

**RESOLUTION ADOPTING SEQR FINDINGS  
AND CONSENTING TO THE FORMATION  
OF A WATER WORKS CORPORATION**

Resolution offered by council member Ferland

**WHEREAS**, SPECTRUM COMMUNITIES, LLC ("Petitioner"), has applied to the Town Board for consent to form a Water Works Corporation, pursuant to Article 4 of the Transportation Corporations Law of the State of New York, which corporation will supply water to a realty subdivision to be located in the Town of East Fishkill, County of Dutchess, New York, known as the Moore Property, and

**WHEREAS**, the name of the proposed water works corporation is to be the Four Corners Water Works Corporation (a copy of the proposed Certificate of Incorporation is annexed hereto), and

**WHEREAS**, the area to be served by the proposed Four Corners Water Works Corporation includes the entirety of the proposed Moore Property Subdivision, said area encompassing all of the land now shown on the official Tax Map of the Town of East Fishkill as Section 6658, Block 3, Lots 108204-0000 and 188053-0000, Section 6557, Block 2, Lots 623801-0000, 720861-0000 and 920812-0000, Section 6658, Block 4, Lot 975153-0000, 0000 and a portion of Section 6558, Block 4, Lots 850129-0000 and 908247-0000, and

C&amp;P: 447975.1

WHEREAS, pursuant to Section 41 of the Transportation Corporation Laws of the State of New York, no Certificate of Incorporation of a water works corporation can be filed until the governing body of the local municipality, in this case the Town Board of the Town of East Fishkill, and the Town Superintendent of Highways, shall consent to the formation of said corporation, and

WHEREAS, Pursuant to Section 41 of the Transportation Corporations Law, Petitioner has delivered a written notice of its Petition, together with engineering plans of the proposed water system, to the Dutchess County Department of Health, the applicable water authority in Dutchess County, and

WHEREAS, in accordance with Section 41 of the said Transportation Corporations Law, Petitioner has submitted the engineering plan of the proposed water system, which plan specifies the location, size and type of well pumps, distribution main, and other facilities of the water supply and distribution system.

WHEREAS, the environmental review conducted by the Planning Board in connection with the Moore Property Development Plan application considered the environmental impacts and mitigation measures associated with the proposed water system, and concluded with the issuance of SEQRA Findings by the Planning Board on February 24, 2004; and

**WHEREAS**, notwithstanding the foregoing, it is also the Town Board's responsibility, as an Involved Agency, to issue its own Findings Statement, pursuant to 6 NYCRR 617.11; and

**WHEREFORE**, Petitioner hereby requests the Town Board of the Town of East Fishkill and the Superintendent of Highways of the Town of East Fishkill grant their consent to the formation of the proposed Four Corners Water Works Corporation.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Town Board has independently considered the relevant environmental impacts, facts, and conclusions disclosed as part of the prior environmental review for the Moore Property Development Plan as they relate to the approvals for water and sewer transportation corporations for the proposed development plan (see attached "Findings Statement"), and independently weighed and balanced such relevant environmental impacts with the social, economic and other considerations by issuing its own Findings Statement related to the approvals of water and sewer transportations corporations, and certifies as follows: (a) the requirements of 6 NYCRR Part 617 have been met; (b) consistent with social, economic and other essential considerations from among the reasonable alternatives available, the proposed action before the Town Board is one that minimizes or avoids adverse environmental impacts disclosed in the EIS to the maximum extent practicable; (c) adverse environmental effects

revealed in the environmental impact statement process will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures which have been identified in the DEIS, FEIS and Findings, as practicable, and further findings, that all the mitigation measures identified in the DEIS, FEIS and Findings are practicable; and

2. The Town Board consents to the formation of the Four Corners Water Works Corporation and authorizes the Supervisor to deliver the Certificate of Incorporation with attached consent form to the Town Board members and the Highway Superintendent for signature, when the Supervisor is satisfied that the following conditions have been met:

- a. The certificate and all related documents shall be reviewed by the Town Engineer to confirm that they correctly describe the service area of the Four Corners Water Works Corporation and shall be so certified by the Town Engineer.
- b. The Petitioner, or its successors and assigns, shall negotiate and execute an agreement with the Dutchess County Water and Wastewater Authority (the "Authority") and the Town, to provide for the Authority's acquisition, maintenance and operation of the Water Works facility herein, to insure compliance with the SEQRA Findings Commitments regarding conveyance of excess water capacity to the Town or successor entities.

- c. The plans for the water works system shall be formally approved  
by the Dutchess County Health Department.

The resolution was seconded by Council Member Cassidy

The votes were as follows:

Supervisor Peter Idema, III	<u>aye</u>
Council Member Ethel Walker	<u>aye</u>
Council Member Richard Ferland	<u>aye</u>
Council Member Donald Way	<u>aye</u>
Council Member Peter Cassidy	<u>aye</u>

Whereupon, the resolution was declared adopted by the Town Board of the Town  
of East Fishkill.

**CERTIFICATION**

I, DOROTHY MEKEEL, the duly qualified and acting Town Clerk for the Town of East Fishkill, Dutchess County, New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of an adjourned meeting of the Town Board of the Town of East Fishkill held on the 15th day of July, 2004, and that the resolution set forth herein is a true and correct copy of the resolution of the Town Board of said Town adopted at said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Town, this 16th day of July, 2004.

