE CANANDAIGUA CONSOLIDATED WATER DISTRICT**

**WHEREAS**, the Town Board of the Town of Canandaigua adopted resolutions approving the establishment of the proposed extension and directing the preparation of the required application to the New York State Comptroller; and

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to the Comptroller's requirements set forth in the New York Code, Rules and Regulations, the Town Board finds that the application was made at the direction of the Town Board, that the Town Board believes the contents of the application to be accurate, that the Town Board has determined that the extension is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof, that the cost of the proposed improvements will be assessed against the benefited area, that all real property to be so assessed will be benefitted by the proposed improvements, and that no benefited property has been excluded; and

**BE IT FURTHER RESOLVED**, that the Town Board directs the Supervisor to verify the application and submit the application to the New York State Office of the Comptroller for permission to form the extension, and that the Supervisor is further authorized to undertake all steps necessary and incidental to the submission of such application.

**RESOLUTION NO. 2017 – 232: AUTHORIZATION OF PROPOSED INCREASES AND IMPROVEMENTS OF FACILITIES TO THE CANANDAIGUA – FARMINGTON CONSOLIDATED WATER DISTRICT**

**WHEREAS**, the Town Board of the Town of Canandaigua has duly caused to be prepared a map, plan and estimate of the cost for the increase and improvement of the facilities of the Canandaigua-Farmington Consolidated Water District, consisting of the replacement of the existing Brickyard Road water storage tank, located on Brickyard Road in the Town of Canandaigua, New York, with an elevated storage tank that includes a mixing system and the construction of a dedicated transmission main and valve vaults that connect the new tank to hydraulic grade Zone 2A; and

**WHEREAS**, the increases and improvements of these facilities have a maximum estimated cost of \$9,036,000; and

**WHEREAS**, the Town Board of the Town of Canandaigua duly adopted a resolution on June 6, 2017, calling a public hearing to consider said proposed increases and improvements and estimate of expense, to be held at the Canandaigua Town Hall, 5440 Routes 5 & 20 West, Canandaigua, New York, on the 19<sup>th</sup> day of June, 2017, at 6:00 p.m.; and

**WHEREAS**, notice of said public hearing was duly published and posted in the manner provided by law and proof thereof has been submitted to the Town Board; and

**WHEREAS**, said public hearing was duly held at the time and place aforesaid, at which all persons interested were duly heard; and

**WHEREAS**, the Town Board has considered all the evidence given at such public hearing; and