

October 26, 2022

The Town Board of the Town of Lyons met for a meeting on October 26, 2022 at 6:30 p.m. at the Town Hall.

Present: Jim Brady, Supervisor  
John Paliotti, Councilman  
Dan LaGasse, Councilman  
Jerred Crandon, Councilman  
Dan DeWolf, Councilman  
Amy Shaffer, Town Clerk  
Tim Moore, Highway Supt.

Absent:

Also Present: Richard Bogan, Tony Villani, Adam Bullock, Ed Bailey, Mark Stephans, Dave Doyle

This meeting was duly noticed by contacting the Times of Wayne newspaper, as well as posting a notice on the Town bulletin board and on the Town's web site.

All stood for the Pledge of Allegiance.

Councilman Crandon moved to accept the minutes of the September 28, 2022 and the October 4, 2022 meetings. Councilman Paliotti seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon voting aye  
Councilman DeWolf voting aye  
Supervisor Brady voting aye

Councilman DeWolf moved to approve payment of General Fund vouchers #462 through #514 totaling \$173,049.35 and Highway Fund Vouchers #169 through #188 totaling \$156,816.44. Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon, voting aye  
Councilman DeWolf voting aye  
Supervisor Brady voting aye

Councilman LaGasse moved to approve Supervisor Brady signing a letter of commitment for the EPA Brownsfield Assessment Coalition Grant. Councilman Paliotti seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon, voting aye  
Councilman DeWolf voting aye  
Supervisor Brady voting aye

Councilman DeWolf moved to acknowledge the application from Servass DeWind and Denise Clifford for a special permit for 2992 Pilgrimport Road for Camp Karmalita Pup Camp. The Board referred the application to the Lyons Planning Board for their recommendations. Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon voting aye  
Councilman DeWolf voting aye  
Supervisor Brady voting aye

At 6:45 pm, Councilman Paliotti moved to go into the public hearing for the Establishment of the Water District. Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon voting aye  
Councilman DeWolf voting aye  
Supervisor Brady voting aye

As there were no questions or comments, at 6:50 pm Councilman DeWolf moved to close the public hearing. Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon voting aye  
Councilman DeWolf voting aye  
Supervisor Brady voting aye

Councilman DeWolf moved the following SEQR resolution:

WHEREAS, When the Village of Lyons officially dissolved in 2016, The Town of Lyons (“Town”) assumed responsibility for the substantial infrastructure within the former Village (“Former Village”), including a public water distribution system that was previously operated and maintained by the Village of Lyons and serves properties both within the Former Village and limited areas in the Town, outside of the Former Village, and

WHEREAS, Prior to dissolution of the Village of Lyons in 2015, the Wayne County Water and Sewer Authority’s (“WCWSA”) responsibility for the retail supply of water and Operation and Maintenance (“O&M”) of water service areas in the Town, was limited to the following areas:

1. The “Route 31 Service Area” which was established without the formation of a Town water district, including a 12” water main and ancillary facilities along Route 31 between the Arcadia/Lyons town line and the western boundary of the Former Village. The WCWSA owns the water facilities within the Route 31 Service Area.
2. The Old Newark-Lyons Road Water District including an 8” watermain and ancillary facilities along Old Lyons Road between the Arcadia/Lyons town line and the western boundary of the Former Village, and

WHEREAS, Beginning in 2015, as part of the Village of Lyons dissolution process, the WCWSA assumed responsibility for the retail supply of water and O&M within the remainder of the Town’ water system, including the following general areas:

1. The water service area within the Former Village (the “Former Village Service Area”, which also includes miscellaneous extensions on the outskirts of the Former Village, where the Village water system was extended outside the boundaries of the Former Village to serve limited Town customers.
2. The Westphal and Grist Mill Water Districts, which are Town water districts that were supplied, operated and maintained by the Village of Lyons prior to dissolution, and

WHEREAS, The locations and general configuration of the service areas described above (collectively the “Town Water System” are depicted on the Water District Map and Plan in Appendix A to Exhibit 1 hereto, and

WHEREAS, The WCWSA supplies water to customers in the Town Water System and is responsible for O&M under the terms of a Lease Operations Agreement with the Town, and

WHEREAS, in furtherance thereof, pursuant to Article 12-A of the New York Town Law, the Town Board, authorized the Town Engineers to prepare a map, plan and report for the proposed district which has been accepted by the Town Board and duly filed and available for inspection in the office of

the Town Clerk of the Town of Lyons, a copy of which is annexed as Exhibit 1, and

WHEREAS, the action being undertaken by the Town, as described in this report is limited to the administrative process to establish a District to encompass the current water service area(i.e. current customers and those properties with reasonable access to the existing water system), and

WHEREAS, the action does not contemplate any construction or capital improvements; the future capital improvements described below will be authorized by the Town under separate legislative proceedings, depending upon the scope and timing of those projects, and

WHEREAS, the geographic area encompassed by the District includes parcels with access to public water as described above. The general location is shown in Appendix A to Exhibit 1 and includes a Map, and Plan of the proposed District, including the proposed District Boundary. A description of the District boundary is included in Appendix B to Exhibit 1, and

WHEREAS, to remove this ambiguity and provide the more common legal structure for the construction and maintenance of future improvements to the Town Center Water System, the Town Board intends to create the Town of Lyons Town Center Water District, and

WHEREAS, PURPOSE OF WATER DISTRICT IS AS FOLLOWS:

From the time of the Village of Lyons dissolution, there has been ambiguity with respect to the validity of a Town water district (the “THE FORMER VILLAGE DISTRICT” encompassing the Former Village Service Area, being established as a matter of law upon dissolution, absent a formal District creation process. Because the Town recognizes the need for substantial capital improvements to the water infrastructure within the Former Village Service Area, the Town determined that formal creation of a District, encompassing the Former Village Service Area is prudent, in order that property owners can be fairly assessed an equitable share of current capital charges and potential debt service that may be associated with future capital improvements.

The action being undertaken by the Town, as described in this report, is limited to the administrative process to establish a District to encompass the Former Village Service Area (i.e. current customers within the Former Village Service Area and those properties with reasonable access to the existing water system, therein). The action does not contemplate any construction or capital improvements; the future capital improvements described below will be authorized by the Town under separate legislative proceedings, depending upon the scope and timing of those projects, and

WHEREAS, EXISTING FACILITIES ARE AS FOLLOWS:

#### A. LOCATION MAP

The geographic area encompassed by the District includes parcels with reasonable access to public water within the Former Village Service Area. The general location is shown in Appendix A and B to Exhibit 1. Appendix A includes a Map, and Plan of the proposed District, including the proposed District Boundary. A description of the District boundary is included in Appendix B.

#### B. SYSTEM DESCRIPTION

A schematic map of the Town Water System is included in Figure II.2 to Exhibit 1. The system within the Former Village Service Area includes water main ranging in size from 2”to 14” although over 50% of the distribution system is 6”in size or less. The majority of the distribution piping is over 100 years old. The Town Water System includes three storage tanks including the Pearl Street Storage Tanks located with the Former Village Service Area and the Sohn-Alloway Storage Tank located south of the Former Village.

B. The Town Water System does not include any water treatment facilities. The WCWSA supplies the Town with water purchased primarily from the Village of Newark. A more detailed description of the Town Water System can be found in the report entitled Preliminary Engineering Report for the Town of Lyons Water System, May 2020”(the “Water System Report”).

### C. CONDITION OF FACILITIES

The distribution system in the Former Village Service Area is a mixture of iron and plastic pipe and is in poor to fair condition, with repair issues typical of a system its age. Historical comparison of water supply data to billing data has identified a significant amount of water loss in the system that may be due to the condition of the pipes. Residential water meters within the Former Village were replaced in 2013. General system deficiencies include old and undersized water mains, old hydrants and valves that are difficult to repair and maintain due to the lack of available parts, and limited fire flows in areas with undersized water mains. A more detailed description of the condition of existing facilities can be found in the Water System Report.

