

March 27, 2019  
4:00 p.m.  
Special Town Board Meeting

Present: Supervisor Gerald L. Deming, Council Members: Amos Smith, Norman Gates and Frank Rose Jr.

Absent: Lynn Parnell

Others: James Campbell (Town Attorney), Kirk Richenberg and Henry Fuller

Supervisor Deming opened the Special Town Board Meeting at 4:00 p.m.

Attorney Campbell addressed the reason for the Special meeting. Mr. Campbell stated that he has been working continuously on the application to the New York State Comptroller for the Anderson Road Water Extension. This year the yearly threshold has been lowered from \$950 to \$903 per year. When the district was originally formed in March of 2018 the anticipated cost to the typical property was estimated at \$950 per unit, now creating additional steps to meet the new requirement.

Mr. Campbell added, the Public Hearing notice he prepared in March of last year he feels may not be sufficient documentation to meet the Comptroller's requirement, and does not want to take the chance of submitting what we have currently only to be rejected. Mr. Campbell stated that the reason for the second hearing is due to the way the District was originally formed, authorizing of a Map, Plan and Report. This resolution was approved subject to Permissive Referendum. No petition was filed within the 30 days of such adoption seeking referendum pursuant to Town Law § 91. Attorney Campbell is now asking the Town Board to schedule another Public Hearing on April 24<sup>th</sup>, with a new notice to be published, in order to add more information to it, to ensure NYS Comptroller approval.

Mr. Campbell stated that we can also use this opportunity to obtain any outstanding surveys that were recently sent out to the residents in this district. Even though a water quality survey was conducted back in 2015, we were asked by the Health Department to submit more recent data to demonstrate a need not only for water quantity but water quality.

Supervisor Deming stated after speaking with Mr. Henry, it is very important to receive the completed surveys before the April 24<sup>th</sup> meeting and asked Clerk Harris to inform the residents that we wish to receive them by Wednesday, April 3<sup>rd</sup>. Clerk Harris stated she has prepared a letter which will be mailed out tomorrow once the Town Board approves a time for the Public Hearing. The deadline to submit their survey is also outlined in the letter.

Mr. Campbell commented that the majority of the work has been completed, but the timing of the Formation and Comptroller approval needs to be on point. We don't want

any other setbacks or have to revisit this again. On April 24<sup>th</sup> it will be the final Public Hearing for this district, and we will be able to explain what has taken place and what to expect going forward.

Supervisor Deming added by securing Rural Development funds it has certainly made this project possible, but we need to be able to lock in a good interest rate as well, which is equally as important.

**PUBLIC HEARING**

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to approve the following:

**TOWN OF YORK**

**2668 Main Street, York NY 14592**

**RESOLUTION AND ORDER for Legal Notice of Public Hearing to  
Receive Comment on the Formation of the  
Anderson Road Extension to the Consolidated Water District pursuant to New York State Town  
Law §209 – d**

**WHEREAS**, the Town Board of the Town of York desires under Article 12-A of the New York State Town Law to create the Anderson Road Extension to the Consolidated Water District, which would include certain real property located wholly in the Town of York, County of Livingston and State of New York; and

**WHEREAS**, the Town Board on October 12, 2017 resolved pursuant to Town Law §209-b to have the Town Engineer produce a Map, Plan and Report to provide the details of the improvements and the costs of such improvements to take place within the Anderson Road Extension to the Consolidated Water District; and

**WHEREAS**, the Town Engineer has caused such Map, Plan and Report (and a subsequent revised version thereof) to be prepared and delivered to the Town Board and the Town Clerk of the Town of York; and

**WHEREAS**, the real property that will be located in the district is described in the map, plan and report attached to said petition and filed in the York Town Clerk's Office and is more particularly described as follows:

All that tract or parcel of land situate in the Town of York, Livingston County, State of New York, being described as follows:

Beginning at a point, being at the intersection of the centerline of Telephone Road (NYS Route 20) (66 feet wide right-of-way) and the centerline of Main Street (NYS Route 36) (varying R.O.W. width); thence

