

APPENDIX 2N.
TOWN PROCEDURE FOR ESTABLISHMENT
OF DRAINAGE DISTRICT 2008

**DRAKE LOEB HELLER
KENNEDY GOGERTY
GABA & RODD PLLC**
ATTORNEYS AT LAW

555 Hudson Valley Avenue, Ste. 100
New Windsor, New York 12553

Phone: 845-561-0550

Fax: 845-561-1235

www.drakeloeb.com

James R. Loeb
Richard J. Drake
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco

Jeanne N. Tully
Timothy P. McElduff, Jr.
Jennifer E. Wright
Stuart L. Kossar

*L.L.M. in Taxation

Lawrence M. Klein
Senior Bankruptcy Counsel

April 21, 2008

Planning Board
Town of Cornwall
183 Main Street
Cornwall, NY 12518

Dear Board Members:

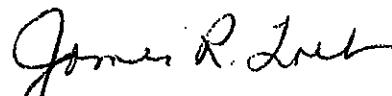
Re: Our File No. 254 - 60800

I am writing to you at the direction of the Town Board. I am forwarding to you a resolution that the Town Board adopted regarding drainage districts. As the Planning Board knows, over the past several years based upon the recommendation of the Town Engineer, the Planning Board has required that applicants in certain residential subdivisions petition the Town Board for the establishment of drainage districts.

In an attempt to standardize the procedure for the establishment of those drainage districts the Town Board adopted the resolution enclosed herein. As always, the Town Board will rely upon the Planning Board to make the determination when a drainage district is appropriate. In my experience, the Town Board has always followed the Planning Board's recommendation and I am certain will do so in the future.

Should you have any questions in connection with the procedure outlined in this resolution please do not hesitate to contact me.

Very truly yours,


JAMES R. LOEB *J*

JRL/ef/Enc./50963

cc: Hon. D. Kevin Quigley
Leslie Dotson
Mark J. Edsall, P.E.
Gary Vinson
Dominic Cordisco, Esq.

Writer's Direct
Phone: 845-458-7353
Fax: 845-458-7354
jloeb@drakeloeb.com

WHEREAS, based upon engineering advice in certain subdivisions, the Planning Board has required those applicants seeking subdivision approval to request Town Board approval for the establishment of a drainage district, and

WHEREAS, the Town Board believes that it is in the Town's best interest to establish a uniform procedure for those applicants to follow,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. When the Planning Board requires the establishment of a drainage district as a condition of the approval of a subdivision, the applicant shall submit a petition and the other required district formation documents in accordance with pro forma documents provided by the Town, together with the required map, plan and report, all to be reviewed and approved by the Town's Engineer and Attorney.

2. At the time of submittal of the petition it shall be accompanied by a check payable to the Town of Cornwall in the amount of \$ 1,500.00 to cover the Town's engineering, legal and administrative costs including publication and recording.

3. In addition to the above deposit, the Town Board will establish an amount to be paid to the Town to be deposited in the new drainage district's account as the first year costs of the district. The amount will be based upon a recommendation

from the Town Engineer. This payment must be made before the Town Board adopts the final order establishing the drainage district.

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows:

Mary Beth Greene-Krafft, Councilwoman, voting _____

Randolph S. Clark, Councilman, voting _____

J. Kerry McGuinness, Councilman, voting _____

Alexander Mazzocca, Councilman, voting _____

D. Kevin Quigley, Supervisor, voting _____

JRL/ef/48420
254-61800
4/1/08

**DRAKE LOEB HELLER
KENNEDY GOGERTY
GABA & RODD^{PLLC}
ATTORNEYS AT LAW**

555 Hudson Valley Avenue, Ste. 100
New Windsor, New York 12553

Phone: 845-561-0550

Fax: 845-561-1235

www.drakeloeb.com

James R. Loeb
Richard J. Drake
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco

Jeanne N. Tully
Timothy P. McElduff, Jr.
Jennifer E. Wright

*LL.M. in Taxation

February 29, 2008

Town Board
Town of Cornwall
183 Main Street
Cornwall, NY 12518

Dear Board Members:

Re: Our File No. 254 - 61800

In the recent past the Town has been requiring the establishment of drainage districts in a number of the new residential subdivisions. That is a practice which I believe is correct and is certainly in the long range interest of the Town and its future and current residents.

I am writing to suggest that the Town consider formalizing the procedure to be followed when a drainage district is appropriate. Presumably, the impetus for the establishment of a drainage district will come from the Planning Board during subdivision review process. The Planning Board's engineering, planning and legal consultants will in most cases be the source of the recommendation that a drainage district be created. I think that the proper procedure would be that at an early point in the subdivision review process, the Planning Board should advise the Town Board that such a drainage district is under consideration as a recommendation of the Planning Board. It would then be appropriate for the Town Board to indicate its concurrence that a drainage district will be considered by the Town Board upon receipt of the necessary documents and reports as required by Article 12 of the Town Law for the creation of districts.

In the case of a subdivision where the Planning Board believes that a drainage district should be created and the Town Board concurs, the approval of the subdivision should be related to and contingent upon the establishment of the district. In the past the Town Board has required that the developer pay into the drainage district account a sum of money equal to the first year's annual cost of maintenance. Those funds should be paid at the time the district is established.

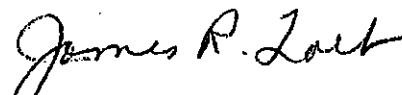
Finally, and in accordance with the review process which takes place when subdivisions are presented to the Planning Board, the cost of the Town engineering, legal and other consultants in reviewing the proposed drainage district documents as well as the cost of publication of the notice of the public hearing and recording the final order in the County Clerk's Office should all be borne by the applicant.

Writer's Direct
Phone: 845-458-7353
Fax: 845-458-7354
jloeb@drakeloeb.com

Town Board
Page 2
February 29, 2008

If the Town Board agrees with this procedure I will prepare a resolution which will formalize the procedure as part of the Town of Cornwall subdivision and drainage district review process.

Very truly yours,


JAMES R. LOEB *J*

JRL/ef/45467

cc: Planning Board
Mark J. Edsall, P.E.
Leslie Dotson
Gary Vinson