### D. OPERATION AND MAINTENANCE

The WCWSA is responsible for O&M of the Town Water System in accordance with a Lease Operations Agreement (the "Lease Agreement", signed in June, 2015. Under the Lease Agreement the WCWSA is responsible for supplying water to customers, billing customers directly, and O&M of the Town Water System. The costs of O&M are incorporated in the WCWSA' retail water rate. The Lease Operations Agreement does not include capital improvement projects beyond routine maintenance, such as the future improvements to the Town Water System described below, and

WHEREAS, THE PROPOSED WATER DISTRICT IS AS FOLLOWS:

#### A. DISTRICT MAP

The District Map and Plan is included in Appendix A and B to Exhibit 1 and includes the boundary of the proposed District, the schematic locations of the existing water mains and related infrastructure, and the parcels included in the District. The District is intended to include all properties within the Former Village Service Area which are currently connected to the water system or have reasonable access to connect, including vacant or currently unimproved parcels, and

WHEREAS, FUTURE CAPITAL IMPROVEMENTS ARE AS FOLLOWS:

#### A. WATER LINE REPLACEMENT PROJECT

The Water System Report recommends the replacement of approximately 23,000 linear feet of old, undersized water main within the Former Village Service Area, along with miscellaneous related system improvements. The current estimated capital cost of these improvements is approximately \$14.3 million.

#### B. LEAD SERVICE LINE REPLACEMENT

The Town replaced approximately 83 lead service lines in 2019/2020, funded partially through a New York State Lead Service Line Replacement Program grant. However, the Lead and Copper Rule Revisions ("LCRR", effective December 16, 2021 require water systems to prepare a lead service inventory by October 16, 2024 and eventually, a lead service line replacement plan. The number of required additional lead service line replacements will depend upon the inventory.

#### C. FUNDING FOR FUTURE CAPITAL IMPROVEMENTS

Potential funding sources for future capital improvements include the following:

1. USDA Rural Development ("RD" –The Town should be eligible for low-interest loan and possibly grant funding, through RD's Water & Environmental Program ("WEP". The current interest rate for RD loans, based on the Town' Median Household Income ("MHI" (2006-2010 American Community Survey) is 2% for a 38-year term; although the interest rate is adjusted quarterly and the Town' published MHI may increase dramatically when RD begins to use more contemporary census data to determine eligibility.
2. The New York State Environmental Facilities Corporation ("NYSEFC" Drinking Water State Revolving Fund ("WSRF". The waterline replacement project is currently listed on the Draft 2023 DWSRF Intended Use Plan ("UP" Annual List, with a score of 35 points, which is well below the current score needed to be eligible for Hardship (0%) or subsidized interest financing.

3. Water Infrastructure Improvement Act (“WIIA” –The Town may be eligible for WIIA funding, which could provide a grant of up to \$5.0 million for a water system improvements project.

4. Bipartisan Infrastructure Law (“BIL” General Supplemental Funds - The waterline replacement project is currently listed on the Draft 2023 DWSRF IUP on the BIL-GS Eligible Project List with a score of 35 points. The project could be eligible for grant or interest free financing under the BIL. Substantial BIL funds are also allocated for lead service line replacements.

At such time that these capital improvement projects are implemented, the Town will pursue available avenues for funding in an effort to mitigate the cost impacts on property owners within the District.

WHEREAS, the current method of financing the system is Equivalent Dwelling Units (“EDU”) and the proposed policy is as follows:

#### A. CURRENT EDU POLICY

The Town Board currently utilizes the policy in Appendix C, which sets the general formula for assessing capital charges to property owners in the Former Village Service Area. An EDU is generally defined as an occupied structure with water use roughly equivalent to that of a single-family home. However, because of the variable and diverse nature of the improvements located on various properties within the Former Village Service Area, water use may not be the only factor considered in the allocation of EDU’ for determining capital charges or debt service. The policy is intended to represent a fair and equitable system for recognizing the benefit of public water to properties in the Former Village Service Area. The current user costs and capital charges associated with the Former Village Service Area are described below.

#### B. PROPOSED EDU POLICY

Upon formation of the District, the Town Board will continue to utilize the EDU Policy in Appendix B to Exhibit 1, with the following modifications:

##### 1. Properties Not Currently Connected

Currently, improved properties with reasonable access to the water system, but which are not connected, are not assessed capital charges. Upon creation of the District, improved properties, regardless of connection status will be allocated the appropriate number of EDU’, per the policy in Appendix A & B (as modified herein), and assessed capital charges, accordingly.

##### 2. Vacant or Unimproved Properties

Currently, vacant or unimproved properties with reasonable access to the water system, are not assessed capital charges. Upon creation of the District, vacant or unimproved properties will be allocated a fraction of an EDU, in order to recognize the property’ benefit of having access to the public water system. The Town’s intention is for the EDU allocation to result in the assessment of a nominal capital charge for vacant or unimproved properties, in the range of \$10.00 per year.

WHEREAS, COSTS AND CAPITAL CHARGES ARE AS FOLLOWS:

#### A. EXISTING DEBT SERVICE, WATER USE, AND CAPITAL CHARGES

The Town has water system related debt for two previous projects that were undertaken by the Village prior to dissolution: (1) A water main improvement project on NYS Route 31 within the Former Village; and (2) A water meter replacement program. Water customers within the Former Village Service Area are currently assessed a quarterly capital charge of \$15 per EDU to cover water system debt of the Former Village that was transferred to the Town upon dissolution. The quarterly capital charge also helps fund a capital reserve for water system improvements and related capital costs. In addition to the quarterly capital charge, water customers are charged by the WCWSA \$5.50 per thousand gallons plus a fixed quarterly basic service charge of \$25.00, for water consumption and O&M. For a typical homeowner using approximately 44,000 gallons of water per year, this rate structure results in an annual water use cost of approximately \$342. When considering both the water use and quarterly capital charge, the current total annual water cost for a typical homeowner in the Former Village Service Area is approximately

\$402.

## B. FUTURE DEBT SERVICE, WATER USE, AND CAPITAL CHARGES

Upon creation of the District, water customers will initially be charged for water use, O&M, and capital charges in accordance with the rate structure described above, as modified from time to time to accommodate rate increases necessitated by rising costs of materials and labor, capital projects, or other factors related to the economy.

As referenced above, improved properties not presently connected to the water system will be assessed the quarterly capital charge upon creation of the District, based on the Town's EDU policy. Vacant or unimproved properties will be allocated a fraction of an EDU, in order to recognize the property's benefit of having access to the public water system; and be assessed a nominal capital charge, accordingly.

In addition to the water use, O&M and applicable capital charges, properties without a connection to the water system where a new connection is desired, will be responsible for the "one time" costs associated with the connection. The current WCWSA connection fee for a standard 1" service is \$1,600 and includes the tap at the water main, a service line to the property or easement line, a meter, appurtenances, and inspection charges. Property owners who connect to the water system will also be responsible for the one-time cost of installing their private service line from the curb stop to the building and for any internal plumbing modifications necessary to accommodate the meter. The cost of the private service line will depend upon the characteristics of each individual property including the distance from the building to the road and the terrain and soil conditions. The cost of the private service line for a typical single-family home may be on the order of \$12 per linear foot, plus any internal plumbing modifications. For private services more than 250 feet from the road, the WCWSA may require a meter pit be installed at the property line, at the property owner's expense. The cost of a meter pit may be on the order of \$850.

Capital debt service for future capital improvement projects will be assessed to property owners at the time of project financing, and based upon the borrowing for each project when factoring in applicable grant and loan funding parameters. Annual debt service will be apportioned to property owners for each project, generally on property tax bills, based on the EDU policy in Appendix A & B, as modified above.

