

Special Meeting of the Town Board of the Town of LeRoy held on Thursday, June 15, 2023 at 7:00 PM in the Courtroom of the Town Hall, 48 Main Street LeRoy, New York.

- Members Present:

James Farnholz, Supervisor
John Armitage, Council
William Fox, Council
John Johnson, Council
- Absent:

David Paddock, Council

Eric Stauffer, Highway Supt.
- Recording Secretary:

Patricia A. Canfield, Town Clerk
- Others Present:

Eve Miles, David & Lucy MacKenzie, Alan & Terry Guilford,
Duncan MacKenzie, Marny Cleere, David & Carol Frost,
Anthony Pipitone, Mike and Connie Eadie, David Pullyblank,
Mike and LeAnne Miller, Dale Stein, Andy & Sherry Olenick,
Kevin Hayden, Tammy Drummond, Bruno DeFazio, Carol Ganshaw,
Dennis Traxler, Debra Jackett, Brian Quinn, Matty & Jen Gilligan,
Jill Fitzgerald, Gary Owens, Mary Margaret Ripley

Supervisor Farnholz called the special meeting to order at 7:00 PM followed by the pledge to the flag.

GUESTS:

Eric Wies, Engineer - Clark Patterson Lee – Proposed Water District No. 12 – Public Meeting –
Eric presented the proposed project area which includes 342 residents [townwide] in the Town of LeRoy that are currently not served by public water supply. Information included power point presentation with infrastructure of water mains, service connections and water supply. Proposed project costs were presented with a total estimated annual unit cost per household of \$1,034 inclusive of debt service levied to Town and County Tax for 38 years. Residents in the district are required to pay the district cost but are not required to connect to public water from MCWA. Anyone wanting to maintain current well water for use would need to have system capped with a back flow device to ensure public and private water is not mixed. A list of contractors will be provided for residents to provide connection services. There will be an income-based program to assist with the private end connections for those that qualify. There will be no lateral connections for Ag Districts.

PUBLIC HEARING:

Order Calling for Public Hearing – Establishment of Water District No. 12 – Town of LeRoy – Town Law Article 12-A
Supervisor Farnholz read the following notice of public hearing as follows:
WHEREAS, a map, plan and report have been prepared in a manner and detail as determined by the Town Board of the Town of Leroy, regarding the establishment of a proposed Water District No. 12 in the Town of LeRoy. The map, plan and report have been filed in the Town Clerk’s office in the Town on the 25th day of May 2023. The map, plan and report were prepared by Eric Wies, P.E., of CPL Engineers, a competent engineer, licensed by the State of New York, showing the boundaries of the proposed district, a general plan of the distribution system and a report of the proposed methods of operation and the estimated maximum cost of said proposed district. The map depicts the boundaries of the proposed district with boundaries as follows: All that tract or parcel of land situated in the Town of LeRoy, County of Genesee, State of New York being described as follows: [See complete listing of boundaries as filed in the office of the Town Clerk].
LeRoy Water District No. 12, as described above, contains approximately 10,299.80 acres of land all as shown on a map prepared by CPL, entitled “Town of LeRoy Proposed Water District No. 12” dated May 24, 2023.
WHEREAS, the improvements proposed consist of construction and maintenance of a water system, to serve the said district, including 173,000 linear feet of 8-inch water mains and distribution pipes to be installed at the sole expense of the residents of the district and no public funds will be expended therefore; and
WHEREAS, the maximum amount proposed to be expended for the improvements (or, the maximum amount proposed to be expended for the performance of supplying of services) as stated in the said Map, Plan and Report is the sum of Nineteen Million Four Hundred Seventy-two thousand and no/100 Dollars (19,472,000.00) of which it is anticipated that Twelve Million Four Hundred Sixty-two Thousand Eight Dollars and no/100 (\$12,462,080.00) will be provided by USDA Rural Development in the form of a grant; and a loan provided by USDA Rural Development in the amount of Seven Million Nine Thousand Nine Hundred Twenty and no/100 Dollars (\$7,007,920.00) at an interest rate of 3% for 38 years.
WHEREAS, the Total estimated cost after the first year of service for equivalent dwelling units is \$1,034.00, of which \$578.21 will be paid toward debt service and \$415.30 will be paid toward annual water costs (including operation and maintenance costs) and \$40 in capital reserve/operation and maintenance costs. Total one-time estimated costs per equivalent dwelling unit for installation are estimated to be \$1,520.00. The permission of the Office of the State Comptroller is not required prior to District formation.
NOW THEREFORE IT IS HEREBY ORDERED, that a public hearing before the Town Board of the Town of LeRoy, shall be held at the Town Hall, 48 Main Street, LeRoy, New York on the 15th day of June 2023 at 7:00 PM to hear the residents and landowners in the proposed district interested in the subject thereof, concerning the same, and for such other action 0on the part of said Town Board as may be required by law or proper in premises.

