

Special Town Board Meeting
May 5, 2016
5:00 P.M.

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

Absent: Lynn Parnell

Others: James Campbell (Town Attorney), Richard Henry (Engineer, Clark Patterson Lee), Henry Fuller, Kirk Richenberg, William Hasler, George and Millie Worden

Supervisor Deming opened the Special Town Board Meeting at 5:03 p.m., and stated the purpose of the meeting is to review SEQR documentation for the 2016 Sewer and Water System Improvements.

Attorney Campbell reported two weeks ago at the April 14th meeting, the Board began the SEQR review process for the Sewer System, but a few questions arose in Part II as we went through it, and scheduled this meeting in order to clarify any and all information. Mr. Campbell added, although the Board approved the Adoption of Findings for Part II at that meeting, if after review this evening any changes occur, we can amend the previous resolution.

Mr. Campbell and the Board began the review process:

Part II – Identification of Potential Project Impacts

(1) Impact on Land: The Board replied Yes, which prompted Attorney Campbell to read aloud 7 sub-questions, with the Board replying No, or small impact to 6 of them and 1, to moderate to large impact.

(2) Impact on Geological Features: The Board replied No to modification or destruction.

(3) Impacts on Surface Water: The Board replied Yes, which prompted additional sub-questions, with the Board replying, No, or small impact to 9 of them and moderate to large impact to 2. Mr. Campbell stated that 3(d) was recommended by the Engineers to be a moderate to large impact, not because of the force main that has been proposed, but due to two factors, crossing three streams and upgrade to the plant. With potential construction projects, it is believed to be a moderate to large impact.

3 (h)(i) initially engineers recommended a moderate to large impact, but after review, the Board signifies the action as a No, or small impact to 3(h) and (i). Mr. Henry stated changing of the determination is completely up to the Board. If we wanted to expand, that was the reasoning behind their recommendation. Councilman Smith asked if the average slope can create additional storm water, which Mr. Henry replied it can, usually during the construction phase.

(4) Impact on groundwater: The Board replied Yes, which prompted 8 additional questions. The Board's reply to 7 of the 8 questions was No, or small impact.

(5) Impact on Flooding: The Board replied No to lands subject to flooding.

(6) Impacts on Air: The Board replied No, that the proposed action will not include a State regulated air emission source.

(7) Impact on Plants and Animals: The Board replied Yes, regarding a potential loss of flora or fauna, which prompted 10 additional questions. The Board's reply to 9 of the 10 questions was No, or small impact, with 1 moderate to large impact on existing species in the region.

(8) Impact on Agricultural Resources: The Board replied Yes, which prompted 7 additional questions, 6 for No, or small impact and 1 as moderate to large impact. The Board agreed after discussion with Mr. Henry, they believe (8)(f) should be changed to moderate to large due to action taking place in Ag lands.

(9) Impact on Aesthetic Resources: The Board replied No that the land use of the proposed action is different from current land use patterns.

(10) Impact on Historic and Archeological Resources: The Board replied Yes, which prompted 7 questions. 6 replies were No, or small impact, with 1 as moderate to large impact.

(11) Impact on Open Space and Recreation: The Board replied No that the proposed action will not result in a loss of recreational opportunities or reduction of open space resource.

(12) Impact on Critical Environmental Areas: The Board replied No that the proposed action will not be located within or adjacent to a critical environmental area.

(13) Impact on Transportation: The Board replied No that the proposed action will not result in a change to existing transportation systems.

(14) Impact on Energy: The Board replied Yes, which prompted 4 additional questions, all of which the Board stated would be No, or small impact.

(15) Impact on Noise, Odor and Light: The Board replied Yes, which prompted 5 additional questions, 3 as No, or small impact and 2 as moderate to large impact.

(a) The Board initially expressed determination as a small impact, but concluded due to construction phase, will alter decision as a moderate to large impact.

(16) Impact on Human Health: The Board replied No that the proposed action will have an impact on human health from exposure to new or existing contaminants.

(17) Consistency with Community Plans: The Board replied No that the proposed plan is not consistent with adopted land use plans.

