

5400 Butternut Drive  
East Syracuse, NY 13057-8509  
Phone: 315.446.3910  
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**Town Board:**  
Kerry Mannion  
Sam Young  
Joseph Chiarenza Jr.  
Jamie Frank  
Kerin Rigney  
Karen Docter

**Town Manager:**  
Michael Moracco

Edward M. Michalenko, PhD.  
Supervisor



**Town of DeWitt Board Meeting  
DeWitt Town Hall  
5400 Butternut Drive**

**Monday, November 28, 2016**

**7:30 PM**

**AGENDA**

**Pledge of Allegiance**

- 1. Public Hearings**
- 2. Public Comments**

**Department Head Items:**

- |                         |  |
|-------------------------|--|
| 3. Town Clerk Epolito   | 1) Approval of Minutes<br>a) October 31, 2016<br>b) November 14, 2016  |
| 4. Town Manager Moracco | 1) Refuse Contract<br>2) Switch Town Facilities Interior Lighting to LED<br>3) Bishop Grimes Electronic Sign |
| 5. Director Gordon      | 1) Urban Forest Management Plan Presentation<br>2) Adoption of Resolution for Energy Benchmarking            |

**Town Board Items:**

- |                          |  |
|--------------------------|--|
| 6. Councilor Rigney      | Department Head Meeting Time   |
| 7. Supervisor Michalenko | 1) Zombie Properties<br>2) Organizational Meeting<br>3) Request National Grid Study Street Light<br>a) Pheasant Road<br>b) Standish Drive<br>c) Barbagallo – Molloy Road |

**8. Town Board Updates**

- a. Committee, Commission and Liaison Updates**

**9. Announcements**

October 31, 2016

At a Special Meeting of the Town Board of the Town of Dewitt, Onondaga County, New York, held at the Dewitt Town Hall, 5400 Butternut Drive, Dewitt, New York, in said town on the 31<sup>st</sup> day of October, 2016, commencing at 8:00 a.m.:

The meeting was called to order by Supervisor Michalenko, and upon the roll being called the following were:

PRESENT: Supervisor Michalenko, Councilors Chiarenza, Docter, Frank, Mannion, Rigney and Young

ABSENT:

ALSO

PRESENT: Cerio Law Offices (Attorney Herkala), Town Clerk Epolito, Town Manager Moracco,

**Public Hearing - Wilbur-Galster Road Sewer District**

The Supervisor recessed the meeting and called to order a public hearing at 8:00 a.m. on the formation of the Wilbur/Galster Sewer District and the construction of sanitary sewers and related facilities. Proof of publication in the Syracuse Post-Standard dated October 20, 2016 submitted and introduced.

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IN THE MATTER OF:

The formation of the Wilbur/Galster Sewer District  
and the Construction Of Sanitary Sewers  
and Related Facilities  
Under Article 12-A of the Town Law  
Wilbur/Galster Sewer District  
Contract No.1  
Town of Dewitt  
County of Onondaga  
State of New York

ORDER CALLING FOR  
AND NOTICING SECOND PUBLIC  
HEARING

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Councilor Chiarenza offered the following Resolution and moved for its adoption.

Councilor Frank seconded the motion.

October 31, 2016

WHEREAS, the DeWitt Town Board has caused a General Plan/Map, boundary description and estimate of maximum cost related to the formation of the Wilbur/Galster Sewer District and construction of sanitary sewers and appurtenances for the Wilbur/Galster Sewer District, Contract No. 1, Town of Dewitt, New York, to be made by Miller Engineers, pursuant to Town Law Article 12-A; and

WHEREAS, by Order dated August 22, 2016, the Town Board of the Town of DeWitt called for and noticed a public hearing in connection with the Wilbur/Galster Sewer District, Contract No. 1, which was held on the 26<sup>th</sup> day of September 2016; and

WHEREAS, subsequent to the aforesaid Public Hearing, but prior to the Town Board authorizing the creation of said district, the map of the proposed district and number of parcels to be contained therein has been modified, as has the cost per unit associated therewith, thereby occasioning the instant Order calling for a second Public Hearing on this matter to consider the revised district boundary and revised costs associated therewith; and

WHEREAS, a Revised District Formation Report and Project Cost and Proposed Financing Plan prepared by Miller Engineers, dated October 14, 2016 has been filed in the Office of the Dewitt Town Clerk; and

WHEREAS, the boundary description for the proposed Wilbur/Galster Sewer District is as follows:

All that tract or parcel of land situate in the Town of Dewitt, County of Onondaga and State of New York, along Manlius Center Road, Wilbur Road and Galster Road in said Town, being more particularly described as follows:

Beginning at a point, said point being along the centerline of Manlius Center Road and the boundary of the Town of Dewitt and the Village of East Syracuse approximately 180 feet west of the Galster Road - Manlius Center Road intersection, thence easterly along the centerline of Manlius Center Road and the boundary of the Town of Dewitt and the Village of East Syracuse to the westerly property line extended of tax parcel #014.-02-08.1 to a point, thence south to the northwest corner of parcel #014.-02-08.1 to a point, thence south along the western property line of parcel #014.-02-08.1 to the northwest corner of parcel #014.-02-14.0 to a point, thence east along the northern property line of parcel

