

SPECIAL MEETING TOWN BOARD OF GENOA

March 29, 2017

A Special meeting of the Town Board of Genoa, Cayuga County, State of New York was held at the Town Hall, 1000 Bartnick Road, Genoa NY on March 29, 2017

Present Lorie Sellen-Gross, Supervisor
 Cheryl Shields, Board Member (absent)
 Don Slocum, Board Member
 Brandon White, Board Member (absent)
 Al Armstrong, Board Member
 Sue Moss, Clerk

**RESOLUTION 40-2017 APPROVAL OF RESOLUTION ISSUING NEGATIVE
DECLARATION OF ENVIRONMENTAL SIGNIFICANCE UNDER SEORA FOR
GENOA KING FERRY WATER DISTRICT BOUNDARY CHANGE AND ISSUING
CONDITIONAL PUBLIC INTEREST ORDER APPROVING WATER DISTRICT
BOUNDARY AMENDMENT AND EXTENSION**

The following Resolution was duly presented for consideration by the Town Board:

WHEREAS, the Town of Genoa has for years been examining the existing Genoa King Ferry Water District (the “District”) operations, consolidating positions, improving operations and efficiencies, and attempting to improve services and reduce costs for such District and those obtaining water from the District, and over the years properties not included within the District have obtained services and water at variable rates and with variable infrastructure; and

WHEREAS, the Town engaged Hunt Engineers, Architects & Land Surveyors, PC as the engineers for this project (the “Town Engineer”) to examine District water supplies, water distribution systems, District infrastructure and mains, operations, and District operational methods and structures, and it was recommended that the Town update the boundaries of the District to incorporate all users and benefitted properties within the District (the “Project”); and

WHEREAS, a Map, Plan and Report (“MPR”) was duly prepared and it was held and determined that such MPR met statutory requirements, including as outlined in Town Law § 209-c, and the Town duly prepared a Public Interest Order (the “Order”) pursuant to Town Law §§ 209-c and 209-d for the said district extension by boundary amendment and declared the Project to be in the public interest, and the Town Board further: (i) determined and described the boundaries of the proposed district extensions (mainly, the Route 34B Extension, the Route 34 South Extension, the Route 90 North Extension, the Route 34B North Extension, and the Bartnick Road Extension); (ii) described the improvements to be made; (iii) described the cost of the public improvements; (iv) described the connection fee for the typical user, including permit costs; (v) described the first-year’s and annual user costs for the extension; (vi) described the financing, if any, applicable to the project; (vii) declared the MPR incorporated into the Public Interest Order and Resolution; (viii) noted that such MPR described in detail how the financing, hook-up costs, and other costs and expenses, were estimated and computed; (ix) noted that the

TOWN BOARD MEETING

March 29, 2017 Page 2

MPR was filed at the Town Clerk's Office as required by law; and (x) declared and scheduled a aforesaid public hearing to consider the Order; and

WHEREAS, a public hearing was duly held upon January 4, 2017 and all persons interested in the subject matter thereof were duly heard, and whereat all evidence and information submitted was duly received; and

WHEREAS, the action of amending the District's boundaries was declared to be an Unlisted Action, and upon assignment, the Town Board, as lead agency, duly considered the environmental impacts of such action, including any comments arising at such public hearing and input from any involved or interested agencies (if any), and each identified potential environmental impact was analyzed and duly considered by the Town Board in relation to the question of whether any potential environmental impacts were so probable of occurring or so significant as to require a positive declaration, and after weighing the above and all other potential impacts arising from or in connection with this project, and after also considering: (i) the probability of each potential impact occurring; (ii) the duration of each potential impact; (iii) the irreversibility of each potential impact, including permanently lost resources of value; (iv) whether each potential impact can or will be controlled or mitigated by permitting or other processes; (v) the regional consequence of the potential impacts; (vi) the potential for each impact to be or become inconsistent with the Town's master plan or Comprehensive Plan and local needs and goals; and (vii) whether any known objections to the project relate to any of the identified potential impacts, the Town Board found that these factors did not cause any potential impact to be or be likely to become a moderate or large impacts such that a negative declaration will be issued; and