(18) Consistency with Community Character: The Board replied No that the proposed plan is inconsistent with the existing community character.

ADOPTION OF FINDINGS – AMENDED

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to Amend and Adopt the Findings that were made in the review of Part II of the Full Environmental Assessment Form for the 2016 Sewer System Improvements. Voted on and approved, Yes-4, No-0, Absent-1, Lynn Parnell.

Attorney Campbell stated the Board will now review Part III - Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance, and anything they determined to be a moderate to large impact in Part II will be documented to support such determination. If moderate to large impacts are not significantly important after the review, the Board can make a Negative Declaration based on Part III.

Part III review based upon answers given in Part II (Identification of Potential Project Impact):

(1) Impact on Land –

(e) Impact will be more than 1 year

Magnitude: Construction phase, Councilman Smith added, length of project or phases of project, should be minimal impact.

Mr. Campbell: Do we deem that this project will affect a large number of people or any project changes: Town Board responded No, not a large significant impact or project changes.

(3) Impacts on Surface Water:

(d) Project may involve crossing some streams.

Magnitude: Councilman Rose answered only during construction phase

Adverse Affect: Councilman Smith replied may have a positive affect at Bidwell's Creek

Long term Affect: Town Board replied No, not a long term affect, only through construction.

Other issues: Town Board answered No

Fairly minor importance: Town Board replied Yes

* Mr. Henry reported that Clark Patterson also put in erosion mitigation measures.

(k) May require the construction of new or expansion of existing wastewater treatment facility:

Magnitude: Town Board replied positive impact, but a moderate one.

Positive Impact: Councilman Smith replied expanding the Waste Water Treatment Facility and updating capacity is a positive impact. Supervisor Deming stated by adding to the sewer plant it is definitely a positive step forward.

Assess the Importance: Town Board answered by updating and possible expansion it is a positive impact (moderate impact).

(4) Impact on groundwater:

(h) Other impacts: Construction activity was determined to be a moderate to large impact.

Mr. Campbell: Is moderate to large impact drainage related? Mr. Henry replied impacts will occur during construction until re-growth occurs. The project is required to adhere to SPEDES Permit. DEC is very much aware of time frames and permit requirements.

Mr. Campbell asked Town Board prospective: temporary impact during construction, Town Board added that this will be a moderate impact, with No significant impact to others.

(7) Impact on Plants and Animals:

(j) Other impacts: proposed action will result in the conversion of agricultural lands to utilities. For the tank and some of water line which may be slightly off right of way. Mr. Henry stated as long as work is not completed at night and we stay in the ROW, they give guidelines for construction projects. If we impact habitat, they can shut us down.

Magnitude: Councilman Smith replied low impact

Assess importance: Town Board replied no conflict

Project or design recommendations: Town Board stated none

(8) Impact on Agricultural Resources:

(f) action may result in increased development potential or pressure on farmland:

Magnitude: Councilmen Rose and Smith replied moderate to large impact, but temporary due to construction.

Assess Importance of Negative Impact: Town Board replied low impact

Design Recommendations: Town Board stated none

(10) Impact on Historic and Archeological Resources:

(a) proposed action may occur contiguous to any buildings, archeological site nominated by New York State Board of Historic Preservation:

Magnitude: Town Board replied this is a moderate to large impact based on the surrounding Linwood Gardens location. Mr. Henry stated we too were aware of Linwood Gardens, but recently received a “No Impact Notification” from NY SHPO regarding it.

Mr. Campbell stated after hearing that information, asked the Board if they wish to remain as moderate to large impact, which they replied no, update to reflect No, or small impact.

