

**TOWN OF NORTH HARMONY  
PUBLIC HEARING / SEQRA B.O.C.E.S. SEWER DISTRICT  
MONDAY, 4/12/10**

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<b>SALLY P. CARLSON, SUPERVISOR</b>	<b>PRESENT</b>
<b>RALPH WHITNEY, COUNCILMAN</b>	<b>PRESENT</b>
<b>ART THOMAS, COUNCILMAN</b>	<b>PRESENT</b>
<b>FRANK STOW, COUNCILMAN</b>	<b>PRESENT</b>
<b>DICK SENA, COUNCILMAN</b>	<b>PRESENT</b>

**OTHERS PRESENT:** Jay Gould, Legislator; Carl W. & Dorothy M. Lucas, Gary Ryan, Highway Sup't.; Dave Stapleton, Attorney; Howard Peacock, Everett Bensink, Justice's; Brad Lawson, Zoning CEO; Clayton and Helen Emick, Bill Stratton, Dave Lloyd, Stormwater; Penny Best, Deputy Town Clerk; Robin Miller, Bookkeeper; Betty Davis-Ryan, Nancy Thomas, Town Clerk

• **7:45 - PUBLIC HEARING B.O.C.E.S. SEWER DISTRICT**

**Mrs. Carlson opened the Public Hearing at 7:45. She introduced the board members to those present.**

**Mr. Stapleton** said the BOCES, Hewes Center Sewer Improvement project has been discussed at the last several board meetings. He said there has been legal notice for the Public Hearing for the creation of the improvement area and the issuance of financing through bond anticipation notes for the project. He said before the board considers the project, it is necessary to go through the SEQRA review process. He said in this case it is a short form SEQR application which he has prepared in conjunction with Mrs. Carlson for the boards consideration on environmental issues relevant to the creation of the sewer improvement area. He said attached to the SEQRA is Exhibit (A) which is the legal description which defines the area which is covered by the Hewes improvement area. He said this is essentially the BOCES area only. He said also attached is Exhibit (B) which is a summary of the construction and installation that is being considered for that project (approximately 1,250 linear ft. of 8" gravity sewer main, connections and new man hole covers) and the cost incidental thereto. He said the improvements will serve only BOCES Hewes Center within the town of North Harmony.

**Mrs. Carlson** asked if it was necessary to indicate in the procedure that the BOCES center is located within the South and Center Chautauqua Lake Sewer District (S&CSD).

**Mr. Stapleton** stated that the town has been in consultation with the S&CSD for about one year and Mr. Murphy has determined that the BOCES facility is within the district. He said for many reasons it has been determined that rather than S&CSD coming in initially to handle the project, the town for expedient purposes of getting the project in the ground and hooking up the Children's Safety Village, would take over the construction of the project. He said the town would own the lines pursuant to an easement on the ground that BOCES would grant. He said the line would come directly across Rt. 394 and would connect with a manhole on public ROW at Sunrise Cove to hook into that existing system which is currently owned by the town. He said the maintenance of the line will be handled either by the S&CSD or the Jamestown BPU. He said because it is a gravity line, the engineering consultants feel that there will be virtually no maintenance necessary. He said the expected life of the system is 40 years and there are no pumps involved. He said the cost of the bond will be solely paid for by BOCES to cover installation and other incidentals. He said maintenance will be billed directly to BOCES on their water bill from the BPU on their yearly tax bill.

He said the SEQRA process is to determine any potential negative impacts that the board or members of the public want to discuss and consider in reaching a determination on the proposal encompassed in the map, plan and report filed on 2/25/10.

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### SEQRA SHORT FORM:

#### PART I:

Mr. Stapleton reviewed each item on the SEQRA form. The following items were corrected:

- **10.** Changed from “no” to “yes” as a construction permit will be required from either the Chautauqua Co. Health Dept. or the NYS DEC after review of complete engineer drawings.

**Involved agencies: Chautauqua Co. Health Dept.; NYS DEC; (agency of interest; South & Center Chaut. Lake Sewer Dist.**

Mr. Stapleton said that the S&CSD has already approved the project by resolution of their Board of Directors dated October, 2009. He said they indicated that they would allow the town, once construction is completed to hook into the system at Sunrise Cove and to provide the water flows to the Goose Creek pumping station where they effluents would be treated.

Mr. Whitney asked if S&CSD should be listed as a permitting authority.

Mr. Stapleton said he was unclear as to whether they would require a permit or if they just needed to agree to take the sewage and treat it. He said the construction permit would be issued by the DEC. He said there may be a possible hook up permit required by Chautauqua Co. He said he understood that Chaut. Co. Health Dept. had given over that function to the DEC.

- **12.** Changed from “yes” to “no” as there have been no permits issued.

#### PART II AND III:

*As per SEQR application with the following comments:*

Part II, items A., B., C.1-7, D., E., were answered “no”.

- (C1.) Mr. Stapleton stated that the existing sewer plant at the Hewes Center is 40 years old.

Mr. Stapleton asked the board and public if they had any questions about the environmental aspects of the project.

Mr. Lawson commented that the “Children’s Safety Village” project located at BOCES would have gone through the same SEQR process as the sewer project and there had not been any environmental issues identified in their application.

- MOTION #40 OF 2010

MR. WHITNEY MOTIONED FOR A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT ON THE BOCES HEWES SEWER IMPROVEMENT AREA SEQRA. MR. STOW SECONDED; MRS. CARLSON, YES; MR. THOMAS, YES; MR. WHITNEY, YES; MR. STOW, YES, MR. SENA, YES. THE MOTION WAS CARRIED.

#### Discussion:

Mrs. Emick asked who would bear liability for the system.

