

RESOLUTION CALLING FOR PUBLIC HEARING REGARDING THE PROPOSED CONSOLIDATION OF WATER DISTRICTS NO. 1-NORTH, 1-SOUTH, 1-EXT. 1, 235, 6, 6-EXT.1, 6-EXT. 2, 7, 8, 9, 10, 10- EXT.1, 10-EXT. 2, 10-EXT. 4, 10-EXT. 5, 11, 12, 14, 16, 16-EXT. 1, 17 AND 18, WATER IMPROVEMENT AREAS 5 AND 7 OF THE TOWN OF AURORA INTO ONE CONSOLIDATED WATER DISTRICT TO BE DESIGNATED AS CONSOLIDATED WATER DISTRICT NO. 1 IN THE TOWN OF AURORA PURSUANT TO ARTICLE 17-A TITLE TWO OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK AND SECTION 198 OF THE TOWN LAW OF THE STATE OF NEW YORK

WHEREAS, there are presently fourteen (14) water districts, eight (8) extensions and two (2) water improvement areas of said water districts existing in the Town of Aurora, and

WHEREAS, all present indebtedness of said districts and extensions will be paid by an assessment upon the real property parcels located within the districts, extensions and water improvement areas, and

WHEREAS, a master water improvement area adopted by the Town of Aurora (“Town”) on September 12, 2016 and recorded in the Erie County Clerk’s Office in Liber 11301 of Resolutions at page 9492 to include all the improvements necessary to facilitate the transfer of water service to the Erie County Water Authority at a future date, and

WHEREAS, there is presently in effect a Lease Management Agreement between the Town of Aurora and the Erie County Water Authority whereby fifteen said districts, extensions and improvement areas are lease-managed by the Erie County Water Authority, and

WHEREAS, the Lease Management Agreement requires the Town to be responsible for the infrastructure of the water districts, extensions and water improvement areas, and

WHEREAS, the Town of Aurora and the Erie County Water Authority have entered into a Memorandum of Understanding whereby the Erie County Water Authority would provide direct service to all Town water districts, extensions and improvement areas, including the responsibility for all infrastructure, and

WHEREAS, in order to implement the Direct Service Agreement it is necessary to consolidate the water districts, extensions and water improvement areas within the Town of Aurora, and

WHEREAS, such consolidation with proposed dissolution would provide certain benefits by consolidation, namely:

- a. Bookkeeping and budgeting would be facilitated without the necessity of interdistrict transfers and adjustments.
- b. The costs of future repairs and maintenance of the infrastructure of the districts by a Direct Service Agreement will be borne by the Erie County Water Authority.

c. The cost of future expansions of water service will be spread over the entire consolidated district and not just any specific area involved.

d. All future expenses of maintenance, operation and improvements of the consolidated district would be the responsibility of the Erie County Water Authority in accordance with a Direct Service Agreement.

THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Aurora in regular session duly convened as follows:

a. A public hearing be and the same hereby is called on January 14, 2019, at 7:00 p.m. at the Aurora Town Hall, located at 300 Glead Avenue, East Aurora, New York to consider the proposed consolidation of Water Districts Nos. 1-South, 1-North, 1-Ext. 1, 235, 6, 6-Ext.1, 6-Ext. 2, 7, 8, 9, 10, 10-Ext.1, 10-Ext. 2, 10-Ext. 4, 10-Ext. 5, 11, 12, 14, 16, 16-Ext. 1, 17 and 18 and Water Improvement Areas 5 and 7 of the Town of Aurora pursuant to Article 17-a Title 3 of the General Municipal Law of the State of New York and Section 198 of the Town Law of the State of New York.

b. It is hereby determined that all future costs of operation, maintenance and improvements of said consolidated district and all extensions hereafter established shall be a charge against the entire area of the consolidated district as extended.

c. The future costs of said operation, maintenance and improvements of the consolidated district will be financed on an ad valorem basis.

d. The Town of Aurora is the proposed local government entity for the operation, maintenance and improvements of the consolidated district.

e. The cost of and savings which may be realized from the consolidation in the future dissolution of the consolidated district with the anticipated Direct Service Agreement with the Erie County Water Authority.

f. The district assets, including but not limited to, real and personal property, upon dissolution would be transferred to the Erie County Water Authority.

g. The liabilities and indebtedness of the districts, extensions and water improvement areas, if any, will be separately assessed and borne by the real property parcels located in each of the former districts, extensions and water improvement areas.

h. The terms for the common administration and uniform enforcement of local laws, ordinances, resolutions, orders and the like, within the consolidated water district, will be consistent with section seven hundred sixty-nine of General Municipal Law Article 17-A, Title 2.

i. The effective date of the proposed consolidation will be subsequent to the required Public Hearing, which hearing will take place on January 14, 2019 at 7:00 p.m. at the Aurora Town Hall, 300 Glead Avenue, East Aurora, New York 14052 pursuant to Section 754 of General Municipal Law Article 17-A, Title 2.

j. No later than five (5) days after commencement of consolidated proceedings pursuant to Section 752 of Article 17-A, Title 2, the Town Clerk shall cause a copy of the proposed Consolidation Agreement along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in public places within the Town of Aurora; cause the proposed Consolidation Agreement, along with a descriptive summary thereof and reference to the public place or places within the Town where a copy may be examined, to be displayed on the website maintained by the Town; and arrange to be published a descriptive summary of the proposed Consolidation Agreement within the Town of Aurora where a copy thereof may be examined, at least once each week for four successive weeks, in the East Aurora Advertiser.

DULY ADOPTED, this 14th day of December, 2018.