
IN THE MATTER OF THE
PETITION OF NEWARK VALLEY
APARTMENTS, LP FOR
ANNEXATION BY THE VILLAGE OF
NEWARK VALLEY OF LANDS IN THE
TOWN OF NEWARK VALLEY BEING
TAX PARCEL NO. 53.00-1.43.122

FINDINGS, RESOLUTIONS AND ORDER
OF THE VILLAGE OF NEWARK VALLEY PURSUANT TO
ARTICLE 17 OF THE NEW YORK STATE
GENERAL AND MUNICIPAL LAW

A Petition ("Petition") having been filed by Newark Valley Apartments, LP ("Petitioner") for the annexation of certain property in the Town of Newark Valley ("Town") into the Village of Newark Valley ("Village"), and a joint public hearing of the governing Boards of the Town and the Village having been held on April 20, 2010 in accordance with Section 705 of the General Municipal Law of the State of New York, the Village Board of the Village of Newark Valley hereby makes the following Findings and adopts the following Resolutions and Order based upon such Findings, all in accordance with Section 711 of the General Municipal Law:

FINDINGS

1. The Petition of Newark Valley Apartments, LP dated March 12, 2010 for the annexation of Town of Newark Valley Tax Parcel Number 53.00-1.43.122 ("Property") was filed in the Offices of the Town Clerk of the Town of Newark Valley and the Village Clerk of the Village of Newark Valley on March 15, 2010. A copy of the Petition is attached hereto as Exhibit "A".
2. Pursuant to Section 704 of the General Municipal Law, the Town caused notice of the required joint public hearing on the Petition to be published in the Tioga County Courier, the official newspaper of the Town, on March 24, 2010.
3. Also Pursuant to Section 704 of the General Municipal Law, the Village caused notice to the required joint public hearing on the Petition to be published in the Tioga County Courier, the official newspaper of the Village, on April 7, 2010.
4. On March 26, 2010, the Town caused a copy of the notice of joint public hearing to be mailed to (i) the Petitioner (the Petitioner allegedly being the sole owner of property within the territory proposed to be annexed) and (ii) all persons residing within the territory proposed to be annexed qualified to vote for officers of the Town as their names appear upon the register of voters for the last preceding general election.

6. The joint public hearing of the Village and Town of Newark Valley was held at the Newark Valley Town Hall on April 20, 2010 in accordance with the notices as published and mailed.
7. In attendance at the joint public hearing were (i) the Mayor, the four Trustees of the Village, the Attorney for the Village and the Village Clerk; and (ii) the Town Supervisor, the four Councilmen of the Town Board, the Attorney for the Town and the Town Clerk.
8. Stuart Yetter, Jr., Supervisor of the Town of Newark Valley, presided at the hearing by agreement of the members of the participating Boards.
9. Comments were received from various members of the public in attendance at the joint public hearing, including the Attorney for the Petitioner, residents of the Town and residents of the Village. Elected officials of both the Village and Town offered comment as well. A transcript of the proceedings is attached hereto as Exhibit "B". No representative from the Newark Valley Central School District appeared at the hearing.
10. The Supervisor of the Town confirmed at the outset of the joint public hearing that to the best of his knowledge the required notices of the public hearing for the Town and Village had been published in a timely fashion as indicated above and the Town and Village Clerks have complied with the mailing of notices as required by Article 17 of the General Municipal Law.
11. The Village Attorney had reviewed the Petition and had advised the Village that the Petition had been in substantial compliance with Section 703 of the General Municipal Law. The Petition did lack the required certification from the Town Assessor. However, the Attorney for the Petitioner provided an affidavit detailing her attempts to secure such certification.
12. The Village Board of the Village of Newark Valley makes the following findings in accordance with the Section 711 of the General Municipal Law as to whether the proposed annexation is or is not in the overall public interest:
 - A. The Petitioner owns property in the Town fronting on Golden Lane. The parcel of land is contiguous with the Village in its rear. Golden Lane was dedicated to the Town by the Petitioner or by a related company to build a road to access its development. The Property is approximately 2.55 acres and contains total of 10 one-bedroom apartments and 8 two-bedroom apartments which are all dedicated for low-income housing.
 - B. The principal of the Petitioner stated that he was invited to come to Newark Valley, to establish this quasi-public housing development on the promise that he would have public water, among other things, in approximately 2001.
 - C. The Petitioner or related company not only dedicated Golden Lane to the Town but also paid \$90,000.00 to have an 8-inch water main run down the road to its Property.

