

RESOLUTION CALLING PUBLIC HEARING REGARDING THE PROPOSED DISSOLUTION 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 AND VARIOUS EXTENSIONS THEREOF OF THE TOWN OF AURORA HAVING BEEN CONSOLIDATED INTO ONE CONSOLIDATED WATER DISTRICT 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 ARTICLE 12, SECTION 198 OF THE TOWN LAW OF THE STATE OF NEW YORK

WHEREAS, the Resolution for Dissolution references the Consolidated Water District No. 1 which district as constituted is the subject of the Resolution for Dissolution, and

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

WHEREAS, the Town Board of the Town of Aurora has under consideration a dissolution of the referenced water districts, extensions and improvement areas to be dissolved to transition the said areas to be transferred to the Erie County Water Authority for the purpose of a Direct Service Agreement with the Erie County Water Authority,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Aurora as follows:

SECTION 1. The Town Board has reviewed the Dissolution Plan to include the water districts, extensions and improvement areas referenced herein as Consolidated Water District No. 1 and has determined it is in the best interest of the Town to proceed with such dissolution.

SECTION 2. It is in the public interest to dissolve the Consolidated Water District No. 1 based on the review by the Town Board of the record before it, the consideration of the requirements of the property owners for a public water supply, and the anticipated benefits associated with a Direct Service Agreement with the Erie County Water Authority.

SECTION 3. The territorial boundaries of the Consolidated Water District No. 1 is encompassed in the proposed Dissolution.

SECTION 4. That the Town Board hereby endorses the Dissolution Plan, thereby commencing dissolution proceedings pursuant to the New York General Municipal Law Article 17-A Title 3 and New York Town Law Article 12, Section 198.

SECTION 5. The fiscal estimate of the cost of the dissolution shall not be more than five thousand dollars (\$5,000.00).

SECTION 6. The assets of the Consolidated Water District No. 1 to be dissolved include, but are not limited to, real property and personal property which when the District is dissolved shall be transferred to the Erie County Water Authority in accordance with the Memorandum of Understanding dated January 3, 2019.

SECTION 7. The Memorandum of Understanding dated January 3, 2019 between the Town of Aurora and the Erie County Water Authority provides that once the town water system has been conveyed to the Erie County Water Authority, the Town will no longer have any obligation of responsibility to maintain, repair, improve or oversee the water system property and facilities, except the payment of annual public hydrant fees to the Erie County Water Authority.

SECTION 8. Upon dissolution the residents of the consolidated water district will continue to be furnished municipal services by the Erie County Water Authority in accordance with the Memorandum of Understanding.

SECTION 9. Any outstanding debts, liabilities and obligations of the dissolved consolidated water district shall be assumed by the Town of Aurora and shall be a charge upon the taxable property within the limits of the dissolved entity, collected in the same manner as town taxes.

SECTION 10. There are no Local Laws, ordinances, rules or regulations of Consolidated Water District Number 1 that shall remain in effect upon dissolution of the said district.

SECTION 11. That a Public Hearing on the Dissolution Plan will be held on February 11, 2019 at 7:00 P.M. (prevailing time) or shortly thereafter, at the Town Hall, Town of Aurora, 300 Glead Avenue, East Aurora, New York 14052.

SECTION 12. That within five days after adoption of this Resolution, the Town Clerk is hereby authorized and directed to have the Dissolution Plan and a summary thereof placed in the office of the Town Clerk at the Town Hall and on the Town's website.

SECTION 13. That within five business days after commencement of dissolution proceedings pursuant to Section 700-4 of the General Municipal Law and Section 198 of the New York Town Law, the Town Board of the Town of Aurora does hereby authorize and direct the Town Clerk to arrange to have a Notice of the proposed dissolution and Public Hearing to be held in connection therewith to be published in the East Aurora Advertiser having a general circulation in the Consolidated Water District. Such Notice shall be published at least one time a week for four consecutive weeks, with at least one publication to take place 10 and 20 days before the Public Hearing. Such notice shall also be placed on the Town's website and posted on the sign board of the Town, and it shall be in substantially the following form, to wit:

#### LEGAL NOTICE:

(A) Calling for a Public Hearing to be published as required in connection with a proposed Dissolution Plan for the dissolution of the Town of Aurora Consolidated Water District is as follows:

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Aurora, a municipality of the State of New York (the "Town") on January 14, 2019 duly authorized a Resolution endorsing a proposed Dissolution Plan for the dissolution of the Town of Aurora Consolidated Water District, a descriptive summary of which follows.

#### Descriptive Summary of Dissolution Plan

The Town of Aurora, a municipality of the State of New York (the "Town") proposes to dissolve the Town of Aurora Consolidated Water District (the "CWD").

The territorial boundaries of the CWD encompasses a major portion of the Town, as more specifically described as 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 and the various extensions thereof fifteen of the former Water Districts and extensions are currently provided through a Lease-Management arrangement with the Erie County Water Authority (the "ECWA"). Residents of the CWD will continue to receive water service following the dissolution in accordance with the Memorandum of Understanding which provides for a transition of the Consolidated Water District to a Direct Service Agreement with the Erie County Water Authority.

The CWD's assets consist of Pump Stations, various easements, as more specifically described in Exhibit B to the Plan. Any debt of the CWD will be continued as an assessment against the former Water Districts, Extensions and Water Improvement Areas on the properties located therein.

Upon approval of the Plan (after a Public Hearing has taken place, which is scheduled for February 11, 2019), the Dissolution Plan calls for the dissolution by enactment of this Resolution calling for a Referendum on the proposed dissolutions by the Electors in the Town Consolidated Water District. The Resolution calling for the Mandatory Referendum is in accordance with General Municipal Law Article 17-A Title 3 and New York Town Law Section 198. The Mandatory Referendum shall be held in accordance with Section 198 of New York Town Law setting forth the substance of the question to be submitted to the Electors and setting forth other matters as may be necessary to call, provide for and give notice of the Referendum and to provide for the conduct thereof and the canvas of the returns thereon. The Resolution calling for the Referendum and the proposed dissolution shall be attached to it as the final approved version of the Dissolution Plan which Referendum shall be held not less than thirty (30) days and no more than ninety (90) days following adoption of the Resolution for Dissolution.

SECTION 14. No later than five (5) days after commencement of dissolution proceedings pursuant to Section 752 of Article 17-A, Title 2, the Town Clerk shall cause a copy of the proposed Dissolution 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 Dissolution 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 Dissolution Agreement within the Town of Aurora where a copy thereof may be examined, at least once each week for four (4) successive weeks, in the East Aurora Advertiser.

DULY ADOPTED, this 14<sup>th</sup> day of January, 2019, by the following vote:

Supervisor Bach	Voted Aye
Councilwoman Friess	Voted Aye
Councilman Harris	Voted Aye
Councilwoman Jeffe	Voted Aye
Councilman Snyder	Voted Aye

NOTICE IS HEREBY FURTHER GIVEN, that the Dissolution Plan, along with a descriptive summary thereof, may be read at the office of the Town Clerk located in the Town Hall, Town of Aurora, 300 Gleed Avenue, East Aurora, New York 14052. The Dissolution Plan may also be accessed through the Town's website: [www.townofaurora.com](http://www.townofaurora.com).

NOTICE IS HEREBY FURTHER GIVEN that a public hearing on this Dissolution Plan will be held on February 11, 2019 at 7:00 PM at the Town Hall, Town of Aurora, 300 Gleed Avenue, East Aurora, New York 14052.

BY ORDER OF THE TOWN BOARD OF THE TOWN  
OF AURORA, ERIE COUNTY, NEW YORK