

March 7, 2017
Public Hearing
7:00 p.m.

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

Absent: None

Others: James Campbell (Attorney for the Town), Richard Henry (Engineer, Clark Patterson Lee) and guests: Tom Gates, Henry Fuller, Charlotte & Francis Matusak, Kimberly & Craig Higley, Brian Paris, John Breene, Bill McPhail, Rose & John Mader, Wanda Perry, Nina Jackson, Tim Archer, James Fiscus, Jim Powell, Todd & Deb Tillotson, Sue Semmel, Alex & Courtney Mead, Gary & Nancy Scott, Steve Spencer, Mitch Cromwell, Gary Cross, Carl Peter, Sarah Santora (LCN), Beth & Eric Rhodes, Jerry & Michael Yacono, Susan & Andrew Smith, Kirk Richenberg, John Gremer, Wendy MacKay, Bob & Liz Wilcox, Charlie Harris, Kevin & Dean Walton, Barbara, Jerry & Dan Ayers, Richalene Sibley, Michele Forman, Dr. Kaye Morgan, Kathy & Dean Lubberts, Brian Kent, John Ellis, Wayne Garrett, Edward Orman Sr., Jackie Brown, Matthew Heineman, John & Chris Noble

Supervisor Deming opened the Town Board Meeting at 7:00 p.m. and invited Clerk Harris to lead in the Pledge of Allegiance.

Supervisor Deming introduced Town Attorney, James Campbell to give an overview of the Public Hearing process. Mr. Campbell began by stating that the hearing is now necessary per Article 12 of Town Law. Petitions were signed in the Linwood Water Service Area and Linwood Road North Extension Area. The Public Hearing is an opportunity for the community to have input on the proposed district.

Attorney Campbell stated after Mr. Henry concludes his brief presentation of the project, the Board will then entertain comments and questions. Mr. Campbell asked that we try to be brief in order to allow all a chance to speak. When addressing the Board, please give your name and address prior to asking your question, which will be beneficial for the record.

Mr. Henry stated that Attorney Campbell spoke about the District and that the majority of the residents within that district have signed a petition to move forward with municipal water.

Mr. Henry commented that he has been the Town Engineer since 1993, and has assisted with numerous water & sewer projects over the years. The Linwood Service Area has been discussed several times beginning in early 2000. We attempted many ways and options to get this area water but the numbers were never affordable, due to the need for a pump station and storage tank which are costly. Roughly every three years we were asked to review and seek grant funding because without it, the yearly cost was in the neighborhood of \$1,500-\$1,600 per year which was completely unaffordable. Mr.

Henry stated that a year and a half ago a conversation took place with the Nobles about their plans to construct a cheese plant and the water needed for such. Mr. Henry suggested that they consider altering their original plan to use Lake LeRoy and consider municipal water from the Town of York, using it as an investment to get water to residents in the surrounding Linwood area as well as the plant. Clark Patterson looked hard at the numbers to see if it could be feasible, and with the \$1.6 million contribution by DFA (Dairy Farmers of America) and the contribution to be paid by the people in the service area, the figures are now affordable. Mr. Henry added by the number of signatures on the petitions, it is evident how happy they are to be getting town water.

With the addition of a new building for the cheese plant plus updating existing infrastructure, the projects total \$3.8 million. \$1.6 to be contributed by DFA, a little under \$800,000.00 to be contributed by the property owners in the Linwood Water Service Area & Linwood Rd. North Extension Area and the balance to be paid by the Consolidated Water District. Mr. Henry reported that the Board has contemplated upgrades for several years, and planned to do the work but had yet to move forward due to the costs involved. With the Cheese Plant project it gave us the opportunity through the revenue we will be receiving, to proceed on with the necessary upgrades. Mr. Henry stated if the Board had completed the upgrades without DFA assistance, the increase to the current customers would be \$30.00 more per year. With this project plus additional users, the Consolidated Water customers will be paying \$35.00 more per year (This includes this district as well) and more can be accomplished in upgrades.

Mr. Henry gave an overview of the yearly fees:

\$564.43 - Debt Service on yearly tax bill
\$297.20 - Est. yearly cost (quarterly bills- 4 per year)
\$ 35.02 - Consolidated debt Service (on yearly tax bill)
\$896.65

Mr. Henry commented in previous years we were struggling to get the debt service down from \$1,500 per year + \$300.00 for water cost, totaling \$1,800.00, so we are very pleased with the numbers at this time.

