

PROPOSED JOINT CONSOLIDATION AGREEMENT

THIS AGREEMENT, made this ____ day of _____, 2021, is by and between the CANANDAIGUA CONSOLIDATED WATER DISTRICT OF THE TOWN OF CANANDAIGUA (“CFWD”), a Special Water District duly formed by the Town of Canandaigua Town Board (“Town Board”), with offices located at 5440 Routes 5 & 20 West, Canandaigua, New York 14424; and the ANDREWS ROAD WATER DISTRICT (“ARWD”), A Special Water District duly formed by the Town Board and also with offices at 5440 Routes 5 & 20 West, Canandaigua, New York 14424.

WHEREAS, this Joint Consolidation Agreement seeks to consolidate the ARWD into the existing CFWD; and

WHEREAS, New York General Municipal Law Article 17-A provides for the consolidation of two or more local government entities if together the consolidated local government entity forms a local government entity of a kind or class that is authorized under the laws of the State of New York; and

WHEREAS, the Town Board has the overall authority for managing the operation, maintenance and finances of each Special Water District serving the Town of Canandaigua (“Town”); and

WHEREAS, after their review, the Town Board has determined it is in the best interest of the Town to consolidate the above Special Water Districts to provide long term safe and reliable water supply for all customers in those districts, to maintain stability, and to reduce administrative and operational costs wherever possible; it has therefore directed the preparation of this Joint Consolidation Agreement; and

WHEREAS, the proposed water district consolidation will not result in any additional costs or debts to the district residents.

NOW THEREFORE, the Town Board, acting jointly as the governing body of the CFWD as well as the governing body of the ARWD sets forth the following terms which constitute the Proposed Consolidation Agreement between the CFWD and the ARWD as required by NYS General Municipal Law Article 17-A:

- 1. Name of each Entity to Be Consolidated:** The name of each local government entity to be consolidated is as set forth above.
- 2. Name of the Proposed Consolidated Entity:** The ARWD is to be consolidated into the existing CFWD and thus the name of the consolidated entity will be the Canandaigua Farmington Water District (the post-consolidation Canandaigua Farmington Water District is referred to herein as the “Consolidated Entity”).
- 3. Rights, Duties, and Obligations of the Consolidated Entity:** The rights, duties and obligations of the Consolidated Entity will be the same as those for the

current CFWD (as more specifically set forth in New York State Town Law), except that those rights, duties and obligations will now also apply to a larger area which is to include the area of the ARWD. Those rights, duties and obligations include providing long-term, safe, reliable and economical water supply to the customers served. This is accomplished by, among other things: (1) establishing standards for the addition, upgrade, and maintenance of water infrastructure; (2) approving and overseeing construction of new water infrastructure by third parties; (3) managing contracts to replace and upgrade existing water infrastructure; (4) overseeing and performing maintenance on existing facilities; (5) monitoring the condition of water infrastructure; (6) establishing priorities and budget estimates for water infrastructure improvements; (7) ensuring compliance with environmental and health regulations and permits; (8) developing the district's operating and capital budgets; and (9) coordinating budget development with the Town's capital and operating budgets.

- 4. Boundaries of the Consolidated Entity:** The boundaries of the Consolidated Entity shall be the same as the current boundaries of the CFWD (which boundaries are available for public inspection at the Canandaigua Town Clerk's Office), except as expanding by the addition of the ARWD.
- 5. Type of the Consolidated Entity:** The Consolidated Entity will be a Town Water District.
- 6. Fiscal Estimate of the Cost and Savings Which May be Realized:** The consolidation of the entities will result in savings through elimination of duplicative administrative costs associated with planning, budgeting, and accounting and operations costs associated with, among other things, water sampling. The consolidation will result in financial savings primarily through the elimination of duplicative administrative bookkeeping and operational costs. No improvements are required to complete the consolidation of these districts. There will be no additional cost to the Town or to Town Residents as a result of the consolidation.
- 7. Each Entity's Assets:**
 - a. The CFWD's assets consist of underground infrastructure piping, water mains, fire hydrants, pump stations, miscellaneous facilities including air relief valves, pressure reducing valves, backflow protection devices and other watermain appurtenances, and equipment used to maintain the system. Detailed infrastructure information is available for public inspection at the Canandaigua Town Clerk's Office.
 - b. The ARWD's assets consist of underground infrastructure piping, water mains, fire hydrants, and miscellaneous facilities including air relief valves, pressure reducing valves, backflow protection devices and other

watermain appurtenances. Detailed infrastructure information is available for public inspection at the Canandaigua Town Clerk's Office.

- 8. Each Entity's Liabilities:** The CFWD has no debt. The ARWD has no debt. No new debt is to be incurred by the consolidation.
- 9. Terms for the Disposition of Existing Assets, Debt, and Liabilities:** All assets of the CFWD and the ARWD will become assets of the Consolidated Entity. Any existing debt of each water district will become the debt of the Consolidated Entity.
- 10. Administration of Laws:** The Town Code regarding water districts and New York State Law regarding water districts will be applied against the Consolidated Entity as a single Town of Canandaigua Water District (which will be comprised wholly of the existing CFWD and the former ARWD). Local Laws, Ordinances, Resolutions and Orders affecting the Consolidated Entity would continue to be administered and enforced by the Town of Canandaigua Water Superintendent and/or the Town's Code Enforcement Officer.
- 11. Effective Date:** This consolidation shall be effective immediately upon the completion for the procedures for effecting this consolidation under NYS General Municipal Law Article 17-A.
- 12. Time and Place of Public Hearing:** Pursuant to Article 17-A of the NYS General Municipal Law, the Town Board of the Town of Canandaigua held a public hearing at the Town Hall, located at 5440 Routes 5 & 20 West, Canandaigua, New York 14424 on Monday, December 20, 2021 at 6:00PM for the purpose of conducting a public hearing on the proposal to consolidate the CFWD with the ARWD at which time and place all persons interested in the subject thereof were heard concerning the same.

IN WITNESS WHEREOF, the parties herein have executed this Proposed Joint Consolidation Agreement as of the date first written above.

CANANDAIGUA FARMINGTON WATER DISTRICT

By: _____
Doug Finch, Town Manager

ANDREWS ROAD WATER DISTRICT

By: _____
Doug Finch, Town Manager

State of New York }
County of Ontario }ss:

On the ___ day of _____, 2021, before me, the undersigned, personally appeared DOUG FINCH, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and he acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person or entity upon behalf of which the individual acted, executed the instrument.

Notary Public

SUMMARY OF PROPOSED CONSOLIDATION AGREEMENT

The Canandaigua Town Board adopted a resolution on October 18, 2021 endorsing a Proposed Joint Consolidation Agreement to consolidate the Andrews Road Water District into the Canandaigua Farmington Water District. Proposed Joint Consolidation Agreement is available at Town Clerk’s Office (5440 Routes 5&20 West, Canandaigua NY 14424) and at www.townofcanandaigua.org.

Canandaigua Farmington Water District has no outstanding indebtedness; Andrews Road Water District has no outstanding indebtedness. Consolidation will have no effect on elected or appointed officials or public employees. The consolidation of the subject districts will result in moneys being saved and long-term costs lowered. All properties included in the Consolidated Entity will pay an annual ad valorem tax based on property assessment.

A public hearing will be held at the Canandaigua Town Hall, 5440 Routes 5 & 20 West, Canandaigua NY 14424 on December 20, 2021 at 6:00 PM to hear public comments on the Proposed Joint Consolidation Agreement.

Publication Dates:

1. _____
2. _____
3. _____
4. _____

JEAN CHRISMAN
Town Clerk
Town of Canandaigua

