**ORDER SETTING PUBLIC HEARING CONCERNING**

**PROPOSED NORTH CREEK SEWER DISTRICT**

**RESOLUTION NO.: 22 - 110**

**INTRODUCED BY: Supervisor Hogan**

**WHO MOVED ITS ADOPTION: Mr. Stevens, Councilman**

**SECONDED BY: Mr. Gonyo, Councilman**

 WHEREAS, the Town of Johnsburg has been working hard for many years on a possible Sewer District to serve an area in the Hamlet of North Creek, and

 WHEREAS, the Town formed and worked extensively with the Town of Johnsburg Sewer Committee over many years, and

 WHEREAS, a Map, Plan and Report has been prepared by Cedarwood Engineering Services PLLC (the “Map, Plan and Report”) concerning the proposed North Creek Sewer District (the “District”), and

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

 WHEREAS, the Map, Plan and Report delineates the boundaries of the proposed Sewer District, a general plan of the proposed system, a report of the proposed wastewater treatment system, a report of the proposed method of operation, all outlets and the terminus and course of each proposed main sewer or drain together with the location and a general description of all sewage disposal plants, pumping stations and other public works, if any, and is consistent with, so far as possible, any comprehensive plan for sewers developed and maintained pursuant to General Municipal Law §99-f, and

 WHEREAS, as Lead Agency, the Johnsburg Town Board conducted coordinated State Environmental Quality Review Act (SEQRA) Review, with the Project being a Type I Action and the Town Board issued a SEQRA Negative Declaration for this Project on July 20, 2021.

NOW, THEREFORE, IT IS HEREBY

 ORDERED:

1. The boundaries of the proposed Sewer District Extension are as set forth in the Map, Plan and Report and detailed in Exhibit A attached hereto:
2. The proposed improvements consist of a wastewater treatment facility expected to be located on the Johnsburg Town Hall parcel (tax map parcel number 66.10-2-41) and a proposed collection system. The wastewater system would involve construction of a new wastewater collection and treatment system that would use a centralized aerobic wastewater treatment process to ensure NYSDEC SPDES limits are met. The proposed collection system would consist of 8-inch sewer mains, and residential connections. The gravity collection system would consist of approximately 4,850 linear feet of sewer main located along Main Street, Ski Bowl Road, and Railroad Place. In addition to this gravity sewer main, there would be approximately sixty-six (66) lateral connections. The collection system will also include approximately 4,835 linear feet of force main and a pump station. Portions of the gravity collection system would discharge to one pump station, located at the topographical low point of the system, which would pump through approximately 1,715 linear feet of force main. Additionally, the wastewater from the proposed ORDA Ski Bowl Lodge would discharge (from the ORDA supplied grinder pump station) approximately 2,000 linear feet to a grinder pump station located near the nursing home. The flow from the nursing home and ORDA will discharge through approximately 1,120 feet of force main across Route 28 and into the gravity collection on Ski Bowl Road.
3. The estimated cost of the collection system is expected to be $3,416,880 and the cost of the wastewater treatment system is $4,214,000. The maximum total estimated cost of the Sewer District is $7,630,880.
4. The plan of financing would be as follows: (1) $750,000 from a Northern Border Regional Commission grant; (2) $1,600,000 from an Empire State Development Grant; (3) $1,498,000 from a USDA grant; and (4) $3,783,000 from a USDA loan bearing no more than 1.50% interest for 38 years.
5. The estimated cost for a property within the District to hook-up is $6,000. The costs of hooking up the properties within the District done during the original construction are not to be paid directly by the property owners as these costs are included within the District costs. In the future, additional hook-up costs are estimated to range from $2,000 to $8,000, depending on facts.
6. The estimated annual cost to the typical property, which property is a one family residence, is $614.90. The typical property has an assessed value of $3,000 at an equalization rate of 1.9% and a one family house will be assessed one EDU. A list of each property in the proposed District showing the expected EDUs for each parcel is attached for the Map, Plan and Report as Schedule A-6.
7. The Map, Plan and Report details the cost per EDU based on the expectation that the Town will receive $1,498,000 from USDA in a grant and provide long-term financing for $3,783,000 at 1.50% interest for 38 years. If this occurs, then the estimated annual cost for the typical property which is a one family house would be $614.90. This does not exceed the New York State Comptroller’s Office average estimate cost for a Town sewer district for 2022 (which is $706 per year).

While the Town reasonably expects the above, the Town has received a Preliminary Eligibility Determination from USDA and the Town is proceeding to obtain formal approval from USDA.