Mr. Henry discussed briefly the responsibility after the water main has been installed, tested and approved. The Town's responsibility stops at the Right of Way and the homeowner has to connect from that point to the structure. We will provide the meter and a PRV (Pressure Reducing Valve) if needed. We estimate the cost for this connection to the residence to be approximately \$10.00-\$20.00 per linear foot of pipe. Mr. Henry added, homeowners will more than likely not have to seek to far to find a contractor to complete the work, once they know the line is in, they will probably come to your door for your business. Mr. Henry stated pipe will be going in shortly and should be completely in by the end of June, as long as the weather cooperates throughout. It will then take some time to install the tank and pump station, bringing us to late September-October for getting water.

Mr. Henry and the Board now opened the meeting up for comments and questions:

1). Gary Graham (10490 Linwood Rd. North): After reviewing the existing map, can the proposed redline be extended?

*Mr. Henry: The line does stop a bit short of the County Line, knowing there are 4 more homes, but would have cost \$50.00 more per unit if we had extended it. Mr. Henry added that he has spoken to 2 of the 4 property owners recently about it and they have conveyed that they are very interested in town water if it could go to the County Line. The plan was to stop where the density of homes are.

2). Chris Robbins (2070 Federal Rd.): With the figures discussed this evening, I am also very interested in getting town water, but just a short distance beyond where the line is proposed.

*Mr. Henry: We can certainly discuss it further with you after the meeting this evening.

3). Gary Cross (2093 Linwood Rd. North): How is the yearly costs paid out each year?

*Mr. Henry: The debt Service amount is on your property tax bill and the water cost is billed to you quarterly (4 times per year).

Mr. Cross: Is the debt service a yearly cost?

Mr. Henry: Yes, debt service is a yearly charge, and will be for at least the next 30 years, which is what the loan is for. We try to extend the loan for 25-30 years because it lowers the annual cost for the residents, and in the event you were to sell the property, the debt service stays with the parcel, allowing the next homeowner to pay their share of the loan.

4). John Mader (2043 Linwood Rd. North): What is the extra cost to go to the County Line?

*Mr. Henry: We are actually working on that right now.

*Supervisor Deming: We have asked for the pricing, but still waiting for numbers.

5). Richalene Sibley (1804 Linwood Rd.): Will we be able to still use our well?

*Mr. Henry: Yes, anyone wishing to use their well is more than welcome to as long as it is physically disconnected from the residence to avoid any cross contamination to our system. Many people connect their residence to municipal water and keep the well for garden or barn purposes.

6). Lee Gratwick (1912 York Rd. West): Did you consider York Rd. West?

*Mr. Henry: We somewhat considered York Rd. West, but focused on the areas of impact, getting water to the Creamery & Cheese Plant plus Linwood area residences. Almost 8,000 feet of pipe would be required for York Rd. West, with only 6 units in that area.

*Supervisor Deming: We have recently met with a few residents from this area to discuss it further and possible options.

7). Nina Jackson (1995 Linwood Rd. North): I am wondering about the quality of water from the lake?

*Mr. Henry: The Town of York will not be drawing from Lake LeRoy, we purchase our water from the Village of Geneseo, but would truly be a side benefit for Linwood if in the future we could connect with Pavilion (.6 of a mile) which is Monroe Co. Water Authority, giving us a second option, and a more reasonable rate of \$1.20 per thousand vs. \$4.00+ from the Village of Geneseo. There continues to be much discussion on expanding the water districts, and if Geneseo's rates keep going up, it will be nice to have another avenue. Mr. Henry also commented that we are very fortunate to have very competent and capable operators working for the Town of York.

8). Gary Scott (1876 Linwood Rd. North): Who is actually putting in the water main?

*Mr. Henry: DFA is doing the water project, and have contracted with Morsch Pipeline to install the water main. Mr. Morsch is quite familiar with the town, having completed several projects over the years.

9). Alex Mead (1801 Linwood Rd.): If we keep the well connected to the residence will there be an inspection fee?

*Mr. Henry: I discourage keeping the well connected to the residence. There must be separation between well and municipal water. Use the municipal line for the residence, but keep the well for outside use.

10). Michael Yacono: (1944 York Rd. West): What is the process for disconnection?