Mr. Stapleton said the town would bear the liability for any negligence or damage.

Mrs. Emick asked what it would cost per year for the additional coverage.

Mr. Stapleton said currently it would be covered under the general liability for the Sunrise Cove system.

Mrs. Carlson said she was sure that the town’s general liability coverage is more than \$1,000,000.00, but that she would check on the figure. She asked Mrs. Emick if she needed a specific figure.

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**Mrs. Emick** said no, but expressed concern that if something happens there is enough coverage in place.

**Mrs. Carlson** said the town is already responsible for the lines at Sunrise Cove.

**Mrs. Emick** said since this is an addition, the coverage should be checked to make sure it is enough.

**Mrs. Carlson** said she would check on the coverage with the town's insurance agent.

**Mrs. Emick** asked if BOCES would pay any additional increases in coverage necessary.

**Mrs. Carlson** said she was sure they would since they are the only beneficiary of the improvement area. She said she would confirm this with BOCES.

**Mrs. Carlson closed the SEQRA portion of the hearing at 8:05 PM.**

**Mr. Stapleton** said the next portion of the hearing would be on the Establishment/Construction of Sewer Improvements at the BOCES Hewes Center and the issuance of bond notes in the amount of \$123,000.00 to finance the improvements. He said the board members and clerk have had copies of the proposed resolutions for about 4 weeks. He urged all present to ask questions if desired. He asked that the minutes of the SEQRA hearing be incorporated into the Public Hearing Minutes. He said the public hearing is to discuss the proposal that Mark Alianello, Engineer has outlined in the Map, Plan and Report which has been available for board and public review. He said the MPR details the area to be covered by the improvement which is solely the BOCES property and they are the only beneficiary of the improvement. He said the improvement was described in the summary attached as Ex. A. on the SEQR form. He said 1,250' of 8" gravity sewer line with all the connecting components will be constructed to tie in with the Sunrise Cove sewer district line which the town currently owns. Mr. Stapleton noted that CR 83 needed to be changed to CR 43 in the Resolution documents.

**Mrs. Thomas** agreed to make the necessary correction to the resolution and all pertaining documents.

**Mr. Stapleton** asked if there were any questions regarding the Map, Plan and Report. There were no questions.

**Mr. Lucas** asked if assessments would be placed on properties such as had been placed when the water lines were installed on Rt. 394.

**Mrs. Carlson** said no, this is strictly for BOCES.

**Mr. Lucas** said the water was too.

**Mrs. Carlson** said no, residents along Rt. 394 had the option of hooking up to the water line.

**Mr. Lucas** said he didn't think anyone had.

**Mrs. Carlson** agreed, but said they did have the option. She stated this does not have anything to do with any of the property owners along Rt. 394, it is strictly BOCES and they are the only beneficiaries.

**Mrs. Thomas requested for the record**, comment from anyone present who was specifically in favor or opposed to the project.

**Mr. Stapleton** requested that the record reflect receipt of the following documents:

- **Gregory R. Yaw, Attorney, letter and Resolution South and Center Chautauqua Lake Sewer District dated 10/9/09**, stating that as long as the lines were constructed to their specifications they would accept the effluent. They requested that the agreement provide for permanent service without the option for future withdrawal by BOCES or its successors as owners of the property to be served and that the agreement be recorded and run with the land. The letter also requested a condition that in the future if the S&CSD wants to have the line dedicated to the district, the town must agree to that dedication.

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- **South and Center Chautauqua Lake Sewer District, letter from James Murphy, P.E., dated 4/8/10** (*reiteration of requirements as outlined in 10/9/09 letter*).
- **Gregory R. Yaw, Attorney, letter dated 4/8/10** (*reiteration of requirements as outlined in 10/9/09 letter*) Mr. Stapleton said that both of the 4/8/10 communications had been received by e-mail and synopsised the contents. He said there was concern that the responsibilities for maintaining the sewer lines be clear. He said he has indicated for the record what the maintenance responsibilities will be in the SEQR. He said the BPU will maintain the line and they will bill BOCES on their water bill for services. He said Mr. Murphy's letter indicated that the sewer district has adequate capacity to accept the sewage from BOCES and stated the quarterly service charge to BOCES will be \$106.50 for the first 17,500 gals. of water and \$17.10 for each additional 1,750 gals. of water, based on the rate structure within the Sunrise Cove sewer district. He said the map, plan and report has estimated sewer charges to BOCES of approximately \$9,000.00 per year. He said Mr. Murphy estimates that will be reduced by 20%. Mr. Stapleton said Mark Jackson, NYS DEC is in the process of reviewing the map, plan and report and will also review the engineering plans for purposes of issuing a construction permit.

**Mr. Stapleton read into the record the Resolution Approving the Construction of Sewer Improvements with the Hewes BOCES Center as beneficiary. He also read into the record the Bond Resolution dated 4/12/10, of the Town of North Harmony Authorizing the Construction of Improvements within the Hewes BOCES Sewer Area at an estimated maximum cost of \$123,000 and authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$123,000.**

**Mrs. Carlson** asked if there were any comments or questions.

**Mr. Emick** asked if the town would assess the lines.

**Mrs. Carlson** said if it were to individual homes, it could be, but not as it stands.

**Mr. Stapleton** said if you had a small sewer line being paid for by public tax dollars, then there would probably be an assessment increase. He said he couldn't clearly answer the question without speaking with the Assessor. He said he does not think anything of that type plays into this situation.

**Mr. Stapleton** stated for purposes of the record that the clerk has published all the required orders for the public hearings and will be certifying to that effect in the subsequent paperwork.

**Mrs. Carlson closed the Public Hearing at 8:35 PM.**

*Nancy M. Thomas*  
*Town Clerk*