

MINUTES
PUBLIC HEARING
REGULAR TOWN BOARD MEETING
AUGUST 24, 2015

PRESENT:

Supervisor Gary Westfall, Councilman Lisa Hochadel, Jamie King, Bob Rodger and Herb Meyer.

ALSO PRESENT:

Joyce French, Jim Cleere, Lance Brabant, Victor French, Donald Eichenhofer, Ed Lerkins, Linda and Charlie Lee, John Stamp, Paul and Doris Spiegel, James Knapp, James Mitchell, Margaret Heinzman, Michael Pheiffer, Michael Smith, Bob McGill and Joe Fairman.

PLEDGE OF ALLEGIANCE:

Supervisor Westfall led everyone in the Pledge of Allegiance.

FIRE EXITS:

Supervisor Westfall explained where the fire exits were located.

Supervisor Westfall opened the Public Hearing at 7:00 PM on the Hecker Road Water Improvement Project and introduced Mr. Lance Brabant, Engineer from the MRB Group who gave an overview of the project.

Mr. Brabant said the Hecker Road Water Project will run to Hecker Road from Reed up to Brewer Road and consist of 4,000 feet of water main being used. He said by connecting at Reed Road and connecting at Brewer Road the Town eliminates two dead end water lines. The lines will be placed within the town right-of-way along the north side of the road, making a loop with lines on Reed and Brewer roads, providing water to 6.25 EDU's.

2015-065

Councilman Hochadel made the motion to close the Public Hearing at 7:11 PM. Councilman Rodger seconded the motion.

AYE

Supervisor Westfall
Councilman Meyer
Councilman King
Councilman Hochadel

NAE

Councilman Rodger

The motion was carried.

Supervisor Westfall immediately opened the Regular Town Board Meeting.

NEW BUSINESS:

2015-066

Councilman Rodger made the motion to approve a Water Lateral Connection Assistance.
Councilman King seconded the motion.

AYE

NAE

Supervisor Westfall
Councilman Meyer
Councilman King
Councilman Hochadel
Councilman Rodger

The motion was carried.

2015-067

Councilman King made the motion to approve two Housing Rehabilitation Applicants.
Councilman Meyer seconded the motion.

AYE

NAE

Supervisor Westfall
Councilman Meyer
Councilman King
Councilman Hochadel
Councilman Rodger

The motion was carried.

2015-068

Councilman Rodger made the motion for the NYS Route 96 Watermain Extension Project as follows: Councilman Hochadel seconded the motion.

**NYS ROUTE 96 WATERMAIN EXTENSION PROJECT
SEQR RESOLUTION
DECLARING THE INTENT TO BE LEAD AGENCY**

WHEREAS, the Town of Waterloo Town Board (hereinafter referred to as Town Board) has reviewed the SEQR Full Environmental Assessment Form (EAF) Part 1, prepared by the MRB Group (hereinafter referred to as Town Engineer) on the above referenced Town of Waterloo NYS Route 96 Watermain Extension Project (hereinafter referred to as Action); and

WHEREAS, the Town Board determines that said Action is classified as an Type 1 Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board determines that said Action is also subject to review and approval by other involved agencies under SEQR Regulations; and

WHEREAS, the Town Board determines that it may be the most appropriate agency to insure the coordination of this Action and will provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby declare its intent to be designated as the lead agency for the Action.

BE IT FURTHER RESOLVED, that the Town Engineer is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on **Friday, September 25, 2015**.

AYE

Supervisor Westfall
Councilman Meyer
Councilman King
Councilman Hochadel
Councilman Rodger

NAE

The motion was carried.

2015-069

Councilman Meyer made the motion for the Hecker Road Water Improvement Project as follows: Councilman King seconded the motion.