WHEREAS, the Town desires to proceed towards establishment of the District boundary amendment and extension and finds that all proceedings to date have been in compliance with said Town Law Article 12-A and that this extension is in the public interest, and after considering the Order and conducting the aforesaid public hearing, and upon consideration of all evidence reviewed and considered thereat and otherwise, the Town Board of the Town of Genoa has hereby duly

RESOLVED, that after consideration of the potential environmental impacts reviewed in accord with 6 NYCRR Part 617, § 617.7(c), the Town Board as Lead Agency finds that the proposed Project will have no moderate or significant negative environmental impacts or consequences, and this declaration is therefore made in accord with Article 8 of the Environmental Conservation Law of the State of New York (SEQRA) and the regulations promulgated thereunder, and accordingly the Town Board of the Town of Genoa, based upon (i) its thorough review of the EAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, (ii) its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have any moderate or significant adverse impacts on the environment, including but not limited to the criteria identified in 6 NYCRR § 617.7(c), and (iii) its completion of the EAF, including the findings noted therein (if any, and which findings are incorporated herein as if set forth at length), hereby makes a negative determination of environmental significance ("Negative Declaration") in accordance

TOWN BOARD MEETING

March 29, 2017 Page 3

with SEQRA for the above referenced proposed action and Project, and determines that an Environmental Impact Statement is therefore not required; and it is further

RESOLVED, that a Responsible Officer of the Town Board of the Town of Genoa is hereby authorized and directed to complete and sign, as required, the determination of significance, confirming the foregoing Negative Declaration, which fully completed and signed EAF and determination of significance shall be incorporated by reference in this Resolution; and it is further

RESOLVED AND DETERMINED, that: (i) the Notice of Public Hearing was published and posted as required by law and was otherwise sufficient; (ii) all property and property owners within the proposed extension of the District are benefited thereby; (iii) all benefited properties and property owners are included within the said District extensions; and (iv) the establishment of said District extension is in the public interest; and it is further

RESOLVED AND DETERMINED, that the boundaries of said District extensions and boundary change are wholly outside the boundaries of any incorporated city or village and are defined as inclusive of all those lands as are identified and described in the Order by metes and bounds, which are more generally known as the Route 34B Extension, the Route 34 South Extension, the Route 90 North Extension, the Route 34B North Extension, and the Bartnick Road Extension, all as more particularly also and described in the MPR on file at the Town Clerk's Office, to which reference is hereby made and which maps and descriptions in the MPR and Order are expressly herein incorporated; and it is further

RESOLVED AND DETERMINED, that the construction and improvements identified in the afore-described Public Interest Order and Resolution—District extensions and a District boundary change—be and the same are hereby approved and authorized, and the provision of services of the District is hereby authorized to be provided to such areas of district extension after issuance of the Final Order of formation of this district extension and boundary change; and it is further

RESOLVED AND ORDERED, that this Resolution is subject to permissive referendum pursuant to Town Law §209-e and Town Law Article 7, and that the Town Clerk publish and post a Notice of Referendum as soon as is possible and within 10 days of the date of this Resolution.

The question of adoption of such proposed Resolution was duly motioned by Councilperson Slocum, duly seconded by Councilperson Armstrong, and put to a roll call vote with the following results:

Councilperson Albert J. Armstrong, Jr. -	aye
Councilperson Cheryl Shields -	absent
Councilperson Donald Slocum -	aye
Councilperson Brandon White -	absent
Supervisor Lorie Sellen-Gross -	aye

TOWN BOARD MEETING

March 29, 2017 Page 4

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on March 29, 2017.

The Notice of Permissive Referendum is to be placed in the Citizen as soon as possible.

The Board discussed Al and Don's meeting with reps from two companies being considered for the new heating installation for the Genoa Historical Association museum and school house.

With no further business, on a motion of Board member Armstrong, seconded by Board member Slocum, the meeting was adjourned at 7:20 p.m. Carried unanimously.

Susan B. Moss, Town Clerk