1. A detailed explanation of how the estimated costs of the District Extension were computed is included in the Map, Plan and Report which has been filed with the Johnsburg Town Clerk and is available for public inspection and is also available on the Town of Johnsburg website: www.johnsburgny.com.
2. The proposed improvements shall be constructed and installed as specifically delineated in the Map, Plan and Report and in full accordance with the Town of Johnsburg's specifications, ordinances or local laws, and any State laws or regulations, and in accordance with approved plans and specifications and under competent engineering supervision.
3. The Town Board conducted coordinated SEQRA review of this Project and adopted a Negative Declaration for the Project on July 20, 2021.
4. The Town Board shall meet and hold a public hearing at the Tannery Pond Center at228 Main St, North Creek and also by Zoom **[https://us02web.zoom.us/j/2172603617 Meeting ID: 217 260 3617]** at 7:00 p.m., on Tuesday, July 19, 2022 to consider the Map, Plan and Report and to hear all persons interested in the proposal and to take such other and further action as may be required or authorized by law.
5. The Town Board hereby authorizes and directs the Johnsburg Town Clerk to duly publish and post this Order not less than ten (10) days nor more than twenty (20) days before the public hearing date, as required by Town Law §209-d, and post it on the Town’s website, and complete or arrange for the securing of two (2) Affidavits of Publication of Notice and two (2) Affidavits of Posting of Notice of the Public Hearing required hereby and to file a certified copy of this Order with the State Comptroller on or about the date of publication.
6. The Town Board also directs the Johnsburg Town Clerk to mail a copy of this Public Hearing Order to each property owner in the proposed District at the address used to mail real property tax bills.

 Duly adopted this 21st day of June 2022, by the following vote:

AYES: 5 (Supervisor Hogan, Councilmen – Stevens, Gonyo, Arsenault, Olesheski

NOES: 0

ABSENT: 0

Schedule A

All that certain parcel of land, being situate in the Town of Johnsburg, County of Warren and State of New York more particularly described as follows:

Beginning at a point at the intersection of the easterly bounds of Route 28 with the northerly bounds of Peaceful Valley Road, County Road 29, and the southwesterly bounds of lands of the Town of Johnsburg; thence in a northerly direction along the easterly bounds of Route 28 to a point in the southerly bounds of lands of the North Creek Park District per Book 200 of Deeds at Page 290; thence continuing in a northerly direction along the said easterly bounds of Route 28, and along the westerly bounds of the North Creek Park District, and the westerly bounds of lands now or formerly of 320 Main LLC, per Book 5556 of Deeds at page 63 to a point at the intersection of Routes 28 and 28N; thence in a easterly direction along the southerly bounds of Route 28N, and being the northerly bounds of 320 Main LLC, and the northerly bounds of lands now or formerly of Frank P. Guarino and Patrick J. Guarino per Book 812 of Deeds at page 116 to a point in the westerly bounds of Ordway Lane; thence in a northeasterly direction across Route 28N, to a point in the southwesterly corner of lands now or formerly of William D. Broderick per Book 1259 of Deeds at page 288; thence continuing in a northeasterly direction along the lands of Broderick 102.7 feet more or less to a point; thence in a southeasterly direction along the northerly bounds of Broderick 41.69 feet more or less to a point; thence in a northerly direction along the westerly bounds of lands now or formerly of St. James Catholic Church per Book 61 of Deeds at page 437, to a point in the southerly bounds of lands now or formerly of Come By Chance, LLC per Book 5747 of Deeds at page 1; thence along the lands now or formerly of Come By Chance, LLC, the following six (6) courses and distances: 1) continuing in a northerly direction 10.04 feet more or less to a point; 2) westerly 46.75 feet more or less to a point; 3) northerly 70 feet more or less to a point; 4) westerly 20.67 feet more or less to a point; 5) northerly 90.75 feet more or less to a point; and 6) easterly 167.53 feet more or less to a point in the westerly bounds of lands now or formerly of M & R Prestigious Properties, LLC; per Book 4025 of Deeds at page 288; thence in a northerly direction along the said westerly bounds of M & R Prestigious Properties, LLC, 51.09 feet more or less to a point in the southerly bounds of Wade Street; thence in a northwesterly direction across Wade Street to a point in the southerly bounds of lands now or formerly of Premier Properties of the North Country, LTD per Book 1334 of Deeds at page 83; thence in a westerly direction along the said southerly bounds of lands now or formerly of

