

SPECIAL MEETING TOWN BOARD OF GENOA

JUNE 10, 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 June 10, 2017

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

The Special Board meeting was called to order at 10:00 am by Supervisor Lorie Sellen-Gross with the Pledge of Allegiance to the Flag.

RESOLUTION 55-2017 APPROVAL OF RESOLUTION AND FINAL ORDER APPROVING TOWN LAW ARTICLE 12-A GENOA-KING FERRY WATER DISTRICT EXTENSION BY BOUNDARY CHANGE

On a motion of Board member White, seconded by Board member Slocum, the following resolution was

ADOPTED Ayes 3 Sellen-Gross, Slocum, White
 Nays 0

Roll Call:

Brandon White - aye

Don Slocum - aye

Lorie Sellen-Gross - aye

Resolved that the Resolution and Final Order be approved

RESOLUTION 55-2017

RESOLUTION AND FINAL ORDER APPROVING TOWN LAW ARTICLE 12-A GENOA KING FERRY WATER DISTRICT EXTENSION BY BOUNDARY CHANGE

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

WHEREAS, the Town of Genoa had for years been examining the existing Genoa King Ferry Water District (the “District”), consolidating and improving operations and efficiencies, and attempting to improve services and reduce costs, and in furtherance thereof the Town duly authorized the preparation of a District map, plan, and report, which was duly prepared by NYS licensed engineers, Hunt Engineers, Architects & Land Surveyors, PC, and duly sealed (the “MPR”), and such MPR had been submitted, reviewed, and approved by the Town Board of the Town of Genoa, and

WHEREAS, among the first steps to accomplish was the need to update and amend District boundaries to ensure that all benefitted properties were included in the District and no benefitted

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properties excluded therefrom (the "Project"), and it was duly determined that the MPR met all statutory requirements and the Town thus duly prepared a Public Interest Order that met all statutory requirements, including Town Law §§ 209-c and 209-d, for the said district extension by boundary amendment (the "Public Interest Order"), and the town duly declared the Project to be in the public interest and scheduled a public hearing upon the Public Interest Order, the Project, the MPR, and the environmental review thereof under the State Environmental Quality Review Act ("SEQRA"); 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 all evidence submitted duly received and considered, and the Town Board: (i) duly issued a Negative Declaration under SEQRA; (ii) made the requisite findings upon the Project and the Public Interest Order required by law; and (iii) conditionally approved the Public Interest Order by Resolution dated March 29, 2017 (Resolution number 40-2017), which such resolution was duly adopted subject to permissive referendum as required by law; and

WHEREAS, a Notice of Permissive Referendum was duly filed and published as required by law, and in the 30 days since adoption of the resolution no qualifying petition or other request for a referendum was filed or received and the Town therefore desires to proceed towards establishment of the said District boundary extension by issuing its Final Order pursuant to Town Law § 209-f(2) approving the extension by boundary change and amending the boundaries of the District as set forth in the Public Interest Order; and

WHEREAS, the Town Board again finds that all proceedings to date have been in compliance with said Town Law Article 12-A and that the Project is in the public interest; and upon due deliberation upon all the foregoing, and in compliance with Article 12-A of the Town Law, the Town Board of the Town of Genoa has hereby

RESOLVED AND DETERMINED, that no additional SEQRA review is necessary or required due to the passage of time, as (i) no significant changes in the property or project have occurred, and (ii) the Town finds that conducting SEQRA review as soon as is possible in relation to any project is consistent with the goals and requirements of SEQRA; and it is further

RESOLVED AND SO ORDERED, that the Genoa King Ferry Water District extension by boundary change, including but not limited to the incorporation of the Route 34B Extension, the Route 34 South Extension, the Route 90 North Extension, the Route 34B North Extension, and the Bartnick Road Extension, each as described in the MPR and Public Interest Order (individually and together herein, the "Extension") be and hereby is approved, and the boundaries of the said District shall now and hereafter be inclusive of the Extension and each and all of any portion or all of such tax parcels as are within such Extension, all as more particularly mapped, shown, described in the MPR and the Public Interest Order as are on file Town Clerk's Office; and it is further

RESOLVED AND SO ORDERED, that the Extension shall be incorporated into the District and the Town Board has determined, and hereby again determines, that the several owners and properties now so incorporated are especially benefited thereby, and that the Town shall assess,

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levy, and collect tax and special improvement and benefit assessments upon the several lots and parcels of land now within the said District (including the Extension), which the Town Board has determined, and hereby again determines, are especially benefited thereby; so much and from each as shall be in just proportion to the benefit thereof, each and all to pay the operation and maintenance costs of such District (as now extended) and any existing or future indebtedness lawfully incurred for such District; and it is further

RESOLVED AND ORDERED, that in accord with Town law § 209-g, and within 10 days of the adoption of this Final Order the Town Clerk shall:

1. File with the Cayuga County Clerk; (i) a certificate certifying that no referendum was requested in relation to the conditional order approving the Public Interest Order for this Project; together with (ii) a certified copy of this Resolution; and
2. File a certified copy of this Resolution with the NYS Department of Audit and Control, Albany, New York.

