

PUBLIC HEARING
March 14, 2018
7:00 p.m.

Anderson Road Extension to the Consolidated Water District

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

Absent: Norman Gates

Others: Richard Henry (Clark Patterson Lee), James Campbell (Town Attorney), Linda & Brian Kent, Helen & Vernon Finch, Henry Fuller, Constance & John Ellis, Frank Troglauer, Cheryl & Larry Parker, Elinor, William and Richard FitzSimmons, Jean & Greg Donnan, Rebecca Roffe, David Jones, James Powell, Denis Musshafen, Ken Foster, Melissa Alber-Chase, Carl Peter, Robert Preston, William Doolittle, Mark Grove (Livingston County Health Department), Steven & Margaret Lyness, Laurie Amorese, Kirk Richenberg, Linda & Kevin Stone, Brenda & Jeffrey Beardsley, Tara, Brooke & Taylor Schneider, Francis and Jerry Dykstra, Margaret Matlin, Gerald Lapp, Justin Grant, Melissa and Gerrit Knickerbocker, Amber Coffey, Kim Martello, Lori Andrews, Allen Rodger, Julia and Doug Yaw

Supervisor Deming opened the Public Hearing at 7:00 p.m. and then turned the meeting over to Town Attorney, James Campbell to give a brief overview of the purpose of the hearing.

Attorney Campbell explained that the Board has conducted numerous Informational Meetings but this evening is a required Public Hearing to receive comment on the Formation of the Anderson Road Extension to the Consolidated Water District. Mr. Campbell stated that tonight the residents will have the final opportunity to express if they want the Board to proceed with such formation, based upon the debt service numbers provided.

Clark Patterson Lee Engineer, Richard Henry commented that the information he distributed this evening is exactly the same from the meeting held in October of last year. Mr. Henry stated that the presentation that took place previously was the formal one, tonight it will not be necessary since the numbers have remained the same

COMMENT/QUESTIONS

Helen Finch: Do we have the money yet for the grant?

Supervisor Deming answered we have not secured grant funding at this point.

Attorney Campbell stated that the project cannot proceed until the paperwork is in order and financing secured, this Public Hearing is necessary in order to begin what we

need to do legally. Ultimately if we can't obtain grant funding, we will not be going forward.

Mrs. Finch: Why has this taken so long?

Mr. Henry commented that the process has been lengthy because the residents within the district have changed their minds a number of times, which has altered the map boundaries.

Jeffrey Beardsley: We gave permission in October of last year, why are we having another meeting?

Attorney Campbell replied that this evening is not another informational meeting, it is a Public Hearing, which is a legal requirement necessary to Form a District. This is the next step in the process. Mr. Henry added saying once again, all costs discussed late last year are the same for this evening.

Lori Andrews: We don't seem to have a say in this district?

Mr. Henry replied you most certainly have a say, this is not a Town Board decision, it is a decision to be made by the property owners in the proposed district. Attorney Campbell added this is the first formalized step in forming the district.

Kirk Richenberg: Why does this district encompass so much land mass?

Mr. Henry replied it was easier to prepare a map and description in the format you see this evening for shading purposes.

Mr. Richenberg: Is there any outlook in the future for a housing development? Supervisor Deming answered No, not that he is aware of.

Henry Fuller: The map shading will make a difference, especially for someone who is 500 feet beyond the district.

Mr. Henry explained that frontage charges take place if a residence is within the district boundaries. If property is within an approved Ag. District we are not able to charge.

Gerald Lapp: Can you clarify the last question?

Attorney Campbell stated that Mr. Henry included the whole block on the map for shading purposes, but it doesn't change the number of users to the district.

Helen Finch: If the decision tonight is Yes from the neighbors, do we have to pay the higher amount of \$1500 because we don't have grant funding yet?

Attorney Campbell replied absolutely not, we would have to obtain NYS Comptroller approval for such a high amount and they would consider it if we could show absolute need from all residents. What we need to focus on tonight is the annual cost of \$950 per year or less, we do not want to have to go the other route if possible.

Kirk Richenberg: Of the \$634 debt service outlined, how much will be going toward upgrades to the Consolidated Water District?

Mr. Henry answered that all customers will be charged \$35 for the upgrades. Any unit added to the debt service may lower the figure slightly, but \$35 is the figure we are using.

Mr. Richenberg: What about the quality of the water?

Mr. Henry reported that our water quality meets all standards.

Allen Rodger: There are minimal standards on water, what percent (%) of sewer do you mix with drinking water?

Supervisor Deming & Mr. Henry each responded that we do not use any percentage of sewer with drinking water. Mark Grove, of the Livingston County Health Department replied as well that no sewer is used and commented that there are many State standards required for water quality.

Kirk Richenberg: The Town has had a number of THM violations in the last several years, and continues to deal with it.

Mr. Grove described in great detail the process of THM's. Trihalomethanes (THM's) are a group of chemicals that are formed along with other disinfection by products when chlorine is used to control microbial contaminants in drinking water reacting with organic and inorganic matter. Mr. Grove stated that studies are being done to lower the THM numbers, which has been an ongoing issue for many towns, not just the Town of York. Efforts are being made for piping re-arrangement that will hopefully help the situation to the town as well.

