

TOWN OF ROMULUS

David Kaiser, Supervisor
Terry Rose-Smith, Town Clerk
James I. Williamson, Superintendent of Highways
Kyle Collinworth, Councilman
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Barbara McCall, Councilwoman



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RESOLUTION RESCINDING CONDITIONAL APPROVAL OF PROPOSED STATE ROUTE 89 WATER DISTRICT, TOWN OF ROMULUS, COUNTY OF SENECA, AND STATE OF NEW YORK AND CANCELLING PUBLIC REFERENDUM SCHEDULED FOR SEPTEMBER 18, 2012, PENDING REVISION OF MAP, PLAN AND REPORT AND ESTABLISHMENT OF PROCEDURES FOR CONDUCT OF REFERENDUM RESOLUTION #63-12

WHEREAS, the Romulus Town Board previously determined that a water district along State Route 89 had public support, was technically feasible, and was in the public interest, and after having received input thereupon from the public, and after several information sessions and/ or discussions at public meetings addressing the subject district, the Town Board authorized the preparation of an official Map, Plan and Report (herein, the "MPR") by formal Resolution; and

WHEREAS, and based upon such Resolution and the Map, Plan and Report, the effectiveness of such Resolution was subject to referendum and approval of the proposed water district by the NYS Comptroller's Office; and

WHEREAS, a qualifying petition having previously been submitted, and no objections thereto having been filed, the Town must conduct a referendum by special election relative to the question of formation of the proposed water district pursuant to the requirements of Town Law Articles 6, 7 and 12-A; and further, a Comptroller's Application seeking permission for such district is required to be submitted; and

WHEREAS, after following the required procedures of Town Law Article 12-A, the Town issued a Public Interest Order, duly conducted a public hearing and a SEQRA review, and upon July 11, 2012, by resolution entitled "RESOLUTION AND ORDER CONDITIONALLY APPROVING FORMATION OF STATE ROUTE 89 WATER DISTRICT, IN THE TOWN OF ROMULUS, COUNTY OF SENECA AND STATE OF NEW YORK" (herein, "Conditional Order of Approval"), conditionally approved the formation of such water district pursuant to Town Law § 209-e; and

WHEREAS, by resolution dated July 11, 2012, entitled "RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ROMULUS, IN THE COUNTY OF SENECA, NEW YORK, CALLING FOR A SPECIAL TOWN ELECTION TO BE HELD ON SEPTEMBER 18, 2012, AND MAKING CERTAIN OTHER DETERMINATIONS IN CONNECTION THEREWITH," scheduling the special town election (herein "referendum") for the date indicated therein; and

WHEREAS, subsequent to the scheduling of the referendum and submission of the Application by Town Board to State Comptroller for permission to create said district, the Town Supervisor and Attorney for the Town did identify certain potential errors and/or omissions with the map, plan and

report, which it is recommended warrant further study, review and possible revision of the existing Map, Plan and Report; and

WHEREAS, subsequent to the scheduling of the referendum and submission of the Application by Town Board to State Comptroller for permission to create said district, the Town Supervisor has received requests to reschedule the referendum and/or for the Town Board to review and craft procedures for absentee balloting for said referendum and has recommended that the Town review this matter further; and the Attorney for the town having recommended that additional legal review and research be conducted to determine what, if any, procedures for absentee ballots might be enacted by the town board, by resolution, local law or otherwise; and

WHEREAS, there is insufficient time to revise and establish proceedings for the scheduled referendum prior to same; and the town board and town supervisor are of the opinion that the referendum should be held at a later date to ensure the greatest amount of public participation allowed by law;

WHEREAS, and based upon the foregoing, and upon due deliberation thereupon, the Town Board of the Town of Romulus has hereby

RESOLVED AND DETERMINED, that the prior Resolutions of the Town Board of July 11, 2012, being the "RESOLUTION AND ORDER CONDITIONALLY APPROVING FORMATION OF STATE ROUTE 89 WATER DISTRICT, IN THE TOWN OF ROMULUS, COUNTY OF SENECA AND STATE OF NEW YORK" and RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ROMULUS, IN THE COUNTY OF SENECA, NEW YORK, CALLING FOR A SPECIAL TOWN ELECTION TO BE HELD ON SEPTEMBER 18, 2012, AND MAKING CERTAIN OTHER DETERMINATIONS IN CONNECTION THEREWITH," be and hereby are rescinded, and as a consequence thereof, and pursuant to Town Law § 93 (and other applicable provisions of law), there is no need for, a referendum by special election or a Comptroller's Application at this time and accordingly it is further

RESOLVED AND ORDERED that the attorney[s] for the town shall research and prepare, for review by the town supervisor and town board, a memorandum of law on the questions of [a] revisions, if any, to the existing Map, Plan and Report and the procedures for accomplishing same; [b] proposed procedures for approvals and/or submission of any such revised Map, Plan and Report to the New York State Comptroller; [c] proposed procedures for the conduct of a referendum in the event of a future approval of a revised Map, Plan and Report and scheduling of such referendum;

RESOLVED AND ORDERED, that all Town employees, Officers, and other involved with the district formation process, cease and discontinue any further efforts to form or obtain approval of the said water district pending review and report on the above; and it is further

RESOLVED AND ORDERED, that the Town Clerk hereby certify a copy of this Resolution and file a copy of the same with the Office of the State Comptroller so as to advise such office that the Conditional Order of Approval is rescinded, and of no force or effect; and it is further

RESOLVED AND ORDERED, that the Town Clerk hereby be and hereby is authorized and directed to certify a copy of this Resolution and file a copy of the same with the Seneca County Board of Elections and further hereby authorized and directed to publish at least once in the Town's official newspaper, and to post on the signboard of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law and, further, to post same upon the town's website;

RESOLVED AND ORDERED that the Town Clerk hereby be and hereby is authorized and directed to immediately transmit notice in substantially the following form to all affected property owners within the proposed water district: "NOTICE: THE PRIOR RESOLUTIONS OF THE ROMULUS TOWN BOARD OF JULY 11, 2012: "RESOLUTION AND ORDER CONDITIONALLY APPROVING FORMATION OF STATE ROUTE 89 WATER DISTRICT" AND "RESOLUTION CALLING FOR A SPECIAL TOWN ELECTION TO BE HELD ON SEPTEMBER 18, 2012," ARE RESCINDED. THEREFORE, SAID REFERENDUM IS CANCELLED UNTIL FURTHER NOTICE. BY ORDER OF THE TOWN BOARD OF ROMULUS NEW YORK, AUGUST 23, 2012"

This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

Motioned by: Supervisor David Kaiser
 Seconded by: Councilman Kyle Collinsworth

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Councilman Carroll	[x]	[]	[]	[]
Councilman Walborn	[x]	[]	[]	[]
Councilwoman McCall	[x]	[]	[]	[]
Councilman Collinsworth	[x]	[]	[]	[]
Supervisor Kaiser	[x]	[]	[]	[]

Carried

The Resolutions were thereupon duly adopted.

August 23, 2012

Mary E. Farnsworth, Deputy Town Clerk
 Town of Romulus