WHEREAS, the Town will make advance payments for the formative costs of District Creation, including engineering, legal, and related administrative costs, with capital reserves in its water fund. It is not intended that water customers or property owners within the proposed District will not be assessed any additional charges related to District Creation, and

WHEREAS, in addition to the Map contained in Exhibit 1, the proposed water district is described as follows:

### **Proposed Former Village Water District Town of Lyons**

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Lyons, County of Wayne and State of New York, as shown on a map entitled "Proposed District Map – Former Village Water District", prepared by MRB/group and dated Sept 2022, and bounded and described as follows:

Beginning at the intersection of the existing westerly bounds of Tax Map Parcel 70112-00-573097 with the existing southerly highway boundary of Layton Street Road; thence

1. Easterly, along the last-mentioned southerly highway boundary to a point at its intersection with the existing easterly bounds of Tax Map Parcel 70112-00-573097; thence
2. Southwesterly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 70112-00-573097; thence

3. Southeasterly and Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70112-00-573097; thence
4. Northeasterly, along the last mentioned existing westerly boundary to a point at its intersection with the existing southerly highway boundary of Layton Street Road; thence
5. Southeasterly, along the last-mentioned existing highway boundary to a point at its intersection with the southerly prolongation of the existing westerly boundary of Tax Map Parcel 70112-00-578387; thence
6. Northeasterly and Northerly, along the last-mentioned southerly prolongation and along the existing westerly boundary of Tax Map Parcel 70112-00-578387 to a point said point being 500' northerly of as measured at right angles of the existing centerline of Layton Street Road; thence
7. Southeasterly, running parallel to and 500' northerly of as measured at right angles of the existing centerline of Layton Street Road to a point at its intersection with the existing easterly boundary of Tax Map Parcel 70112-00-578387; thence
8. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 70112-20-781079; thence
9. Easterly, along the last mentioned existing northerly boundary and also along the existing northerly boundary of Tax Map Parcel 70112-20-938167 to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70112-00-998186; thence
10. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 70112-00-998186; thence
11. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70112-00-997208; thence
12. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 70112-00-997208; thence
13. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly highway boundary of Maple Street Road; thence
14. Southerly, along the last mentioned existing westerly highway boundary to a point at its intersection with the existing westerly prolongation of the existing northerly boundary of Tax Map Parcel 71112-00-014217; thence
15. Easterly, along the last mentioned existing easterly prolongation and along the existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71112-00-014217; thence
16. Southerly, along the last mentioned existing easterly boundary and also along the existing easterly boundary of Tax Map Parcel 71112-00-015206 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71112-00-015206; thence
17. Westerly, along the last mentioned existing southerly boundary and its westerly extension to a point at its intersection with the existing westerly highway boundary of Maple Street Road; thence

18. Southerly, along the last mentioned existing westerly highway boundary to a point at its intersection with the existing westerly prolongation of the northerly boundary of Tax Map Parcel 70112-20-938167; thence
19. Easterly, along the last mentioned existing westerly prolongation and along the existing northerly boundary of Tax Map Parcel 70112-20-938167 to a point at its intersection with the existing easterly boundary of Tax Map Parcel 70112-20-938167; thence
20. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71112-17-089123; thence
21. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71112-17-121174; thence
22. Northerly, along the last mentioned existing westerly boundary and also along the existing westerly boundary of Tax Map Parcels 71112-00-118197, 71112-00-117216 and 7112-00-116229 to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71112-00-116229; thence
23. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71112-00-135256; thence
24. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71112-00-135256; thence
25. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly highway boundary of New York State Route 14; thence
26. Southerly, along the last mentioned existing westerly highway boundary to a point at its intersection with the existing westerly prolongation of the existing northerly boundary of Tax Map Parcel 71112-18-250147; thence
27. Easterly, along the last mentioned existing westerly prolongation and the existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71112-18-250147; thence
28. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71112-18-250147; thence
29. Easterly, along the last mentioned existing northerly boundary and also along the existing northerly boundary of Tax Map Parcel 71112-18-370105 to a point at its intersection with the existing westerly highway boundary of Pilgrimport Road (CR 244); thence
30. Southerly, along the last mentioned existing westerly highway boundary to the point of curvature of said westerly line; thence; thence
31. Easterly, forming an interior angle of 90° with the last described course 30 as described above crossing Pilgrimport Road (CR-244) to a point at its intersection with the existing easterly highway boundary of Pilgrimport Road (CR 244); thence
32. Southerly, along the last mentioned existing easterly highway boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71112-18-461043; thence



33. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71112-18-461043; thence
34. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71112-18-461043; thence
35. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-06-472961; thence
36. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 70111-06-472961; thence
37. Southerly, along the last mentioned existing easterly boundary and also along the existing easterly boundary of Tax Map Parcel 7111-06-479884 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-06-479884; thence
38. Northwesterly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-11-526702; thence
39. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-11-256702; thence
40. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-11-826702; thence
41. Southerly, along the last mentioned existing easterly boundary crossing New York State Route 31 to a point at its intersection with the existing southerly highway of New York State Route 31; thence
42. Southeasterly, along the last mentioned existing southerly highway boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-11-609550; thence
43. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly highway boundary of Old Route 31; thence
44. Northwesterly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing northerly extension of the existing easterly boundary of Tax Map Parcel 71111-11-578562; thence
45. Southerly, along the last mentioned existing easterly boundary crossing Old Route 31 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-11-578562; thence
46. Northwesterly, along the last mentioned existing southerly boundary crossing Old Route 31 to a point at its intersection with the existing southerly highway boundary of New York State Route 31; thence
47. Southwesterly, along the last mentioned existing southerly highway boundary crossing Old Route 31 to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-11-540507; thence

48. Southeasterly, along the last mentioned existing northerly boundary and also along the existing northerly boundary of Tax Map Parcels 71111-15-576433, 71111-15-622482, 71111-00-633482, 71111-00-720430 and 7111-00-660470 to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-00-720430; thence
49. Northerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-00-720430; thence
50. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-00-720430; thence
51. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-00-750392; thence
52. Southerly, through lands of Tax Map Parcel 71111-00-750392 to a point at its intersection with the existing north easterly corner of Tax Map Parcel 71111-00-770330; thence
53. Southerly, along the existing easterly boundary of Tax Map Parcel 71111-00-770330 to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-00-770330; thence
54. Northeasterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-00-770330; thence
55. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-00-770330; thence
56. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 7111.00-770330; thence
57. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly highway boundary of Lyons Marengo Road (CR-344); thence
58. Northwesterly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing northerly prolongation of the easterly boundary of Tax Map Parcel 71111-00-677246; thence
59. Southerly, along the last mentioned existing northerly prolongation and its existing easterly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-00-677246; thence
60. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-00-635180; thence
61. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 7111-00-635180; thence
62. Northwesterly, along the last mentioned existing southerly boundary and also along the existing southerly boundary of Tax Map Parcel 71111-00-605180 and 71111-19-604230 to a point at its intersection with the existing southeasterly boundary of Tax Map Parcel 7111-15-575260; thence

63. Southwesterly, along the last mentioned existing southeasterly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71111-15-545260; thence
64. Northwesterly, along the last mentioned existing westerly boundary and also along the existing westerly boundary of Tax Map Parcel 71111-15-542313 to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-15-542313; thence
65. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71111-15-542313; thence
66. Northwesterly, along the last mentioned existing westerly boundary and the westerly boundary line of Tax Map Parcel 71111-14-498352 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-14-441379; thence
67. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71111-14-441379; thence
68. Northwesterly, through lands of Tax Map Parcel 71111-14-441379 and along the existing westerly boundary of Tax Map Parcel 71111-09-179538 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-09-179538; thence
69. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-09-179538; thence
70. Southerly, along the last mentioned existing easterly boundary and through lands of Tax Map Parcel 71111-14-441379 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-14-441379; thence
71. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-14-364295; thence
72. Southerly, forming an angle of 90° with the last described course 71 as described above and through lands of Tax Map Parcel 71111-14-364295 to a point at its intersection with the existing northerly boundary of Tax Map Parcel 7777-14-273377; thence
73. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-14-273377; thence
74. Southwesterly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-13-248357; thence
75. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-13-248357; thence
76. Southeasterly, along the last mentioned existing easterly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-13-248357; thence
77. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-18-260199; thence

78. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly highway boundary of Paliotti Parkway; thence
79. Southeasterly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing easterly highway boundary of Paliotti Parkway; thence
80. Southwesterly, along the last mentioned existing easterly highway boundary to a point at its intersection with the existing northerly highway boundary of Paliotti Parkway; thence
81. Southeasterly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing easterly highway boundary of Paliotti Parkway; thence
82. Southwesterly, along the last mentioned existing easterly highway boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-18-472053; thence
83. Southeasterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing southeasterly boundary of Tax Map Parcel 71111-18-472053; thence
84. Southwesterly, along the last mentioned existing southeasterly boundary and also along the existing southeasterly boundary of Tax Map Parcel 71111-18-448009 to a point at its intersection with the existing easterly highway boundary of Sohn Alloway Road; thence
85. Northwesterly, along the last mentioned existing easterly highway boundary to a point said point being 250' southerly of as measured at right angles of the existing northerly boundary of Tax Map Parcel 71110-00-267856; thence
86. Westerly, running parallel to and 250' southerly of as measured at right angles of the existing northerly boundary of Tax Map Parcel 71110-00-567856 to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71110-00-301923; thence
87. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71110-00-301923; thence
88. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71110-00-301923; thence
89. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71110-00-301923; thence
90. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71110-00-301923; thence
91. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71110-00-301923; thence
92. Easterly, along the last mentioned existing northerly boundary and along the existing westerly highway boundary of Sohn Alloway Road to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71110-00-301923; thence

93. Northerly, along the northerly extension of the last mentioned existing easterly boundary crossing Sohn Alloway Road to a point at its intersection with the existing northerly highway boundary of Sohn Alloway Road; thence
94. Easterly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71110-00-352989; thence
95. Northwesterly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71110-00-352989; thence
96. Westerly, along the last mentioned existing northerly boundary to a point at its intersection with the existing northerly highway boundary of Sohn Alloway Road; thence
97. Westerly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing easterly highway boundary of San Bar Lane; thence
98. Northerly, along the last mentioned existing easterly highway boundary to a point at its intersection with the existing southerly highway boundary of Dunn Road; thence
99. Westerly, crossing San Bar Lane and along the existing southerly highway boundary of Dunn Road and crossing Gist Mill Drive to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-17-147139; thence
100. Westerly, along the last mentioned existing southerly boundary and through Tax Map Parcel 71111-17-138129, and along the existing southerly bounds of Tax Map Parcels 71111-17-129139, 71111-17-119138, 71111-17-110138, 71111-17-102138, 71111-17-094138, 71111-17-087138, 71111-17-079138, 71111-14-070137, 71111-17-058137 to a point at its intersection with the existing easterly highway boundary of New York State Route 14; thence
101. Southerly, along the last mentioned existing easterly highway boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-00-122042; thence
102. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-00-122042; thence
103. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly highway boundary of Sohn Alloway Road; thence
104. Westerly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing easterly highway boundary of New York State Route 14; thence
105. Northerly, along the last mentioned existing easterly highway boundary to a point at its intersection with the existing easterly extension of the existing southerly boundary of Tax Map Parcel 71111-00-122042; thence
106. Westerly, along the last mentioned existing easterly extension and its southerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71111-00-122042; thence
107. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-00-122042; thence

108. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71111-00-122042; thence
109. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-17-019160; thence
110. Westerly, along the last mentioned existing southerly boundary and along the existing southerly boundary of Tax ap Parcel 70111-20-904165 to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70111-20-904165; thence
111. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 70111-20-904165; thence
112. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70111-20-904165; thence
113. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 70111-15-696272; thence
114. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly highway boundary of Bauer Road; thence
115. Northwesterly, crossing perpendicular to the existing centerline of Bauer Road to a point at its intersection with the existing northerly highway boundary of Bauer Road; thence
116. Westerly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70111-15-696272; thence
117. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 70111-15-696272; thence
118. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70111.15-696272; thence
119. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 70111-15-696272; thence
120. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70111-15-724381; thence
121. Northeasterly, along the last mentioned existing westerly boundary to a point at its intersection with the existing southerly highway boundary of Madison Street; thence
122. Easterly, along the last mentioned existing southerly highway boundary to a point at its intersection with the existing southerly prolongation of the existing westerly boundary of Tax Map Parcel 70111-16-753417; thence
123. Northerly, along the last mentioned existing southerly prolongation and along the existing westerly boundary of Tax Map Parcel 70111-16-753417 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 70111-14-441379; thence

124. Westerly, along the last mentioned existing southerly boundary, crossing Madison Street to a point at its intersection with the existing southerly highway boundary of Madison Street said point also being the intersection of the southerly extension of the westerly boundary of Tax Map Parcel 70111-14-441379; thence
125. Northerly, along the last mentioned existing southerly extension and also along the existing westerly boundary of Tax Map Parcels 70111-11-575515, 71111-09-179538, 70111-11-560644 crossing Old Lyons Road and continuing along the westerly boundary of Tax Map Parcel 70111-07-645836 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 70112-00-573097; thence
126. Northwesterly, along the last mentioned existing southerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70112-00-573097; thence
127. Northerly, along the last mentioned existing westerly boundary to a point and place of beginning.

HEREBY INTENDING TO DESCRIBE IN ITS ENTIRETY that parcel of land situate in the Town of Lyons, Wayne County, New York to be known and identified as the Town of Lyons Former Village Water District.

WHEREAS, in furtherance thereof, pursuant to Article 12-A of the New York Town Law, the Town Board, the Town Board of the Town of Lyons, adopted a resolution directing MRB Group, the Town Engineers of the Town of Lyons to supervise the preparation of a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Lyons, wherein a water district was proposed to be established, and

WHEREAS, on September 24, 2022, the Town Engineer duly filed said map, plan and report in the office of the Town Clerk of the Town of Lyons, and

WHEREAS, the action being undertaken by the Town, as described in this report is limited to the administrative process to establish a District to encompass the current water service area(i.e. current customers and those properties with reasonable access to the existing water system), and

WHEREAS, the action does not contemplate any construction or capital improvements; the future capital improvements described below will be authorized by the Town under separate legislative proceedings, depending upon the scope and timing of those projects, and

WHEREAS, the Town is proposing to create a water district under the provision of the Town Law of the State of New York to create an administrative structure to replace the former dissolved Village of Lyons; and

WHEREAS, this action constitutes”information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action” and “routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment which under the New York State Environmental Quality Review (SEQR) Act” and “adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list” as are listed as Type II actions for which it has been determined there are no significant adverse effects on the environment; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Board does hereby classify the above-referenced action to be a Type II Action under 6 N.Y.C.R.R. Section 617.5 [c] [24] [26][33] of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT RESOLVED THAT, the Town Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Lyons finds that the proposed action will not have any significant adverse impact on the environment, and accordingly, hereby grants a negative declaration pursuant the State Environmental Quality Review Act; based upon the following findings of fact:

#### FINDINGS OF FACT

1. This Resolution is based upon the district creation documents submitted by the applicant.
2. The Board incorporates into this Resolution the completed short form Part 2 EAF, dated October 26, 2022.
3. The Board did not identify any significant potential environmental impacts associated with the application.
4. Any and all potential small to moderate impacts are adequately addressed in the application materials and through conditions of approval.

Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon voting aye  
Councilman DeWolf voting aye  
Supervisor Brady voting aye

Councilman Paliotti moved to accept the following resolution:

WHEREAS, When the Village of Lyons officially dissolved in 2016, The Town of Lyons (“Town”) assumed responsibility for the substantial infrastructure within the former Village (“Former Village”), including a public water distribution system that was previously operated and maintained by the Village of Lyons and serves properties both within the Former Village and limited areas in the Town, outside of the Former Village, and

WHEREAS, Prior to dissolution of the Village of Lyons in 2015, the Wayne County Water and Sewer Authority’s (“WCWSA”) responsibility for the retail supply of water and Operation and Maintenance (“O&M”) of water service areas in the Town, was limited to the following areas:

1. The “Route 31 Service Area” which was established without the formation of a Town water district, including a 12” water main and ancillary facilities along Route 31 between the Arcadia/Lyons town line and the western boundary of the Former Village. The WCWSA owns the water facilities within the Route 31 Service Area.
2. The Old Newark-Lyons Road Water District including an 8” watermain and ancillary facilities along Old Lyons Road between the Arcadia/Lyons town line and the western boundary of the Former Village, and

WHEREAS, Beginning in 2015, as part of the Village of Lyons dissolution process, the WCWSA assumed responsibility for the retail supply of water and O&M within the remainder of the Town’ water system, including the following general areas:

1. The water service area within the Former Village (the “Former Village Service Area”, which also includes miscellaneous extensions on the outskirts of the Former Village, where the Village water system was extended outside the boundaries of the Former Village to serve limited Town customers.



2. The Westphal and Grist Mill Water Districts, which are Town water districts that were supplied, operated and maintained by the Village of Lyons prior to dissolution, and

WHEREAS, The locations and general configuration of the service areas described above (collectively the “Town Water System” are depicted on the Water District Map and Plan in Appendix A to Exhibit 1 hereto, and

WHEREAS, The WCWSA supplies water to customers in the Town Center Water System and is responsible for O&M under the terms of a Lease Operations Agreement with the Town, and

WHEREAS, in furtherance thereof, pursuant to Article 12-A of the New York Town Law, the Town Board, authorized the Town Engineers to prepare a map, plan and report for the proposed district which has been accepted by the Town Board and duly filed and available for inspection in the office of the Town Clerk of the Town of Lyons, a copy of which is annexed as Exhibit 1, and

WHEREAS, the action being undertaken by the Town, as described in this report is limited to the administrative process to establish a District to encompass the current water service area(i.e. current customers and those properties with reasonable access to the existing water system), and

WHEREAS, the action does not contemplate any construction or capital improvements; the future capital improvements described below will be authorized by the Town under separate legislative proceedings, depending upon the scope and timing of those projects, and

WHEREAS, the geographic area encompassed by the District includes parcels with access to public water as described above. The general location is shown in Appendix A to Exhibit 1 and includes a Map, and Plan of the proposed District, including the proposed District Boundary. A description of the District boundary is included in Appendix B to Exhibit 1, and

WHEREAS, to remove this ambiguity and provide the more common legal structure for the construction and maintenance of future improvements to the Town Center Water System, the Town Board intends to create the Town of Lyons Town Center Water District, and

WHEREAS, PURPOSE OF WATER DISTRICT IS AS FOLLOWS:

From the time of the Village of Lyons dissolution, there has been ambiguity with respect to the validity of a Town water district (the “THE FORMER VILLAGE DISTRICT” encompassing the Former Village Service Area, being established as a matter of law upon dissolution, absent a formal District creation process. Because the Town recognizes the need for substantial capital improvements to the water infrastructure within the Former Village Service Area, the Town determined that formal creation of a District, encompassing the Former Village Service Area is prudent, in order that property owners can be fairly assessed an equitable share of current capital charges and potential debt service that may be associated with future capital improvements.

The action being undertaken by the Town, as described in this report, is limited to the administrative process to establish a District to encompass the Former Village Service Area (i.e. current customers within the Former Village Service Area and those properties with reasonable access to the existing water system, therein). The action does not contemplate any construction or capital improvements; the future capital improvements described below will be authorized by the Town under separate legislative proceedings, depending upon the scope and timing of those projects, and

WHEREAS, EXISTING FACILITIES ARE AS FOLLOWS:

A. LOCATION MAP

The geographic area encompassed by the District includes parcels with reasonable access to public water within the Former Village Service Area. The general location is shown in Appendix A and B to Exhibit 1. Appendix A includes a Map, and Plan of the proposed District, including the proposed District Boundary. A description of the District boundary is included in Appendix B.

B. SYSTEM DESCRIPTION

A schematic map of the Town Water System is included in Figure II.2 to Exhibit 1. The system within the Former Village Service Area includes water main ranging in size from 2”to 14” although over 50% of the distribution system is 6”in size or less. The majority of the distribution piping is over 100 years old. The Town Water System includes three storage tanks including the Pearl Street Storage Tanks located with the Former Village Service Area and the Sohn-Alloway Storage Tank located south of the Former Village.

B. The Town Water System does not include any water treatment facilities. The WCWSA supplies the Town with water purchased primarily from the Village of Newark. A more detailed description of the Town Water System can be found in the report entitled Preliminary Engineering Report for the Town of Lyons Water System, May 2020”(the “Water System Report”).

#### C. CONDITION OF FACILITIES

The distribution system in the Former Village Service Area is a mixture of iron and plastic pipe and is in poor to fair condition, with repair issues typical of a system its age. Historical comparison of water supply data to billing data has identified a significant amount of water loss in the system that may be due to the condition of the pipes. Residential water meters within the Former Village were replaced in 2013. General system deficiencies include old and undersized water mains, old hydrants and valves that are difficult to repair and maintain due to the lack of available parts, and limited fire flows in areas with undersized water mains. A more detailed description of the condition of existing facilities can be found in the Water System Report.

#### D. OPERATION AND MAINTENANCE

The WCWSA is responsible for O&M of the Town Water System in accordance with a Lease Operations Agreement (the “ease Agreement”, signed in June, 2015. Under the Lease Agreement the WCWSA is responsible for supplying water to customers, billing customers directly, and O&M of the Town Water System. The costs of O&M are incorporated in the WCWSA’ retail water rate. The Lease Operations Agreement does not include capital improvement projects beyond routine maintenance, such as the future improvements to the Town Water System described below, and

WHEREAS, THE PROPOSED WATER DISTRICT IS AS FOLLOWS:

#### A. DISTRICT MAP

The District Map and Plan is included in Appendix A and B to Exhibit 1 and includes the boundary of the proposed District, the schematic locations of the existing water mains and related infrastructure, and the parcels included in the District. The District is intended to include all properties within the Former Village Service Area which are currently connected to the water system or have reasonable access to connect, including vacant or currently unimproved parcels, and

WHEREAS, FUTURE CAPITAL IMPROVEMENTS ARE AS FOLLOWS:

#### A. WATER LINE REPLACEMENT PROJECT

The Water System Report recommends the replacement of approximately 23,000 linear feet of old, undersized water main within the Former Village Service Area, along with miscellaneous related system improvements. The current estimated capital cost of these improvements is approximately \$14.3 million.

#### B. LEAD SERVICE LINE REPLACEMENT

The Town replaced approximately 83 lead service lines in 2019/2020, funded partially through a New York State Lead Service Line Replacement Program grant. However, the Lead and Copper Rule Revisions (“LCRR”, effective December 16, 2021 require water systems to prepare a lead service inventory by October 16, 2024 and eventually, a lead service line replacement plan. The number of required additional lead service line replacements will depend upon the inventory.

#### C. FUNDING FOR FUTURE CAPITAL IMPROVEMENTS

Potential funding sources for future capital improvements include the following:

1. USDA Rural Development (“RD” –The Town should be eligible for low-interest loan and possibly grant funding, through RD’ Water & Environmental Program (“WEP”. The current interest rate for RD loans, based on the Town’ Median Household Income (“MHI” (2006-2010 American Community Survey) is 2% for a 38-year term; although the interest rate is adjusted quarterly and the Town’ published MHI may increase dramatically when RD begins to use more contemporary census data to determine eligibility.
2. The New York State Environmental Facilities Corporation (“NYSEFC” Drinking Water State Revolving Fund (“DWSRF”. The waterline replacement project is currently listed on the Draft 2023 DWSRF Intended Use Plan (“IUP” Annual List, with a score of 35 points, which is well below the current score needed to be eligible for Hardship (0%) or subsidized interest financing.
3. Water Infrastructure Improvement Act (“WIIA” –The Town may be eligible for WIIA funding, which could provide a grant of up to \$5.0 million for a water system improvements project.
4. Bipartisan Infrastructure Law (“BIL” General Supplemental Funds - The waterline replacement project is currently listed on the Draft 2023 DWSRF IUP on the BIL-GS Eligible Project List with a score of 35 points. The project could be eligible for grant or interest free financing under the BIL. Substantial BIL funds are also allocated for lead service line replacements.

