

**NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Pawling, County of Dutchess, State of New York, at a regular meeting thereof held on the 4th day of September, 2024, duly adopted a resolution, subject to a Permissive Referendum, an abstract of which is as follows:

The purpose of the resolution (the full text of which is set out below) is to authorize the establishment of Sewer District No. 4, to serve commercial properties along the commercial corridor of Route 22 south of the Village of Pawling. The effect of the resolution will be that the Town will construct said sewer district to be financed by a grant and the issuance of bonds, the cost of which will be borne by the properties to be served by the proposed district.

RESOLUTION 2024-124

**A RESOLUTION APPROVING THE ESTABLISHMENT OF SEWER DISTRICT #4 PURSUANT TO
SECTIONS 209-D OF THE TOWN LAW SUBJECT TO PERMISSIVE REFERENDUM**

WHEREAS, at the request of the Town Board of the Town of Pawling, Dutchess County, New York (the "Town"), Ronald J. Laberge of Laberge Group, a competent engineer duly licensed by the State of New York (the "Engineer") has prepared an Map, Plan and Report dated July , 2024 (the "MPR"), and such MPR has been filed in the office of the Town Clerk of the Town of Pawling and submitted to the Town Board; and

WHEREAS, the MPR provides for the creation of a new sewer district to be known as Sewer District #4, to include the property described at Exhibit A attached hereto, generally described as being within a portion of the Town of Pawling, south of the Village of Pawling along the commercial corridor of Route 22, for the purpose of providing sewer service to serve 48 parcels in the Town; and

WHEREAS, the proposed improvements as further described in the MPR generally include the construction and equipping of a collection system of approximately 7,500 LF utilizing a septic tank effluent pump ("STEP") system and connection to the Village of Pawling Sewer System; and

WHEREAS, the maximum amount proposed to be expended for the proposed improvements described in the MPR is 3,050,000; and

WHEREAS, the plan of financing set forth in the MPR indicates that the Town is has been designate to receive a \$1,000,000 CPF grant to fund part of the project with the issuance of its obligations pursuant to the Local Finance Law to pay the balance of costs of the improvements; and

WHEREAS, the proposed plan of financing is expected to result in a total annual cost of \$3,505 to the typical Sewer District No. 4 property assumed to be assessed capital costs based on 1 EDU, that being the median of all properties in the proposed District, for the first year in which operation, maintenance, debt service and other charges and expenses are to be paid, and the MPR includes a detailed explanation of how such estimated annual cost was computed; and

WHEREAS, the proposed method of apportioning the costs of construction and improvement of Sewer District #4 is to assess the costs entirely against the lands benefitted thereby, being the entire area of the Sewer District #4; and to assess, levy and collect costs from the several lots or parcels within such benefitted. area in just proportion to the amount of benefit which the improvement shall confer upon such lots or parcels, based on the number of EDUs as described in the MPR; and

WHEREAS, the MPR is on file in the Town Clerk's Office and is available for public inspection; and

WHEREAS, pursuant to Section 209-d of Town Law, the Town Board may authorize establishment of a sewer district only after it hears evidence given at a public hearing held in the manner prescribed in Section 209-c of Town Law and determines that it is the public interest to authorize such creation; and

WHEREAS, the Town Board has heretofore declared its intent to be the lead agency, pursuant to the State Environmental Quality Review Act and prepared a long Environmental Assessment Form, all of which was circulated by the Town Clerk to interested and involved agencies as required by law;

WHEREAS, the Town Board adopted a resolution on July 17, 2024, providing for a hearing to be held on August 14, 2024 at 6:00 p.m. regarding the establishment of the proposed Sewer District; and

WHEREAS, notice of such public hearing was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of publication and posting has been duly presented to said Town Board; and

WHEREAS, such public hearing was duly held on August 14, 2024, and continued to September 4, 2024, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said MPR and the evidence given at said public hearing; and

WHEREAS, the Town Board as lead agency has declared the proposed project to be an unlisted action pursuant to the State Environmental Quality Review Act, the implementation of which, as proposed, the Town Board has determined will not result in any significant environmental effects, or the action avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Board of the Town of Pawling, Dutchess County, New York (by the favorable vote of not less than a majority of all of the members of the Board) as follows:

Section I. Upon the evidence given at the public hearing referred to above, it is hereby found and determined as follows:

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

All the property and property owners within the proposed additional Sewer District # 4 are benefited thereby;

All the property and property owners benefited are included within the limits of said proposed Sewer District #4.

The establishment of the proposed Sewer District # 4 is in the public interest.

Section 2. The Town Board does hereby approve the establishment of Town of Pawling Sewer District #4, the boundaries of which shall be as described in Exhibit A attached hereto and hereby made a part hereof; and for such other action on the part of the Town Board with relation thereto as may be required by law, all as more fully described in the MPR.

Section 3. The maximum amount proposed to be expended for the construction of the Sewer District Improvements referred to herein is \$3,050,000, which is planned to be financed by the CPF Grant and the issuance of serial bonds of said Town, and the costs of said Sewer District Improvements, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of special benefit assessments upon the several lots and parcels of and within Sewer District #4, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same based on the number of EDUs as described in the MPR.

Section 4. The Engineer shall prepare plans and specifications and make a careful estimate of the expense for said Sewer District Improvements and, with the assistance of the Town's attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as practicable.

Section 5. The Town Clerk is hereby 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, in the manner and form prescribed by law within ten (10) days after adoption hereof.