Premier Properties of the North Country, LTD, and the southerly bounds of lands or formerly of Martin Ferrillo and Radana Dooley per Book 5555 of Deeds

at page 239, to the southwesterly corner thereof; thence in a northerly direction along the westerly bounds of Ferrillo and Dooley, 88.83 feet more or less to a point; thence in a easterly direction along the northerly bounds of Ferrillo and Dooley, to the westerly bounds of lands now or formerly of Richard and Lisa Smith per Book 1376 of Deeds at page 7; thence in a northerly direction along the said westerly bounds of Smith to a point in the southerly bounds of lands now or formerly of Geoffery S. Konis per Book 1248 of Deeds at page 180; thence in a westerly direction along the said southerly bounds of Konis to a point at the southwesterly corner thereof; thence in a northerly direction along the said westerly bounds of Konis to a point in northerly bounds thereof; thence in a easterly direction along the said northerly bounds of Konis to a point in the westerly bounds of lands now or formerly of Citizens Telecommunications Company of New York, Inc. per Book 921 of Deeds at page 212; thence in a northerly direction along the said westerly bounds of Citizens, 75.04 feet more or less to a point in the southerly bounds of lands now or formerly of Sybil H. Utterback and Harris Hewitt per Book 3047 of Deeds at page 256; thence along the bounds of Utterback and Hewitt the following five (5) courses and distances: 1) in a southwesterly direction, 303.3 feet more or less to a point; 2) southerly 32 feet more or less to a point; 3) easterly 166 feet more or less to a point; 4) northerly 89 feet more or less to a point; and 5) northeasterly 276.28 feet, more or less to a point at the southwesterly corner of lands now or formerly of Village Square Associates per Book 3667 of Deeds at page 261; thence along Village Square Associates the following two (2) courses and distances: 1) in a northerly direction 150 feet more or less to a point; and 2) in a westerly direction 31.39 feet more or less to a point in the southerly bounds of lands now formerly of North Creek Center, LLC per Book 5186 of Deeds at page 282; thence along North Creek Center, LLC the following two (2) courses and distances: 1) in a northwesterly direction 233.21 feet more or less to a point; and 2) northerly 145.16 feet more or less to a point in the southwesterly bounds of Copperfield Inn Resorts, LLC per Book 3688 of Deeds at page 251; thence along the westerly bounds of said Copperfield Inn Resorts, LLC the following two (2) courses and distances: 1) continuing northerly 54.84 feet more or less to a point; and 2) northwesterly 100.00 feet more or less to a point in the southeasterly corner of lands now or formerly of the Town of Johnsburg per Book 218 of Deeds at page 270; thence in a southwesterly direction along the southerly bounds of the Town of Johnsburg to the easterly bounds of Route 28; thence continuing southwesterly across Route 28 to the lands now or formerly of 112 Ski Bowl Road, LLC per Book 5703 of Deeds at page 71; thence in a southeasterly direction along the westerly bounds of Route 28, 955 feet more or less to a point

in the northerly bounds of lands or formerly of the Town of Johnsburg ; thence continuing southeasterly along the said westerly bounds of Route 28, 1235 feet

more or less to point in the northerly bounds of Ski Bowl Road; thence continuing across said Ski Bowl Road to a point in the southerly bounds thereof; thence continuing southeasterly along the said westerly bounds of Route 28, 1550 feet more or less to a point; thence in a southwesterly direction along the southerly bounds of land of the Town of Johnsburg, per Book 4782 of Deeds at page 234, 2612 feet more or less to a point in the easterly bounds of the State on New York; thence in a northwesterly direction along the said easterly bounds of New York State, 3215 feet more or less to a point at the southeasterly corner of lands now or formerly of Front Street Mountain Development, LLC per Book 1442 of Deeds at page 206; thence continuing northwesterly along the easterly bounds of New York State, 610 feet more or less to a point at the southwesterly corner of lands now or formerly of the Town of Johnsburg per Book 4350 of Deeds at page 290; thence continuing northwesterly along the easterly bounds of New York State 200 feet more or less to a point at the southwesterly corner Front Street Mountain Development, LLC; thence continuing northwesterly along the easterly bounds of New York State, 160 feet more or less to a point at the southwesterly corner of lands now or formerly of the Town of Johnsburg; thence continuing northwesterly along the easterly bounds of New York State 130 feet more or less to a point at the southwesterly corner Front Street Mountain Development, LLC per Book 1492 of Deeds at page 43; thence continuing northwesterly along the easterly bounds of New York State 2440 feet more or less to a point in the easterly bounds of New York State; thence in a northeasterly direction along the easterly bounds of New York State, 742 feet more or less to a point; thence in a westerly direction along the northerly bounds of New York State 1505 feet more or less to a point; thence in a northeasterly direction along the southeasterly bounds of New York State 2164.04 feet more or less to the southwesterly bounds of lands now or formerly of Robert D. Monroe, Jr. per Book 5063 of Deeds at page 71; thence in a southwesterly direction along the southerly bounds of Monroe, 477.62 feet more or less to a point; thence in a northeasterly direction along the southeasterly bounds of Monroe 1107.46 feet more or less to a point in the southerly bounds of Route 28; thence in a southeasterly direction along the southerly bounds of Route 28, 355 feet more or less to a point westerly bounds of lands now or formerly of Mark E. Price per Book 1134 of Deeds at page 129; thence in a southerly direction along Price, 80 feet more or less to a point; thence in a southeasterly direction along Price, 157 feet more or less to a point; thence in a northerly direction still along Price, 80 feet more or less to a point in the southerly bounds of Route 28; thence in a southeasterly direction along the southerly bounds of Route 28, 200 feet more or less to the northwesterly corner of lands now or formerly of Rebcca Mulvey per

