

Old State Road  
Public Hearing  
October 29th, 2019  
4:00 p.m.

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

Absent: Frank Rose Jr.

Others: James Campbell (Town Attorney) and Kirk Richenberg

Supervisor Deming opened the Public Hearing at 4:00 p.m. and turned the hearing over to Attorney Campbell to read aloud the hearing notice. Mr. Campbell stated that the hearing was called to receive comment on the Formation of the Consolidated Water District Old State Road Extension pursuant to New York State Town Law § 209-d.

COMMENTS/QUESTIONS:

Mr. Richenberg asked a number of questions pertaining to such Formation:

Mr. Richenberg inquired about the actual map, the District does not encompass the intersection of Old State Road and Tuttle? Supervisor Deming replied that was correct.

Mr. Richenberg clarified if the 225 x 298 feet, was for the addition of the Galbraith parcel, which Supervisor Deming stated it was. Mr. Richenberg asked if the three services recently discussed on Tuttle Road were always included in the existing district. Mr. Deming answered they were.

Mr. Richenberg asked if all of the new customers are being serviced currently. Supervisor Deming replied all are being serviced. Mr. Richenberg inquired if they were out of district prior, which Supervisor Deming stated they were with the exception of the Galbraith parcel which is a new customer.

Mr. Richenberg clarified that Old State Road will now be an extension to the current district. Mr. Deming and Attorney Campbell answered this is correct.

Mr. Richenberg commented with all customers being serviced this district is in essence all set. Supervisor Deming & Mr. Campbell replied it is, but we were legally required to schedule a Public Hearing to officially form it.

Mr. Richenberg stated with all payments made and construction complete, how was \$36,356.00 determined. Attorney Campbell answered that the proposed amount to be expended for improvements was prepared by Clark Patterson Lee.

Mr. Richenberg asked if costs were increased due to stone incurred during construction with the additional area? The original district should not have to pay for anything above and beyond for that additional customer.

Supervisor Deming answered that the Engineers prepared the costs for this project, anything additional was rolled into the district and the town did receive \$20,000.00 from Mr. Galbraith in order to continue.

Mr. Richenberg stated again, with the additional costs incurred, the existing district should not have to pay for that increase.

Attorney Campbell stated that there was an Engineer's component to be paid by this district extension that was factored in initially.

Mr. Richenberg asked if the customers are now paying in or out of the district rates. Supervisor Deming answered as of the October billing they are now paying in the district rate and for this reason and debt service purposes why it's so important to finalize the Formation.

Mr. Richenberg questioned why the upper portion was not serviced. Supervisor Deming replied that it was very costly to proceed.

Mr. Richenberg stated with the most recent construction on the backside of Old State Road, the map is a bit unclear, can you explain where the pipe comes through.

Supervisor Deming replied that the pipe is on the hedgerow of Reade Moulton's property. Councilman Gates added, specifically on the west side of his property.

After no further comment or questions...

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

Respectfully Submitted,  
*Christine M. Harris*  
Christine M. Harris, Clerk