*Mr. Henry: Disconnection could be as easy as changing valves or more extensive work. The most important aspect is the need to make sure there is no cross contamination between the two systems (well/town line).

11). Bob Wilcox (1940 Craig Road): The amount discussed, is this per house?

*Mr. Henry: The amount stated tonight is based upon a 1 family residence. A 2 family residence would pay double (2 units). Large farms use a great deal of water. Example: Donnan farms has 20 units they are billed for. A typical residence is 1 unit.

12). Andrew Smith (3145 York Rd. East): Would we need all of this infrastructure if connected to Monroe Co. Water initially?

*Mr. Henry: Yes, we would need the infrastructure, Monroe Co. does not have the water coming from the pipe as of yet.

13). Henry Fuller (3566 Fowlerville Rd): Comment: Currently the Town has had 9 violations since 2010.

14). John Mader (2043 Linwood Rd. North): Will there be fire hydrants?

*Mr. Henry: Yes, there will be hydrants every 1,000 feet, which we will try to put along the property line. Mr. Henry added, the quality of water we have received from the Village of Geneseo at times has put us in violation. Their system on occasion has been close to or in violation before they even sent water to us. Having a tank will help us and DFA's usage will also help us (250,000 gallons per day), all of this is a great flushing mechanism for our system.

15). Brian Kent (2452 Anderson Road): Why were we left off?

*Supervisor Deming: You weren't left off, the Anderson Road Informational Meeting will be held Thursday evening at 6:30 p.m.

16). Kirk Richenberg (2337 Federal Rd.): Explain to us how DFA will be charged units?

*Mr. Henry: The units will be broken down as follows:

- 1,150 units – Consolidated Water District
- 833 units - DFA
- 51 units - Linwood Water Service Area
- 20 units - Linwood Rd. North Extension
- 73 units- Existing creamery usage

Each home/business owner in the Linwood Road North Extension and Linwood Water Service area will be responsible for \$780,000 of the project costs plus their share of the Consolidated Water District project cost, which adds \$ 35.02 per year as well.. DFA had contributed \$1.6 million upfront.

17). Kirk Richenberg (2337 Federal Rd.): There seems to be an issue with the Linwood Water Service area petition, the documented witnesses do not live within this district, which should make the petition invalid.

*Attorney Campbell: I do not believe the wording will stop the process, but the Board cannot take action tonight regardless. I will look into the matter further for verification.

18). John Mader (2043 Linwood Rd. North): What difference does it make?

Mr. Richenberg replied, that the petition document states that the witness obtaining the signature(s) reside in the district, which they don't.

*Mr. Campbell stated he will verify if the law requires that the witnesses live within the district boundary. If the law does not require, we should not have an issue.

19). Kirk Richenberg (2337 Federal Rd.): Why didn't the current Consolidated District get an opportunity to comment?

*Mr. Henry: The Consolidated Water District is operated by the Town Board. The people elect them to make decisions as Water/Sewer operators of the system for necessary improvements in order to operate.

20). Kirk Richenberg (2337 Federal Rd.): The recently formed McVean Road water district, will they be required to pay the increase as well?

*Mr. Henry: McVean Rd. will also pay the increase.

21). Michael Yacono (1944 York Rd. West): Should the York Rd. West waterline go forward, will every resident be expected to pay the debt service?

*Mr. Henry: If a district area is created and a parcel is within the district boundaries, yes you will be required to pay the yearly debt service.

22). Kirk Richenberg (2337 Federal Rd.): What are the requirements for NYS Comptroller's office ?

* Attorney Campbell: If the annual cost is under the threshold determined annually by the State Comptroller's office, then no approval is needed from them. The District formation is filed and the process is ended at that point.

23). Michele Forman (2117 Linwood Rd. N): Is there any kind of grant funding for connection purposes?

*Mr. Henry: Unfortunately not. Previously funding was available, but programs have been discontinued.

24). Courtney Mead (1801 Linwood Rd): Will we be required to connect in June or will additional time be allowed?

*Mr. Henry: You will not be required to connect immediately, time will be given. We try to give a 6 month timetable.

25). Rose Mader (2043 Linwood Rd. North): After you run the pipe down the road, do you run the service line to the house as well?

*Mr. Henry: No, we are only responsible for the line, it is the homeowner's responsibility to run a line from the main to their structure. We install a service pipe and add a valve, after that a plumber takes it from there.