At such time that these capital improvement projects are implemented, the Town will pursue available avenues for funding in an effort to mitigate the cost impacts on property owners within the District.

WHEREAS, the current method of financing the system is Equivalent Dwelling Units (“EDU”) and the proposed policy is as follows:

#### A. CURRENT EDU POLICY

The Town Board currently utilizes the policy in Appendix C, which sets the general formula for assessing capital charges to property owners in the Former Village Service Area. An EDU is generally defined as an occupied structure with water use roughly equivalent to that of a single-family home. However, because of the variable and diverse nature of the improvements located on various properties within the Former Village Service Area, water use may not be the only factor considered in the allocation of EDU’ for determining capital charges or debt service. The policy is intended to represent a fair and equitable system for recognizing the benefit of public water to properties in the Former Village Service Area. The current user costs and capital charges associated with the Former Village Service Area are described below.

#### B. PROPOSED EDU POLICY

Upon formation of the District, the Town Board will continue to utilize the EDU Policy in Appendix B to Exhibit 1, with the following modifications:

##### 1. Properties Not Currently Connected

Currently, improved properties with reasonable access to the water system, but which are not connected, are not assessed capital charges. Upon creation of the District, improved properties, regardless of connection status will be allocated the appropriate number of EDU’, per the policy in Appendix A & B (as modified herein), and assessed capital charges, accordingly.

##### 2. Vacant or Unimproved Properties

Currently, vacant or unimproved properties with reasonable access to the water system, are not assessed capital charges. Upon creation of the District, vacant or unimproved properties will be allocated a fraction of an EDU, in order to recognize the property’ benefit of having access to the public water system. The Town’s intention is for the EDU allocation to result in the assessment of a nominal capital charge for vacant or unimproved properties, in the range of \$10.00 per year.

WHEREAS, COSTS AND CAPITAL CHARGES ARE AS FOLLOWS:

## A. EXISTING DEBT SERVICE, WATER USE, AND CAPITAL CHARGES

The Town has water system related debt for two previous projects that were undertaken by the Village prior to dissolution: (1) A water main improvement project on NYS Route 31 within the Former Village; and (2) A water meter replacement program. Water customers within the Former Village Service Area are currently assessed a quarterly capital charge of \$15 per EDU to cover water system debt of the Former Village that was transferred to the Town upon dissolution. The quarterly capital charge also helps fund a capital reserve for water system improvements and related capital costs. In addition to the quarterly capital charge, water customers are charged by the WCWSA \$5.50 per thousand gallons plus a fixed quarterly basic service charge of \$25.00, for water consumption and O&M. For a typical homeowner using approximately 44,000 gallons of water per year, this rate structure results in an annual water use cost of approximately \$342. When considering both the water use and quarterly capital charge, the current total annual water cost for a typical homeowner in the Former Village Service Area is approximately \$402.

## B. FUTURE DEBT SERVICE, WATER USE, AND CAPITAL CHARGES

Upon creation of the District, water customers will initially be charged for water use, O&M, and capital charges in accordance with the rate structure described above, as modified from time to time to accommodate rate increases necessitated by rising costs of materials and labor, capital projects, or other factors related to the economy.

As referenced above, improved properties not presently connected to the water system will be assessed the quarterly capital charge upon creation of the District, based on the Town's EDU policy. Vacant or unimproved properties will be allocated a fraction of an EDU, in order to recognize the property's benefit of having access to the public water system; and be assessed a nominal capital charge, accordingly.

In addition to the water use, O&M and applicable capital charges, properties without a connection to the water system where a new connection is desired, will be responsible for the "one time" costs associated with the connection. The current WCWSA connection fee for a standard 1" service is \$1,600 and includes the tap at the water main, a service line to the property or easement line, a meter, appurtenances, and inspection charges. Property owners who connect to the water system will also be responsible for the one-time cost of installing their private service line from the curb stop to the building and for any internal plumbing modifications necessary to accommodate the meter. The cost of the private service line will depend upon the characteristics of each individual property including the distance from the building to the road and the terrain and soil conditions. The cost of the private service line for a typical single-family home may be on the order of \$12 per linear foot, plus any internal plumbing modifications. For private services more than 250 feet from the road, the WCWSA may require a meter pit be installed at the property line, at the property owner's expense. The cost of a meter pit may be on the order of \$850.

Capital debt service for future capital improvement projects will be assessed to property owners at the time of project financing, and based upon the borrowing for each project when factoring in applicable grant and loan funding parameters. Annual debt service will be apportioned to property owners for each project, generally on property tax bills, based on the EDU policy in Appendix A & B, as modified above.

WHEREAS, the Town will make advance payments for the formative costs of District Creation, including engineering, legal, and related administrative costs, with capital reserves in its water fund. It is not intended that water customers or property owners within the proposed District will not be assessed any additional charges related to District Creation, and

WHEREAS, in addition to the Map contained in Exhibit 1, the proposed water district is described as follows:

## **Proposed Town Center Water District Town of Lyons**

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Lyons, County of Wayne and State of New York, as shown on a map entitled “Proposed District Map – Former Village Water District”, prepared by MRB/group and dated Sept 2022, and bounded and described as follows:

Beginning at the intersection of the existing westerly bounds of Tax Map Parcel 70112-00-573097 with the existing southerly highway boundary of Layton Street Road; thence

1. Easterly, along the last-mentioned southerly highway boundary to a point at its intersection with the existing easterly bounds of Tax Map Parcel 70112-00-573097; thence
2. Southwesterly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 70112-00-573097; thence
3. Southeasterly and Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70112-00-573097; thence
4. Northeasterly, along the last mentioned existing westerly boundary to a point at its intersection with the existing southerly highway boundary of Layton Street Road; thence
5. Southeasterly, along the last-mentioned existing highway boundary to a point at its intersection with the southerly prolongation of the existing westerly boundary of Tax Map Parcel 70112-00-578387; thence
6. Northeasterly and Northerly, along the last-mentioned southerly prolongation and along the existing westerly boundary of Tax Map Parcel 70112-00-578387 to a point said point being 500’ northerly of as measured at right angles of the existing centerline of Layton Street Road; thence
7. Southeasterly, running parallel to and 500’ northerly of as measured at right angles of the existing centerline of Layton Street Road to a point at its intersection with the existing easterly boundary of Tax Map Parcel 70112-00-578387; thence
8. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 70112-20-781079; thence
9. Easterly, along the last mentioned existing northerly boundary and also along the existing northerly boundary of Tax Map Parcel 70112-20-938167 to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70112-00-998186; thence
10. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 70112-00-998186; thence
11. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70112-00-997208; thence
12. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 70112-00-997208; thence
13. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly highway boundary of Maple Street Road; thence

