

NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM
INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED
ON THE PORT BAY SEWER DISTRICT
PURUSANT TO ARTICLE 12-A OF THE TOWN LAW

NOTICE IS HEREBY GIVEN that at a duly noticed and convened meeting on December 19, 2017, the Town Board of the Town of Wolcott did adopt the following resolution increasing the maximum amount to be expended for construction of the Port Bay Sewer District subject to permissive referendum.

Dated: December 19, 2017

Town Board

Town Clerk

By Order of the
of the Town of
Wolcott
Dawn M. Krul,

RESOLUTION #59-17
SUBJECT TO PERMISSIVE REFERENDUM
INCREASING THE MAXIMUM AMOUNT TO BE EXPENDED
ON THE PORT BAY SEWER DISTRICT
PURUSANT TO ARTICLE 12-A OF THE TOWN LAW

The following resolution was presented by Russ Freer, moved by Adam Ellis, seconded by Chris Loveless,

STATE OF NEW YORK
TOWN OF WOLCOTT
COUNTY OF WAYNE

RESOLUTION AND

ORDER

In the Matter of _____
increasing the maximum amount to
be

expended for the Port Bay Sewer District pursuant
to
Article 12-A of the Town Law of the State of New
York

WHEREAS, the Town Board of the Town of Wolcott did cause to be prepared and duly and timely filed in the office of the Town Clerk of the Town of Wolcott and available for public inspection, a map, plan, and report prepared by the Town Engineer providing for the Port Bay Sewer District, consisting of sanitary sewer system improvements in, and to service, in general, properties along Furnace Road, West Port Bay Road and associated side roads including Wood Tract Road, North and South Maple Streets, and Tompkins Point Road; and East Port Bay Road and associated side roads including Martin, Eagle, Dove, Thrush, Roney, Robin, Jay, Finch and Cardinal Roads in the Town of Wolcott, together with valves, and other apparatus and appurtenances; said map, plan and report and the description of the property included in said sewer district being available for inspection at the Wolcott Town Hall during regular business hours, and

WHEREAS, the New York State Department of Audit and Control duly approved the establishment of the Port Bay Sewer District on February 26, 2015; and

WHEREAS, the Final Order of the Town Board establishing the Port Bay Sewer District was recorded in the Wayne County Clerk's Office on April 9, 2015; and

WHEREAS, due to generally increased costs of labor and materials, the maximum amount now proposed to be expended for the said improvements for the Port Bay Sewer District is \$13,125,000.00 being an increase of \$2,625,000.00; and

WHEREAS, the Town Wolcott was subsequently

awarded a grant from the New York State Environmental Facilities Corporation in the amount of \$2,625,000.00 which monies are to be applied to the cost of constructing the sewer district improvements; and

WHEREAS, on November 21, 2017, the Town Board of the Town of Wolcott adopted an order describing in general terms said increase and improvement of facilities at the revised estimated maximum cost of \$13,125,000.00 and stating that the Town Board would meet to hear all persons interested in said increase and improvement of facilities at said revised estimated maximum cost on December 19, 2017 at 6:00 pm at the Town Hall; and

WHEREAS, copies of said order were duly published and posted pursuant to the provisions of Article 12-A of the Town Law; and

WHEREAS, such further public hearing was duly held, after a copy of such order was duly published and posted, at the time and place as stated in such order and considerable 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 to the revised estimated maximum cost;

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

1. That the notice of public hearing was published and posted as required by law and is otherwise sufficient.
2. That it is in the public interest to increase the cost for the construction of the Port Bay Sewer District as hereinabove described and referred to.
3. That all of the property and property owners benefited are included within the

sewer district.

4. That the grant received by the Town of Wolcott from the New York State Environmental Facilities Corporation in the amount of \$2,625,000.00 will be sufficient to cover the increased cost to construct the Port Bay Sewer District without increasing the user cost as originally set out in the map, plan and report as heretofore approved by the Town and it is hereby

ORDERED that the cost to construct the Port Bay Sewer District shall be so increased at a cost not to exceed \$13,125,000.00, the amount stated in the notice of hearing as the revised estimated cost to construct the improvements in said sewer district; and it is

ORDERED that this resolution is subject to a permissive referendum in the manner provided in Article 7 of the Town Law and Town Law Section 209-e; and it is

ORDERED that the Town Clerk be and is authorized and directed to file a certified copy of this resolution, in duplicate with the office of the State Department of Audit and Control, at Albany, New York and to record a certified copy of this resolution with the Wayne County Clerk.

ON ROLL CALL VOTE - Chatfield "YES", Ellis "YES", Freer "YES",
Loveless "YES", Youngman "YES".

CERTIFICATION OF CLERK

STATE OF NEW YORK
COUNTY OF WAYNE
TOWN OF WOLCOTT

I, Dawn M. Krul, Town Clerk of the Town of Wolcott,
County of Wayne, State of New York, DO HEREBY
CERTIFY that I have compared the fore-going
resolution duly adopted on the 19th day of December
2017, with the original now on file in my office,
and the same is a correct and true copy of said
resolution and of the whole thereof.

Dated: _____

Dawn M.

Krul, Town Clerk