**HECKER ROAD WATER IMPROVEMENTS PROJECT
SEQR RESOLUTION – DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE**

WHEREAS, the Town of Waterloo Town Board (hereinafter referred to as Town Board) has reviewed the SEQR Short Environmental Assessment Form (EAF) Part 1, prepared by the MRB Group (hereinafter referred to as Town Engineer) on the above referenced Town of Waterloo Hecker Road Watermain Improvements Project (hereinafter referred to as Action); and

WHEREAS, the Town Board determines that said Action is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has determined that the proposed development is subject to a single agency review pursuant to Part 617.6(b) (4) of the SEQR Regulations; and

WHEREAS, the Town Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the Short Environmental Assessment Form Part 1; and

WHEREAS, the Town Board has completed Part 2 and Part 3 of the Short Environmental Assessment Form; and

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby designate itself as lead agency for the proposed development above herein; and

BE IT FURTHER RESOLVED that the Town Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;
- (iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;
- (v) the site is not located within an identified archaeological sensitive area and no development is proposed;
- (vi) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (ix) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;
- (x) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED, based upon the information and analysis above and the supporting documentation referenced above, the proposed Action **WILL NOT** result in any significant adverse environmental impacts.

BE IT FINALLY RESOLVED that the Town Board does hereby make a Determination of Non-Significance on the proposed action, and the Town Supervisor is hereby directed to sign the Short Environmental Assessment Form Part 3 making a Negative Declaration as evidence of the Town Board’s determination.

AYE
Supervisor Westfall
Councilman Meyer
Councilman King
Councilman Hochadel
Councilman Rodger

NAE

The motion was carried.

2015-070

Councilman King made the motion in the Matter of the Establishment of A Water Improvement Area as follows: Councilman Meyer seconded the motion.

At a meeting of the Town Board of the Town of Waterloo, Seneca County, New York, held at the Town Hall, 66 Virginia Street, Waterloo, New York, on the 24th day of August, 2015, at 7:00 o’clock in the afternoon, prevailing time.

TOWN OF WATERLOO, SENECA COUNTY, NEW YORK

In the Matter of the Establishment
of
A Water Improvement Area
in the
Town of Waterloo, Seneca County, New York
Pursuant to Article 12-C of the Town Law

**RESOLUTION/ORDER
ESTABLISHING A WATER
IMPROVEMENT AREA**

PRESENT: Supervisor Gary Westfall
Councilman Lisa Hochadel
Councilman Jamie King
Councilman Herb Meyer
Councilman Bob Rodger

ABSENT:

The following Order was presented, duly seconded and moved for adoption:

WHEREAS, the Town of Waterloo has caused a Map, Plan and Report dated July, 2015 (the "Map, Plan and Report") to be prepared by MRB Group, Engineering, Architecture and Surveying, P.C., a professional engineering firm duly licensed in the State of New York, a copy of which has been filed in the Office of the Town Clerk, which was prepared with respect to formation of a Water Improvement Area encompassing certain lands along portions of Hecker Road in the Town of Waterloo, Seneca County, New York and outside the boundaries of the Village of Waterloo and providing for the construction and installation of water improvements in said water improvement area; and

WHEREAS, said Map, Plan and Report describing the proposed improvements and Proposed Benefited Area was filed in the Town Clerk's Office for public inspection during regular business hours as required by law, and said Map, Plan and Report have not been modified since the filing thereof in the Town Clerk's Office; and

WHEREAS, the proposed water improvement consists of the construction and installation of water transmission facilities in accordance with such Map, Plan and Report (the "Proposed Water Improvements") and generally as follows:

DISTRIBUTION LAYOUT: Installation of approximately 4,000 Feet of 8" HDPE pipe will be installed along Hecker Road between Reed Road and Brewer Road. Appropriate hydrants and valves will be provided as dictated by the Seneca County Department of Health.

Water services are included as part of this project. Service extension from the main to the curb stop is included in the project cost; however, the cost from the curb stop to the house is the responsibility of the homeowner. Vacant properties will not receive a service.

