

**NOTICE OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM**

Notice is hereby given that at a duly scheduled meeting of the Town Board of the Town of Macedon, Wayne County, New York, duly held at the Macedon Town Hall, located at 32 West Main Street, Macedon, New York, on the 24th day of February, 2021, at 7:00 P.M., the Town Board of the Town of Macedon duly adopted the following resolution pursuant to Section 198 of the New York State Town Law, which is subject to a permissive referendum:

RESOLUTION

WHEREAS, the Towns of Macedon, Marion, Palmyra and Walworth, the Village of Palmyra (the “Participating Municipalities”) and the Wayne County Water and Sewer Authority (the “Authority”) previously entered into the Amended and Restated Western Regional Wastewater Treatment System Improvements and Services Agreement, effective as of April 1, 2020 (the “2020 IMA”); and

WHEREAS, pursuant to the 2020 IMA, (i) the Authority agreed to design, construct, operate and maintain for the benefit of “Users” (as defined in the 2020 IMA) within the Participating Municipalities a regional wastewater treatment plant (the “Regional WWTP”), to be located in the Village of Palmyra, and a collection system, including a pump station facility (the “Macedon Pump Station”) at the site of the Town’s existing wastewater treatment plant, and (ii) the Town agreed to transfer and convey to the Authority, subject to compliance with the permissive referendum requirements of Town Law Section 198(12)(b), certain “Transferred Property Assets” (as defined in the 2020 IMA) consisting of (x) a parcel of land of 1.425 acres located at 175 Main Street, Macedon, New York, being a part of Tax Account Number 63111-05-123918 (the “Leased Premises”), being the site for the Macedon Pump Station; (y) necessary easements for access, utilities, conveyance mains and other required appurtenant rights; and (z) certain existing facilities and equipment, as more particularly described in the 2020 IMA (collectively with the Leased Premises, the “Land”), but reserving to the Town the right to certain access and utility corridors across the Land; and

WHEREAS, the Macedon Pump Station shall consist of (i) the Land; (ii) the construction and renovation of a building and related facilities (collectively, the “Building”) as shown on the instrument survey map prepared by Kocher Surveying, P.C., dated November 22, 2021 (the “Acquisition Map”); and (iii) the re-construction and re-use of certain of the existing piping and equipment located on the Land and the acquisition and installation of a new pump station, force main and related machinery and equipment (collectively, the “Equipment”), which Building and Equipment shall be designed, constructed and/or reconstructed or re-used in accordance with the “Plans,” as defined in the 2020 IMA; and

WHEREAS, the parties desire to (i) lease to the Authority the Land and (ii) provide for the construction, operation and maintenance of the Building and Equipment by the Authority in accordance with the terms, covenants and conditions of the 2020 IMA, to be further ratified and confirmed in a ground lease; and now therefore,

BE IT RESOLVED, the Town Board is hereby authorized to execute the “Lease Agreement – Town of Macedon – Pump Station Site,” whereby the Town agrees to lease to the WCWSA the certain real property comprising 1.425 acres situated in the Town of Macedon, County of Wayne, and State of New York, located at 175 Main Street, being a part of Tax Account Number 63111-05-123918, together with the buildings and improvements thereon, in accordance with the terms and conditions set forth within said proposed lease agreement, a copy of which is available for public inspection at the Town Clerk’s office; and

BE IT FURTHER RESOLVED, the Town Supervisor is authorized to execute the “Memorandum of Lease and Acknowledgement of Commencement” and any additional paperwork to effectuate the recording of the same in the Wayne County Clerk’s Office upon the commencement of the lease; and

BE IT FURTHER RESOLVED, this resolution is adopted subject to a permissive referendum, pursuant to Town Law 198(12)(b), by qualified voters; and it is further

BE IT FURTHER RESOLVED, that the Town Clerk shall advertise this resolution as subject to permissive referendum in the manner prescribed the New York State Law.

Dated: February 24, 2022

Karrie Bowers
Town Clerk
Town of Macedon, New York