- On **MOTION** by Supervisor Farnholz and seconded by Councilman Armitage and passed unanimously to open the public hearing for comments and questions as follows:
- Jennifer Gilligan, 7992 Oatka Trail** – Asked for a breakdown of the costs pertaining to proposed water district.
- Andy Olenick, 8675 Oatka Trail** - Asked about the number of surveys that were mailed and returned for interest. Also, if the Town would be looking at all types of grant funding available. Asked if a resident was not connecting would there be a shut off. Inquired about notices being included on website and possibly advertised in the LeRoy Pennysaver and next steps in the proposed project.
- Dale Stein, 8246 North Road** – Asked about farm sites and how it would be calculated and if it would be under one master meter.
- Debbie Jackett, 8129 Parmelee Road** – Inquired what was involved in connecting your residence to the district water line.
- Jill Fitzgerald, 27 Bradnell Ave** – Asked about Ag District implications.
- Evelyn Miles, 9025 York Road** – Questioned the process of requiring engineered backflow preventer.

Matthew Gilligan, 7992 Oatka Trail – Asked how the water lines would be installed and the process of tree removal.

Marny Cleere, 7957 Oatka Trail – Expressed concern of property regarding retaining walls.

Carol Ganshaw, 9471 York Road – Asked about protective watershed.

Dennis Traxler, 9331 Asbury Road – Questioned about existing dead end on Asbury Road when connected to new project and meter location question.

Michael Miller, 9593 Perry Road – Inquired how far out the new system would go on Perry Road.

Carol Frost, 8067 Oatka Trail – Asked about website to view the presentation.

James Farnholz, Town Supervisor – Relayed the next step is formally creating Water District No. 12 subject to permissive referendum for opposition requiring 5% signatures from the last gubernatorial governor election. Presentation will be posted on Town of LeRoy website at www.leroyny.org.

On **MOTION** by Supervisor Farnholz and seconded by Councilman Fox and passed unanimously to close the public hearing.

NEW BUSINESS:

1. Full Environmental Assessment Form – Part I/Part II – SEQR – Type I Action/Lead Agency/Neg Dec – [Full Environmental Assessment Form Part 1 – Project and Setting; Part 2 Identification of Potential Project Impacts; Part 3 Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

On **MOTION** By Supervisor Farnholz and seconded by Councilman Fox and passed unanimously with voting as follows: Council Armitage, Fox, Johnson and Supervisor Farnholz – aye the following

RESOLUTION:

CLASSIFYING WATER DISTRICT 12 IN THE TOWN OF LEROY AS A TYPE 1 ACTION, ESTABLISHING LEAD AGENCY AND DETERMINING THE SIGNIFICANCE OF SUCH ACTION, AND DIRECTING THAT THE NEGATIVE DECLARATION BE PUBLISHED IN ACCORDANCE WITH SEQRA

BE IT RESOLVED BY THE BOARD OF THE TOWN OF LEROY (TOWN) AS FOLLOWS:

WHEREAS, the Town Board has proposed the formation of Water District No. 12, including the installation of approximately 173,000 linear feet of 8-inch water main. The water main will be installed along portions of Asbury Road, Linwood Road, York Road, Harris Road, Summit Road, Perry Road, Cole Road, Bernd Crosby Road, E Bethany Road, Randall Road, Britt Road, Thwing Road, Warner Road, School Road, W Bergen Road, Hewes Road, Parmelee Road, Oatka Trail, Conlon Road, Circular Hill Road, Gully Road, Hebbard Road, Griswold Road, North Road, Wilcox Road and Vallance Road and will serve approximately 356 residential, commercial and agricultural properties; and

WHEREAS, to aid the Board in determining whether such Project and financing and other actions of the Board in connection therewith (the “action”) might have a significant effect on the environment, the Board caused to be prepared an environmental assessment form or similar information (“EAF”), a copy of which it attached hereto; and

WHEREAS, the Board duly reviewed the EAF and related documents with respect to the above-referenced project and duly considered the impacts which may be expected to result from the proposed action with the criteria set forth in the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”); and

WHEREAS, the Board determined that the project was an “Type I Action” pursuant to SEQRA; and

WHEREAS, the Board determined that the project involved one or more involved agencies, mandating a coordinated review; and

WHEREAS, the Board duly notified the other involved agencies pursuant to 6 NYCRR 617.6(3)(i) and indicated its willingness to be designated Lead Agency status; and