1. Easterly, along the centerline of Telephone Road (NYS Route 20) (66 feet wide right-of-way), a distance of 501 feet, more or less, to a point; thence,

2. Southerly from the centerline of Telephone Road (NYS Route 20) (66 feet wide right-of-way), along a line 500 feet easterly of and parallel to the centerline of Main Street (NYS Route 36) through the lands of tax account number 31.-1-14.21, a distance of 695 feet, more or less, to a point 500 feet easterly of the centerline of Main Street (NYS Route 36), said point also being on the northerly line of tax account number 31.-1-14.114; thence,
3. Easterly, along the northerly line of tax account number 31.-1-14.114, a distance of 13 feet, more or less, to the northeasterly corner of said tax account number; thence,
4. Southeasterly, along the easterly lines of tax account numbers 31.-1-14.114, 31.-1-14.113, 31.-1-14.12, and 31.-1-14.13, a distance of 2,368 feet, more or less, to the southeasterly corner of tax account number 31.-1-14.13; thence,
5. Westerly, along the southerly line of tax account number 31.-1-14.13, a distance of 208 feet, more or less, to a point; thence,
6. Southerly, along a line 500 feet easterly of and parallel to the centerline of Main Street (NYS Route 36), through the lands of tax account number 31.-1-10.4, across Simpson Road (49.5 feet right-of-way), and through the lands of tax account numbers 31.-1-57.2 and 31.-1-57.1, a distance of 1,620 feet, more or less, to a point 500 feet easterly of and parallel to the center line of Main Street (NYS Route 36); thence,
7. Westerly, along the southerly line of tax account number 31.-1-57.1, a distance of 500 feet, more or less, to a point on the centerline of Main Street (NYS Route 36); thence
8. Southerly, along the centerline of Main Street (NYS Route 36); a distance of 2,059 feet, more or less, to a point; thence
9. Westerly from the centerline of Main Street, along the easterly extension of the southerly line of tax account number 31.-1-56, and along the southerly lines of tax accounts number 31.-1-56, 31.-1-59.1, and 30.-1-31.232, a distance of 5,629 feet, more or less, to the southwest corner of tax account number 30.-1-31.232; thence,
10. Southwesterly, along the easterly line of tax account number 30.-1-36.119 and the southerly extension of the easterly line, a distance of 948 feet, more or less, to the centerline of Linwood Road (49.5 feet right-of-way); thence,
11. Westerly, along the centerline of Linwood Road (49.5 feet right-of-way), a distance of 209 feet, more or less, to a point; thence,
12. Southerly, along the northerly extension of the easterly line of tax account number 40.-1-17.121 and the easterly line, a distance of 799 feet, more or less, to the southeast corner of said tax parcel number; thence,
13. Westerly, along the southerly line of tax account number 40.-1-17.121, a distance of 577 feet, more or less, to the southwest corner of said tax account number; thence,

