

Joint Consolidation Agreement and Plan  
Of  
Clarendon Water District No. 9  
Clarendon Water District No. 9, Extension No. 1

THIS AGREEMENT AND PLAN is entered into by the Town of Clarendon, a New York municipality with its offices at the Town Hall, Town of Clarendon, 16385 Church Street, Clarendon, New York 14429 (the "Town").

WHEREAS, the following water districts located in the Town are operated by the Town: Clarendon Water District No. 9 and Clarendon Water District No. 9, Extension No. 1; (each an "Existing Water District" and collectively, the "Existing Water Districts"),

WHEREAS, the Town Board of the Town (the "Town Board") serves as the governing body of the Existing Water Districts; and

WHEREAS, the Existing Water Districts are interconnected; and

WHEREAS, operating the Existing Water Districts as separate districts involves certain administrative inefficiencies related to the operation and maintenance of such separate districts; and

WHEREAS, New York General Municipal Law Article 17-A (the "Consolidation Law") allows for the consolidation of water districts; and

WHEREAS, the Town has contracted with Municipal Solutions, Inc. to prepare a Map, Plan and Report for use by the Town to study consolidation of the Existing Water Districts, a copy of which is attached hereto as Attachment No. 1 ("the Map, Plan and Report"); and

WHEREAS, the Town Board of the Town now believes it is in the best interests of the Town and the customers of the Existing Water Districts to consolidate the Existing Water Districts, in order to achieve operational efficiencies and generate cost savings; and

WHEREAS, the Consolidation Law requires the endorsement of a joint consolidation agreement (and plan) in order to commence the proceedings to consolidate the Existing Water Districts;

NOW, THEREFORE, the Town Board hereby sets forth the following terms for the consolidation of the Existing Water Districts:

1. Name of Each District to be Consolidated.

The Town wishes to consolidate the following water districts:

Clarendon Water District No. 9;  
Clarendon Water District No. 9 Extension No. 1

2. Name of the Proposed Consolidated District.

The name of the proposed consolidated water district is as follows: Town of Clarendon Consolidated Water District No. 9 (herein referred to as the "CCWD No. 9").

3. Rights, Duties and Obligations of the Proposed Consolidated District.

The rights, duties and obligations of the proposed CCWD No. 9 will be the same as those that currently exist in the Existing Water Districts, which rights, duties and obligations (and abilities) consist of those afforded improvement districts under the New York State Town Law (the "Town Law"), including (but not limited to) undertaking capital projects, provision of water and operation and maintenance tasks in connection with the same. Further details can be found in the Map, Plan and Report.

4. Territorial Boundaries of the Proposed Consolidated District.

The territorial boundaries of the proposed CCWD No. 9 can be generally described as the exterior boundaries of the Existing Water Districts with (and to the extent applicable) the interior boundaries removed. The consolidated legal description includes approximately 28 parcels located along Holly Byron Road (NYS Route 237) and between Powerline Road and 600' southwest of McAllister Drive in the Town of Clarendon as graphically shown on the mapping provided in Appendix A of the Map, Plan and Report. A legal description has also been provided in Appendix A of the Map, Plan and Report.

5. Type and/or Class of the Proposed Consolidated District.

The type and/or class of the proposed CCWD NO. 9 is a water "improvement district" as defined Articles 12 and 12-A of the Town Law. The proposed CCWD No. 9 will be operated and administered by the Town Board of the Town in the same fashion as improvement districts created under Articles 12 and/or 12-A of the Town Law.

6. Governmental Organization of the Proposed Consolidated Local Government Entity Insofar as it Concerns Elected and Appointed Officials and Public Employees, Along with a Transitional Plan and Schedule for Elections and Appointments of Officials.

The proposed CCWD No. 9 will be a water improvement district within the Town of Clarendon as provided in the Town Law. The Town Board currently functions as the governing body of each of the Existing Water Districts, and it will continue to function as the governing body of the CCWD No. 9. The employees of the Town who currently do work on behalf of the Existing Water Districts will continue to do such work once the CCWD No. 9 is in place. As such, there will be no need for a special election and/or additional appointment of officials once the consolidation is complete.

7. Fiscal Estimate of the Cost of and Savings Which May Be Realized from Consolidation.

Infrastructure for the water district consolidation already exists throughout the two water districts. As investigated previously, the existing water system infrastructure has sufficient supply, piping conveyance capacity, and storage capacity to support the water district consolidation and will not require any improvements. This means that the consolidation of the districts can be completed without infrastructure improvements.

b. Potential Savings From Consolidation.

With consolidation of the existing water districts, it is anticipated that the Town will see some savings in administrative costs, though an exact cost savings cannot be estimated at this time. For instance, with

separate districts all vouchers must be tracked and charged to the applicable district. Consolidation of the existing water districts simplifies tracking time and resources for each individual district. Thus, time spent on administrative items will decrease and allow the water department employees the opportunity to be more efficient.

Detailed actual cost savings can be determined after a full 12 months of operations following the District consolidation on January 1, 2020, by the Town budget officer.

