

SEPTEMBER 22, 2009 BERGEN TOWN BOARD REGULAR 2nd MEETING

The Bergen Town Board convened in a regular session at 7:00 p.m. at the Bergen Presbyterian Church with Supervisor Specht presiding with a Public Hearing for the Peachey Road Water District

Public Hearing for the Peachey Road Water District opened at 7:00 PM - Supervisor Specht opened the hearing at 7:00 PM with an approximately 30 residents were in attendance and explained the cost of the district. Paul Chatfield explained the construction of the district to the residents. Public Hearing closed at 8:20 PM

REGULAR MEETING

PRESENT:

Supervisor John Specht
Councilman Donald Cunningham
Councilman Barry Miller
Councilman Hugh McCartney
Councilwoman Rachael Millspaugh

ALSO PRESENT:

Michele M. Smith, Town Clerk
David Roggow, Highway Superintendent
Bob Patterson, ZEO/CEO
Peggy Denton, Historian
Lori Nelson, Bookkeeper
Anne Sapienza, Assessor

OTHER ATTENDEES:

Paul Chatfield, Town Engineer (left at 8:20 PM)
Karen Ely, Library Board President
Nancy Bailey, Library Manager
Grace Gallivan

PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

Councilwoman Millspaugh made a motion to adopt Resolution No. 20-2009 to declare the Town of Bergen Lead Agency for the purpose of SEQR; seconded by Councilman Cunningham and it carried by a vote 5-0.

TOWN OF BERGEN
RESOLUTION NO. 20-2009

NOW, THEREFORE, BE IT RESOLVED BY THIS TOWN BOARD AS FOLLOWS:

1. The Town of Bergen hereby declares itself Lead Agency status for the proposed action and therefore responsible for determining whether an environmental impact statement is required in connection thereto.
2. Based upon the review by the Town of the short form EAF prepared by Chatfield Engineers, P.C. and other necessary criteria, the Board hereby finds that the object of the above-referenced action (a) will result in no major impacts and, therefore is not one which “may have a significant adverse impact on the environment,” (b) will not result in any “significant adverse environmental impacts,” and (c) no “environmental impact statement” need be prepared, as such quoted terms are defined in SEQR. The proposed water district formation does not constitute a “Type I Action” as such quoted term is defined in the regulations of New York Department of Environmental Conservation of the State of New York (6NYCRR Part 617). Reasons supporting the determination are set forth on the notice of negative declaration of the Board attached hereto and hereby made a part of this resolution for the purposes of SEQR. This determination constitutes a negative declaration for purposed of SEQR.
3. A copy of this resolution, together with notice of negative declaration, shall be placed on file in the office of the Clerk of the Town where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such newspapers as shall be necessary to conform to the requirements of SEQR.

This resolution shall take effect immediately.

Duly put to vote as follows: Councilman Cunningham aye, Councilman McCartney aye, Councilman Miller aye, Councilwoman Millspaugh aye and Supervisor Specht aye.

Councilman Cunningham made a motion to adopt Resolution No. 21-2009 Establishing the Peachey Road Water District; seconded by Councilwoman Millspaugh and it carried by a vote 4-1.

**RESOLUTION No. 21-2009 ESTABLISHING THE PEACHEY ROAD WATER
DISTRICT PURSUANT TO ARTICLE 12 OF THE TOWN LAW**

PRESENT: John Specht, Supervisor
Donald Cunningham, Councilman
Hugh McCartney, Councilman
Barry Miller, Councilman
Rachael Millspaugh, Councilwoman

In the Matter of the Establishment of the Peachey
Road Water District in the Town of Bergen, in the
County of Genesee, in the State of New York

WHEREAS, previous hereto, a map, plan, and report have been prepared by Chatfield Engineers in such manner and in such detail as heretofore determined by the Town Board relating to the establishment of a proposed water district, to be known and designated as the Peachey Road Water District in the Town of Bergen (the “Town”), and

WHEREAS, on or about March 24, 2009 the Town Board was presented with a petition for the establishment of said water district, and

WHEREAS, the proposed action before the Town Board is limited to the creation of the water district, (the “Project”) and

WHEREAS, the Town Board having previously declared itself as Lead Agent pursuant to the State Environment Quality Review Act (“SEQR”) and having previously accepted a short form environmental assessment of the Project by Chatfield Engineers, and declared that based upon a review of the assessment the Project will not have a significant adverse impact on the environment and issued a Negative Declaration under SEQR for the Project, and

WHEREAS, after the said Engineers duly filed said map, plan, and report in the office of the Town Clerk of the Town, reciting a description of the boundaries of the proposed district, the maximum amount proposed to

be expended for the improvement, the cost to a typical user, the Town Board did conduct a public hearing on April 29, 2009; continued on September 22, 2009 regarding the proposal to establish the water district to hear all persons interested in the subject thereof concerning the same, and,

WHEREAS, copies of the Notices of Public Hearing were duly published and posted according to law, and the Town Board did, at the time and place specified in said Notices, duly meet and consider said proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same, and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determinations hereafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Bergen, in the County of Genesee, that it be and hereby is determined as follows:

1. The Petition was duly signed and acknowledged as required by law and is otherwise sufficient;
2. All of the property and property owners within the proposed water district are benefited thereby;
3. All of the property and property owners benefited are included within the proposed water district;
4. It is in the public interest to establish the proposed water district as hereinafter described, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a water district as hereinafter described to be known as the Peachey Road Water District in the Town of Bergen (the "District"), the boundaries of which are set forth more particularly in the attached Schedule A; and be it

FURTHER RESOLVED, that the following improvements in the District will be installed with the required funds being made available or provided for: the installation of approximately 12,600 linear feet of 12" class 51 ductile iron water main, valves, hydrants, services and appurtenances along Lake Road, and 3,200 linear feet of 8" class 51 ductile iron water main, valves, hydrants, services and appurtenances

along Peachey Road as set forth and described in a certain map and plan now on file in the Office of the Town Clerk of the Town; and be it

FURTHER RESOLVED, that the proposed improvements, including costs of the physical improvements, construction costs, legal fees, and other expenses in the amount of \$1,104,000.00 will be borne by the properties within the District on a benefits basis; and be it

FURTHER RESOLVED, that the total annual cost for a typical user of the District is estimated at \$736.00 and as such formation of the District will be subject to the approval of the Office of the State Comptroller; and be it

FURTHER RESOLVED, the proposed method to be employed for financing such improvement is projected as follows:

The cost of the water district construction would be paid through a benefit based assessment against the properties within the proposed water district. It is anticipated that the project cost will be financed by the issuance of one or more bonds of the Town, to be paid over 38 years at an estimated interest rate of 3.5% per annum to be reduced by a grant from the United States Department of Agriculture & Rural Development, and be it

FURTHER RESOLVED, the total first year cost for an average user of the proposed Peachey Road Water District is estimated at \$1,951.60 broken down as follows: Installation of Water Service \$800.00, Internal Plumbing Changes \$100.00, Repayment of Bonds, \$492.20, Annual Meter Fee \$43.80, Initial Account/Meter Fee \$210.00, Purchase of Water (80,000 gal./yr x \$2.50/1,000 gal.) \$200.00.

DATED: September 22, 2009

Aye X Nay _____ John Specht, Supervisor

Aye X Nay _____ Donald Cunningham, Councilman

Aye X Nay _____ Hugh McCartney, Councilman

Aye _____ Nay X Barry Miller, Councilman

Aye X Nay _____ Rachael Millspaugh, Councilwoman

MINUTES: *Councilman Cunningham made a motion to table the approval of the minutes of September 8, 2009; seconded by Councilman Miller and it carried by a vote 5-0.*

COMMUNICATIONS:

Letter from Paul & Cathy DeFelice regarding Peachey Road Water District Planning Board agenda for Thursday's meeting
Fire Hall expenditure summary and Construction Bulletins #3, 12, 13 & 18
E-mail from Dan Bryson pertaining to district creation
Proposed SEQOR resolution
Proposed District Creation resolution
Tentative 2010 Budget

REPORTS:

HIGHWAY: Superintendent Roggow asked if the letter had been sent to the County for the continuation of the proposed paving this season for Warboys Road between Sautell and West Sweden Roads. Supervisor Specht said the letter had not been sent.

OFFICE SPACE AT CURRENT TOWN HALL Town department heads expressed concerns about town office space after the Town Clerk, Supervisor and Court move to the renovated Fire Hall. The Library is concerned about expansion and programming space. For the time being the Assessor and ZEO/CEO will move to the Town Clerk's Office and the Bookkeeper will move to the new Town Offices possibly in the conference room next to the Supervisors office. The Planning and Zoning Boards will meet in the new Courtroom. The Historian will stay in Building #3 until a decision is made on the future of that building.

TOWN HALL/COURT RENOVATION: Construction Bulletins for flooring changes *Councilman Miller made a motion to approve flooring Construction Bulletins #3, 12, 13 and 18 item #2 and not to include flooring patterns in Fire Department rear exit corridors 122 & 123 ; seconded by Councilman Cunningham and it carried by a vote 5-0.*

ROOF: Councilman Miller updated that the Louvers for siren need to be installed and some gutters.

NEW BUSINESS:

Engineering for Ruth Chapel-Drews Building Councilman Miller presented a proposal from Simbari Design for general consulting Architectural services for \$2,500.

Board of Assessment Review *Councilman Miller made a motion to appoint Richard Howard to the Board of Assessment Review; seconded by Councilman Cunningham and it carried by a vote 5 -0.*

Emergency Preparedness Plan Councilman Cunningham suggested copies of the Emergency Preparedness should be made available to department heads along with an emergency contact list.

NEXT MEETING: Regular Meeting – Tuesday, October 13, 2009 at 7:30 PM in the Courtroom with the audit of the bills at 7:15 p.m.

ADJOURNMENT *was at 10:05 pm on a motion by Councilman Miller; seconded by Councilman Cunningham and it carried by a vote 5-0.*

Respectfully submitted,

Michele M. Smith

Michele M. Smith,
Town Clerk