14. Southerly, along the last mentioned existing westerly highway boundary to a point at its intersection with the existing westerly prolongation of the existing northerly boundary of Tax Map Parcel 71112-00-014217; thence
15. Easterly, along the last mentioned existing easterly prolongation and along the existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71112-00-014217; thence
16. Southerly, along the last mentioned existing easterly boundary and also along the existing easterly boundary of Tax Map Parcel 71112-00-015206 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71112-00-015206; thence
17. Westerly, along the last mentioned existing southerly boundary and its westerly extension to a point at its intersection with the existing westerly highway boundary of Maple Street Road; thence
18. Southerly, along the last mentioned existing westerly highway boundary to a point at its intersection with the existing westerly prolongation of the northerly boundary of Tax Map Parcel 70112-20-938167; thence
19. Easterly, along the last mentioned existing westerly prolongation and along the existing northerly boundary of Tax Map Parcel 70112-20-938167 to a point at its intersection with the existing easterly boundary of Tax Map Parcel 70112-20-938167; thence
20. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71112-17-089123; thence
21. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71112-17-121174; thence
22. Northerly, along the last mentioned existing westerly boundary and also along the existing westerly boundary of Tax Map Parcels 71112-00-118197, 71112-00-117216 and 7112-00-116229 to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71112-00-116229; thence
23. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71112-00-135256; thence
24. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71112-00-135256; thence
25. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly highway boundary of New York State Route 14; thence
26. Southerly, along the last mentioned existing westerly highway boundary to a point at its intersection with the existing westerly prolongation of the existing northerly boundary of Tax Map Parcel 71112-18-250147; thence
27. Easterly, along the last mentioned existing westerly prolongation and the existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71112-18-250147; thence
28. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71112-18-250147; thence

29. Easterly, along the last mentioned existing northerly boundary and also along the existing northerly boundary of Tax Map Parcel 71112-18-370105 to a point at its intersection with the existing westerly highway boundary of Pilgrimport Road (CR 244); thence
30. Southerly, along the last mentioned existing westerly highway boundary to the point of curvature of said westerly line; thence; thence
31. Easterly, forming an interior angle of 90° with the last described course 30 as described above crossing Pilgrimport Road (CR-244) to a point at its intersection with the existing easterly highway boundary of Pilgrimport Road (CR 244); thence
32. Southerly, along the last mentioned existing easterly highway boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71112-18-461043; thence
33. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71112-18-461043; thence
34. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71112-18-461043; thence
35. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-06-472961; thence
36. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 70111-06-472961; thence
37. Southerly, along the last mentioned existing easterly boundary and also along the existing easterly boundary of Tax Map Parcel 7111-06-479884 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-06-479884; thence
38. Northwesterly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-11-526702; thence
39. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-11-256702; thence
40. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-11-826702; thence
41. Southerly, along the last mentioned existing easterly boundary crossing New York State Route 31 to a point at its intersection with the existing southerly highway of New York State Route 31; thence
42. Southeasterly, along the last mentioned existing southerly highway boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-11-609550; thence
43. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly highway boundary of Old Route 31; thence

44. Northwesterly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing northerly extension of the existing easterly boundary of Tax Map Parcel 71111-11-578562; thence
45. Southerly, along the last mentioned existing easterly boundary crossing Old Route 31 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-11-578562; thence
46. Northwesterly, along the last mentioned existing southerly boundary crossing Old Route 31 to a point at its intersection with the existing southerly highway boundary of New York State Route 31; thence
47. Southwesterly, along the last mentioned existing southerly highway boundary crossing Old Route 31 to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-11-540507; thence
48. Southeasterly, along the last mentioned existing northerly boundary and also along the existing northerly boundary of Tax Map Parcels 71111-15-576433, 71111-15-622482, 71111-00-633482, 71111-00-720430 and 7111-00-660470 to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-00-720430; thence
49. Northerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-00-720430; thence
50. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-00-720430; thence
51. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-00-750392; thence
52. Southerly, through lands of Tax Map Parcel 71111-00-750392 to a point at its intersection with the existing north easterly corner of Tax Map Parcel 71111-00-770330; thence
53. Southerly, along the existing easterly boundary of Tax Map Parcel 71111-00-770330 to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-00-770330; thence
54. Northeasterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-00-770330; thence
55. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-00-770330; thence
56. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 7111.00-770330; thence
57. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly highway boundary of Lyons Marengo Road (CR-344); thence
58. Northwesterly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing northerly prolongation of the easterly boundary of Tax Map Parcel 71111-00-677246; thence



59. Southerly, along the last mentioned existing northerly prolongation and its existing easterly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-00-677246; thence
60. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-00-635180; thence
61. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 7111-00-635180; thence
62. Northwesterly, along the last mentioned existing southerly boundary and also along the existing southerly boundary of Tax Map Parcel 71111-00-605180 and 71111-19-604230 to a point at its intersection with the existing southeasterly boundary of Tax Map Parcel 7111-15-575260; thence
63. Southwesterly, along the last mentioned existing southeasterly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71111-15-545260; thence
64. Northwesterly, along the last mentioned existing westerly boundary and also along the existing westerly boundary of Tax Map Parcel 71111-15-542313 to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-15-542313; thence
65. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71111-15-542313; thence
66. Northwesterly, along the last mentioned existing westerly boundary and the westerly boundary line of Tax Map Parcel 71111-14-498352 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-14-441379; thence
67. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71111-14-441379; thence
68. Northwesterly, through lands of Tax Map Parcel 71111-14-441379 and along the existing westerly boundary of Tax Map Parcel 71111-09-179538 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-09-179538; thence
69. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-09-179538; thence
70. Southerly, along the last mentioned existing easterly boundary and through lands of Tax Map Parcel 71111-14-441379 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-14-441379; thence
71. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-14-364295; thence
72. Southerly, forming an angle of 90° with the last described course 71 as described above and through lands of Tax Map Parcel 71111-14-364295 to a point at its intersection with the existing northerly boundary of Tax Map Parcel 7777-14-273377; thence

73. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-14-273377; thence
74. Southwesterly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-13-248357; thence
75. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-13-248357; thence
76. Southeasterly, along the last mentioned existing easterly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-13-248357; thence
77. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-18-260199; thence
78. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly highway boundary of Paliotti Parkway; thence
79. Southeasterly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing easterly highway boundary of Paliotti Parkway; thence
80. Southwesterly, along the last mentioned existing easterly highway boundary to a point at its intersection with the existing northerly highway boundary of Paliotti Parkway; thence
81. Southeasterly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing easterly highway boundary of Paliotti Parkway; thence
82. Southwesterly, along the last mentioned existing easterly highway boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-18-472053; thence
83. Southeasterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing southeasterly boundary of Tax Map Parcel 71111-18-472053; thence
84. Southwesterly, along the last mentioned existing southeasterly boundary and also along the existing southeasterly boundary of Tax Map Parcel 71111-18-448009 to a point at its intersection with the existing easterly highway boundary of Sohn Alloway Road; thence
85. Northwesterly, along the last mentioned existing easterly highway boundary to a point said point being 250' southerly of as measured at right angles of the existing northerly boundary of Tax Map Parcel 71110-00-267856; thence
86. Westerly, running parallel to and 250' southerly of as measured at right angles of the existing northerly boundary of Tax Map Parcel 71110-00-567856 to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71110-00-301923; thence
87. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71110-00-301923; thence

88. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71110-00-301923; thence
89. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71110-00-301923; thence
90. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71110-00-301923; thence
91. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71110-00-301923; thence
92. Easterly, along the last mentioned existing northerly boundary and along the existing westerly highway boundary of Sohn Alloway Road to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71110-00-301923; thence
93. Northerly, along the northerly extension of the last mentioned existing easterly boundary crossing Sohn Alloway Road to a point at its intersection with the existing northerly highway boundary of Sohn Alloway Road; thence
94. Easterly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71110-00-352989; thence
95. Northwesterly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71110-00-352989; thence
96. Westerly, along the last mentioned existing northerly boundary to a point at its intersection with the existing northerly highway boundary of Sohn Alloway Road; thence
97. Westerly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing easterly highway boundary of San Bar Lane; thence
98. Northerly, along the last mentioned existing easterly highway boundary to a point at its intersection with the existing southerly highway boundary of Dunn Road; thence
99. Westerly, crossing San Bar Lane and along the existing southerly highway boundary of Dunn Road and crossing Gist Mill Drive to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-17-147139; thence
100. Westerly, along the last mentioned existing southerly boundary and through Tax Map Parcel 71111-17-138129, and along the existing southerly bounds of Tax Map Parcels 71111-17-129139, 71111-17-119138, 71111-17-110138, 71111-17-102138, 71111-17-094138, 71111-17-087138, 71111-17-079138, 71111-14-070137, 71111-17-058137 to a point at its intersection with the existing easterly highway boundary of New York State Route 14; thence
101. Southerly, along the last mentioned existing easterly highway boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-00-122042; thence
102. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing easterly boundary of Tax Map Parcel 71111-00-122042; thence

103. Southerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly highway boundary of Sohn Alloway Road; thence
104. Westerly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing easterly highway boundary of New York State Route 14; thence
105. Northerly, along the last mentioned existing easterly highway boundary to a point at its intersection with the existing easterly extension of the existing southerly boundary of Tax Map Parcel 71111-00-122042; thence
106. Westerly, along the last mentioned existing easterly extension and its southerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71111-00-122042; thence
107. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 71111-00-122042; thence
108. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 71111-00-122042; thence
109. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 71111-17-019160; thence
110. Westerly, along the last mentioned existing southerly boundary and along the existing southerly boundary of Tax ap Parcel 70111-20-904165 to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70111-20-904165; thence
111. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 70111-20-904165; thence
112. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70111-20-904165; thence
113. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 70111-15-696272; thence
114. Westerly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly highway boundary of Bauer Road; thence
115. Northwesterly, crossing perpendicular to the existing centerline of Bauer Road to a point at its intersection with the existing northerly highway boundary of Bauer Road; thence
116. Westerly, along the last mentioned existing northerly highway boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70111-15-696272; thence
117. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 70111-15-696272; thence
118. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70111.15-696272; thence

119. Northerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly boundary of Tax Map Parcel 70111-15-696272; thence
120. Easterly, along the last mentioned existing northerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70111-15-724381; thence
121. Northeasterly, along the last mentioned existing westerly boundary to a point at its intersection with the existing southerly highway boundary of Madison Street; thence
122. Easterly, along the last mentioned existing southerly highway boundary to a point at its intersection with the existing southerly prolongation of the existing westerly boundary of Tax Map Parcel 70111-16-753417; thence
123. Northerly, along the last mentioned existing southerly prolongation and along the existing westerly boundary of Tax Map Parcel 70111-16-753417 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 70111-14-441379; thence
124. Westerly, along the last mentioned existing southerly boundary, crossing Madison Street to a point at its intersection with the existing southerly highway boundary of Madison Street said point also being the intersection of the southerly extension of the westerly boundary of Tax Map Parcel 70111-14-441379; thence
125. Northerly, along the last mentioned existing southerly extension and also along the existing westerly boundary of Tax Map Parcels 70111-11-575515, 71111-09-179538, 70111-11-560644 crossing Old Lyons Road and continuing along the westerly boundary of Tax Map Parcel 70111-07-645836 to a point at its intersection with the existing southerly boundary of Tax Map Parcel 70112-00-573097; thence
126. Northwesterly, along the last mentioned existing southerly boundary to a point at its intersection with the existing westerly boundary of Tax Map Parcel 70112-00-573097; thence
127. Northerly, along the last mentioned existing westerly boundary to a point and place of beginning.

HEREBY INTENDING TO DESCRIBE IN ITS ENTIRETY that parcel of land situate in the Town of Lyons, Wayne County, New York to be known and identified as the Town of Lyons Town Center Water District.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Lyons, in the County of Wayne, that it be and hereby is determined as follows:

- (1) The notice of hearing was published and posted as required by law and is otherwise sufficient.
- (2) That all of the property and property owners, within the proposed Water District are benefitted thereby.
- (3) That all of the property and property owners benefitted are included within the proposed Water District.
- (4) It is in the public interest to establish the proposed Water District as hereinafter described, and be it

FURTHER RESOLVED, that the Town Board does hereby approved the establishment of a Water District as hereinafter described to be known as the Lyons Town Center Water District which is described as follows: the geographic area encompassed by the District includes parcels with access to public Waters within the Former Village, and limited properties on the outskirts of the Former Village.

The general location is shown in Appendix A to Exhibit 1 and includes a Map, and Plan of the proposed District, including the proposed District Boundary. A description of the District boundary is included in Appendix B to Exhibit 1, and is also set forth above, and

FURTHER RESOLVED the action being undertaken by the Town, as described in this report is limited to the administrative process to establish a District to encompass the current Water service area(i.e. current customers and those properties with reasonable access to the existing Water system), and

FURTHER RESOLVED that the administrative creation of the Water district does not contemplate or authorize any construction or capital improvements; the future capital improvements described below will be authorized by the Town under separate legislative proceedings, depending upon the scope and timing of those projects, and

FURTHER RESOLVED, that this resolution is subject to a permissive referendum in the manner provided in Article Seven of the Town Law and subdivision 3 of Section 209-e of the Town Law, and be it

FURTHER RESOLVED, that, if required, the Town Clerk be and she hereby is authorized and directed to file a certified copy of this resolution, in duplicate, in the office of the State Department of Audit and Control, at Albany, New York, together with an application, in duplicate, for permission to so create said Water District in the manner and form prescribed by Section 209-f of the Town Law of New York, within ten days after the adoption of this resolution, and be it

FURTHER RESOLVED, that the Town Supervisor be and he hereby is authorized and directed to execute said application on behalf of the Town of Lyons, New York.

Councilman LaGasse seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon voting aye  
Councilman DeWolf voting aye  
Supervisor Brady voting aye

A couple of residents from West Water Street were present to address the board in relation to concerns over speeders and cars passing in a no passing zone all along West Water Street. The Supervisor will get ahold of the Sheriff and the State Police in relation to this situation.

Councilman LaGasse moved to approve all permits submitted to hold the Santa in the park event on November 26<sup>th</sup>. Councilman Paliotti seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon voting aye  
Councilman DeWolf abstain  
Supervisor Brady voting aye

Councilman Paliotti moved to acknowledge that Mr. and Mrs. DeCann complied with their nuisance action for 49 Elmer Street and that the matter is closed at this time. Councilman LaGasse seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon voting aye  
Councilman DeWolf voting aye  
Supervisor Brady voting aye

Councilman LaGasse moved to acknowledge the email from Brian Pincelli of Wayne County in reference to the County Planning Board Referral Exemptions and approve Supervisor Brady signing the Agreement to Exempt Referral of Certain Local Application for the County of Wayne. Councilman Dewolf seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon voting aye  
Councilman DeWolf voting aye  
Supervisor Brady voting aye

Councilman Paliotti moved to approve Ann Wick's request to attend the Planning Board Conference. Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon voting aye  
Councilman DeWolf voting aye  
Supervisor Brady voting aye

Councilman LaGasse moved to approve Supervisor Brady signing the agreement with GAR Associates, LLC for the Reassessment Project. Councilman Paliotti seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon voting aye  
Councilman DeWolf voting aye  
Supervisor Brady voting aye

Councilman DeWolf moved to accept the engineering report, adopt the order and to schedule the public hearing for the pumping station for November 30, 2022 at 6:55 pm. Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon voting aye  
Councilman DeWolf voting aye  
Supervisor Brady voting aye

Councilman LaGasse moved to accept the engineering report, adopt the order and schedule the public hearing for the disinfection improvements for November 30, 2022 at 6:45 pm. Councilman DeWolf seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon voting aye  
Councilman DeWolf voting aye  
Supervisor Brady voting aye

Department reports were reviewed by the Town Board. Public inspection of said reports is available at the Town Hall upon request.

Councilman LaGasse moved to return any unused escrow funds to Dollar General after ensuring that all invoices and outside parties have been paid. Councilman Dewolf seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon voting aye  
Councilman DeWolf voting aye

Supervisor Brady voting aye

At 7:30 pm Councilman Paliotti moved to adjourn the meeting. Councilman Crandon seconded. Vote:

Councilman Paliotti voting aye  
Councilman LaGasse voting aye  
Councilman Crandon voting aye  
Councilman DeWolf voting aye  
Supervisor Brady voting aye

As there was no further business, the meeting was adjourned.

Amy L. Shaffer

Lyons Town Clerk