Book 898 of Deeds at page 272; thence in a southerly direction along the westerly bounds of Mulvey 240 feet more or less to a point; thence in a southeasterly

direction 240 feet more or less to a point in the westerly bounds of lands now or formerly of NCNY Properties, LLC per Book 4008 od Deeds at page 35; thence in a southwesterly direction along said lands of NCNY Properties, LLC 1250 feet more or less to a point; thence in a southeasterly direction at right angles to the previous course 60 feet more or less to a point; thence in a northeasterly direction along the northwesterly bounds of Front Street Mountain Development, LLC 690 feet more or less a point; thence in a southeasterly direction along the northeasterly bounds of Front Street Mountain Development, LLC 2330 feet more or less to a point; thence in a northeasterly direction to the southwesterly bounds of Route 28; thence in a southeasterly direction along Route 28, 325 feet more or less, to a point; thence in a northeasterly direction crossing Route 28, 128 feet more or less to a point at the intersection of the northeasterly bounds of said Route 28 with the southwesterly corner of lands now or formerly of Elliot Monter per Book 1044 of Deeds at page 269; thence continuing in northeasterly direction along the northwesterly bounds of Monter, 604.4 feet more or less to a point; thence in a easterly direction along the northerly bounds of lands of Monter 98.52 feet more or less to a point in the southwesterly bounds of Main Street; thence crossing Main Street to a point in the northeasterly bounds thereof; thence in a northwesterly direction along the said northerly bounds of Main Street, and the southwesterly bounds of lands now or formerly of 320 Main, LLC per Book 5083 of Deeds at page 292 to a point being the northwesterly corner of 320 Main, LLC; thence continuing along the northerly bounds of Main Street, and being the southerly bounds of lands now or formerly of the County of Warren per Book 1010 of Deeds at page 142, 1255 feet more or less to a point; thence in a northerly direction along the said lands of the County of Warren to a point in the southerly shore of the Hudson River; thence in a southeasterly direction as it winds and turns, along the said southerly shore or the Hudson River, 1853 feet more or less to a point in the westerly bounds of lands now or formerly of the Town of Johnsburg per Book 4191 of Deeds at page 14; thence continuing southeasterly along the shore of the Hudson River and the northerly bounds of the Town of Johnsburg, 370 feet more or less to point in the westerly bounds of the County of Warren; thence continuing along the shore of the Hudson River, being the northerly bounds of the County of Warren, 240 feet more or less the a point in the westerly bounds of other lands of the County or Warren; thence in a southwesterly direction to the northerly bounds of lands now or formerly of Melinda L. Waddell per Book 5309 of Deeds at page 77; thence in a southeasterly direction along the said northerly bounds Waddell, and the northerly bounds of lands now or formerly of John Cavan and Michael Greenan per Book 4124 of Deeds at page 1, 175.22 feet more or less to a point; thence in a southerly

direction along the easterly bounds of lands of Cavan and Greenan 130 feet more or less to a point; thence in a southeasterly direction along the northerly bounds