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

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

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on June 10, 2017.

RESOLUTION 56-2017 DIRECTED TOWN CLERK TO FILE WITH THE CAYUGA COUNTY CLERK (i) A CERTIFICATE CERTIFYING THAT NO REFERENDUM WAS REQUESTED IN RELATION TO THE CONDITIONAL ORDER APPROVING THE PUBLIC INTEREST ORDER FOR THIS PROJECT; TOGETHER WITH (ii) A CERTIFIED COPY OF THIS RESOLUTION

On a motion of Board member White, seconded by Board member Slocum, the following resolution was

ADOPTED Ayes 3 Sellen-Gross, Slocum, White
Nays 0

Resolved that the directive to have Town Clerk file Resolution 55-2017 with the Cayuga County Clerk be approved

CERTIFICATE AND OATH OF TOWN CLERK

I, Sue Moss, Town Clerk of the Town of Genoa, in the County of Cayuga, New York, DO HEREBY CERTIFY, in relation to Resolution number 55-2017, dated June 10, 2017, a Resolution Conditionally approving a public interest order and boundary extension to expand the Genoa King Ferry Water District (herein the "Resolution"), that:

1. A Notice of Permissive Referendum was published and posted in legal form and in accord with law; and
2. During the thirty-day period commenced by the adoption the Resolution no petition protesting against such Resolution or requesting a referendum thereon was filed or delivered to or received by me or the Town of Genoa.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town of Genoa this 10th day of June, 2017.

Sue Moss, Town Clerk, (seal)
Town of Genoa

RESOLUTION 57-2017 DIRECTED TOWN CLERK TO FILE A CERTIFIED COPY OF THIS RESOLUTION WITH THE NYS DEPARTMENT OF AUDIT AND CONTROL, ALBANY NY

On a motion of Board member Slocum, seconded by Board member White, the following resolution was

ADOPTED Ayes 3 Sellen-Gross, Slocum, White
Nays 0

Resolved that the order to have Town Clerk file Resolution 55-2017 with the NYS Department of Audit and Control be approved

RESOLUTION 58-2017 MOTION DIRECTING TOWN CLERK TO ASSURE FILING AND POSTING OF A PUBLIC NOTICE IN TIME FOR A PUBLIC HEARING ON WATER DISTRICT CAPITAL IMPROVEMENT PROJECT TO BE HELD ON JUNE 23, 2017 AT 8 AM AT GENOA TOWN HALL

On a motion of Board member White, seconded by Board member Slocum, the following resolution was

ADOPTED Ayes 3 Sellen-Gross, Slocum, White
Nays 0

Resolved that the motion directing Town Clerk to file and post public notice is approved

AFFIDAVIT OF POSTING

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STATE OF NEW YORK)
) ss.:
COUNTY OF CAYUGA)

I, the undersigned Clerk of the Town of Genoa, Cayuga County, New York, DEPOSE AND SAY:

That on the 12th day of June, 2017, I caused to be posted on the official signboard maintained by me pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of Public Hearing which was a part of an Order adopted by the Town Board of said Town on June 10, 2017.

A true and correct copy of such Notice of Hearing is attached hereto.

Town Clerk

Sworn to before me this 14th day
of June, 2017.

Notary Public

EXHIBIT A

NOTICE TO TOWN OF GENOA RESIDENTS OF PUBLIC HEARING UPON PROPOSED GENOA KING FERRY WATER DISTRICT IMPROVEMENT PROJECT UNDER TOWN LAW § 202-b

Please take notice that a public hearing will be held upon June 23, 2017, at 8:00 am, at the Genoa Town Hall, 1000 Bartnick Road, Genoa, New York 13071, for the purpose of receiving public comment upon the proposed Genoa-King Ferry Water District Improvement Project, consisting a capital improvement project to upgrade existing groundwater wells, to provide for treatment, metering and pump station, and electrical systems and distribution upgrades, to replace obsolete equipment and parts nearing or past the end of their useful life, and to upgrade water lines and install hydrants along SR 90, including original furnishings, equipment, machinery, appliances, appurtenances and incidental items and expenses therefore, all pursuant to a Map, Plan and Report from Hunt Engineering dated July 2016, revised March 2017, which calculates a total project cost of \$1,782,041. No land will be acquired for the project, but rights to use land and some easements or permits will be needed along SR 90 for hydrant installation and for relocation of two private septic systems to meet recommended wellhead setbacks. At the time and place of such hearing the Town Board will take statements, testimony, and evidence from all persons interested in the subject hereof and concerning the same, and the Town Board

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may or will take such other action thereupon as is required or permitted by law. All residents of the Town and the general public are invited to attend this public hearing.

Dated: June 9, 2017

Sue Moss, Town Clerk, Town of Genoa

With no further business, on a motion of Board member Slocum, seconded by Board member White, the meeting was adjourned at 10:15 a.m. Carried unanimously.

Susan B. Moss, Town Clerk