14. Northerly, along the westerly line of tax account number 40.-1-17.121, a distance of 98 feet, more or less, to a point; thence,
15. Westerly, through the land of tax account number 40.-1-17.16, across the Linwood Road (49.5 feet right-of-way), and through the land of tax account number 40.-1-14.11, a distance of 1,321 feet, more or less, to a point 28 feet, more or less, northerly of a southeast corner of tax account number 40.-1-14.12; thence,
16. Southerly, along an easterly line of tax account number 40.-1-14.12, a distance of 28 feet, more or less, to a southeast corner of tax account number 40.-1-14.12; thence,
17. Southwesterly, along the southerly line of tax account number 40.-1-14.12, a distance of 169 feet, more or less, to a southwest corner of tax account number 40.-1-14.12; thence,
18. Northwesterly, along a westerly line of tax account number 40.-1-14.12, a distance of 57 feet, more or less, to a point; thence,
19. Westerly, through the lands of tax account number 40.-1-14.11 and 30.-1-41.214, a distance of 2,665 feet, more or less, to a point on the easterly line of the existing Consolidated Water District; thence,
20. Northerly, along the easterly line of the existing Consolidated Water District, said line running through the land of tax parcel number 30.-1-41-214, across Linwood Road (49.5 feet right-of-way) and through the land of tax parcel number 30.-1-41.4, a distance of 1,209 feet, more or less, to a point 500 feet parallel to the centerline of Federal Road (49.5 feet right-of-way); thence,
21. Westerly, along a northerly line of the existing Consolidated Water District, a distance of 1,612 feet, more or less, to a point on the westerly line of tax account number 30.-1-42.132; thence,
22. Northerly, along the westerly line of tax account numbers 30.-1-42.132 and 30.-1-42.131, a distance of 814 feet, more or less, to the northwest corner of tax account number 30.-1-42.131; thence,
23. Easterly, along the northerly line of tax account number 30.-1-42.131, a distance of 113 feet, more or less, to a point; thence,
24. Northerly, along a line 1,000 feet westerly of and parallel to the centerline of Federal Road (49.5 feet right-of-way) through the lands of tax account numbers 30.-1-46.21 and 30.-1-45 to a point on the northerly line of tax account number 30.-1-45; thence,
25. Easterly, along the northerly line of tax account number 30.-1-45, a distance of 46 feet, more or less, to the southwest corner of tax account number 30.-1-9; thence,

26. Northerly, along the westerly line of tax account numbers 30.-1-9 and 30.-1-8.21, a distance of 549 feet, more or less, to the northwest corner of tax account number 30.-1-3.21; thence,
27. Easterly, along the northerly line of tax account number 30.-1-3.21 and the easterly extension of the northerly line, a distance of 920 feet, more or less, to a point on the centerline of Federal Road (49.5 feet right-of-way); thence,
28. Southerly, along the centerline of Federal Road (49.5 feet right-of-way), a distance of 50 feet, more or less, to a point; thence,
29. Easterly, along a line from the centerline of Federal Road (49.5 feet right-of-way) and through the land of tax account number 30.-1-15, a distance of 2,672 feet, more or less, to a point on the westerly line of tax account number 30.-1-21.11; thence,
30. Northerly, along the westerly line of tax account number 30.-1-21.11, a distance of 1,112 feet, more or less, to the northwest corner of said tax account number; thence,
31. Easterly, along the northerly lines of tax account numbers 30.-1-21.11, 30.-1-21.12, 30.-1-21.3, and 30.-1-21.2, a distance of 1,369 feet to the northeast corner of tax account number 30.-1-21.2; thence,
32. Northerly, along the westerly line of tax account number 30.-1-25.1, a distance of 936 feet, more or less, to the northwest corner of said tax account number; thence,
33. Easterly, along the northerly lines of tax account number 30.-1-25.1 and 30.-1-30, a distance of 3,752 feet, more or less, to a northwest corner of tax account number 30.-1-30; thence,
34. Northerly, along a westerly line of tax account number 30.-1-30, a distance of 346 feet, more or less, to a northwest corner of said tax account number; thence,
35. Easterly, along a northerly line of tax account number 30.-1-30, a distance of 1,955 feet, more or less, to the southwest corner of tax account number 31.-1-9; thence,
36. Northerly, along the westerly line of tax account number 31.-1-9 and the northerly extension of the westerly line, a distance of 598 feet, more or less, to a point; thence,
37. Easterly, along the centerline of Telephone Road (66 feet right-of-way), a distance of 754 feet, more or less, to the point of beginning.

Consolidated Water District Anderson Road Extension, as described above, contains approximately 1,588.09 acres of land.

All as shown on a map prepared by Clark Patterson Lee, entitled “Anderson Road Extension – Proposed Water District Map”, dated November 21, 2017.