of Cavan and Greenan, the northerly bounds of lands now or formerly of the Phillip Baroudi Trust per Book 846 of Deeds at page 232, and the northerly bounds of lands now or formerly of Rebecca P. Mulvey per Book 1354 of Deeds at page 175, 268.7 feet more or less to a point; thence southerly along the easterly bounds of Mulvey, and the easterly bounds of lands now or formerly of Alpine Lodge, LLC per Book 1441 of Deeds at page 116, 117.9 feet more or less to a point; thence southeasterly along Alpine Lodge, LLC 30 feet more or less to a point at the intersection of the northwesterly bounds of lands now or formerly of John P. McAlonen Jr. per Book 3427 of Deeds at page 68, and the northeasterly bounds of lands now or formerly of Adirondack Supply, LLC, per Book 1492 of Deeds at page 292 thence in a westerly direction along the northerly bounds of Adirondack Supply, LLC, 67.5 feet to a point; thence in a southerly direction along the westerly bounds of lands of Adirondack Supply, LLC, 74.28 feet to a point; thence in a westerly and southerly direction along lands now or formerly of the Nessle Family Trust, per Book 6337 of Deeds at page 186, to the northerly bounds of Circle Avenue; thence in a southeasterly direction crossing said Circle Avenue, to the northwesterly corner of lands now or formerly of the Mac Clarence’s, per Book 1485 of Deeds at page 224; thence in a southerly direction along the westerly bounds of said lands of Mac Clarence, the westerly bounds of lands now or formerly of Paul and Sharon Ryan, per Book 3208 of Deeds at page 116; and the westerly bounds of lands now or formerly of Matthew Thomas, per Book 5909 of Deeds at page 187, to the northerly bounds of lands now or formerly of Community Bank, National Association, per Book 6388 of Deeds at page 311; thence in a easterly direction along the division line between Thomas, on the North, and Community Bank, National Association on the South, 148.15 feet to a point in the westerly bounds of Circle Avenue; thence in a southerly direction along Circle Avenue 10.18 feet, to a point in the northerly bounds of lands now or formerly of Grau Geist, LLC, per Book 5941 of Deeds at page 90; thence in a westerly direction along the said northerly bounds of lands now or formerly of Grau Geist, LLC, to the northwesterly bounds of lands now or formerly of Pratt Trucking and Excavating, LLC, per Book 6443 of Deeds at page 44; thence southerly and easterly along said lands of Pratt Trucking and Excavating, LLC, to the northerly bounds of lands now or formerly of Christine M. Carew, per Book 1206 of Deeds at page 144; thence in a westerly direction along the southerly bounds of the Community Bank, National Association, and the northerly bounds of the following six (6) adjoiner’s: 1) said lands of Carew; 2) lands now or formerly of Leona A. Clark, per Book 915 of Deeds at page 125; 3) lands now or formerly of John C. McArdle, Trust, per Book 5873 of Deeds at page 248; 4) lands now or formerly of Hudson River Trailer Park, LLC, per Book 5888 of Deeds at page 12; 5) lands now or formerly of Lorraine K. Morehouse, per

Book 825 of Deeds at page 65; and 6) lands now or formerly of Stephanie A. Leonard, per Book 3314 of deeds at page 234, thence in a southerly direction, running along the westerly bounds of said Leonard, to the northerly bounds of Bridge Street, New York State Route 28N; thence in a southwesterly direction across Bridge Street, State Route 28N, to the northeast boundary of lands now or formerly of the Town of Johnsburg, per Book 5243 of Deeds at page 104; thence in a southerly direction along the easterly bounds of the Town of Johnsburg to the northeasterly bounds of other lands now or formerly of the Town of Johnsburg, per Book 1290 of Deeds at page 248; thence in a southerly direction along the easterly bounds of said Town of Johnsburg to a point in the easterly bounds of Main Street, County Road 77; thence crossing Main Street, County Road 77 to the intersection of the westerly bounds of Main Street, County Road 77 with the northeasterly bounds of lands now or formerly of Leopaul and Margaret West per Book 529 of Deeds at page 84; thence in a southerly direction, along the westerly bounds of said West, along Mill Creek 254 feet more or less, as it winds and turns to a point in the northwesterly bounds of lands now or formerly of John McAloner, per Book 5480 of Deeds at page 303; thence in a southeasterly direction along the westerly bounds of said McAloner, 370 feet more or less along Mill Creek as it winds and turns to the northerly bounds of Peaceful Valley Road, County Road 29; thence in a southwesterly direction along the said northerly bounds of Peaceful Valley Road, County Road 29, 548 feet more or less, to the point of beginning.