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#014.-02-14.0 to the northeast corner of parcel #014.-02-14.0 to a point, thence south along the eastern property line of parcel # 014.-02-14.0 to the northeast corner of parcel #014.-02-23.0 to a point, thence south along the eastern property line of parcel #014.-02-23.0 to the northeast corner of parcel #014.-02-11.0 to a point, thence south along the eastern property line of parcel #014.-02-11.0 to the northeast corner of parcel #014.-02-22.2 to a point, thence south along the eastern property line of parcel #014.-02-22.2 to the northeast corner of parcel #014.-02-24.0 to a point, thence south along the eastern property line of parcel #014.-02-24.0 to the northeast corner of parcel #014.-02-21.0 to a point, thence south along the eastern property line of parcel #014.-02-21.0 to the southeast corner of parcel #014.-02-21.0 to a point, thence west along the southerly property line of parcel #014.-02-21.0 to the southwest corner of parcel #014.-02-21.0 to a point, thence north along the western property line of parcel #014.-02-21.0 to the southwest corner of parcel #014.-02-24.0 to a point, thence north along the western property line of parcel #014.-02-24.0 to the southwest corner of parcel #014.-02-03.0 to a point, thence north along the western property line of parcel #014.-02-03.0 to the southwest corner of parcel #014.-02-02.1 to a point, thence north along the western property line of parcel #014.-02-02.1 to the southwest corner of parcel #014.-02-02.2 to a point, thence north along the western property line of parcel #014.-02-02.2 to the southwest corner of parcel #014.-02-01.1 to a point, thence north along the western property line of parcel #014.-02-01.1 to the northwest corner of parcel #014.-02-01.1 to a point, thence north along the western property line extended of parcel # 014.-02-01.1 to the Point of Beginning, containing 34.35 acres of land, as shown on the accompanying map of said Wilbur-Galster Sewer District, Drawing 1 of 1, made by Miller Engineers of Manlius, New York and dated October 14, 2016.

; and

WHEREAS, this project includes the construction of approximately 2,600 linear feet of 8-inch diameter gravity sanitary sewers, a sanitary pump station, and approximately 1,220 linear feet of 4-inch diameter force main, and appurtenances, along Wilbur Road, Manlius Center Road, and Galster Road in the Town of Dewitt, County of Onondaga, New York. The facilities are being constructed because the properties within the proposed Wilbur/Galster sewer district

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do not have a public sanitary sewer system and it is suspected that many of the properties to be served, all of which a zoned industrial, have none or deficient subsurface disposal systems.

These facilities would serve approximately 22 parcels comprising a number of businesses; and

WHEREAS, the Town Board will give due consideration to the impact that such construction in District may have on the environment and on the basis of such consideration, the Town Board will determine the environmental impact, if any, to be caused by such construction; and

WHEREAS, the Town of Dewitt wishes to consider whether said sanitary sewer construction project is in the public interest and which is estimated to be at a maximum cost of Five Hundred Eighty Thousand and 00/100 (\$580,000.00) Dollars and whether to finance said project by the sale of Serial Bonds; and

WHEREAS, based on the maximum estimated project cost of \$580,000.00, and 22 equivalent units, results in the following unit cost: Debt service: \$1,933.33, maximum Town Operation and Maintenance Cost \$198.31, Onondaga County Transmission and Treatment \$411.11, for a Total first year cost per equivalent unit \$2,542.75; and

WHEREAS, the estimated cost to a typical property within the district to hook up to the proposed sewer facilities is \$900.00, and Town Board has theretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and

WHEREAS, as the New York State Comptroller's Office is now using \$798.00 per year as the average estimate cost to a "typical property" in determining whether new sewer districts need the Comptroller's approval. The amended estimated total cost per EDU of \$2,324.76 is above the Comptroller's threshold amount and therefore, this project cannot proceed without the Comptroller's approval, and, pursuant to Town Law §209 (f)(3)(a) the Clerk is directed to apply to the State Comptroller for permission to establish the Wilbur/Galster sewer district within 10 days of any resolution of the Town Board establishing the aforementioned district; and,

WHEREAS, the Town declares itself lead agency for State Environmental Quality Review Act purposes and declares this to be an unlisted action;

NOW, THEREFORE, BE IT

ORDERED that a public hearing before the Town Board shall be held at Town of DeWitt Town Hall, 5400 Butternut Drive, East Syracuse New York in the Town of Dewitt,

October 31, 2016

State of New York on the 31<sup>ST</sup> day of October, 2016 at 8:00 am. In accordance with Article 12-A of the New York State Town Law, the Town Board does hereby consider, subject to a permissive referendum, whether the construction of the above described sanitary sewers consisting of approximately 2,600 linear feet of 8-inch diameter gravity sanitary sewers, a sanitary pump station, and approximately 1,220 linear feet of 4-inch diameter force main, and appurtenances, along Wilbur Road, Manlius Center Road, and Galster Road in the Town of Dewitt, County of Onondaga, New York, at a proposed maximum estimated cost of Five Hundred Eighty Thousand and 00/100 (\$580,00.00) Dollars is in the public interest and should be financed by the sale of Serial Bonds, and to hear all persons interested in the subject thereof considering the same, and for such other action on the part of the Dewitt Town Board with relation to said sewer district construction project as may be required by law; and it is further

ORDERED that the Town of Dewitt Town Clerk (with the assistance of the Town Attorney) shall publish and shall post this Order as notice of said public hearing in accordance with Town Law Article 12-A, not more than twenty (20) nor less than (10) days before the designated hearing date.