26). Howard Sinclair (for the Covington Church 1701 Craig Rd): Will the church and the cemetery be charged units:

*Mr. Henry & Supervisor Deming: The church will receive a unit charge but the cemetery will not, and we will allow a connection at no charge at the cemetery.

27). Henry Fuller (3566 Fowlerville Rd.): Are we using any money left over from the Leicester plant?

*Supervisor Deming: No we are not, unfortunately this does not qualify.

** Mr. Deming referenced the AKZO money earmarked from the settlement.

28). Edward Russell (1711 Walker Rd.): If the waterline is on opposite side of our residence, is it our cost to connect?

*Mr. Henry: If the line is across the road, it is our responsibility to get a service to you on your side. You will receive a stake for placement on your property where you wish to connect from.

29). Kirk Richenberg (2337 Federal Rd.): Is there a contract signed outlining the number of units they will pay?

*Mr. Henry: No, nothing in writing right now but we have until October for that.

Mr. Richenberg: What happens if they don't sign?

* Mr. Henry: They have invested a great deal and are committed.

30). Beth Rhodes (2177 Linwood Rd.): Comment: I appreciate what has been done since the last meeting, and thanks to this project and everyone we will be getting water and we are very grateful. It is hard to live on a well.

31). John Ellis (2274 Anderson Rd.): Is there a Sewer line in the future?

*Mr. Henry: DFA is building for sewer. They will be treating the waste prior to entering the town's system, and estimate 120,000 gallons per day. With the addition of the Cheese Plant project, DFA is investing to the Sewer district not the treatment facility itself, but pipes in the Retsof hamlet that are in difficult shape and much needed upgrade. In Retsof 100 units discharge 100,000 gallons per day, with the upcoming revenue from DFA, we will be able to make the upgrades.

32). Henry Fuller (3566 Fowlerville Rd.): What meeting did most of this information come from?

*Supervisor Deming: I don't understand the question you're asking.

Mr. Fuller: Have you had Town Board meetings to discuss issues?

*Mr. Henry: The Board has had several meetings on the Cheese Plant, and added that he believes it was late April or early May when the Board created the district for Sewer. Mr. Henry commented that he believes it was roughly 15 years ago when the district was formed for water.

Mr. Fuller: Any other meetings within the last 3 months?

*Mr. Henry: There was a work session that took place in November of 2016 to discuss the project.

**Mr. Fuller stated he has documentation he wishes to add to the minutes:

Untitled

Petition to Request / Statement of Witness

Consolidated Water District-Linwood Water Service Area

On the petition sheet it clearly spells out that the witness person(s) requesting the signatures of the property owners must reside within the proposed water district (see Exhibit A). None of the witnesses signatory on these petition reside in the proposed water district/ service area. Therefore, the property owners and the witness signatures are null and void.

The entire process should and must be started over to be legal.

Witnesses in question: Jerome Grasso, Christine Harris, Amos Smith and Norman Gates.

33). Thomas Gates (1897 Wallace Rd.): Is there a reason the water tower is being placed in another county?

*Mr. Henry: Yes, it was based upon hydraulic grade to serve the project area.

Mr. Gates: Can Covington connect?

*Mr. Henry: Yes they can but they still would need pumping. We couldn't put the tank any higher without negative impacts to the Town of York. We would have needed another 200 feet of elevation.

34). Michael Yacono (1944 York Rd. West): If a house is vacant, how is the debt paid?

*Mr. Henry: If a parcel is vacant, the yearly debt service charge will continue to remain on the tax bill and once a new owner takes over, they will carry on with the debt. Debt Service is with the parcel, not a person.

35). Kirk Richenberg (2337 Federal Rd.): The board spoke about not hiring additional employees stating that it was not needed, why is there money in the 2017 budget for one then?

*Supervisor Deming: Money was left in the budget after the retirement of a Water/Sewer employee. It was kept there in the event a new employee had to be hired, but at this point we don't anticipate one will be needed.

After no further comments or questions...

ADJOURNMENT

RESOLUTION offered by Mr. Smith and seconded by Mrs. Parnell to adjourn the Public Hearing at 8:12 p.m. Voted on and approved, Yes-5, No-0.

Respectfully submitted,

Christine M. Harris, Clerk