

Town of Cape Vincent

1964 NYS Route 12E Cape Vincent, NY 13618

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RESOLUTION #36 AND ORDER OF THE TOWN BOARD OF THE TOWN OF CAPE VINCENT PURSUANT TO NY TOWN LAW §209-h TO INCREASE THE MAXIMUM AMOUNT TO BE EXPENDED ON WATER DISTRICT NO. 7

At meeting of the Town Board of the Town of Cape Vincent, held at Recreation Park located at 602 S James Street, Cape Vincent, NY 13618, on **April 16, 2026** at **6:00 PM**, there were:

PRESENT:

Supervisor Christine Stark
Councilman Dan Wiley
Councilman Ron Jacobs
Councilwoman Mary Farrell
Councilman William Gould

ABSENT:

WHEREAS, by Order of this Board dated February 3, 2026, a public hearing was scheduled to consider the probable increase of the maximum amount to be expended in respect to Water District No. 7; and

WHEREAS, the Order scheduling the public hearing was duly posted, uploaded to the Town's website and published as required by law and the public hearing was opened on February 19, 2026; and

WHEREAS, the Board continued the Public Hearing through April 16, 2026; and

WHEREAS, due to the passage of time and the increased cost for construction and construction materials for the project it appears that the maximum amount that might be expended for the overall project including contingency costs, has increased from \$8,334,000 to \$10,034,000, although the Town Board reasonably anticipates seeking, and receiving up to 1.7 million dollars in additional grants from USDA RD to cover the additional costs including project contingency; and

WHEREAS, the original user costs of \$873 per EDU as established in the November 18, 2021 Final Order of the Town Board creating Water District No. 7 will increase to \$1173 per EDU if no additional grants are obtained; and

WHEREAS, the Town Board determines that it is in the overall public interest to authorize the increase of the maximum amount to be expended on the project and notes that permission from the NYS Comptroller is not required; and

WHEREAS, the Town Board considers public input and transparency to be important.

NOW THEREFORE, on motion duly made and seconded, this Board makes the following determinations.

IT IS HEREBY RESOLVED AND ORDERED:

1. The above recitations are incorporated herein as if set forth hereafter.
2. The Project itself remains unchanged and the boundaries of Water District No. 7 remain unchanged as set forth in the November 18, 2021 Final Order of the Town Board.
3. The Board approves increasing the maximum amount that might be expended on the Project to \$10,034,000.
4. The Order setting the Public Hearing was duly adopted and published and the public hearing was appropriately conducted, left open and was closed at this meeting, and all related steps are otherwise sufficient.
5. This Resolution and Order increasing the maximum amount to be expended for Water District No. 7 is ordinarily subject to a Permissive Referendum as required by NY Town Law §209-e(3) and §209-h(1).
6. The Town Board shall dispense with a permissive referendum and shall call a mandatory referendum in accordance with NY Town Law §94 and which Special Election must be held within forty (40) calendar days of this resolution.

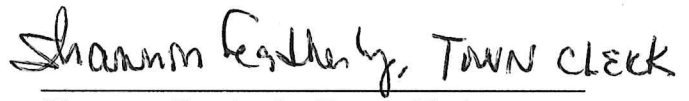
7. A Special Election regarding the increase in the maximum amount to be expended on Water District No. 7 shall be conducted at Recreation Park located at 602 S James Street, Cape Vincent, NY 13618.
8. The polls for the Special Election shall be extended beyond what is required by statute and shall open at 8:00am and shall remain open for voting until 7:00pm.
9. The proposition to be voted on at the Special Election will be as follows:

“Shall the Town Board as the governing Board of
Water District No. 7 spend a maximum amount of
\$10,034,000 for the Capital Project?”
10. This Resolution is adopted as required by NY Town Law and is a prerequisite to the Special Election.
11. A Notice of Special Election shall be prepared, posted and published as required by law.

The foregoing Resolution and Order was offered by Supervisor Stark, and seconded by Councilman Gould, and upon roll call vote of the Board was duly adopted as follows:

Supervisor Christine A. Stark	Yes <u> X </u>	No <u> </u>
Councilman Dan Wiley	Yes <u> X </u>	No <u> </u>
Councilman Ronald D. Jacobs	Yes <u> X </u>	No <u> </u>
Councilwoman Mary Farrell	Yes <u> X </u>	No <u> </u>
Councilman William Gould	Yes <u> X </u>	No <u> </u>

Dated: April 16, 2026


Shannon Featherly, TOWN CLERK
Shannon Featherly, Town Clerk