Adopted 7 Ayes

The matter was presented by the Supervisor. After the short discussion, the Supervisor closed the public hearing.

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IN THE MATTER OF:

The formation of the Wilbur/Galster Sewer District  
and the Construction Of Sanitary Sewers  
and Related Facilities  
Under Article 12-A of the Town Law  
Wilbur/Galster Sewer District  
Contract No.1  
Town of Dewitt  
County of Onondaga  
State of New York

RESOLUTION/ORDER AFTER  
PUBLIC HEARING CONCERNING  
THE FORMATION OF THE WILBUR  
GALSTER SEWER DISTRICT AND THE  
CONSTRUCTION OF IMPROVEMENTS

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Councilor Chiarenza offered the following Resolution and moved for its adoption.

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Councilor Frank seconded the motion.

WHEREAS, the DeWitt Town Board has caused a General Plan/Map, boundary description and estimate of maximum cost related to the formation of the Wilbur/Galster Sewer District and construction of sanitary sewers and appurtenances for the Wilbur/Galster Sewer District, Contract No. 1, Town of Dewitt, New York, to be made by Miller Engineers, pursuant to Town Law Article 12-A; and

WHEREAS, by Order dated August 22, 2016, the Town Board of the Town of DeWitt called for and noticed a public hearing in connection with the Wilbur/Galster Sewer District, Contract No. 1, which was held on the 26<sup>th</sup> day of September 2016; and

WHEREAS, subsequent to the aforesaid Public Hearing, but prior to the Town Board authorizing the creation of said district, the map of the proposed district and number of parcels to be contained therein was modified, as was the cost per unit associated therewith, thereby occasioning the adoption by the Town Board on October 17, 2016 of an Order calling for a second Public Hearing on this matter to consider the revised district boundary and revised costs associated therewith; and

WHEREAS, a Revised District Formation Report and Project Cost and Proposed Financing Plan prepared by Miller Engineers, dated October 14, 2016 has been filed in the Office of the Dewitt Town Clerk; and

WHEREAS, by Order dated October 17, 2016, the Town Board of the Town of DeWitt called for and noticed a second public hearing in connection with the Wilbur/Galster Sewer District, Contract No. 1, which was held on the 31<sup>st</sup> day of October 2016 at Town Hall at 8:00 am, and at said hearing, on whether the construction of the sewer improvements were in the public interest and the improvements were not an undue burden to the district at a proposed maximum cost of \$580,000.00, and 22 equivalent units, resulting in the following unit cost: Debt service: \$1,933.33, maximum Town Operation and Maintenance Cost \$198.31, Onondaga County Transmission and Treatment \$411.11, for a Total first year cost per equivalent unit \$2,542.75Dollars and to hear all persons interested in the subject thereof considering the same, and for such other action on the part of the DeWitt Town Board with relation to said acquisition as may be required by law; and,

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WHEREAS, the DeWitt Town Board caused notice of such second public hearing to be published and posted as required by Article 12-A of the Town Law; and

WHEREAS, this project includes the construction of approximately 2,600 linear feet of 8-inch diameter gravity sanitary sewers, a sanitary pump station, and approximately 1,220 linear feet of 4-inch diameter force main, and appurtenances, along Wilbur Road, Manlius Center Road, and Galster Road in the Town of Dewitt, County of Onondaga, New York. The facilities are being constructed because the properties within the proposed Wilbur/Galster sewer district do not have a public sanitary sewer system and it is suspected that many of the properties to be served, all of which a zoned industrial, have none or deficient subsurface disposal systems. These facilities would serve approximately 22 parcels comprising a number of businesses; and

WHEREAS, the Town Board has given due consideration to the impact that such construction in District may have on the environment and on the basis of such consideration, the Town Board has determined the environmental impact as set forth below; and

WHEREAS, the Town of Dewitt has considered whether said sanitary sewer construction project is in the public interest and which is estimated to be at a maximum cost of Five Hundred Eighty Thousand and 00/100 (\$580,000.00) Dollars and whether to finance said project by the sale of Serial Bonds; and

WHEREAS, based on the maximum estimated project cost of \$580,000.00, and 22 equivalent units, results in the following unit cost: Debt service: \$1,933.33, maximum Town Operation and Maintenance Cost \$198.31, Onondaga County Transmission and Treatment \$411.11, for a Total first year cost per equivalent unit \$2,542.75; and

WHEREAS, the estimated cost to a typical property within the district to hook up to the proposed sewer facilities is \$900.00, and Town Board has theretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and

WHEREAS, as the New York State Comptroller's Office is now using \$798.00 per year as the average estimate cost to a "typical property" in determining whether new sewer districts need the Comptroller's approval. The amended estimated total cost per EDU of \$2,324.76 is above the Comptroller's threshold amount and therefore, this project cannot proceed without the Comptroller's approval, and, pursuant to Town Law §209 (f)(3)(a) the Town is directed to apply

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to the State Comptroller for permission to establish the Wilbur/Galster sewer district within 10 days this Order/Resolution establishing the aforementioned district; and,

WHEREAS, the Town declares itself lead agency for State Environmental Quality Review Act purposes and the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising article 8 of the Environmental Conservation Law and, in connection therewith, a duly processed Negative Declaration and/or other applicable documentation has been filed in the office of the Town Clerk;

NOW, THEREFORE, in accordance with Article 12-A of the New York State Town Law, upon the evidence presented at the public hearing and upon the advice and recommendation of the Town Engineers, this Town Board does hereby order and resolve as follows:

1. The notice of the public hearing described above was posted and published as required by law and in all respects satisfactory and the public hearing was duly held. All the property and the property owner(s) within the proposed district are benefited thereby. All the property and property owners benefited are included within the limits of the proposed district and the establishment of such district is in the public interest.