Section 6. This resolution shall take effect thirty days after adoption, unless there shall be filed with the Town Clerk a petition signed and acknowledged by the owners of taxable property situate in Sewer District #4, as shown on the latest completed assessment roll of said Town, in number equal to at least five percent of the total number of such owners, or by one hundred of such owners, whichever is the lesser, protesting against this resolution and requesting that the matter be submitted to the owners of taxable real property situate in said Sewer District #1 at a referendum in the manner provided by the Town Law.

Section 7. The Town Clerk is hereby authorized and directed to cause to be published at least once in the official newspaper of the Town, and to be posted on the sign board of the Town maintained pursuant to the Town Law, not less than ten (10) days following the date hereof, a notice which shall set forth the date of adoption of this resolution and contain an abstract thereof, concisely stating its purpose and effect and specifying that this resolution was adopted subject to a permissive referendum.

Section 8. The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution and order to be duly recorded in the office of the Clerk of Dutchess County within ten (10) days after the effective date hereof,

EXHIBIT A

Description of Boundaries of proposed Sewer District #1 Exhibit A-1: Map of Parcels

Exhibit A-2: Tax Map Numbers for Parcels

Exhibit A

District Boundary Description
Proposed Sewer District No. 4

The following is intended to describe the boundary of the proposed Sewer District No. 4 in the Town of Pawling, Dutchess County, New York as shown on the map entitled "Sewer District No.4- District Boundary Map" prepared by Laberge Group and dated May 24, 2022.

Beginning at the northwest corner of Parcel 257503;

Thence easterly and then southerly along the northern and eastern boundary of the said parcel to the westerly boundary of Old Route 22;

Thence easterly, across NYS Route 22 to the west corner of Parcel 422473;

Thence southerly along the westerly boundary of Parcel 422473 to the southwest corner of said

parcel;

Thence easterly, along the southern boundary of Parcel 422473 to the northeast corner of Parcel 440439;

Thence southeasterly and southwesterly along the northeasterly and southeasterly boundary of Parcel 440439 to the south corner of said parcel;

Thence southerly along the easterly boundary of NYS Route 22 to the northwest corner of Parcel 552214;

Thence easterly along the northerly boundary of Parcel 552214 to the northeast corner of Parcel 552214;

Thence southerly along the easterly boundary of Parcels 552214 and 561152 to the southeast corner of Parcel 561152;

Thence westerly along the south boundary of Parcel 561152 to its intersection with the northward extension of the west boundary of Parcel 565087;

Thence southerly, across Akindale Road to the northwest corner of Parcel 565087, and continuing southerly to the northerly boundary of parcel 552035;

Thence easterly, southerly, and westerly along the northerly, easterly and southerly boundary of Parcel 552035, continuing westerly along the southerly boundary of Parcel 514017 to the intersection of the northward extension of the easterly boundary of Parcel 496996;

Thence south to the northeast corner of Parcel 496996;

Thence south along the easterly boundary of Parcel 496996 to the northerly boundary of Parcel 496975;

Thence east along said northerly boundary and the northerly boundary of Parcel 522966 to the easterly boundary of Parcel 522966;

Thence south and west along the easterly and southerly boundary of Parcel 522996 to the intersection of the northward extension of the easterly boundary of Parcel 503941;

Thence south to the southeast corner of Parcel 503941, and west along the southerly boundary of said parcel to the northeast corner of Parcel 492920;

Thence south along the easterly boundary of Parcel 492920 to the northerly boundary of Parcel 494892;

Thence northeast along said boundary to the easterly boundary of said parcel;

Thence southerly along the easterly boundary of Parcel 494892 and Parcel 487867 to the northerly boundary of Parcel 514867;

Thence easterly and southerly along the north and east boundary of Parcel 514867;

Thence continuing south along the extension of the east boundary of Parcel 514867 to the southerly boundary of Maggie Lane;

Thence west along said southerly boundary to the east boundary of Parcel 477834;

Thence south along said boundary to the northerly boundary of Parcel 486785;

Thence south, east, and south, along the east, northerly, and easterly boundaries of Parcel 486785 to the northerly boundary of Parcel 471743;

Thence east, south, west, and south along the northerly, easterly, southerly, and easterly boundaries of Parcel 471743 to the northeasterly corner of Parcel 451714;

Thence southerly along the easterly boundary of said parcel to the northerly boundary of Parcel 458682;

Thence easterly and southerly along the northerly and easterly boundary of Parcel 458682 to its intersection with the southerly boundary of the Town of Pawling;

Thence westerly along said boundary to the westerly highway boundary of NYS Route 22;

Thence northerly along said highway boundary to the southerly boundary of Parcel 371702;

Thence westerly along the southerly boundary of Parcel 371702 to the westerly boundary of Parcel 371702;

Thence northerly along said boundary, and the westerly boundary of Parcel 440895, to the northwest corner of said parcel;

Thence northerly through Parcel 198874 to the southwest corner of Parcel 434282;

Thence easterly along the southerly boundary of Parcel 434282 to the westerly highway boundary of NYS Route 22;

Thence north along said highway boundary to the easternmost corner of Parcel 410418;

Thence southwest along the southeasterly boundary of said Parcel, and crossing Old Route 22 to the easterly corner of Parcel 394393, and the westerly highway boundary of Old Route 22;

Thence northerly along said highway boundary to the north boundary of Parcel 372436;

Thence westerly along said boundary, in part, and the south boundary of Parcel 257503, and northerly along the westerly boundary of said parcel to the Point of Beginning.

Excepting Parcel 485936.