WHEREAS, the description of the boundaries of the Proposed Water Improvement Area is as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Waterloo, County of Seneca and State of New York, designated as Parcel A, as shown on a map entitled "Map and Plan" prepared by MRB/group, and dated 07/2015 and bounded and described as follows:

Beginning at the intersection of the existing northerly highway boundary of Hecker Road with the northerly extension of the existing common division line between Tax Map Parcel 21-2-04.2 and Tax Map Parcel 21-2-04.111; thence:

1. Easterly, along the last mentioned existing northerly highway boundary and also along the existing northerly boundary of existing Waterloo Water Improvement area, to a point at its intersection with the existing easterly bounds of Tax Map Parcel 18-1-50 said easterly boundary also being the existing westerly boundary of the existing Waterloo Water Improvement area; thence

2. Northerly, along the last mentioned existing easterly boundary to a point at its intersection with the existing northerly boundary or Tax Map Parcel 18-1-50; thence

3. Westerly, along the last mentioned existing northerly boundary and also along the existing northerly boundary of Tax Map Parcels 18-1-51.12, 18-1-51.1 and 18-1-51.2 to a point at its intersection with the existing westerly bounds of Tax Map Parcel 18-1-5.2' thence

4. Southerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing northerly bounds of Tax Map Parcel 21-1-11; thence

5. Westerly, along the last mentioned existing northerly boundary to a point at its intersection with the existing easterly highway boundary of Brewer Road; thence

6. Southerly, along the last mentioned existing easterly highway boundary to a point at its intersection with the existing centerline of Hecker Road; thence

7. Easterly, along the last mentioned existing centerline of Hecker Road to a point at its intersection with the exiting northerly extension of the westerly bounds of Tax Map Parcel 20-2-01.1; thence

8. Southerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing southerly bounds of Tax Map Parcel 20-2-01.1' thence

9. Easterly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly bounds of Tax Map Parcel 20-2-01.1; thence

10. Northerly, along the last mentioned existing easterly boundary and its northerly extension to a point at its intersection with the exiting centerline of Hecker Road; thence

11. Easterly, along the last mentioned existing centerline to a point at its intersection with the northerly extension of the existing westerly bounds of Tax Map Parcel 21-2-03.2; thence

12. Southerly, along the last mentioned existing westerly boundary to a point at its intersection with the existing southerly boundary of Tax Map Parcel 21-2-03.2; thence

13. Easterly, along the last mentioned existing southerly boundary to a point at its intersection with the existing easterly bounds of Tax Map Parcel 21-2-03.2, said point also being the intersection with the existing westerly bounds of the existing Waterloo Water Improvement area; thence

14. Northerly, along the last mentioned existing westerly boundary and also along the existing Waterloo Water Improvement area to a point at its intersection with the existing southerly bounds of Tax Map Parcel 21-2-04.2; thence

15. Easterly, along the last mentioned existing southerly boundary and also along the existing Waterloo Water Improvement area to a point at its intersection with the existing easterly bounds of Tax Map Parcel 21-2-04.2; thence

16. Northerly, along the last mentioned existing easterly boundary and also along the existing Waterloo Water Improvement area to the point and place of beginning.

WHEREAS, the estimated maximum amount proposed to be expended for the establishment of said Water Improvement Area and for the improvements, including costs of land or rights in land, construction and equipment costs, preliminary costs and costs incidental thereto, with all necessary appurtenances for the operation thereof is One Hundred Twenty Seven Thousand Four Hundred Dollars (\$127,400); and

WHEREAS, it is proposed that the costs of the establishment of the area and the improvements shall be borne by the lands in the Town of Waterloo benefited thereby; and

WHEREAS, the costs of the establishment of the area and the improvements benefiting the proposed area shall be financed during the period of construction by the issuance of bond anticipation notes of the Town of Waterloo in anticipation thereof (and renewals thereof, as appropriate) in an aggregate principal amount not to exceed One Hundred Twenty Seven Thousand Four Hundred Dollars (\$127,400) and shall be permanently financed by the issuance of general obligation bonds of the Town of Waterloo and bond anticipation notes in anticipation thereof (and renewals thereof, as appropriate); such indebtedness to be reduced dollar for dollar by the amount of any funds that may hereafter be lawfully designated by the Town for such purpose; and