Mr. Henry agreed with Mr. Grove that THM's are formed as a byproduct of chlorination, and roughly 10 years ago the EPA lowered the threshold making it sometimes difficult to maintain. Mr. Grove added, it's hard to lower the numbers in York when Geneseo has sent water with THM's in it to you. Mr. Henry reported that we test twice per year for it and in the totality, even with some violations, it is not too bad of a record. The last test recorded was under the limit. With the upcoming Consolidated Water improvements, this will further enhance THM removal. Attorney Campbell commented that the Town is constantly trying to remedy this issue.

Kirk Richenberg: If one quarter has a violation there is no warning for the public until much later, with the residents continuing to drink the water.

Mr. Grove responded that the Annual Water Quality Report outlines each of the reads and any violations for all residents to review. This information is put in the Livingston County News and posted to the Town's website as well.

Steven Lyness: Even with some THM's in the town water, the water we currently have is far worse.

Kim Martello: Have we looked into Monroe County water?

Mr. Henry and Attorney Campbell replied that we have and they do not have the capacity at this time, and would have to go through the Town of Pavilion. Mr. Henry added that he has had several conversations with Pavilion, but they cannot service us.

Allen Rodger: They have a pump station on Route 20 at South Street, they should have plenty of capacity?

Mr. Henry responded, but they do not have enough water to service us.

Larry Parker: After install, is there any benefit in using a softener?

Mr. Henry answered that it is truly up to the homeowner on whether or not they wish to use a softener. Mr. Grove added, the best defense against THM's is a charcoal filter, which is quite affordable.

Julia Yaw: Why were we not notified of bringing water to the area, since we live in close proximity on Route 20?

Mr. Henry & Supervisor Deming clarified with her specifically her location on Route 20 and stated that she is not located currently in the district boundaries. Residents within the boundaries received a letter and we published and posted the notice in the Livingston County News and on the website. Mr. Henry stated additional areas must express interest to the Town Board directly regarding municipal water in order to conduct an initial study. Attorney Campbell commented if a project can be built and it's affordable to the residents, anything is possible.

Ms. Yaw: We would like to continue to be informed in order to stay current on potential water.

Supervisor Deming answered once again, at this time your property on Route 20 (Telephone Road) is not located in the current district, but if this district is able to proceed, additional areas may be added at some point.

John "Jack" Ellis: We are here tonight to Form a Water District, can we get the consensus of the residents in our district?

Attorney Campbell responded that we will certainly conduct a "straw poll vote" this evening, but wanted to allow all to ask any questions they may have first.

Henry Fuller: Since 2004 there has been 25 violations to the district. I contacted the County Health Department recently about their last meeting, wanting to obtain minutes from it and they informed me that I would have to FOIL them. Why should we have to go through the FOIL process to get public information?

Supervisor Deming & Attorney Campbell responded that the meeting held was a County organized meeting not a Town of York one, and if you have questions regarding their policies, you need to take it up with the County directly.

Mr. Fuller: I question the accuracy of our testing due to the fact we do not have a Water Commissioner in our township, only a Personnel Supervisor, the numbers may not be correct.

Mr. Henry commented we must be at or under \$950.00, because that is the figure we are working with.

Laurie Amorese: If all goes well with the grant, is there a starting timetable for construction?

Mr. Henry replied until we know more about the grant funding situation, it is difficult to give a definitive start date, but probably under construction in 2019.

Julie Yaw: What would be the conclusion date?

Mr. Henry stated that roughly 2-4 months for construction.

Attorney Campbell addressed the residents of the proposed district, requesting by a show of hands whom would be in favor of proceeding with the Formation of this Water District....the vote was overwhelmingly in favor.

Helen Finch: Will we be notified if funding is obtained and will there be another meeting?

Supervisor Deming answered once we have a result the Town will send a letter directly to the residents in the district.

Lori Andrews: Is this official now?

Town Board members & Attorney Campbell replied it is official as long as grant funding comes through, otherwise we have to go to the NYS Comptroller for approval with the higher figure discussed (without grant funding). This would be a decision of the residents if they even want to proceed at the higher cost.

Rebecca Roffe: When do we vote?

Attorney Campbell responded at this point the residents don't vote, the Town Board legally has to on your behalf. Timing is very important. The funding component is critical, then application to the Comptroller, then the Board has to approve a formal resolution. Once all has been completed, we can move forward to bid and approve a contractor thereafter.

January 11, 2018 meeting: Town Board approved scheduling the Public Hearing for the District Formation (see the following documentation):

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 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 30.4-21.11, 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 is hereby acknowledged as received by the York Town Board and shall be 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 **14th day of March, 2018 at 7:00 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; and be it further

RESOLVED, that the anticipated cost to the typical property located within the Anderson Road Extension is estimated to be \$950.00; 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 shall be 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 Thursday, January 11, 2018 recorded as follows:

Vote of the Board: Supervisor Deming - Aye, Councilperson Gates — Aye, Councilperson Rose — Aye, Deputy Supervisor Parnell — Aye, 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 11th day of January, 2018.

Christine M. Harris, York Town Clerk

Dated: January 11, 2018

After no further comment or questions from the public....

ADJOURNMENT

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to adjourn the Public Hearing at 7:35 p.m. Voted on and approved, Yes-4, No-0.

Respectfully Submitted,

Christine M. Harris, Clerk