

TOWN OF POTSDAM  
35 Market Street  
Potsdam NY 13676

MOTION made by Councilman Zagrobelny and second by Councilman Beattie to approve the following Decision and Order regarding the Snell Annexation:

WHEREAS, a petition, pursuant to General Municipal Law Article 17, was presented to the Town Board of the Town of Potsdam, New York (the "Town") on October 19, 2009, for the annexation of certain territory in the Town to the Village, Potsdam, New York (the "Village"), said territory being described in said petition which is annexed hereto as Exhibit A; and

WHEREAS, a joint hearing of the Town Board of the Town and the Mayor and Trustees of the Village, was duly held on said petition for annexation, according to the law in such cases made and provided, at the Town Hall on December 8, 2009, at which time all parties interested in the matter were heard and all objections presented; and

WHEREAS, the Town Board of the Town has duly considered said petition and the evidence presented at said hearing;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town finds as follows:

- (1) That the aforesaid petition for annexation does not substantially comply in form and content with General Municipal Law Article 17.
- (2) That the proposed annexation of certain territory in the Town to the Village as described in the aforesaid petition is not in the overall public interest in that:

The current petition of petitioner's is virtually the same petition submitted to the Town of Potsdam and Village of Potsdam on April 17, 2009, which resulted in a public hearing held on June 9, 2009, and ultimately resulted in the Town of Potsdam's Decision and Order dated

August 11, 2009. That Decision and Order found that petitioner's petition submitted on April 17, 2009, was not in the overall public interest of the Town of Potsdam.

A review of the prior proceeding, since the petitioner stated that his current petition is exactly the same as the prior petition, with regard to this request is in order in this Decision and Order.

The property proposed to be annexed to the Village of Potsdam follows the boundary line of just the Snell property and does not include any other property in the immediate area.

Snell's property borders the village boundary on the East at the rear of the complex owned by Sandstone Housing Development Co., Inc. The connection spans an area of 277.74 feet.

This annexation changes the territory where the property is located by placing a piece of the Village of Potsdam in the middle of town properties not being annexed.

There would be no effect on any special district in the area as the Potsdam Volunteer Fire Department provides protection both inside and outside of the Village of Potsdam.

Other than increasing the Village of Potsdam's tax base, the annexation of the Snell property does not serve any overall Village of Potsdam purpose.

The placement of a piece of Village property in the middle of town land will effectively change the neighborhood. The Village, if it were allowed to annex the Snell property, could, through zoning change, affect the surrounding properties.

In the Town of Potsdam's Community Development Strategy Plan of 2004, a portion of the Economic Development section states that "retail development of all sizes should

be encouraged in the highway corridor areas.” To achieve this end, the Town of Potsdam has been actively seeking funding for water and sewer development for State Highway 56 N. Until this funding materializes, the Town believes that the Village’s position that the sale of water and sewer is impossible because of village law that prohibits sale of these services outside the village is not in the overall public interest of the Town, the School and the Village. Annexation is not the best solution. If the Village repealed this self-created law, they could sell water and sewer services outside the village limits. The Village could contract for outside sales and use the extra revenue to improve water and sewer infrastructure and/or lower rates for Village users. The presence of a water and sewer district on State Highway 56 N would attract developers who are looking for affordable land which is properly zoned with as little tax payment as possible. This development would be of long term benefit to the entire Township and also provide Mr. Snell with the water and sewer he is asking for.

There is presently adequate police protection available from the New York State Police and St. Lawrence County Sheriff’s office. Additionally, a recent issue of the Courier Observer quoted Chief of Police John Kaplan saying that the Potsdam Police would answer a 911 call at Snell’s if necessary.

Fire protection in the area is provided by contract between the Town of Potsdam and the Potsdam Volunteer Fire Department, Inc. for the area outside the incorporated Village. This same department provides fire protection inside the incorporated Village with the aid of Village paid drivers.

There would be no change to the following services or their availability:

- Public Utilities
- Public Education
- Garbage Collection

## Recreation Program

If annexation were allowed, the type of zoning the Village might use for this property could create issues with the zoning of the surrounding parcels.

Annexation of the Snell parcel would subject the property to Village taxes which currently are not payable. There would be a small decline in Town taxes.

The Town does not have a water and sewer district in the area of the Snell property. All current properties are providing water and sewer services by means of private wells and septic systems. The Snell property is the only property in the surrounding town parcels that needs to comply with the State of New York Department of Health regulations governing Community Water System. The Snell property fits the definition of a public water system. The reason the Snell property needs to install a water treatment system is because of the number of parties receiving water from the current system.

Petitioner, during the public hearing held on December 8, 2009, stated that a water treatment system for his property was currently being installed in order to bring the petitioner into compliance with the State of New York Department of Health regulations governing a community water system.

The location of the Snell property subject to this annexation proceeding and the location of its contact with the Village boundary at the back of the Sandstone Housing Development, Co., Inc. property will not lend itself to any future development other than on the Snell property.

Previously, the Town agreed to the annexation in 2008 of the vacant parcel located in the Town but adjacent to the Village border on a previously annexed parcel which is currently occupied by the Potsdam Plaza, said property being situate along State Route 56 which

was targeted for development of a Lowe's Home Center Store. The developer of the Lowe's Home Center Store had two options to provide adequate water and sewer services to the development. The developer's first option was an on-site system for water and sewer service. The second option was public water and sewer service on the property which can only be provided at this point in time by the Village. The Town took no position with regard to the developer's interest in securing water and sewer service either by on-site development and/or agreement with the Village which would include the requirement of annexation of the property as this is a long standing Village policy which has been enacted in the Village Code. The Town voted to allow the annexation as it was apparent from the negotiations during the process that a water tower would be erected by the developer and then subsequently leased to the Village. Ultimately it would be purchased by the Village and integrated into the Village water treatment system. It was common knowledge that for a considerable period of time the Village was in need of a second water tower on the Northerly portion of the Village limits. The agreement between the developer and the Village seemed to satisfy the Village's need and also would provide a significant benefit to all of the residents of the Village of Potsdam on the north side of the Village. The development of the second water tower would allow the Village to have a looped system and do away with their dead end system on that part of the Village water system. The addition of the water tank would provide the needed pressure on the North side of the Village to provide adequate water pressure for fire suppression in the event of an emergency.

Another factor in the Town's determination at the time of the annexation of the parcel for development into the Lowe's Home Center Store was its prior consent to allow the annexation of the Potsdam Plaza into the Village of Potsdam. Again, the Potsdam Plaza parcel was adjacent to the Village boundary and was in need of water and sewer services because of

ongoing site related water and sewer problems.

NOW, THEREFORE, IT IS ORDERED that the Town Board of the Town does not find the annexation of the territory from the Town to the Village as requested in the annexation petition currently before it to be in the overall public interest.

TOWN OF POTSDAM

---

Marie Regan, Supervisor

---

Rollin Beattie, Councilman

---

Harold Demick, Councilman

---

Judy Rich, Councilwoman

---

Michael Zagobelny, Councilman