**NOW THEREFORE BE IT ORDERED and RESOLVED**, that the Map, Plan and Report for the Town of York Consolidated Water District Anderson Road Extension as prepared by Clark Patterson Lee and dated November 2017 and as revised in the Final Map, Plan and Report dated July 2018 and revised November 2018 is hereby acknowledged as received by the York Town Board and has been filed in the York Town Clerk's Office; and be it further

**RESOLVED**, that pursuant to New York State Town Law, a public hearing be held on the 24<sup>th</sup> day of April, 2019 at 6:00 p.m. at the York Town Hall at 2668 Main Street, York, New York, with respect to the formation of the Anderson Road Extension to the Consolidated Water District to include the property noted in the Map, Plan and Report filed in the York Town Clerk's Office and as more particularly described in the Map, Plan and Report on file the York Town Clerk's; and be it further

**RESOLVED**, that the Map, Plan and Report calls for the installation of approximately 31,000 linear feet of 8 inch water main (with hydrants, valves and other appurtenant infrastructure) along portions of Anderson Road, Federal Road, Linwood Road, Limerick Road and NYS Route 36; and be it further

**RESOLVED**, that the maximum amount proposed to be expended for the improvements above is \$1,847,000.00, of which \$750,000.00 shall be paid from a USDA Rural Development Loan and the remaining balance of \$1,124,000.00 shall be financed through long term bonds at an estimated 2.25%, amortized for 38 years; and be it further

**RESOLVED**, that the anticipated cost to the typical property located within the Anderson Road Extension shall be on a benefit basis and is estimated to be \$950.00 per unit; and be it further

**RESOLVED**, that the estimated one-time costs for hook-up fees are \$1,000.00 for the typical property, including installation of a service line at the costs of approximately \$10.00 per linear foot (\$500.00 average) and \$500.00 for interior plumbing modifications; and be it further

**RESOLVED**, that a copy of the map, plan and report describing the proposed district formation and the improvements to be constructed therein is available for the public inspection at the York Town Clerk's Office; and be it further

**RESOLVED**, that at the time and date aforementioned, all interested parties may be heard concerning the formation of the proposed Anderson Road Extension to the Consolidated Water District.

The question of the adoption of the foregoing Resolution and Order was duly submitted for approval by vote of the York Town Board on Wednesday, March 27, 2019 recorded as follows:

**Vote of the Board: Supervisor Deming - AYE, Councilperson Gates – AYE, Councilperson Rose – AYE, Deputy Supervisor Parnell -Absent, Councilperson Smith – AYE**

I, the undersigned, Clerk of the Board of the Town of York of the County of Livingston, hereby certify that the above Resolution and Order was duly adopted by the York Town Board of said Town on date above, and that the same is a true and correct transcript of said Resolution and Order.

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 27<sup>th</sup> day of March, 2019.

Christine M. Harris,  
Christine Harris, York Town Clerk

**Dated:** March 27, 2019

By Order of the Town Board  
Christine Harris, Town Clerk

Voted on and approved, Yes-4, No-0, Absent-1, Lynn Parnell

**TOWN BOARD MEETING**

RESOLUTION offered by Mr. Rose and seconded by Mr. Smith to schedule a Town Board Meeting for Wednesday, April 24, 2019 at 6:30 p.m. to render a decision on the Formation of the Anderson Road Extension. Voted on and approved, Yes-4, No-0.

Such notices will appear in the Town's legal publication, The Livingston County News for two consecutive weeks.

After review of the Anderson Road letter prepared by Clerk Harris, the Board agreed to authorize the Town Clerk permission to mail out to the residents regarding the upcoming Public Hearing.

**OTHER**

Craig/River Road water petition:

Clerk Harris stated, after the Board received a water petition from Craig & River Road residents in December of last year, Clark Patterson has prepared a feasibility study explaining the costs involved. Clerk Harris stated that a letter has been constructed for the Board to review in order to send such information to these residents.

The Board commented that the letter may be mailed out to the residents.

**ADJOURNMENT**

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to adjourn the Town Board Meeting. Voted on and approved, Yes-4, No-0.

Town Board Meeting closed at 4:16 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk