

**RESOLUTION APPROVING PROPOSED NORTH QUEENSBURY
WASTEWATER DISPOSAL DISTRICT NO. 1 TO SERVE
THE DUNHAM'S BAY AREA**

RESOLUTION NO.: 329, 2014

**INTRODUCED BY: Mr. Anthony Metivier
WHO MOVED ITS ADOPTION**

SECONDED BY: Mr. Brian Clements

WHEREAS, the Town of Queensbury wishes to form Wastewater Disposal District No.1 to serve 71 properties in the Dunham's Bay area of the Town in accordance with New York Town Law Article 12-A, and

WHEREAS, a Map, Plan and Report (Map, Plan and Report) concerning the proposed Wastewater Disposal District has been prepared by David J. Decker, P.E., and

WHEREAS, the Map, Plan and Report has been filed in the Queensbury Town Clerk's Office and is available for public inspection, and

WHEREAS, the Map, Plan and Report delineates the boundaries of the proposed Wastewater Disposal District, a general plan of the proposed system, a report of the proposed method of operation, the mode and frequency of collection, conveying, treating and disposing of wastewater or residual wastewater and the mode and frequency of inspections and monitoring; and states that the location of properties requiring construction or replacement of private on-site wastewater disposal systems in the next five years will be determined as part of the services provided by the District, and

WHEREAS, establishment of the Wastewater Disposal District is a Type II action under the State Environmental Quality Review Act (SEQRA), so review under SEQRA is not required, and

WHEREAS, the estimated annual cost to the “typical property” has been filed with the Town Clerk and is made a part of the Map, Plan and Report, and

WHEREAS, on September 8, 2014, subsequent to the filing of the Map, Plan and Report with the Town Clerk, the Town Board adopted an Order (Public Hearing Order) reciting (a) the boundaries of the proposed Wastewater Disposal District; (b) the proposed services to be provided; (c) the maximum amount proposed to be expended for the services; (d) the estimated cost of hook-up fees (if any) and the cost of the Wastewater Disposal District to the typical property and the typical one or two family home (if not the typical property); (e) the proposed method of financing to be employed (if any); (f) the fact that a Map, Plan and Report describing the services is on file in the Town Clerk’s Office; and (g) the time and place of a public hearing on the proposed Wastewater Disposal District, and

WHEREAS, copies of the Public Hearing Order were duly published and posted and were filed with the Office of the State Comptroller, all as required by law, and

WHEREAS, prior to publication of the Public Hearing Order, a detailed explanation of how the estimated cost of hook-up fees (if any) and the cost of the Wastewater Disposal District to the typical property and typical one or two family home (if not the typical property) were computed was filed with the Town Clerk for public inspection as part of the Map, Plan and Report, and

WHEREAS, a public hearing on the proposed Wastewater Disposal District was duly held on September 22nd, 2014 and the Town Board has considered the evidence given together with other information, and

WHEREAS, in response to input from the public, revisions relating to descriptions of the properties to be included in the District were made to the Map, Plan and Report, and these revisions have been determined to be minor modifications which do not significantly change the cost of the District and do not constitute a substantial change in the Map, Plan and Report; and

WHEREAS, the Town Board wishes to establish the proposed Wastewater Disposal District No. 1 as detailed in the Map, Plan and Report, as revised, in accordance with Town Law Article 12-A,

NOW, THEREFORE, BE IT

RESOLVED, that the Queensbury Town Board hereby determines that:

1. Notice of Public Hearing was published and posted as required by law and is otherwise sufficient;
2. All property and property owners within Wastewater Disposal District No. 1 are benefited thereby;
3. All property and property owners benefited are included within the limits of Wastewater Disposal District No. 1;
4. It is in the public interest to establish, authorize, and approve the Wastewater Disposal District No. 1 as described in the Map, Plan and Report on file with the Queensbury Town Clerk with the boundaries and benefited properties of the Wastewater Disposal District Extension to be as described in the Map, Plan and Report, as revised;

and

BE IT FURTHER,

RESOLVED, that the Town Board hereby approves, authorizes and establishes Wastewater Disposal District No. 1 in accordance with the boundaries and descriptions set forth above and in the previously described Map, Plan and Report, as revised, and construction of the improvements may proceed and service provided subject to the following:

1. Permissive referendum in the manner provided in New York State Town Law Article 7; and
2. The adoption of a Final Order by the Queensbury Town Board;

and

BE IT FURTHER,

RESOLVED, that this Resolution is subject to permissive referendum in accordance with the provisions of New York State Town Law Articles 7 and 12-A and shall not take effect until such time as provided therein, and the Town Board hereby authorizes and directs the Queensbury Town Clerk to file, post and publish such notice of this Resolution as may be required by law and to cause to be prepared and have available for distribution proper forms for the petition and shall distribute a supply to any person requesting such petition and if no such petition is filed within 30 days to file a certificate to that effect in the Office of the County Clerk and with the State Department of Audit and Control.

Duly adopted this 22nd day of September, 2014, by the following vote:

AYES : Mr. Irish, Mr. VanNess, Mr. Strough, Mr. Metivier, Mr. Clements

NOES : None

ABSENT: None