- D. This water main not only provides water service to the 18 low-income residents on the property but also has 2 fire hydrants, one which was put in by a neighbor for improved fire protection.
- E. The nearest hydrant other than these two on the system is approximately 1/5 of a mile away and is used only to flush lines and not for fire protection.
- F. The Village of Newark Valley currently supplies public water to the Property and other properties outside of the Village. However, due to issues of water safety and improvements needed, the Village has plans to improve its system.
- G. It has given time to the Town residents currently on water, including the Petitioner, to form their own district or improvement area. They have declined to do the same.
- H. At some point in the future, the Village will need to cut off the water supply outside of the Village.
- I. Thus the Petitioner is facing the prospect of having to obtain a different water source for its low-income residents.
- J. Petitioner prefers to remain on public water.
- K. Given the number of units on the premises, any private system that it may install would be defined as a "community water system" for public health purposes.
- L. A private system may require the Petitioner to install a sprinkler system, pressure pumps, emergency generators, together with providing much more administrative detail and testing than what is needed with a public system.
- M. Petitioner is obligated to maintain the development as low-income housing for a period of approximately 30 years or more.
- N. There would be no change in police services by allowing annexation.
- O. There would be no change in services or expenses to the School District.
- P. There would be no change in services to the Town.
- Q. While the Town would still have the obligation to maintain the portion of Golden Lane, there is no part-town highway tax rate. Thus there would be no loss of revenue due its obligation to maintain the Town road in front of the property.
- R. Annexation would ensure the current level, if not improve water supply

for fire protection; whereas, if the property is not annexed there will be no fire hydrants for fire protection, for not only the Petitioner's property but also the neighboring properties.

- S. While the Village is not part of the current PILOT agreement, Petitioner has offered to renegotiate that agreement or terminate it. Thus, annexation would not effect the income from taxation by the other entities involved.
- T. The Village finds that the Petitioner is providing a quasi-public service to the community in providing low-income housing on the subject Property which is in the public interest.
- U. The Town Board members have gone into great detail to determine the economic feasibility for the Petitioner of the cost of annexation to maintain public water versus cost of installing a private system.
- V. It is beyond the province of either Board to make such financial determinations on behalf of this or any other Petitioner.
- W. It is undisputed in the record that the additional costs to include the Petitioner's property and the improvements being made by the Village would be nominal and that there is a reasonable likelihood that such costs would be covered by additional funding.
- X. If the Property is annexed, public water could be delivered to it by the portion of Whig Street which is in the Town and Golden Lane which is also a Town road. In the alternative, water could be supplied through private properties in the Village to Petitioner's property.
- Y. The former alternative would require an easement from the Town for the Village to access, replace, and maintain part of the existing lines in the Town. However, while doing it would allow contiguous Town residents to hook up to such mains as private contract users.
- Z. The record indicates that the Petitioner, or its associated companies provided the water main on Golden Lane.
- AA. Since the Petitioner located this low-income housing development under the understanding that it would obtain and continue to receive public water, spent substantial amounts of monies improving and dedicating the road to the Town and installing the water main on Golden Lane, it would be unjust to have it create a new private water system together with all the other commensurate improvements necessitated thereby.
- BB. The Village finds that the Petition is in the public interest and it will allow the low-income residents living on the property to continue to have safe water, that there will be adequate fire protection for such residents and the neighboring properties, and that for the other reasons stated

above that annexation is in the public interest.

RESOLUTIONS

NOW THEREFORE, based on all of the foregoing findings, it is hereby

RESOLVED, that the Petitioner's Petition substantially complies with in form and content with Article 17 of the General Municipal Law; and it is further

RESOLVED, that the proposed annexation described in said Petition is deemed to be in the overall public interest; and it is further

RESOLVED, that the proposed annexation as described in the Petition is hereby approved by the Village Board of the Village of Newark Valley.

ORDER

HEREBY ORDERED, that copies of the foregoing Findings, Resolutions and Determinations as set forth therein, all of which are hereby incorporated by reference into this Order, together with the Petition, notice of public hearing, written objections and testimony and minutes of the proceedings taken and kept on the hearing, be filed in the Offices of the Clerks of the Village and Town as the affected local governments.

Dated: July 13, 2010

Dated: 13 JULY 2010

Dated: July 13, 2010

Dated: July 13, 2010

Dated: _____

John P. Tomantue

Mayor

C. Douglas Indarini

Trustee

LORNA J. HAD

Trustee

Robert E. Blee

Trustee

Trustee

Trustee Blee voted No

VILLAGE BOARD MEETING
JULY 13, 2010

RESOLUTION # 44 2010
LIBRARY TRUSTEE RECOMMENDATION

WHEREAS: That Laura Baker is no longer a trustee on the Library Board, and

WHEREAS: Patricia Schaffer has expressed an interest in filling that position and is qualified to do the same, now therefore be it:

RESOLVED: That the Board of Trustees of the Village of Newark Valley hereby appoints Patricia Schaffer as a library trustee to fill the vacant position with term of office ending March 1, 2014.

MOTION Blee

SECOND Inderwies

ROLL CALL:

DeHaas Y Blee Y Carlin Y Inderwies Y Tornatore Y

RESOLUTION # 45- 2010
APPROVING SUMMER RECREATION EMPLOYEES

RESOLVED: That the following personnel are approved for the Joint Youth Program at the salaries set in the 2010 Youth Budget approved by the Joint municipalities:

Director	Jacia Weiss Donnelly
Arts-n-Crafts Coordinator	Patricia Peterson
Lg. Gym Coordinator	Kyle Schiess
Assistant	Jessica Head
Counselor	Trevor Schiess
Counselor	Troy Schiess
Jr. Counselor	Stephanie Alexander
Counselor-in-Training	Nicholas Edington
Counselor-in-Training	Shayne Ferguson
Counselor-in-Training	Brennan Legge
Nurse	Kathy Donnelly

MOTION DeHaas

SECOND Carlin

ROLL CALL:

DeHaas Y Blee Y Carlin Y Inderwies Y Tornatore Y