

PUBLIC HEARING  
APRIL 24, 2019  
6:00 p.m.

Present: Supervisor Gerald L. Deming, Councilmembers: Norman Gates, Amos Smith and Lynn Parnell

Absent: Frank Rose Jr.

Others: Rick Henry (Engineer, Clark Patterson Lee), James Campbell (Town Attorney), Betty Democker, Lois Templeton, John Ellis, Alan Sawyer, Brian & Linda Kent, Helen & Vern Finch, Frank Troglauer, Larry & Cheryl Parker, Edward Leake, Diane & Larry Walton, Shirley Walton, Brenda & David Dermody, Denis Musshafen, James Powell, Rebecca & Richard Roffe, Neal & Charlene Short, Robert Volkmar, Josyne & Gary Bargy, Laurie Amorese, Henry Fuller, Linda & Kevin Stone, Gerald & Linda Lapp, Ted & Linda Fitchette, Richard Fitzsimmons, Sheila Russell, Lori Andrews, William Doolittle, Mark & Debbie Connolly, Ken Foster, Melissa Alber, Brad Schneider & daughter Taylor, Jeff & Brenda Beardsley, Greg & Jean Donnan, Wayne Garrett, Andrew Prentice, Heather Grant, Korry Adams, Kimberly Martello, William and Elinor Fitzsimmons.

Supervisor Deming opened the Public hearing at 6:00 p.m. and introduced Attorney Campbell to give an overview of the meeting this evening.

Mr. Campbell commented that tonight is the final hearing for the Establishment of the Anderson Road Extension to the Consolidated Water District. The original Public Hearing notice did not contain an important piece of documentation as it pertained to a Permissive Referendum so he requested that the Board schedule a second hearing to address all necessary information.

Attorney Campbell stated that Town Engineer, Rick Henry will give an update on the project, and thereafter the meeting will be opened up for public comment.

Mr. Henry reported that a great deal of work has been completed since the last meeting in March of 2018. At that time, we had discussed applying for a \$750,000 grant through Rural Development. We have actually received confirmation for \$836,000. Through this process we had to be mindful of the balance financed through long term bonds so the interest rate had to be in a particular range. Mr. Henry stated the reason for the second water quality/quantity survey was to gauge the issues the area continues to experience in order to document, for a better interest rate which we have achieved.

Mr. Henry stated the total project cost is approximately \$1.9 million with \$836,000 in grant funds, with the remainder being financed at 2.1%. Mr. Henry added that at the present time the unit charge works out to be \$860.00 but in the event the interest rate increases slightly, we will include an additional \$30.00 to cover it, creating the district based on an \$890.00 maximum unit figure. Mr. Henry commented we hope to be at \$860 or less but will be determined after a bid has been approved.

Contractors are busy now with projects but we do anticipate our construction to begin in the fall. The schedule before us starts with the letter of conditions with Rural Development, then we begin the design, submittal to the County Health Department and County Highway Department and the State. Mr. Henry stated August-September time frame we hope to bid, with the month of October starting construction.

Attorney Campbell stated with additional funding we received as well as a decent interest rate, we are now under the NYS Comptroller's threshold therefore not needing their approval. Overall the news is positive and we are able to proceed with this project.

Mr. Campbell asked for any questions or comments from the residents:

1) John Ellis: With the recent sampling, what were the results?

\* Supervisor Deming and Mr. Campbell replied that the sampling results were very compelling to the Health Department for the need for municipal water. A total of 12 homes were tested, five of the twelve samples tested positive for both coliform bacteria and e coli. This is the main reason why we obtained a good interest rate due to the tremendous need.

2) Helen Finch: You indicated August-September to start?

\* Mr. Henry replied that the bidding process will begin around the August-September time frame, October is when we hope to begin putting pipe in the ground. With this schedule we are trying to give contractors time to finish their existing projects in order to get the best price from them thereafter.

3) Wayne Garrett: With the timeline just given, we will probably not have water this year?

\* Mr. Henry answered maybe not this year but early into next year. Construction of the main takes roughly 30-45 days then services and finally testing of the mains.

Mr. Campbell addressed with the residents the need to have completed the recent survey in a timely manner and thanked everyone for doing so. The prompt response of the surveys made a huge difference with regards to the interest rate. Clerk Harris stated of the 78 letters mailed out, 61 surveys were returned which is an incredible number.

4) Melissa Alber: The lines that have already been put in the Linwood area, what is the delay in connecting...water quality issues ?