Dorothy Mekeel  
DOROTHY MEKEEL, Town Clerk

(seal)

**RESOLUTION ADOPTING SEQF FINDINGS  
AND CONSENTING TO THE APPROVAL FOR  
A SEWAGE WORKS CORPORATION**

Resolution offered by council member Ferland

WHEREAS, SPECTRUM COMMUNITIES, LLC ("Petitioner"), has applied to the Town Board for consent to form a Sewage Works Corporation, pursuant to Article 10 of the Transportation Corporations Law of the State of New York, which corporation will provide for the disposal, treatment and removal of sewage associated with a realty subdivision to be located in the Town of East Fishkill, County of Dutchess, New York, known as the Moore Property Development/Subdivision, and

WHEREAS, the name of the proposed sewage works corporation is to be the Four Corners Sewage Works Corporation (a copy of the proposed Certificate of Incorporation is annexed hereto), and

WHEREAS, the area to be served by the proposed Four Corners Sewage Works Corporation includes the entirety of the proposed Moore Property Development/Subdivision, said area encompassing all of the land now shown on the official Tax Map of the Town of East Fishkill as Section 6658, Block 3, Lots 108204-0000 and 188053-0000, Section 6557, Block 2, Lots 623801-0000, 72086109999 and 920812-0000, Section 6658, Block 4, Lots 850129-0000 and 908247-0000, and

CAE:447082.1

WHEREAS, pursuant to Section 116 of the Transportation Corporation Laws of the State of New York, no Certificate of Incorporation of a sewage works corporation can be filed until the governing body of the local municipality, in this case the Town Board of the Town of East Fishkill, shall consent to the formation of said corporation, and

WHEREAS, Petitioner has delivered a written notice of its Petition, together with the maps and specifications of the proposed sewage system, to the Dutchess County Department of Health, the applicable authority in Dutchess County, and

WHEREAS, in accordance with Article 10 of the said Transportation Corporations Law, Petitioner has submitted a copy of the maps, plan and specifications of the proposed sewage system.

WHEREAS, the environmental review conducted by the Planning Board in connection with the Moore Property Development Plan application considered the environmental impacts and mitigation measures associated with the proposed sewer system for the proposed development, and concluded with the issuance of SEQRA Findings by the Planning Board on February 24, 2004; and

WHEREAS, notwithstanding the foregoing, it is also the Town Board's responsibility, as an Involved Agency, to issue its own Findings Statement, pursuant to 6 NYCRR 617.11; and



WHEREFORE, Petitioner hereby requests the Town Board of the Town of East Fishkill grant their consent to the formation of the proposed Four Corners Sewage Works Corporation.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Town Board has independently considered the relevant environmental impacts, facts, and conclusions disclosed as part of the prior environmental review for the Moore Property Development Plan as they relate to the approvals for water and sewer transportation corporations for the proposed development plan (see attached "Findings Statement"), and independently weighed and balanced such relevant environmental impacts with the social, economic and other considerations by issuing its own Findings Statement related to the approvals of water and sewer transportations corporations, and now certifies as follows: (a) the requirements of 6 NYCRR Part 617 have been met; (b) consistent with social, economic and other essential considerations from among the reasonable alternatives available, the proposed action before the Town Board is one that minimizes or avoids adverse environmental impacts disclosed in the EIS to the maximum extent practicable; (c) adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures which have been identified in the DEIS, FEIS and Findings, as practicable,

and further findings, that all the mitigation measures identified in the DEIS, FEIS and Findings are practicable; and

2. The Town Board consents to the formation of the Four Corners Sewage Works Corporation and authorizes the Supervisor to deliver the Certificate of Incorporation with attached consent form to the Town Board members and the Highway Superintendent for signature, when the Supervisor is satisfied that the following conditions have been met:

- a. The certificate and all related documents shall be reviewed by the Town Engineer to confirm that they correctly describe the service area of the Four Corners Sewage Works Corporation, and shall be certified by the Town Engineer.
- b. The Petitioner, or its successors and assigns, shall negotiate and execute an agreement with the Dutchess County Water and Wastewater Authority (the "Authority") and the Town, to allow for the Authority's acquisition, maintenance and operation of the Sewage Works facility herein.
- c. The plans for the sewer works system shall be formally approved by the Dutchess County Health Department.

The resolution was seconded by Supervisor Idema

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VENEZIANO &amp; ASSOC.

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The votes were as follows:

Supervisor Peter Idema, III

aye

Council Member Ethel Walker

aye

Council Member Richard Ferland

aye

Council Member Donald Way

aye

Council Member Peter Cassidy

aye

Whereupon, the resolution was declared adopted by the Town Board of the Town of East Fishkill.

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## CERTIFICATION

I, DOROTHY MEKEEL, the duly qualified and acting Town Clerk for the Town of East Fishkill, Dutchess County, New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of an adjourned meeting of the Town Board of the Town of East Fishkill held on the 15th day of July, 2004, and that the resolution set forth herein is a true and correct copy of the resolution of the Town Board of said Town adopted at said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Town, this 16th day of July, 2004.

Dorothy Mekeel  
DOROTHY MEKEEL, Town Clerk

(seal)