

At a Hearing held at a Meeting of the Huron Town Board held on the 17<sup>th</sup> day of August, 2020, at 6:15 pm, at the Huron Town Hall, 10880 Lummisville Road, in the Town of Huron, County of Wayne and State of New York.

STATE OF NEW YORK    COUNTY OF WAYNE  
TOWN OF HURON                      TOWN BOARD

Establishment  
of the Regional Water Storage Improvement Area  
in the Town of Huron, Wayne County Pursuant  
to Article 12-C of the Town Law

**ORDER AND RESOLUTION**

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**UPON MOTION OF TOWN BOARD MEMBER Russell Teeple,  
SECONDED BY TOWN BOARD MEMBER David Buisch, IT IS  
UNANIMOUSLY ORDERED AND RESOLVED AS FOLLOWS:**

1. The Town Board has proposed to create the Regional Water Storage Improvement Area (the "Improvement Area") of the Town of Huron (the "Town") pursuant to Article 12-C of the Town Law.
2. The Wayne County Water and Sewer Authority ("Authority"), together with the Town of Arcadia, Town of Huron ("Town"), Town of Lyons, Town of Marion, Town of Sodus, and Town of Williamson (collectively "Participating Municipalities"), are in need of enhanced water supply, water storage, fire protection, redundancy, resiliency and related services.
3. In lieu of working independently to meet these needs, the Participating Municipalities discussed and memorialized their intent to work together cooperatively with the Authority to develop regional water storage tank improvements with related pump station and transmission system improvements that would meet their collective needs pursuant to a Memorandum of Understanding Regarding The Wayne County Water And Sewer Authority 2017 Regional Water Storage Project ("Joint Water Project"), entered into and effective as of June 23, 2017, which agreement was revised and extended by Addendum No. 1 dated as of December 30, 2017, and subsequently amended and restated by agreement dated as of September 1, 2019 (collectively,

“MOU”). The MOU is on file at the Town Clerk’s Office and is available for public inspection during regular business hours.

4. The agreement between the Participating Municipalities set forth in the MOU was memorialized in the Regional Water Storage System Improvements and Services Agreement with exhibits (“Intermunicipal Agreement” or “IMA”), dated and effective January 1, 2020. The IMA is on file at the Town Clerk’s Office and is available for public inspection during regular business hours.

5. Pursuant to the IMA, the Authority will design, procure and finance regional water storage tank improvements, pump station improvements, transmission mains, water lines and other related improvements (collectively “Improvements”) and the Authority will construct and operate the Improvements, except that the Town of Williamson will construct and operate certain Improvements within the geographic limits of the Town of Williamson.

6. The maximum cost of the Improvements (“Project Cost”) is estimated to be \$10,500,000. The Authority has received various grants for the Project Costs in the amount of \$4,650,000, leaving a net capital cost of \$5,850,000 at this time.

7. The Authority will charge an annual service fee (“Service Fee”) to the Participating Municipalities to pay for Project Costs.

8. The Participating Municipalities will pay the Service Fee on a pro rata basis as determined by the number of equivalent dwelling units (“EDU”) benefitting from the Improvements in each town. The Town’s pro rata share of the Service Fee for 2021 is 13.21%, as shown on Exhibit C of the IMA.

9. The Participating Municipalities have agreed to a common definition of EDU for the purpose of determining the pro rata share, as set forth in Exhibit A to the IMA.

10. The Participating Municipalities have agreed to form Improvement Areas under Article 12-C of the Town Law. The purpose of the proposed Improvement Area is to facilitate the allocation of the Town's pro rata share of Service Fee among users of the Improvements.

11. Users of the Improvements that will be assessed the annual cost per EDU are users of water/owners of parcels of land with access to water that are located within districts or improvement areas and approved Authority service areas, as well as approved out-of-district users within the Participating Municipalities, in each case receiving and/or otherwise benefiting from Regional Water Storage Services during the term of this Agreement .

12. The estimated annual cost per EDU is between \$45 and \$75. This cost will change based on a number of factors, including the financing and the number of EDUs in the Town as water services are expanded and water districts are created.

13. A report entitled *Engineering Report for the Wayne County Regional Water and Sewer Authority Regional Storage Project, Towns of Arcadia, Huron, Lyons, Marion, Sodus and Williamson*, dated July 2020 (the "Map, Plan and Report"), prepared by Derek C. Anderson, P.E of MRB Group, Engineering Architecture & Surveying, D.P.C., a competent engineer duly licensed by the State of New York was accepted by the Town Board on July 20, 2020, and is incorporated by reference. That Map, Plan and Report details the nature and extent of the Improvements, and includes a map showing the boundaries of the proposed Regional Water Storage Improvement Area.