\* Supervisor Deming responded that there is not a delay in connecting in fact they are up and running. The letters were mailed out in December informing residents they could connect and a number of homes have done so already. There are no water quality issues.

5) Kimberly Martello: After the line has been installed, it is then up to us to hire to connect to the house ?

\* Both Supervisor Deming and Mr. Henry replied that is correct.

6) Richard Fitzsimmons: Roughly how much per foot will it cost?

\* Mr. Henry answered usually it is \$10.00 per foot.

7) Alan Sawyer: Will we be notified when you allow us to connect?

\* Supervisor Deming answered that the residents will be notified by letter once all approvals have been met.

8) Kimberley Martello: If our driveway is dug up through the construction process who pays for the restoration ?

\* Mr. Henry replied that repairs to driveways are part of the cost of the construction project. The contractor will restore.

9) Lori Andrews: Asked to review the estimated timetable once again.

\* Mr. Henry stated we want to bid around August-September and once bid is awarded begin construction in October.

10) Brian Kent: Do we have to pay for a meter pit?

\* Supervisor Deming responded that we will have to review this. This is actually the first time it has been asked and we need to verify.

11) Larry Parker: Where is the meter installed?

\* Supervisor Deming answered that the meter would be installed on the outside of the residence, put in by our Water Department when the contractor is ready.

12) Kimberley Martello: \$860 or \$890, is that a yearly charge?

\* Mr. Henry replied that the charge (however much it is determined) is a yearly charge and broken down as such: Debt Service \$560 or \$590 (on tax bill) and Quarterly \$300 (total for 4 bills).

13) Richard Roffe: Is it our responsibility to bore under the road if the water main is on the opposite side?

\* Supervisor Deming responded that the boring is part of the construction cost and not the homeowner's responsibility.

14) David Dermody: Where specifically does the Town's responsibility end?

\* Mr. Henry answered that the town's responsibility ends in the Right of Way which is roughly 10-15 feet off the road. We push the line to that point and then the homeowner takes it from there to the residence.

15) Edward Leake: Does this project have a positive and/or negative impact on the existing district?

\* Mr. Henry replied that this project has a positive impact due to the additional users to the system. Mr. Campbell added that more users help pay for the upkeep to the system.

16) Melissa Alber: Would new customers have to pay?

\* Mr. Henry responded that new customers will certainly have to pay and with a number of new customers debt service charges are recalculated and reduced.

17) Alan Sawyer: When will we see our first debt service charge?

\* Supervisor Deming answered with the time table discussed, the district may not be able to connect until after the first of the year (2020) so the first debt service will be on the 2021 County/Town tax bill.

18) Kimberley Martello: How many units in this district?

\* Mr. Henry answered 72 houses and 76 properties

Ms. Martello stated that she did the calculations & it doesn't match the figures given.

\*Mr. Henry replied to the comment stating that the \$860/\$890 figure is the total for the year. Mr. Campbell commented that some residents use more while others use less than the average calculated for quarterly charges.

19) David Dermody: Do you have to connect to the municipal line?

\*Mr. Henry replied if your property is within the district boundaries and the line goes past your house, you will be required to pay the yearly debt service charge even if you do not connect for quarterly purposes. If you wish to not connect to town water, you will not be charged a quarterly fee.

20) John Ellis: I would like to see construction costs go out earlier, can't we move it along?

\*Mr. Henry responded that a design takes time to prepare and we are going as fast as we can.

After no further questions or comments....

Attorney Campbell reported at the conclusion of the Public Hearing the York Town Board has scheduled a regular meeting at 6:30 p.m. to present the Resolution for the Establishment of a Water District for the Anderson Road Extension.

21) Laurie Amorese: Ms. Amorese thanked the Town Board for the efforts on our behalf in order to get town water to this area.

**RESOLUTION** offered by Mr. Smith and seconded by Mrs. Parnell to adjourn the Public Hearing at 6:28 p.m. Voted on and approved, Yes-4, No-0

Respectfully Submitted,

Christine M. Harris, Clerk

## REGULAR TOWN BOARD MEETING

6:30 p.m.

Present: Supervisor Gerald L. Deming, Council Members: Norman Gates, Amos Smith and Lynn Parnell

Absent: Frank Rose Jr.

Others: James Campbell (Town Attorney), John Ellis, Edward Leake and Henry Fuller.