Magnitude: No, small impact

Importance: Town Board replied, No, non-important impact

Design recommendation: Town Board replied none

(c) action may result in routine odors for more than 1 hour per day:

Magnitude: low impact – Councilman Smith stated this will happen during construction phase only, with odors occurring from construction equipment

Importance of people affected: Town Board stated non-important impact

Design recommendations: Town Board replied none

PART III FINDINGS

a) Adoption of Findings:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to Adopt the Findings that were made in the review of Part III of the Full Environmental Assessment Form for

the 2016 Sewer System Improvements. Voted on and approved, Yes-4, No-0, Absent-1, Lynn Parnell.

b) Negative Declaration:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to adopt a Negative Declaration based on the findings made in Part II and III in the Full Environmental Assessment Form. Voted on and approved, Yes-4, No-0, Absent-1, Lynn Parnell.

c) Authorization:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose authorizing the Supervisor permission to sign the EAF signifying the Negative Declaration being made. Voted on and approved, Yes-4, No-0, Absent-1, Lynn Parnell.

* Mr. Henry will prepare all necessary notifications.

WATER

Mr. Henry gave a brief overview of the 2016 Water System Improvements:

The proposed action includes the installation of approximately 26,000 linear foot of water main along portions of Federal Road, Linwood Road, Stewart Road, Linwood Road North and Craig Road. The developer is very interested in servicing other areas of Linwood that previously could not get municipal water for over 20 years. Mr. Henry stated he was asked why the developer would put more pipe in the ground to other areas if they had a source of water with Lake LeRoy. The answer to that question is they could solve their water needs without us, but would have to make much needed updates to the plant first. Mr. Henry stated he saw this as an opportunity to potentially serve additional residents if the developer agreed to install piping further into the district. The line is going to be built by the developer and once approved, dedicated to the Town, which will be a huge benefit to the community. Mr. Henry commented if the developer stayed with their first option, Linwood would probably never get water, due to costs involved.

Mr. Henry stated this project puts us roughly one mile from Monroe County Water Authority, previously we would not have the capacity for a second source of water. In order for the Town of York to have this as an option, Monroe County would have to conduct improvements as well. Mr. Henry added the Town of York is charged \$3.30 per 1,000 gallons from the Village of Geneseo, while Monroe County's rate is \$2.22 per 1,000. The Town will ultimately need to determine their future benefits with water sources.

PART II – Identification of Potential Project Impacts

Mr. Campbell read aloud each question for review in Part II of the 2016 Water System Improvements.

(1) Impact on Land: action may involve construction on, or physical alteration of land surface of proposed site. The Board responded Yes.

(e) construction for more than one year or in multiple phases. The impact will be moderate to large

(2) Impact on Geological Features: action may result in modification or destruction of any unique or unusual land forms: The Board responded No

(3) Impacts on Surface Water: action may affect one or more wet lands or other surface water bodies: The Board responded Yes

(h) may cause erosion, or otherwise create a source if storm water discharge: The Board replied such proposed action would be a moderate to large impact.

(i) may affect the water quality of any water bodies within or downstream of the site of the proposed action: No, or small impact was answered by the Board.

(4) Impact on ground water: may result in new or additional use of ground water or potential to introduce contaminants to ground water: The Board responded No.

(5) Impact on Flooding: The Board responded No.

(6) Impacts on Air: The Board responded No.

(7) Impact on Plants and Animals: The Board responded Yes

(j) other impacts: moderate to large impact; some of the water line which may be slightly off ROW (right of way). Mr. Henry stated he is not sure if this will happen here, but wanted to document.

(8) Impact on Agricultural Resources: The Board responded Yes

(h) other impacts: The Board stated this will be a moderate to large impact due to tank related and proposed action will convert approximately 1.0 acre of active farmland.

(9) Impact on Aesthetic Resources: The Board responded No.

(10) Impact on Historic and Archeological Resources: The Board responded Yes, but with SHPOS's results, it may alter the Board's determination.

(a) The Board now reflects No, or small impact may occur.

* Mr. Richenberg questioned whether or not the water line will go by Linwood Gardens, which Supervisor Deming replied it will not. Mr. Henry added the tank will be visible from that site though.

(11) Impact on Open Space and Recreation: The Board responded No.

(12) Impact on Critical Environmental Areas: The Board responded No.

(13) Impact on Transportation: The Board responded No.

(14) Impact on Energy: The Board responded No.

(15) Impact on Noise, odor and light: The Board responded Yes.