14. A copy of the Map, Plan and Report has been filed with the Town Clerk and is available for public inspection during regular business hours at her office. It is also available on the Authority's website at [www.wcwsa.org](http://www.wcwsa.org).

15. The Improvement Area is proposed to include the lands described on the annexed **Schedule A**. The Improvement Area intended to effectively "overlay" the Town, including its existing water

districts and other improvement areas, service areas and out-of-district users, so as to encompass all water Users within the boundaries of the proposed Improvement Area. The Improvement Area also encompasses areas without current access to public water, but which would be assessed a Service Fee at such time public water is available to them, in recognition of the enhanced water storage and/or the related redundancy and water system resiliency associated with the Project.

16. The Improvements are set forth in the Map, Plan and Report, and include construction within the Town of approximately 19,300 lineal feet of 8-inch water main along York Settlement Road and Briggs Roads in the Town.

17. Once constructed, owners of property along the Improvements in the Town that are not in a water district (“Out-of-District Users”) can connect and obtain water upon execution of a contract with the Town and the Authority.

18. Out-of-District Users who connect to the Improvements will be charged by the Authority a one-time connection charge estimated initially to be \$1,600 per standard service connection (1” service line and ¾” meter) inclusive of the meter, appurtenances, and inspection charges; and will also be responsible for the cost of their water service line between the curb stop and the dwelling, including any internal plumbing modifications necessary to accommodate the installation of the water meter. Upsizing of the service line and meter, if necessary to accommodate particular properties, will incur a higher connection charge in accordance with the Authority’s then applicable connection charges.

19. In addition to the connection fee, Out-of-District Users will pay \$540 per year for 38 years in addition to the cost of water. This amount will be payable to the Town and used to reduced debt owed by the Town’s other water districts.

20. On August 2, 2020, the Town Board adopted a Negative Declaration for the Improvement Area under the State Environmental Quality Review Act, finding that creation of the Improvement Area would not have a significant adverse impact on the environment.

21. An Order (the “Order for Hearing”) was duly adopted by the Town Board on August 4, 2020, setting a public hearing on the creation of the proposed Improvement Area on the August 17, 2020, at 6:15 p.m., at the Huron Town Hall, 10880 Lummisville Road in the Town of Huron, County of Wayne and State of New York.

22. A certified copy of this Order was published in the *Times of Wayne County* on the 9<sup>th</sup> day of August, 2020, and the Town Clerk posted a copy of this Order on the sign board of the Town maintained pursuant to Town Law §30(6) on August 5, 2020.

23. A hearing was held on the 17<sup>th</sup> day of August 2020, at 6:15 p.m., by the Town Board at 10880 Lummisville Road in the Town of Huron, County of Wayne and State of New York on the proposal to establish the Improvement Area, at which time the Town Board considered the Map, Plan and Report, and heard all persons who wished to speak. The hearing was held simultaneously by an in-person meeting and through videoconferencing.

24. A certified copy of the Order for Hearing was filed with the State Comptroller.

**NOW, THEREFORE, THE TOWN BOARD FINDS THAT:**

A. The Order for Hearing was published and posted as required by law for a notice of hearing, and is otherwise sufficient.

C. All Users as that term is defined in the IMA, including Out-of-District Users, will be benefitted by the Improvements in that the Improvements will provide enhanced water supply, water storage, fire protection, redundancy, resiliency and related services within the proposed Improvement Area.

D. All Users benefitted by the proposed Improvement Area are included within the limits of

the proposed Improvement Area.

E. Establishment of the Improvement Area is in the public interest.

**IT IS THEREFORE ORDERED AND RESOLVED** that the Regional Water Storage Improvement Area of the Town of Huron is established in accordance with the Map, Plan and Report, and that the Improvement Area shall be bounded and described as set forth on the attached Schedule A; and

**IT IS FURTHER ORDERED AND RESOLVED** that pursuant to Town Law §209-q, the Service Fee shall be assessed to Users and Out-of-District Users by the Town Board, in proportion as nearly as may be calculated to the benefit which each lot or parcel would derive from the Improvements, and pursuant to the EDU policy of the Town; and


**IT IS FURTHER ORDERED AND RESOLVED** that pursuant to Town Law § 209-q(11), this Order and Resolution is not subject to permissive referendum because the Service Fee is not charged to the entire area of the town; and