Supervisor Deming opened the regular meeting at 6:30 p.m. and continued the discussion from the Public Hearing held earlier. Attorney Campbell stated that he prepared a resolution for the Board regarding the Establishment of the Anderson Road Extension Water District. The resolution includes permission for Clark Patterson to prepare a map, plan and report for this area as well as scheduling of Town Public Hearings, maximum amount to be expended, grant funding and estimated maximum of \$890.00 per unit per year. The balance of this project will be financed through long term bonds at an estimated 2.5% for 38 years.

Mr. Campbell stated if the Board approves the resolution, it then starts the clock subject to permissive referendum. If no one challenges such district within 30 days, the Town Clerk is then required to prepare certification of the Resolution and finally, certification of the Final Order.

Attorney Campbell commented, if approved tonight, Clerk Harris will be required to record a certified copy of this Resolution with the Livingston County Clerk's office within 10 days and file with the New York State Department of Audit and Control. After the Final Order is prepared, certification to both places will take place a second time.

Councilman Smith asked if the resolution prepared by Attorney Campbell could be altered to reflect the yearly unit charge not to exceed \$890.00. Mr. Campbell replied he can certainly adjust the sentence to reflect a maximum of \$890.00 per unit.

### **APPROVAL**

RESOLUTION offered by Mrs. Parnell and seconded by Mr. Smith to approve the following resolution: Voted on and approved, Yes-4, No-0, Absent-1, Frank Rose Jr.

In the Matter of the Petition for the Establishment of a Water District in the Town of York, Livingston County, New York, to be known as the "Town of York Consolidated Water District Anderson Road Extension".

RESOLUTION  
TO ESTABLISH DISTRICT  
(Pursuant to Town Law §209-e)

WHEREAS, it is the intent of the Town of York to create the Town of York Consolidated Water District Anderson Road Extension to include all of the real property indicated in the final map, plan and report prepared by Clark Patterson Lee, dated July 2018 and revised November 2018 and being styled " Final Map, Plan and Report for the Town of York Consolidated Water District Anderson Road Extension" (hereafter " Map, Plan and Report"), said real property being located in the Town of York, County of Livingston and State of New York; and

WHEREAS, the real property that will be included in the district is more particularly described in said Map, Plan and Report filed in the York Town Clerk's Office; and

WHEREAS, the Town of York Town Board (hereafter "Town Board"), acting on behalf of the Town of York Consolidated Water District Anderson Road Extension, having previously directed the Town Engineer to prepare a map, plan and report with respect to the proposed extension, said direction being authorized by a resolution of the Town Board pursuant to Town Law §209-b, which said resolution was adopted subject to permissive referendum on October 12,2017; and

WHEREAS, the permissive referendum period having lapsed with no petitions being filed; and

WHEREAS, the Town Board therein directed that the charges incurred for the preliminary Map, Plan and Report shall be a Town charge until such time as the district formation shall take place at which time they shall become a district charge; and

WHEREAS, the Map, Plan and Report was subsequently filed in the office of the York Town Clerk; and

WHEREAS, the Board having previously complied with the relevant provisions of SEQR; and

WHEREAS, the Town Board on January 11, 2018 adopted a Resolution and Order pursuant to Town Law §209-d which directed that a public hearing be held on March 14, 2018 to receive public comment relating to the possible adoption of a resolution to establish the Town of York Consolidated Water District Anderson Road Extension; and

WHEREAS, the notice of public hearing was properly published and posted pursuant to New York State Town Law §209-d; and

WHEREAS, a public hearing having been held on the 14th day of March, 2018 at 7:00 P.M. at the York Town Hall located at 2668 Main Street, York, New York, with respect to the creation of the Town of York Consolidated Water District Anderson Road Extension to include the property noted in the Map, Plan and Report and as more particularly described in the Map, Plan and Report on file at the York Town Clerk's Office, in the Town of York, County of Livingston and State of New York; and

WHEREAS, the Town Board on March 27, 2019 adopted a Resolution and Order pursuant to Town Law §209-d which directed that an additional public hearing be held on April 24, 2019 to receive public comment relating to the possible adoption of a resolution to establish the Town of York Consolidated Water District Anderson Road Extension, said additional public hearing being set to correct a possible error in the previously published notice of public hearing related to the March 14, 2018 public hearing; and

WHEREAS, the notice of public hearing was properly published and posted pursuant to New York State Town Law §209-d; and

WHEREAS, the notice of public hearing contained all necessary information to comply with New York State Town Law §209-d; and