(a) may produce sound above noise levels: The Board stated this was a moderate to large impact due to operation of construction equipment

(c) may result in routine odors for more than 1 hour per day: The Board replied odors and noise will occur with use of construction equipment, being a moderate to large impact.

* Mr. Richenberg asked, what about Homeland Security? Mr. Henry reported he has checked with Homeland Security and there are no codes requiring site lighting for water tank locations.

(16) Impact on Human Health: The Board responded No.

(17) Consistency with Community Plans: The Board responded No

(18) Consistency with Community Character: The Board responded No.

ADOPTION OF FINDINGS

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates to Adopt the Findings that were made in the review of Part II of the Full Environmental Assessment Form as set forth therein for the 2016 Water System Improvements. Voted on and approved, Yes-4, No, Absent-1, Lynn Parnell.

Mr. Campbell stated we will now conduct review of Part III, Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance.

(1) Impact on Land:

(e) The Board responded this proposed action will be low impact due to construction. Mr. Henry added the developer hopes to have water main in by the first season, tank in another. The tank portion will take longer.

Magnitude: Councilman Smith replied low impact.

Importance: Councilman Smith answered low to non-importance

Design recommendations: None

(3) Impacts on Surface Water:

(h) Magnitude: Town Board replied No, or small impact

Importance: Non-importance was stated by the Board

Design recommendations: None

(7) Impact on Plants and Animals:

(j) Other Impacts: Moderate to large impact

Magnitude: Town Board replied low impact

Importance: Town Board stated non-importance

Design recommendations: None

(8) Impact on Agricultural Resources:

(h) other impacts: The Board stated due to the tank, the proposed action will be a moderate to large impact.

Magnitude: Town Board replied low impact

Importance: Town Board stated non-importance
Design recommendations: None
Environmental consequences: None

(15) Impact on Noise, Odor and Light:

(a) The Board stated due to construction equipment, noise and odor may be a low impact.

Magnitude: Low impact
Importance: Town Board replied non-importance
Design recommendations: None
Impact on environment: Non-importance

(c) Odors for more than 1 hour per day: Town Board stated odors may result during the course of the day with use of construction equipment.

Magnitude: Town Board stated low impact
Importance: Town Board replied non-importance
Design recommendations: None

PART III – FINDINGS

(a) Adoption of Findings:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to Adopt the Findings that were made in review of Part III of the Full Environmental Assessment Form for the 2016 Water System Improvements. Voted on and approved, Yes-4, No-0, Absent-1, Lynn Parnell.

(b) Negative Declaration:

RESOLUTION offered by Mr. Smith and seconded by Mr. Rose to adopt a Negative Declaration based on the findings made in the review of the Full Environmental Assessment Form. Voted on and approved, Yes-4, No-0, Absent-1, Lynn Parnell.

(c) Authorization:

RESOLUTION offered by Mr. Smith and seconded by Mr. Gates authorizing the Supervisor permission to sign the EAF signifying the Negative Declaration being made. Voted on and approved, Yes-4, No-0, Absent-1, Lynn Parnell.

OTHER

Supervisor Deming stated earlier in the evening Mr. Richenberg submitted a list of questions and concerns pertaining to the proposed project, and commented the Board will review at this time.

Q- The Town of York Planning has not approved the final site plan for the proposed project that is asking for the sewer and water lines. Why the SEQR for the sewer and water before the final site plan approval? Usually isn't it done after project is approved?

*Attorney Campbell replied actually it is just the opposite. SEQR must be done first, then site plan thereafter. SEQR must be resolved first in order to address any and all environmental issues.

Mr. Richenberg questioned why then for the McVean Road Water Project was SEQR done after project approval. Supervisor Deming replied he would have to review documentation once again, but stated that he is not sure that it was done after. Attorney Campbell added based upon proposed projects, there are different classification types of SEQR. Type 1 is for High Review, Type 2 is not as much review needed and Type 3 is unlisted action (short form).