8. Each Currently Existing Water District's Assets, Including, But Not Limited to, Real and Personal Property, and the Fair Value Thereof.

a. Clarendon Water District No. 9

Water District No. 9 consists of 2,805 LF of 8-inch diameter PVC water main and hydrants, valves, meters and associated fixtures. The improvements are designed to provide 100 gallons of water per person per day for domestic and commercial uses and to provide fire protection meeting Insurance Services Office (ISO) standards. The District is designed to provide 500 gallons per minute in addition to the peak hourly demands.

b. Clarendon Water District No 9 Extension 1.

The Clarendon Water District No. 9, Extension No. 1 consists of 1,700 LF of 8-inch diameter PVC water main and hydrants, valves, meters and associated fixtures. The improvements are designed to provide 100 gallons of water per person per day for domestic and commercial uses and to provide fire protection meeting Insurance Services Office (ISO) standards. The District is designed to provide 500 gallons per minute in addition to the peak hourly demands.

9. Each Currently Existing Water District's Indebtedness, Bonded and Otherwise.

<b>DEBT</b>	<b>Clarendon WD No. 9</b>	<b>Clarendon WD No. 9 Extension 1</b>	<b>TOTAL</b>
<b>BOND Anticipation Notes</b>			
Rolling BAN Borrowings		\$77,765	\$77,765
<b>Serial Bonds</b>			
USDA RD Loan – 3.25% interest	\$106,000		\$106,000
<b>GRAND TOTAL:</b>	\$106,000	\$77,765	\$183,765

10. Terms for the Disposition of Existing Assets, Liabilities and Indebtedness of the Existing Water Districts, Either Jointly, Separately or in Certain Defined Proportions.

The existing assets of the Existing Water Districts will become the assets of the CCWD No. 9.

The existing indebtedness of each Existing Water District will remain the responsibility of the users of such Existing Water District. A return of \$30,000 of unused principal for Water District No. 9, Extension 1 will be applied against the principal balance of the current Bond Anticipation Note (BAN) being used to finance said District which matures April 23, 2020.

On January 1, 2020, any remaining fund balance (surplus or deficits) for each component Existing Water District will be transferred to the CCWD No. 9 as of January 1, 2020, and thereafter, such funds may be used by the CCWD No. 9 in any manner as permitted by law. A list of the fund balance of the Existing Water Districts as of January 1, 2019 is included below.

	<b>Clarendon Water District No. 9</b>	<b>Clarendon Water District No. 9 Extension 1</b>	<b>TOTAL</b>
Assigned Appropriated Fund Balance	\$ 0	\$ 0	\$ 0
Assigned Unappropriated Fund Balance	\$6,854.64	\$36,683.17	\$43,537.81
<b>TOTAL FUND BALANCE</b>	\$6,854.64	\$36,683.17	\$43,537.81

Future improvements undertaken after January 1, 2020 within the CCWD No. 9 will be financed in accordance with the New York State Local Finance Law and/or the Town Law. Unless paid from other sources or charges, the costs of any improvements will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the CCWD No. 9, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on any obligations as the same shall become due and payable, except as provided by law.

11. Terms for the Common Administration and Uniform Enforcement of Local Laws, Ordinances, Resolutions, Orders and the Like, Within the Proposed Consolidated Water District.

After consolidation, any local laws, ordinances, resolutions, orders and the like pertaining to the currently Existing Water Districts will continue to be administered and enforced with regard to the proposed CCWD No. 9 by the Town Board of the Town as part of its duties as the governing body of the CCWD No. 9. The Existing Water Districts fall under the scope of Town of Clarendon Water District Regulations adopted 02/13/1996 as periodically amended. To the extent that any conflicts and/or ambiguities in existing laws and the like are discovered after consolidation, the Town Board will adopt new laws, resolutions, rules or regulations pertaining to the CCWD No. 9 to resolve such conflicts and/or ambiguities

12. The Effective Date of the Proposed Consolidation.

The proposed consolidation will take effect on January 1, 2020.

13. The Time and Place for the Public Hearing on this Joint Consolidation Agreement and Plan.

A public hearing on this Joint Consolidation Agreement and Plan will be held on November 19, 2019 at 6:45 PM at the Town Hall, Town of Clarendon, 16385 Church Street, Clarendon, New York 14429.

14. Severability Clause.

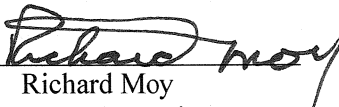
If any provision of this Joint Consolidation Agreement and Plan shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable because it conflicts with any provisions of any constitution, statute, rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question invalid, inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions of this Joint Consolidation Agreement and Plan invalid, inoperative or unenforceable to any extent whatsoever.

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

16. That within five business days after adoption of this Resolution the Town Clerk is hereby authorized and directed to arrange to have a notice of (A) the proposed dissolution and consolidation and (B) a public hearing to be held in connection therewith published in a newspaper having general circulation in the CCWD No. 9. Such notice shall also be placed on the Town's website and posted on the sign-board of the Town.

IN WITNESS WHEREOF, the Town Supervisor has signed this Joint Consolidation Agreement and Plan on behalf of the Town Board as of September 17, 2019.

TOWN OF CLARENDON  
ORLEANS COUNTY, NEW YORK

  
BY: Richard Moy  
Town Supervisor

ATTACHMENT NO. 1  
MAP, PLAN AND REPORT