WHEREAS, a public hearing having been held on the 24th day of April, 2019 at 6:00 P.M. at the York Town Hall located at 2668 Main Street, York, New York, with respect to the creation of the Town of York Consolidated Water District Anderson Road Extension to include the property noted in the Map, Plan and Report and as more particularly described in the Map, Plan and Report on file at the York Town Clerk's Office, in the Town of York, County of Livingston and State of New York; and

WHEREAS, a copy of the Map, Plan and Report describing the proposed district boundaries, the improvements to be constructed therein and a detailed explanation of the estimated cost of hook-up fees and the cost to the typical property, as well as the boundaries of the entire Town of York Consolidated Water District Anderson Road Extension, was available for the public inspection at the York Town Clerk's Office prior to and at each of the public hearings referenced above and is attached hereto and made a part hereof; and

WHEREAS, the Board having given due consideration to the testimony and evidence given at the public hearing conducted on March 14, 2018 and the public hearing conducted on April 24, 2019; and

WHEREAS, 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

WHEREAS, that the maximum amount proposed to be expended for the improvements above is \$1,847,000.00, of which \$836,000.00 shall be paid from a USDA Rural Development Loan and the balance financed through long term bonds at an estimated 2.5%, amortized for 38 years; and

WHEREAS, 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 a maximum of \$890.00 per unit; and

WHEREAS, 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

WHEREAS, adoption of this Resolution and Order shall be subject to permissive referendum pursuant to Article 7 of the New York State Town Law; and

WHEREAS, because the anticipated cost to the typical property located within the Town of York Consolidated Water District Anderson Road Extension is estimated to be below that of the estimated cost computed by the New York State Comptroller for the extension of similar types of districts, the formation of the Anderson Road Extension will not require approval of the New York State Comptroller's Office.

NOW THEREFORE, be it

RESOLVED and ORDERED by the Town Board of the Town of York as follows:

1. That the notice of public hearing for the April 24, 2019 public hearing was published and posted as required by law and was otherwise sufficient;
2. That all of the property and property owners within the proposed District Extension are benefited thereby;
3. That all of the property and property owners benefited by the District Extension are included within the limits of the proposed district extension; and
4. That it is in the public interest to form the District Extension as set forth; and it is further

RESOLVED and ORDERED, that subject to permissive referendum pursuant to Article 7 of the New York State Town Law, the Town Board of the Town of York does hereby establish the Town Of York Consolidated Water District Anderson Road Extension as set forth in the Map, Plan and Report; and it is further

RESOLVED and ORDERED, that subject to permissive referendum pursuant to Article 7 of the New York State Town Law, the Town Board of the Town of York does hereby approve 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, with the maximum amount proposed to be expended for such improvements to be \$1,847,000.00 of which \$836,000.00 shall be paid from a USDA Rural Development Loan and the balance financed through long term bonds at an estimated 2.5 %, amortized for 38 years, and with the anticipated cost to the typical property located within the Anderson Road Extension to be on a benefit basis and to be \$890.00 per unit;

RESOLVED and ORDERED, that within ten (10) days after the adoption of this Resolution, the Town Clerk is directed to record a certified copy of this Resolution in the Livingston County Clerk's Office and shall file a certified copy to the New York State Department of Audit and Control.

The question of the adoption of the foregoing Order was duly submitted for approval by vote of the York Town Board on Wednesday, April 24, 2019 recorded as follows:

Vote of the Board:	Councilman Smith	Aye
	Councilman Gates	Aye
	Councilman Rose	Absent
	Deputy Supervisor Parnell	Aye
	Supervisor Deming	Aye

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

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 24th day of April, 2019.

*Christine M. Harris*  
Christine Harris, Town Clerk

**OTHER BUSINESS**

1) Town Hall Security:

a- Cameras and monitor

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve the quote submitted by Life Safety Integrated Systems for security cameras and a monitor at the York Town Hall in the amount of \$2,780.00. Voted on and approved, Yes- 4, No- 0.

b- Other features

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to approve the quote submitted by Life Safety Integrated Systems for other security features for the Town offices at the York Town Hall in the amount of \$1,650.00. Voted on and approved, Yes- 4, No- 0.

**ADJOURNMENT**

RESOLUTION offered by Mr. Gates and seconded by Mr. Smith to adjourn the meeting until May 9<sup>th</sup>. Voted on and approved, Yes- 4, No- 0.

Town Board meeting closed at 6:50 p.m.

Respectfully Submitted,

Christine M. Harris, Clerk