1a. The Town declares itself lead agency for State Environmental Quality Review Act purposes determines this to be an unlisted action, and hereby makes and declares a Negative Declaration with respect to this project. A duly processed Negative Declaration and any other applicable documentation is filed herewith in the office of the Town Clerk;

2. The establishment of the proposed District is hereby approved, as hereinafter described, and said District shall be designated and known as the Wilbur/Galster Sewer District in the Town of DeWitt, and shall be bounded and described as follows:

All that tract or parcel of land situate in the Town of Dewitt, County of Onondaga and State of New York, along Manlius Center Road, Wilbur Road and Galster Road in said Town, being more particularly described as follows:

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Beginning at a point, said point being along the centerline of Manlius Center Road and the boundary of the Town of Dewitt and the Village of East Syracuse approximately 180 feet west of the Galster Road - Manlius Center Road intersection, thence easterly along the centerline of Manlius Center Road and the boundary of the Town of Dewitt and the Village of East Syracuse to the westerly property line extended of tax parcel #014.-02-08.1 to a point, thence south to the northwest corner of parcel #014.-02-08.1 to a point, thence south along the western property line of parcel #014.-02-08.1 to the northwest corner of parcel #014.-02-14.0 to a point, thence east along the northern property line of parcel #014.-02-14.0 to the northeast corner of parcel #014.-02-14.0 to a point, thence south along the eastern property line of parcel # 014.-02-14.0 to the northeast corner of parcel #014.-02-23.0 to a point, thence south along the eastern property line of parcel #014.-02-23.0 to the northeast corner of parcel #014.-02-11.0 to a point, thence south along the eastern property line of parcel #014.-02-11.0 to the northeast corner of parcel #014.-02-22.2 to a point, thence south along the eastern property line of parcel #014.-02-22.2 to the northeast corner of parcel #014.-02-24.0 to a point, thence south along the eastern property line of parcel #014.-02-24.0 to the northeast corner of parcel #014.-02-21.0 to a point, thence south along the eastern property line of parcel #014.-02-21.0 to the southeast corner of parcel #014.-02-21.0 to a point, thence west along the southerly property line of parcel #014.-02-21.0 to the southwest corner of parcel #014.-02-21.0 to a point, thence north along the western property line of parcel #014.-02-21.0 to the southwest corner of parcel #014.-02-24.0 to a point, thence north along the western property line of parcel #014.-02-24.0 to the southwest corner of parcel #014.-02-03.0 to a point, thence north along the western property line of parcel #014.-02-03.0 to the southwest corner of parcel #014.-02-02.1 to a point, thence north along the western property line of parcel #014.-02-02.1 to the southwest corner of parcel #014.-02-02.2 to a point, thence north along the western property line of parcel #014.-02-02.2 to the southwest corner of parcel #014.-02-01.1 to a point, thence north along the western property line of parcel #014.-02-01.1 to the northwest corner of parcel #014.-02-01.1 to a point, thence north along the western property line extended of parcel # 014.-02-01.1 to the Point of Beginning,

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containing 34.35 acres of land, as shown on the accompanying map of said Wilbur-Galster Sewer District, Drawing 1 of 1, made by Miller Engineers of Manlius, New York and dated October 14, 2016.

; and

3. The Board's Order of October 17, 2016 was duly adopted.

4. The Town Board accepts the District Formation Report and Project Cost and Proposed Financing Plan, dated October 14, 2016. The construction of the proposed sewer improvements hereinabove described are in the public interest and present no undue burden to the District or to the Town at a proposed maximum cost of Five Hundred Eighty- Thousand and 00/100 (\$580,000) Dollars.

5. This Order is subject to a Permissive Referendum as described in Article 7 of the Town Law. A Petition is sufficient if it is initialed and signed and acknowledged in the same manner as a Petition for improvements. A Petition must be filed within thirty (30) days of the adoption of this Order with the Town Clerk. It is the wish of the Town Board that if a signed petition is not filed within thirty (30) days, a Permissive Referendum may still be held and conducted as described in Article 7 of the Town Law.

6. The proposed sewer improvements includes the construction of approximately 2,600 linear feet of 8-inch diameter gravity sanitary sewers, a sanitary pump station, and approximately 1,220 linear feet of 4-inch diameter force main, and appurtenances, along Wilbur Road, Manlius Center Road, and Galster Road in the Town of Dewitt, County of Onondaga, New York. The facilities are being constructed because the properties within the proposed Wilbur/Galster sewer district do not have a public sanitary sewer system and it is suspected that many of the properties to be served, all of which are zoned industrial, have none or deficient subsurface disposal systems

The facilities are shown on a District Formation Report by Miller Engineers, dated October 14, 2016 General Plan/Map prepared by Miller Engineers, also dated October 14, 2016 at a

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proposed amended maximum cost of Five Hundred Eighty Thousand and 00/100 (\$580,000) Dollars.

7.

**SERIAL BONDS:**

Section 1. For the specific object or purpose of paying the costs incidental to the formation and improvement of the Wilbur/Galster Sewer District, Contract No. 1, Town of Dewitt, including engineering costs and to the incidental improvements and expenses necessary in connection therewith, in the Town of Dewitt, Onondaga County, New York, they are hereby authorized to be issued Five Hundred Eighty Thousand and 00/100 (\$580,000.00) Dollars in Serial Bonds for the sewer formation and improvement project of the Wilbur/Galster, Contract No. 1, in the Town of Dewitt, Onondaga County, New York, pursuant to the provisions of Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is \$580,000 and that the plan for the financing thereof may be by issuance of the \$580,000 Serial Bonds for the Wilbur/Galster Sewer District, Contract No. 1, in the Town of Dewitt, Onondaga County, New York, authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 40 years for the formation and construction to the sewer district, pursuant to Subdivision 4 of Paragraph A of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the Serial Bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize this issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Serial Bonds herein authorized, including renewals of such notes is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and

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shall be sold in such manner as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of DeWitt, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively became due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all taxable real property in said sewer district a tax sufficient to pay the principal of and interest on such obligations as same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of DeWitt as it relates to the Wilbur/Galster Sewer District, Contract No. 1, of the Town of Dewitt, Onondaga County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted thereon and attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town of DeWitt, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquaintance to the purchaser of such bonds, who shall not be obligated to see the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including prescribing whether manual or facsimile signatures shall appear on said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of such bonds (and if said bonds are to be executed in the name of the Town of DeWitt, by facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town of DeWitt, the date, denominations, maturities and interest payment dates,

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place or places of payment and also including the consolidation with other issues, shall be determined by the Supervisor). It is hereby determined that it is to the financial advantage of the Town of DeWitt, not to impose or collect from registered owners of such Serial Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and accordingly, pursuant to Paragraph C of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor may determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if: (1) Such obligations are authorized for an object or purpose for which said water district is not authorized to expend money, or (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with and an action suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or (3) Such obligations are authorized in violation of the provisions of the Constitution.

Sections 10. This resolution which takes effect immediately pursuant to Section 35.00(b) (1) of the Local Finance Law and the Resolution hereinbefore described, shall be published in full in the Post Standard, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

8. The Town Supervisor is authorized to execute, on behalf of the Town, any necessary agreement including and related to the ultimate dedication of the sewer improvements at no expense to the Town and consistent with this Order.

9. The Town Clerk shall record a certified copy of this Order in the Office of the County Clerk of the County of Onondaga and duplicate certified copies of this Order (along with a copy of the Notice of Public Hearing) in the Office of the State Comptroller, within ten (10) days of its execution.

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10. The Town Attorney shall prepare and/or review the necessary documents and the Town Supervisor shall take whatever further action is necessary to effectuate the formation of the sewer district and construction of the improvements.

11. Upon this resolution taking effect, the Town Engineer is hereby directed to prepare more definite plans and specifications and with the assistance of the Town Attorney, prepare the contract for the execution of the work.

Adopted 7 Ayes

**Public Hearing – Jamesville/Woodchuck Sewer District**

The Supervisor recessed the meeting and called to order a public hearing at 8:05 a.m. on the formation of the Jamesville Woodchuck Sewer District. Proof of publication in the Syracuse Post-Standard dated October 20, 2016 submitted and introduced.

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IN THE MATTER OF:

The formation of the Jamesville/Woodchuck Sewer District

Under Article 12 of the Town Law  
Jamesville Woodchuck Sewer District  
Town of Dewitt  
County of Onondaga  
State of New York

ORDER CALLING FOR  
AND NOTICING SECOND PUBLIC  
HEARING

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Councilor Frank offered the following Resolution and moved for its adoption.

Councilor Young seconded the motion.

WHEREAS, the Town Board of the Town of DeWitt, has received a petition, dated 10/17/16, pursuant to Article 12 of the Town Law, for the establishment of Sewer District to be known as the Jamesville Woodchuck Sewer District, which petition is signed by the owners of taxable real property situate in the proposed District, owning in the aggregate at least one-half

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of the assessed valuation of all the taxable real property of the proposed District, as shown upon the latest completed assessment roll of said Town, and there being no residential owners; and

WHEREAS the facilities to be erected within said district are being constructed at the cost and expense of the developer, who is also the owner of all parcels within the proposed district boundary, of the property contained in said district, at no expense to the Town; and

WHEREAS, RZ Engineering, PLLC has, on behalf of owner caused a General Plan/Map, boundary description and estimate of maximum cost related to the formation of the Jamesville Woodchuck Sewer District and construction of sanitary sewers and appurtenances for the Jamesville Woodchuck Sewer District, to be made and filed with the Town and the Town Engineer. The Town Engineer has reviewed and approved the General Plan/Map, boundary description and estimate of costs; and

WHEREAS, the boundary description for the proposed Jamesville Woodchuck Sewer District is:

**ALL THAT CERTAIN PIECE OR PARCEL OF LAND** situate in the Town of Dewitt, County of Onondaga, State of New York, known and distinguished as part of Farm Lot No. 81 in said Town; also being New Lots 1, 2 & 3 of the Old Woodchuck Hill Subdivision and being more particularly bounded and described as follows:

**Beginning** at a point on the easterly margin of Jamesville Road as shown on New York State Department of Transportation Interstate Route 481 (Interstate Route 571-1-1) Appropriation Map 64 as Parcel 139 at its intersection with the northerly margin of the Woodchuck Hill Road as shown on New York State Department of Transportation Interstate Route 481 (Interstate Route 571-1-1) Appropriation Map 71 as Parcel 125; thence along said easterly margin of Jamesville Road the following three (3) courses and distances: 1.) North 07 deg. 39 min. 16 sec. West, a distance of 162.95 ft. to a point; thence 2.) North 07 deg. 42 min. 20 sec. West, a distance of 51.85 ft. to a point; and 3.) North 07 deg. 40 min. 17 sec. West, a distance of 133.39 ft. to its intersection with the southerly margin of Interstate Route 481 (Interstate Route 571-1-1) as shown on said New York State Department of Transportation Appropriation Map 71 as Parcel 126; thence North 71 deg. 11 min. 45 sec. East along the said southerly margin, a distance of 197.06 feet to its intersection with the southerly margin of Interstate Route 481 (Interstate Route 571-1-1) as shown on said New York State Department of Transportation Appropriation Map 64 as Parcel 138; thence North 71 deg. 14 min. 21 sec. East continuing along the said southerly margin, a distance of 84.54 feet to its intersection with the southeasterly margin of Interstate Route 481 (Interstate Route 571-1-2) as shown on New York State Department of Transportation Appropriation Map 102-R-1 as Parcel 102; thence North 65 deg. 06 min. 40 sec. East along said southeasterly margin, 147.28 feet to its intersection with the division line between the lands now or formerly of Richard J. Kahutz and Lucien Ali as described in Book 3494 of Deeds at Page 76 on the west and the lands now or formerly of Niagara Mohawk Power Corporation as described in Book 2339 of Deeds at Page 15 on the east; thence along the division line between the said lands of Kahutz & Ali and the lands now or formerly of Richard J. Kahutz and Lucien Ali as described in Book 3553 of Deeds at Page 206, in part by each, on the west and the said lands of Niagara Mohawk Power Corporation and the northerly margin of the Woodchuck Hill Road as shown on New York State Department of Transportation Interstate Route 481 (Interstate Route 571-1-1) Appropriation Map 94 as Parcel 148, in part by each, the following two courses and distances: 1) South 09

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deg. 16 min. 08 sec. West along said division line, 348.00 feet to a point of curvature; and thence 2) Southerly along a curve to the right having a radius of 1383.19 feet, a length of 129.67 feet and a chord bearing of South 11 deg. 57 min. 16 sec. West 129.62 feet to its intersection with the said northerly margin of Woodchuck Hill Road; thence South 84 deg. 12 min. 08 sec. West along said northerly margin, 272.22 feet to the point of beginning, containing 3.079 acres, more or less.

; and

WHEREAS, this project includes the construction of approximately 154 linear feet of 2-inch force main and a valve box placed on the boundary of Parcel 076.-06-14.0 and which will connect with the existing 6" gravity pressure sewer main under Jamesville Road in the Town of Dewitt, County of Onondaga, New York. The facilities are being constructed because the properties within the proposed Jamesville Woodchuck sewer district do not have a public sanitary sewer system or subsurface disposal systems. These facilities would serve approximately 3 parcels comprising approx 3 multi tenant businesses; and

WHEREAS, the Town Board will give due consideration to the impact that such construction in District may have on the environment and on the basis of such consideration, the Town Board will determine the environmental impact, if any, to be caused by such construction; and

WHEREAS, the Town of Dewitt wishes to consider whether said sanitary sewer district formation and construction project(at no cost to the Town) is in the public interest and which is estimated to be at a maximum cost of Seven Thousand Six Hundred Ninety Six and 00/100 (\$7,696.00) Dollars, to be borne entirely by the developer; and

WHEREAS, based on the maximum estimated project cost of \$7,696.00, the fact that there is no debt being issued by the Town, nor is the Town undertaking to pay for the costs of the aforesaid improvements, and 3 equivalent units, results in the following unit cost: Debt service: \$0.00, maximum Town Operation and Maintenance Cost \$230.00, Onondaga County Transmission and Treatment \$411.11, for a Total first year cost per equivalent unit \$641.11; and

WHEREAS, the estimated cost to a typical property within the district to hook up to the proposed sewer facilities is \$1,000.00 and Town Board has theretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and further that the cost of the District to such typical property is not

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above the average estimated cost to the typical properties for the establishment of similar types of districts, as computed by the State Comptroller; and

WHEREAS, the Town declares itself lead agency for State Environmental Quality Review Act purposes and declares this to be an unlisted action; and

NOW, THEREFORE, BE IT

ORDERED that a public hearing before the Town Board shall be held at Town of DeWitt Town Hall, 5400 Butternut Drive, East Syracuse New York in the Town of Dewitt, State of New York on the 31<sup>st</sup> day of October, 2016 at 8:05 am. In accordance with Article 12 of the New York State Town Law, the Town Board does hereby consider whether the formation of the above sewer district and construction of the above described sanitary sewers by the developer/owner consisting of approximately 154 linear feet of 2-inch force main and a valve box placed on the boundary of Parcel 076.-06-14.0 and which will connect with the existing 6” gravity pressure sewer main under Jamesville Road in the Town of Dewitt, County of Onondaga, New York, at a proposed maximum estimated cost, to borne entirely by the developer, of Seven Thousand Six Hundred Ninety Six and 00/100 (\$7,696.00) Dollars is in the public interest, and to hear all persons interested in the subject thereof considering the same, and for such other action on the part of the Dewitt Town Board with relation to said sewer district construction project as may be required by law; and it is further

ORDERED that the Town of Dewitt Town Clerk (with the assistance of the Town Attorney) shall publish and shall post this Order as notice of said public hearing in accordance with Town Law Article 12, not more than twenty (20) nor less than (10) days before the designated hearing date.

Adopted 7 Ayes

The matter was presented by the Supervisor. After the short discussion, the Supervisor closed the public hearing.

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IN THE MATTER OF:

The formation of the Jamesville/Woodchuck Sewer District

Under Article 12 of the Town Law

ORDER AND RESOLUTION AFTER  
PUBLIC HEARING FORMING

October 31, 2016

Jamesville Woodchuck Sewer District

JAMESVILLE/WOODCHUCK

Town of Dewitt  
County of Onondaga  
State of New York

SEWER DISTRICT

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Councilor Chiarenza offered the following Resolution and moved for its adoption.

Councilor Docter seconded the motion.

WHEREAS, the Town Board of the Town of DeWitt, has received a petition, dated 10/17/16, pursuant to Article 12 of the Town Law, for the establishment of Sewer District to be known as the Jamesville Woodchuck Sewer District, which petition is signed by the owners of taxable real property situate in the proposed District, owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed District, as shown upon the latest completed assessment roll of said Town, and there being no residential owners; and

WHEREAS, by Order dated October 17, 2016, the Town Board of the Town of DeWitt called for and noticed a public hearing in connection with the Jamesville Woodchuck Sewer District, , which was held on the 31<sup>st</sup> day of October 2016; and

WHEREAS, the DeWitt Town Board caused notice of such public hearing to be published and posted as required by Article 12 of the Town Law; and

WHEREAS the facilities to be erected within said district are being constructed at the cost and expense of the petitioner who is the developer, who is also the owner of all (100%) of the parcels within the proposed district boundary, at no expense to the Town; and

WHEREAS, RZ Engineering, PLLC has, on behalf of owner caused a General Plan/Map, boundary description and estimate of maximum cost related to the formation of the Jamesville Woodchuck Sewer District and construction of sanitary sewers and appurtenances for the Jamesville Woodchuck Sewer District, to be made and filed with the Town and the Town Engineer. The Town Engineer has reviewed and approved the General Plan/Map, boundary description and estimate of costs; and

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WHEREAS, this project includes the construction of approximately 154 linear feet of 2-inch force main and a valve box placed on the boundary of Parcel 076.-06-14.0 and which will connect with the existing 6" gravity pressure sewer main under Jamesville Road in the Town of Dewitt, County of Onondaga, New York. The facilities are being constructed because the properties within the proposed Jamesville Woodchuck sewer district do not have a public sanitary sewer system or subsurface disposal systems. These facilities would serve approximately 3 parcels comprising approx 3 multi tenant businesses; and

WHEREAS, the Town Board has given due consideration to the impact that such construction in District may have on the environment and the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising article 8 of the Environmental Conservation Law; and

WHEREAS, the Town of Dewitt has considered whether said sanitary sewer district formation and construction project(at no cost to the Town) is in the public interest and which is estimated to be at a maximum cost of Seven Thousand Six Hundred Ninety Six and 00/100 (\$7,696.00) Dollars, to be borne entirely by the developer; and

WHEREAS, based on the maximum estimated project cost of \$7,696.00, the fact that there is no debt being issued by the Town, nor is the Town undertaking to pay for the costs of the aforesaid improvements, and 3 equivalent units, results in the following unit cost: Debt service: \$0.00, maximum Town Operation and Maintenance Cost \$230.00, Onondaga County Transmission and Treatment \$411.11, for a Total first year cost per equivalent unit \$641.11; and

WHEREAS, the estimated cost to a typical property within the district to hook up to the proposed sewer facilities is \$1,000.00 and Town Board has theretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and

WHEREAS, as the New York State Comptroller's Office is now using \$798.00 per year as the average estimate cost to a "typical property" in determining whether new sewer districts need the Comptroller's approval. The estimated total cost per EDU of \$641.11, is below the Comptroller's threshold amount, and the Town is not financing the cost of any portion of the project; and, therefore, Comptroller Approval is not required;

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NOW, THEREFORE, in accordance with Article 12 of the New York State Town Law, upon the evidence presented at the public hearing and upon the advice and recommendation of the Town Engineers, this Town Board does hereby order and resolve as follows:

1. That the notice of hearing was published and posted as required by law, and is otherwise sufficient;
2. That all property and property owners within the proposed district are benefited thereby;
3. That all property and property owners benefited are included within the limits of the proposed district;
4. That it is in the public interest to grant the relief contained in the petition and to create the proposed district;
5. That the petition of the property owners was signed and proved as required by Law and is otherwise sufficient; and be it further
6. The Town declares itself lead agency for State Environmental Quality Review Act purposes determines this to be an unlisted action, and hereby makes and declares a Negative Declaration with respect to this project. A duly processed Negative Declaration and any other applicable documentation is filed herewith in the office of the Town Clerk
7. That the establishment of the proposed district as set forth in said map, plan and report, be approved; that the improvements herein mentioned be constructed by the petitioner; and such district shall be known and designated as Jamesville Woodchuck Sewer District and shall be bounded and described as follows:

**ALL THAT CERTAIN PIECE OR PARCEL OF LAND** situate in the Town of Dewitt, County of Onondaga, State of New York, known and distinguished as part of Farm Lot No. 81 in said Town; also being New Lots 1, 2 & 3 of the Old Woodchuck Hill Subdivision and being more particularly bounded and described as follows:

**Beginning** at a point on the easterly margin of Jamesville Road as shown on New York State Department of Transportation Interstate Route 481 (Interstate Route 571-1-1) Appropriation Map 64 as Parcel 139 at its intersection with the northerly margin of the Woodchuck Hill Road as shown on New York State Department of Transportation Interstate Route 481 (Interstate Route 571-1-1) Appropriation Map 71 as Parcel 125; thence along said easterly margin of Jamesville Road the following three (3) courses and distances: 1.) North 07 deg. 39 min. 16 sec. West, a distance of 162.95 ft. to a point; thence

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2.) North 07 deg. 42 min. 20 sec. West, a distance of 51.85 ft. to a point; and 3.) North 07 deg. 40 min. 17 sec. West, a distance of 133.39 ft. to its intersection with the southerly margin of Interstate Route 481 (Interstate Route 571-1-1) as shown on said New York State Department of Transportation Appropriation Map 71 as Parcel 126; thence North 71 deg. 11 min. 45 sec. East along the said southerly margin, a distance of 197.06 feet to its intersection with the southerly margin of Interstate Route 481 (Interstate Route 571-1-1) as shown on said New York State Department of Transportation Appropriation Map 64 as Parcel 138; thence North 71 deg. 14 min. 21 sec. East continuing along the said southerly margin, a distance of 84.54 feet to its intersection with the southeasterly margin of Interstate Route 481 (Interstate Route 571-1-2) as shown on New York State Department of Transportation Appropriation Map 102-R-1 as Parcel 102; thence North 65 deg. 06 min. 40 sec. East along said southeasterly margin, 147.28 feet to its intersection with the division line between the lands now or formerly of Richard J. Kahutz and Lucien Ali as described in Book 3494 of Deeds at Page 76 on the west and the lands now or formerly of Niagara Mohawk Power Corporation as described in Book 2339 of Deeds at Page 15 on the east; thence along the division line between the said lands of Kahutz & Ali and the lands now or formerly of Richard J. Kahutz and Lucien Ali as described in Book 3553 of Deeds at Page 206, in part by each, on the west and the said lands of Niagara Mohawk Power Corporation and the northerly margin of the Woodchuck Hill Road as shown on New York State Department of Transportation Interstate Route 481 (Interstate Route 571-1-1) Appropriation Map 94 as Parcel 148, in part by each, the following two courses and distances: 1) South 09 deg. 16 min. 08 sec. West along said division line, 348.00 feet to a point of curvature; and thence 2) Southerly along a curve to the right having a radius of 1383.19 feet, a length of 129.67 feet and a chord bearing of South 11 deg. 57 min. 16 sec. West 129.62 feet to its intersection with the said northerly margin of Woodchuck Hill Road; thence South 84 deg. 12 min. 08 sec. West along said northerly margin, 272.22 feet to the point of beginning, containing 3.079 acres, more or less.

; and be it further

8. That the sewer line for said sewer district is to be constructed by Cornerstone Crossings, LLC, owner of the premises contained within the aforescribed district, wholly at its own expense, and it has offered to convey the same without cost to the Town of DeWitt, free and clear of encumbrances, except right of access to said improvement by adjoining landowners; that the cost of connecting the same with the existing sewer system shall be borne by the petitioner; and be it further

9. That the Town Clerk be, and hereby is, authorized and directed to file a certificate copy of this Resolution in the Office of the Clerk of the County of Onondaga, which is the County in which the said Town of DeWitt is located, and in the Office of the State Comptroller, within ten days after the adoption of this Resolution, pursuant to the provision of section 195 of the Town Law.

Adopted 7 Ayes

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**Clerical Correction of Local Law 2-2016 - FEMA**

Motion by Councilor Mannion, seconded by Councilor Chiarenza.  
RESOLVED, to authorize the Town Clerk to file the correction of clerical errors in  
Local Law 2-2016 .

Adopted 7 Ayes

Motion by Councilor Frank, seconded by Councilor Mannion.  
RESOLVED, to adjourn the meeting at 8:37 a.m.

Adopted 7 Ayes

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Angela Epolito, Town Clerk