WHEREAS, all of the involved agencies have consented to the Board’s request to be designated Lead Agency status;

NOW THEREFORE, BE IT RESOLVED THE TOWN BOARD DECLARES ITSELF TO BE LEAD AGENCY FOR THE PROJECT FOR THE PROPOSED ACTION AND THEREFORE RESPONSIBLE FOR DETERMINING WHETHER AN ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED IN CONNECTION THEREWITH AND OTHERWISE COMPLYING WITH THE PROCEDURAL AND SUBSTANTIVE REQUIREMENTS OF SEQRA;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF THE TOWN OF LEROY AS FOLLOWS:

1. Based upon the review by the Board of the EAF and other necessary criteria, the Board hereby finds and determines that the proposed action is an “Type I Action” under SEQRA and will result in no significant impacts and therefore, such action is not one which “may include the potential for at least one significant adverse environmental impact,” (b) “there will be no significant adverse environmental impacts,” and (c) no “environmental impact statement” need be prepared, as such quoted terms are defined in SEQRA. Reasons supporting this determination are included in the EAF and hereby made a part of this resolution for the purposes of SEQRA. This determination constitutes a negative declaration for purposes of SEQRA and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.
2. A copy of this resolution shall be placed on file in the office of the Town, where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such manner as shall be necessary to conform to the requirements of SEQRA.

This resolution shall take effect immediately.

2. **Order Establishing Water District No. 12 [Subject to Permissive Referendum]**

On **MOTION** By Supervisor Farnholz and seconded by Councilman Armitage and passed unanimously with voting as follows: Council Armitage, Fox, Johnson and Supervisor Farnholz – aye the following **RESOLUTION**:

WHEREAS, a map, plan and report relating to the establishment of a proposed Town of Le Roy, Water District No. 12, prepared by Eric Wies, P.E. of CPL, Engineers in a manner and in such detail as has been determined by this Town Board, has been duly filed with the Town Clerk, in accordance with the requirements of Article 12-A of the Town Law; and

WHEREAS, an order was duly adopted by this Town Board on May 25, 2023, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the map, plan and report describing the same were on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying June 15th, 2023 as the date, at 7:00 pm on said day as the time, at the Le Roy Town Hall, Le Roy, New York as the place where this Town Board would meet and consider said map, plan and report, and to hear the residents and landowners in the proposed District interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such order was duly published and posted as required by law; and

WHEREAS, a hearing on said matter was duly held by said Town Board on June 15th, 2023 at 7:00 pm on said day, in the Le Roy Town Hall, Le Roy, New York, at which the residents and landowners of the proposed District desiring to be heard were heard, including those in favor of, and those opposed to, the establishment of said Water District No. 12 now, therefore, upon the evidence adduced at such public hearing, be it

RESOLVED AND DETERMINED:

a. That the notice of hearing was published and posted as required by law, and is otherwise sufficient;

b. That all property and property owners within the proposed district are benefited thereby;

c. That all property and property owners benefited are included within the limits of the proposed district;

d. That it is in the public interest to establish said district; and be it further

RESOLVED AND DETERMINED:

That, Water District #12 is hereby established, the bounds of which are described in the attached Exhibit A, and shall be constructed as set forth in the said map, plan and report and order calling a public hearing, at a cost not to exceed Nineteen Million Four Hundred Seventy-two Thousand and no/100 (\$19,472,000.00), which it is anticipated shall be financed in the following manner; a USDA grant of Twelve Million Four Hundred Sixty-two Thousand Eighty Dollars and no/100 (\$12,462,080.00) from USDA Rural Development and a 38 year loan at an annual estimated interest rate of 3% in the amount of Seven Million Nine Thousand Nine Hundred Twenty Dollars and no/100 (\$7,009,920.00) which shall result in the annual cost of the district for debt service to the equivalent dwelling unit after the first fiscal year is estimated to be \$578.00; and the annual cost for the typical home for operation, maintenance and user charges is estimated to be \$455.00, for a total cost of \$1,034.00, there is estimated to be one-time costs of \$1,530.00 for installation of the individual water systems, and

That, the permission of the State Comptroller is not required prior to District Formation, and be it **FURTHER RESOLVED**, that this order is subject to a permissive referendum as provided in section 209-e of the Town Law.

Dated: June 15, 2023

[Complete listing of boundaries available at the Town Clerk's office for inspection]

With no further business to come before the Board, on **MOTION** by Supervisor Farnholz and seconded by Councilman Armitage and passed unanimously to adjourn at 8:10 PM.

Respectfully Submitted, Patricia A. Canfield Town Clerk