WHEREAS, subject to the use of Community Benefit Funds as set forth in the next paragraph, the proposed method of funding the costs will be on a benefit basis against properties within the proposed Water Improvement Area in accordance with the following formula: One (1) Equivalent Dwelling Unit (EDU) for each dwelling unit; All other uses on a parcel consuming or using 50,000 gallons/year or less will be assessed one (1) EDU; All other uses on a parcel consuming or using more than 50,000 gallons/year will be assessed one (1) EDU, plus one quarter EDU for each additional 12,500 gallons/year of water consumption/use or part thereof; Vacant parcels not containing a dwelling unit or any other water consumption/use will be assessed one-quarter ($\frac{1}{4}$) EDU; Parcels within an Agricultural District will be assessed only to the extent permitted by law; and, EDU's will be determined annually based upon the available consumption records for the prior year; and

WHEREAS, the Town is reserving the option to apply up to \$127,400 from funds received pursuant to the August 15, 2005 Community Benefits Agreement entered into with respect to the Seneca Meadows Landfill ("Community Benefit Funds") to pay for a portion of this Project; and

WHEREAS, the Map, Plan and Report is on file in the Town Clerk's Office for public inspection.

WHEREAS, pursuant to an Order adopted by the Town Board of the Town of Waterloo on July 23, 2015, the Town Board held a public hearing at the Town Hall, 66 Virginia Street, Waterloo, New York, on Monday, August 24, 2015, at 7:00 o'clock in the afternoon, prevailing time, regarding the aforesaid Map, Plan and Report and the improvements described therein, as well as such other action on the proposal as may be required by the Town Law and by SEQRA, wherein all persons interested in the subject thereof had an opportunity to express their opinions and to provide other input concerning the same; and,

WHEREAS, the Town Clerk published a copy of the aforesaid Order in The Finger Lakes Times the first publication of which was not less than ten (10) nor more than twenty (20) days before the day of the public hearing, and further, posted a copy on the sign board of the Town maintained pursuant to 30(6) of the Town Law, not less than ten (10) nor more than twenty (20) days before the day set for the public hearing, all in accordance with 209-q of the Town Law; and,

WHEREAS, the Town Board of the Town of Waterloo has duly complied with the requirements of the N.Y. State Environmental Quality Review Act and the rules and regulations adopted pursuant thereto.

NOW, THEREFORE, BE IT ORDERED:

FIRST, that this Town Board hereby finds the reasons set forth in the Map, Plan and Report regarding the purpose and need for the project to be valid and sound, that it is in the public interest to make the Proposed Water Improvements;

SECOND, that the Water Improvement Area is hereby established and the making of the Proposed Water Improvements is hereby authorized, subject to the approval of the N.Y. State Comptroller were such approval is required by N.Y. Town Law Section 209-q(13) ;

THIRD, that the boundaries of the Water Improvement Area shall be as set forth above;

FOURTH, subject to the use of Community Benefit Funds as set forth herein, the proposed method of funding the costs will be on a benefit basis against properties within the proposed Water Improvement Area in accordance with the following formula: One (1) Equivalent Dwelling Unit (EDU) for each dwelling unit; All other uses on a parcel consuming or using 50,000 gallons/year or less will be assessed one (1) EDU; All other uses on a parcel consuming or using more than 50,000 gallons/year will be assessed one (1) EDU, plus one quarter EDU for each additional 12,500 gallons/year of water consumption/use or part thereof; Vacant parcels not containing a dwelling unit or any other water consumption/use will be assessed one-quarter ($\frac{1}{4}$) EDU; Parcels within an Agricultural District will be assessed only to the extent permitted by law; and, EDU's will be determined annually based upon the available consumption records for the prior year; and

FIFTH, the Town is reserving the option to apply up to \$127,400 from funds received pursuant to the August 15, 2005 Community Benefits Agreement entered into with respect to the Seneca Meadows Landfill ("Community Benefit Funds") to pay for a portion of this Project; and

SIXTH, that this Town Board does hereby find that all of the properties in the Water Improvement Area will be benefited by the Proposed Water Improvements and that all properties so benefited are within the Water Improvement Area; and

SEVENTH, that this Town Board does hereby find that the above described formula for apportionment is in just proportion to the amount of benefit which the Proposed Water Improvements will confer upon such lots or parcels to the extent permitted by law; and

EIGHTH, that this Resolution shall be subject to permissive referendum.

AYE
Supervisor Westfall
Councilman Meyer

NAE

Councilman King
Councilman Hochadel
Councilman Rodger

The motion was carried.