Mr. Henry stated another advantage to conducting SEQR now is the fact that 100 million dollars is available in this year's budget for grant opportunities, which we are trying to tap into before the June 20th deadline. We have several ongoing projects in the hamlet of Retsof including the Sewer treatment facility, due to infiltration, that could potentially benefit from this grant funding. Mr. Henry stated during the dry summer time frame, the treatment plant's infiltration takes in roughly 60-70,000 gallons per day, but on average the rest of the year we take in 125,000 gallons per day.

Councilman Rose asked what type of tank design is proposed. Mr. Henry replied tank design could be 1 of three different options: welded steel, concrete or glass lined, and will be 40 feet high. Councilman Smith asked about elevation, which Mr. Henry responded overflow elevation is 991. Sea level elevation is 991 which is higher than our current tank. Mr. Smith asked about estimates pertaining to efficiency of our current system. Mr. Henry replied control valves on end of the system and recommended pressure reducing valves on Federal Road due to high poundage. Mr. Worden asked once the details have been determined is there a time frame. Mr. Henry stated the anticipated time frame would be sewer this year and water next year. If weather cooperates, they may be able to work throughout the winter months, if it's not too harsh, but nothing is decided. The developer's desire is to move forward this year at some point.

Q- Have any members of this Board done any of the training to learn about basic SEQR requirements?

Supervisor Deming stated he has received training over the years at the County and Councilman Rose commented he too has received training privately.

Q- How much time has this Board had to review and discuss the plans for these proposed sewer and water lines?

Councilman Smith stated he has been well aware of the proposed project's plan, but the most detail he has incurred was at the last meeting (April 14th). Councilman Rose agreed as well. Mr. Richenberg asked was this the reason why discussion ceased at the last meeting because of lack of information. Supervisor Deming stated that the Town Board knew what was proposed, but had yet to see a map.

Mr. Richenberg stated the remaining questions he had submitted have been answered by Mr. Henry regarding grant funding.

Town of York Board Members;

Below is a list of concerns and questions I have in regards to the SEQR process for the sewer and water lines being discussed at this meeting.

- The Town of York Planning has not approved the final site plan for the proposed project that is asking for the sewer and water lines. Why the SEQR for the sewer and water line before the final site plan approval?
- Have any members of this board done any of the training to learn about basic SEQR requirements?
- How much time has this board had to review and discuss the plans for these proposed sewer and water lines?
- The latest water line installed in the town on McVean Rd. the EAF was done after the funding was secured for the project also after a public meeting about details of the project. Why is this projects SEQR being rushed?
- It sure appears as though there is a rush to get a negative declaration on these proposed projects by certain parties involved. What I referring to here is the last town board meeting on 4/12/16 when the board refused to answer any more questions on the FEAFF because of the lack of information on the proposed projects. Also the person asking the questions, suggesting to the board members how to answer the question based on what the town engineer says should be the answers to these questions.
- Also I would like to add again that there appears to be a rush by some involved in this project. Why schedule this special meeting at this inconvenient hour of the day, when this board has a regular scheduled board meeting seven days away? Please remember Town Board Members you are supposed to represent all the taxpayers in this town and its well-being.

Thank You,

Kirk Richenberg

5/5/16

Mr. Worden commented he was recently made aware that in the summer time the pumps at the Piffard pump station shut off due to low voltage. Mr. Henry and Supervisor Deming stated they are very aware of the pump station issues and have been diligently working on them for a resolve.

Councilman Rose asked, if down the road we connect to Monroe County, could we be the link to provide water to others. Mr. Henry replied we certainly could be that link, with Avon and Leicester as the most viable areas, as long as they would be willing to update our pipes though. Mr. Rose commented Leicester would be a location to tap into, as well as Mt. Morris.

Mr. Fuller asked if any Bonds have been floated yet, which Supervisor Deming replied no, not yet.

After no further comment or questions...

ADJOURNMENT

RESOLUTION offered by Mr. Gates and seconded by Mr. Rose to adjourn the Special Town Board Meeting at 6:40 p.m. Voted on and approved, Yes-4, No-0.

Respectfully Submitted,

Christine M. Harris, Clerk