

LEGAL NOTICE OF ADOPTION

PUBLIC INTEREST ORDER FOR INCREASE IN MAXIMUM ESTIMATED COST
TO ESTABLISH PEACH LAKE SEWER DISTRICT IN THE TOWN OF
SOUTHEAST

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Southeast, Putnam County, New York, at a meeting held on August 13, 2009, duly adopted the Order published herewith, subject to a permissive referendum.

Dated: Southeast, New York
August 13, 2009

Ruth A. Mazzei
Town Clerk

In the Matter Of a Proposed Increase (Pursuant to Section 209-h of the Town Law) in the Maximum Amount Authorized to be Expended in Connection With the Establishment of the Peach Lake Sewer District in the Town of Southeast, Putnam County, New York,	PUBLIC INTEREST ORDER
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WHEREAS, the Town Board of the Town of Southeast, Putnam County, New York (the "Town"), has heretofore received a map, plan and report including an estimate of cost, prepared by a competent engineer, duly licensed by the State of New York, which have been filed in office of the Town Clerk of said Town and after proceedings duly had and taken, has approved the establishment of a sewer district in said Town, to be known as the Peach Lake Sewer District in the Town of Southeast, Putnam County, New York (the "District"), whose boundaries are as set forth in Exhibit A hereto and hereby made a part hereof, at a maximum estimated cost of \$4,860,668.00 with a cost to the typical

household therein in the first year of operation of \$1,200.00 per year as approved by the Office of the State Comptroller on July 23, 2008; and

WHEREAS, it now appears that the maximum estimated cost of the improvements for such District must be increased by \$2,367,628.00 to a new maximum estimated cost of \$7,228,296.00 pursuant to Section 209-h of the Town Law; and

WHEREAS, the improvements described herein have been determined to constitute an Unlisted Action as defined under the State Environmental Quality Act (“SEQRA”) regulations of the State of New York as to which it has been determined that such improvements will not have a significant adverse impact upon the environment and full SEQRA compliance materials are on file in the office of the Town Clerk where they may be inspected during regular office hours for examination by any person interested in the subject matter thereof; and

WHEREAS, pursuant to subdivision 1 of Section 209-f and subdivision 1 of Section 209-h of the Town Law, an application of the approval of the office of the State Comptroller will be required despite the fact that the cost to the typical household has remained unchanged at \$1,200.00 due to the increase in the maximum estimated cost of the improvements; and

WHEREAS, an Order was duly adopted by said Town Board on July, 28, 2009 regarding said proposed District, the improvements proposed therefore, the increase in the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, and specifying the 13th day of August, 2009, at 7:30 o’clock P.M., Prevailing Time at the John J. Dunford Civic Center, 1360 Route 22, in Brewster, New York, in said Town, as the time when and the place where said Town

Board would meet for the purpose of holding a public hearing to all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by section 209-h of the Town Law and proof of such publication and postings has been presented to said Town Board; and

WHEREAS, the estimated cost of the District to the typical property therein remains \$1,200.00 in the first year in which operation, maintenance, debt service and other charges and expenses are to be paid and hook-up fees are \$0.00; and

WHEREAS, a detailed explanation of the manner by which were computed said estimated first-year costs to the typical property in said District, has been filed in the office of the Town Clerk where the same are available during regular office hours for examination by any person interested in the subject manner thereof;

NOW, THEREFOR, IT IS HEREBY

ORDERED, by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

Section 1. Pursuant to Section 209-h of the Town Law, it is hereby determined that it is in the public interest to establish Peach Lake Sewer District at an increased maximum estimated cost of \$7,228,296.00 and that the maximum amount to be expended in the establishment of Peach Lake Sewer District in the Town of Southeast, Putnam County, New York, is hereby increased from \$4,860,668.00 to \$7,228,296.00.

Section 2. The improvements proposed for said Peach Lake Sewer District consist of the construction of a wastewater collection system, including the installation of mains and laterals, the construction and operation of pumping stations and the

construction and operation of a wastewater treatment facility which will serve properties within the proposed District as well as properties located in a similar district to be established in the adjacent Town of North Salem. The maximum amount to be expended by said Peach Lake Sewer District pursuant to these proceedings for said improvements shall not exceed \$7,228,296.00, an increase of \$2,367,628.00 over that previously authorized for the establishment of said District. Said cost of said improvement shall be financed by the issuance of serial bonds of said Town maturing in annual installments over a period not exceeding forty years, payable in the first instance from assessments levied upon and collected from the several lots and parcels of land within Peach Lake Sewer District which shall be determined in accordance with the provision of law, in an amount sufficient to pay the principal and interest on said bonds as the same become due. But if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 3. The Town Clerk is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of Putnam County, New York, within ten days after the effective date of this order and to file a certified copy thereof also within said ten days in the office of the State Department of Audit and Control, in Albany, New York, both pursuant to subdivision 1 of Section 209-h of the Town Law, said ten days commencing after the permissive referendum period has elapsed without petition or after a referendum in which the establishment of the District at the new cost is approved.

Section 4. This Order is hereby adopted subject to permissive referendum and the Town Clerk shall publish a Notice of Adoption thereof, together with the full text and an exhibit providing the boundaries of said Peach Lake Sewer District within ten (10) days of the date hereof in the official newspaper of the Town and post same on the official sign-board and website of the Town within said ten (10) day hereof.

