

The Benton Town Board Held a Special Meeting on November 16, 2023, for Water District 5 in the Benton Town Hall Conference Room, 1000 Route 14A, Penn Yan, NY 14527.

Board Present: Supervisor     John Prendergast  
                  Councilmen     Alan Tomion  
   Tom Davie

Also Present: Highway/Water Operator – Jayson Hoover, Deputy Town Clerk – Sue Mastronardi  
                  Jeff Graff – Attorney

Public Present: See attached list

Supervisor John Prendergast opened the meeting at 6 P.M. with the Pledge of Allegiance

Supervisor Prendergast opened the discussion and introduced Jeff Graff, Attorney. Supervisor Prendergast reminded attendees to sign in, and that there is a quorum of board members present.

Supervisor Prendergast described the current decision to be made regarding Water District 5 being dissolved. The residents are responsible to pay expenses incurred by Town of Benton to form the district and Jeff Graff is present to answer questions.

Original cost estimated was \$960K

Costs have increased to current \$2.2M

Residents have maximum of 5 years to pay the incurred debt.

Attendee Jim Coluzzi spoke on behalf of the District 5 residents and explained to Atty Jeff Graff that the residents were unaware of their responsibility for the debt they are now being obligated to pay.

Atty Jeff Graff distributed 2 documents (attached) and explained their content. Water District 5 was formed by petition. 50% of residents were required to sign the petition and did so, meeting the requirement to move forward.

Atty Jeff Graff discussed the dissolution process pursuant to 202-c of NYS Town Law. However, 3 years would have to pass before that process could be utilized. Water Dist. #5 was established October 2021, so Article 17-A of the General Municipal Law would be the procedure to utilize.

Attendee Richard Monahan provided a document (attached document A) and spoke about his discussion with NYS Controllers office, Ed Grant in Rochester. Richard Monahan requested someone from Town of Benton Board or Atty Graff reach out to clarify. Atty Graff will review the document.

Attendee Coluzzi asked if other precedent examples are available of dissolution of water district in which residents were obligated to pay the debt. Supervisor John Prendergast described 2 examples that were similar but not the same.

General question to Atty Jeff Graff – how has the debt been paid until now. Atty Graff explained Town General Fund paid and has to be reimbursed. The Town General Fund cannot be used to pay for expenses that benefit only a portion of the town residents.

Atty Jeff Graff explained the statute is written expecting the water district to be created and project to go forward. The statute doesn't define the failure of the district in detail if that occurs after the district is formed.

Atty Jeff Graff also stated the district does not have to be dissolved, however, the incurred debt must be paid.

Atty Jeff Graff also reviewed the document from Lori Mithen-Demasi (email - see attached) that describes the dissolution regarding Municipal Law 790 and the residents' obligation to pay.

John, I didn't include any notes about the meeting a few board members are planning with Jeff Graff

Dated: 21<sup>st</sup>, 2023

Susan Mastronardi, Deputy Clerk

***ADOPTED: December 13<sup>th</sup>, 2023***