**IT IS FURTHER ORDERED AND RESOLVED** that this Order and Resolution is not subject to the state comptroller's approval pursuant to Town Law § 209-q(13) because the Town is not financing the Improvements but rather they are being financed by the Authority; and

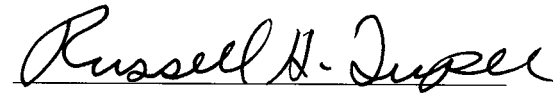
**IT IS FURTHER ORDERED AND RESOLVED** that on or before August 27, 2020, the Town Clerk shall record a certified copy of this Order and Resolution with the Wayne County Clerk, and file a certified copy with the New York State Department of Audit and Control in Albany, New York.

**TOWN BOARD OF THE TOWN OF HURON**

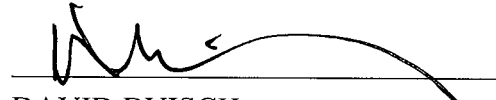
Dated: August 17, 2020

  
PHILIP EYGNOR, Supervisor

Dated: August 17, 2020

  
RUSSELL TEEPLE

Dated: August 17, 2020

  
DAVID BUISCH

Dated: August 17, 2020

  
RICHARD REYN

Dated: August 17, 2020

  
ROBERT CAHOON

**Schedule A**  
**Description of Proposed Regional Water**  
**Storage Project Improvement Area**  
**Town of Huron, New York**

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Huron, County of Wayne and State of New York, designated as the Proposed Regional Water Storage Project Improvement Area as set forth and delineated on a map prepared by MRB Group Engineering, Architecture & Surveying, D.P.C. dated July 2020, entitled “Map and Plan” (Project No. 2300.16001) and being more particularly bounded and described as follows: **BEGINNING** at the intersection of the existing municipal boundary between the Town of Huron and The Town of Butler with the existing common municipal boundary between the Town of Huron and the Village of Wolcott and continuing thence from said point of beginning:

1. Northerly, along the last mentioned existing common municipal boundary between the Town of Huron and the Village of Wolcott and also along the existing common municipal division line between the Town of Huron and The Town of Wolcott, said division line also being the easterly boundary of the Huron Water District No. 7 and crossing Port Bay to a point at its intersection with the existing northerly municipal boundary of the Town of Huron, said point also being the south shore of Lake Ontario; thence
2. Easterly, along the existing northerly municipal boundary of the Town of Huron and also along the existing northerly bounds of Huron Water District No. 7 and Huron Water District No 6 and the southerly shore of Lake Ontario to a point at its intersection with the existing municipal boundary between the Town of Huron with the Town of Sodus; thence
3. Southerly, along the last mentioned existing municipal boundary between the Town of Huron and the Town of Sodus, crossing Sodus bay and alone the westerly bounds of Wayne County Water and Sewer Authority (WCWSA) Shaker Tract Service Area and Huron Water District No. 3 to a point at its intersection with the municipal boundary between the Town of Huron with the Town of Rose; thence
4. Easterly, along the last mentioned municipal boundary between the Town of Huron with the Town of Rose and also along the existing southerly bounds of Huron Water District No. 4 to a point at its intersection with the existing municipal boundary between the Town of Huron with the Town of Butler; thence
5. Northerly, along the last mentioned existing municipal boundary between the Town of Huron and the Town of Butler to an angle point in said municipal boundary; thence
6. Easterly, along the last mentioned existing municipal boundary between the Town of Huron and the Town of Butler to the point and place of beginning.



**HEREBY INTENDING TO DESCRIBE IN ITS ENTIRETY** that Tract or Parcel of land situate in the Town of Huron, Wayne County, New York to be known and identified as Town of Huron Regional Water Storage Project Improvement Area.

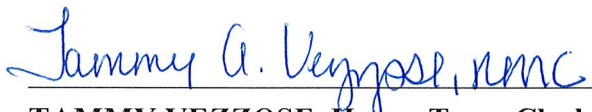
## CERTIFICATION OF TOWN CLERK

STATE OF NEW YORK)

COUNTY OF WAYNE ) s.s:

TAMMY VEZZOSE, Town Clerk of the Town of Huron, Wayne County, New York,  
DOES HEREBY CERTIFY that she has compared the above Order and Resolution duly adopted  
by the Town Board of the Town of Huron on the 17<sup>th</sup> day of August, 2020 with the original now  
on file in her office, and she certifies that it is a correct and true copy of that Order.

Dated: August 18, 2020

  
TAMMY VEZZOSE, Huron Town Clerk