EXHIBIT "A"

<u>TAX MAP NO.</u>	<u>ADDRESS</u>
79.-1-40	76 Vails Lakeshore Drive
79.-1-40.1	2 Maple Lane
79.-1-40.2	99 Vails Lakeshore Drive
79.-1-40.3	8 White Oak Lane
79.-1-40.4	61 Vails Lakeshore Drive
79.-1-40.5	106 Vails Lakeshore Drive
79.-1-40.6	4 Maple Lane
79.-1-40.7	24 Vails Lakeshore Drive
79.-1-40.8	101 Vails Lakeshore Drive
79.-1-40.9	71 Vails Lakeshore Drive
79.-1-40.10	23 Orchard Road
79.-1-40.11	89 Vails Lakeshore Drive
79.-1-40.12	87 Vails Lakeshore Drive
79.-1-40.13	9 Hilltop Lane
79.-1-40.14	4 Bass Lane
79.-1-40.15	50 Vails Lakeshore Drive
79.-1-40.16	111 Vails Lakeshore Drive
79.-1-40.17	31 Vails Lakeshore Drive
79.-1-40.18	105 Vails Lakeshore Drive
79.-1-40.19	58 Vails Lakeshore Drive
79.-1-40.20	74 Vails Lakeshore Drive
79.-1-40.21	19 Orchard Road
79.-1-40.22	37 Vails Lakeshore Drive
79.-1-40.23	15 Orchard Road
79.-1-40.24	8 Maple Lane
79.-1-40.25	51 Vails Lakeshore Drive
79.-1-40.26	85 Vails Lakeshore Drive
79.-1-40.27	21 Orchard Road
79.-1-40.28	84 Vails Lakeshore Drive
79.-1-40.29	25 Orchard Road
79.-1-40.30	6 Bass Lane
79.-1-40.31	14 Orchard Road

79.-1-40.32	44 Vails Lakeshore Drive
79.-1-40.33	27 Orchard Road
79.-1-40.34	29 Orchard Road
79.-1-40.35	33 Vails Lakeshore Drive
79.-1-40.36	108 Vails Lakeshore Drive
79.-1-40.37	20 Orchard Road
79.-1-40.38	7 Maple Lane
79.-1-40.39	28 Vails Lakeshore Drive
79.-1-40.40	26 Locust Road
79.-1-40.41	2 Bass Lane
79.-1-40.42	41 Vails Lakeshore Drive
79.-1-40.43	10 White Oak Lane
79.-1-40.44	3 Hilltop Lane
79.-1-40.45	22 Orchard Road
79.-1-40.46	46 Vails Lakeshore Drive
79.-1-40.47	95 Vails Lakeshore Drive
79.-1-40.48	26 Vails Lakeshore Drive
79.-1-40.49	1 Maple Lane
79.-1-40.50	28 Orchard Road
79.-1-40.51	48 Vails Lakeshore Drive
79.-1-40.52	43 Vails Lakeshore Drive
79.-1-40.53	115 Vails Lakeshore Drive
79.-1-40.54	86 Vails Lakeshore Drive
79.-1-40.55	1 Hilltop Lane
79.-1-40.56	81 Vails Lakeshore Drive
79.-1-40.57	31 Orchard Road
79.-1-40.58	4 White Oak Lane
79.-1-40.59	107 Vails Lakeshore Drive
79.-1-40.60	55 Vails Lakeshore Drive
79.-1-40.61	68 Vails Lakeshore Drive
79.-1-40.62	72 Vails Lakeshore Drive
79.-1-40.63	91 Vails Lakeshore Drive
79.-1-40.64	65 Vails Lakeshore Drive
79.-1-40.65	29 Vails Lakeshore Drive
79.-1-40.66	11 Hilltop Lane
79.-1-40.67	49 Vails Lakeshore Drive
79.-1-40.68	3 Maple Lane
79.-1-40.69	77 Vails Lakeshore Drive
79.-1-40.70	25 Vails Lakeshore Drive
79.-1-40.71	109 Vails Lakeshore Drive
79.-1-40.72	103 Vails Lakeshore Drive
79.-1-40.73	27 Vails Lakeshore Drive
79.-1-40.74	6 White Oak Lane
79.-1-40.75	5 Hilltop Lane
79.-1-40.76	9 Maple Lane
79.-1-40.77	69 Vails Lakeshore Drive

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75 Vails Lakeshore Drive
73 Vails Lakeshore Drive
8 Bass Lane
59 Vails Lakeshore Drive
39 Vails Lakeshore Drive
119 Vails Lakeshore Drive
2 White Oak Lane
57 Vails Lakeshore Drive
66 Vails Lakeshore Drive
5 Maple Lane
36 Vails Lakeshore Drive
93 Vails Lakeshore Drive
24 Orchard Road
80 Vails Lakeshore Drive
6 Hickory Lane
33 Orchard Road
6 Maple Lane
35 Orchard Road
35 Vails Lakeshore Drive
79 Vails Lakeshore Drive
47 Vails Lakeshore Drive
64 Vails Lakeshore Drive
60 Vails Lakeshore Drive
17 Orchard Road
113 Vails Lakeshore Drive
121 Vails Lakeshore Drive
42 Vails Lakeshore Drive
24 Locust Road
54 Vails Lakeshore Drive
53 Vails Lakeshore Drive
54 Vails Lakeshore Drive
10 Hickory Lane
7 Hilltop Lane
22 Locust Road
63 Vails Lakeshore Drive
83 Vails Lakeshore Drive
97 Vails Lakeshore Drive
56 Vails Lakeshore Drive
82 Vails Lakeshore Drive
117 Vails Lakeshore Drive
45 Vails Lakeshore Drive
110 Vails Lakeshore Drive
52 Vails Lakeshore Drive