

LEGAL NOTICE
TOWN OF PERINTON MONROE COUNTY NEW YORK

In the Matter
of

HEARING MINUTES & DETERMINATIONS

EXTENSION NO. 67 to PERINTON CONSOLIDATED
SEWER DISTRICT NO. 8
(Red Barn Circle Sanitary Sewers)

At a hearing before the Town Board of the Town of Perinton, held at the Town Hall, 1350 Turk Hill Road, Fairport, New York, on February 27, 2019 at 7:30 p.m., local time, there were:

PRESENT: Supervisor Ciaran Hanna; Councilpersons, Peg S. Havens, Stephen Van Vreede Seana Sartori and David Belaskas

ABSENT:

ALSO PRESENT: Jennifer A. West, Town Clerk, Jason Kennedy, Commissioner of Public Works and Joseph H. LaFay, Town Attorney

The Supervisor called the hearing to order and stated that the purpose thereof was to consider the establishment of Extension No. 67 to Perinton Consolidated Sewer District No. 8 to include lands located along Red Barn Circle in the Town of Perinton. He stated that on February 4, 2019 he mailed letters to each of the residences in the proposed extension, advising them of the proposed extension and tonight's public hearing. Attached to that letter was the formal statement of estimated costs.

The Supervisor called for the presentation of documentary evidence necessary for the Town Board to make the investigations and determinations required by statute. The following documents were submitted in evidence:

1. Report from Jason Kennedy, Commissioner of Public Works, recommending the creation of a new sewer district extension so that the lands along Red Barn Circle in the Town of Perinton could become part of Perinton Consolidated Sewer District No. 8.
2. Map, plan, and report, prepared by MRB Group dated January 2019 showing the location of each residence.
3. The Order for Hearing made by the Town Board on January 23, 2019.

4. The Affidavit of Publication of the The Post Serving Brighton, East Rochester, Fairport, Henrietta, Pittsford showing the publication of a certified copy of the Order for Hearing on February 7, 2019.
5. The Affidavit of Jennifer A. West, showing that a copy of the Order for Hearing and Estimated Costs were posted on the Sign Board maintained by the Town Clerk on February 7, 2019.
6. The report of Ciaran Hanna, Supervisor, stating that on February 4, 2019 he mailed to each resident, a letter advising them of the public hearing and enclosed a statement of Estimated Costs and a copy of the Order for Hearing.
7. A letter from Joseph H. LaFay, Town Attorney, dated February 28, 2019 mailing a certified copy of the Order for Hearing to NYS Office of State Comptroller, as required by the rules and regulations of the State of New York, and enclosing a copy of the estimated costs for the proposed extension.

The Supervisor directed that the foregoing documentary evidence, if not already filed, be filed with the Town Clerk and considered a part of the record of this hearing.

The Supervisor explained that this proceeding is on motion of the Town Board pursuant to Article 12-A of the Town Law. The adoption of a resolution for the creation of the sewer district extension will be subject to a permissive referendum, if such referendum is requested by proper petition filed with the Town Clerk within 30 days after the date of adoption of this resolution.

The Supervisor asked if there were any questions in regards to the formation of the District. There were none. The Supervisor declared the hearing closed and directed the Town Board to consider the evidence produced at the hearing and to take action on the map, plan and reports.

The members of the Town Board then examined the documents presented in evidence and considered the statements made at the hearing and after thorough discussion and due deliberation, the following Resolution was offered by Councilperson Belaskas and was seconded by Councilperson Van Vreede.

WHEREAS, the Board has examined the map, plan and report prepared by MRB Group, the proofs of posting and publication, the recommendation of the Perinton Conservation Board and has considered all other documents and statements presented to it and has examined into whether all of the property to be benefited by the proposed Extension was included therein and whether any property has been included therein which would not be benefited, and

WHEREAS, the Town has reviewed the potential environmental effects of the project and has complied with the requirements of the State Environmental Quality Review Act (SEQRA),

NOW THEREFORE, IT IS DETERMINED AS FOLLOWS:

1. The Order for Hearing was posted and published as required by law.
2. All the property and property owners within the proposed Extension are benefited thereby.
3. All the property and property owners benefited are included within the limits of the proposed Extension.
4. It is in the public's interest to establish said Extension as described in the map, plan, and report.
5. That the maximum amount to be expended for the construction of said sewer system with all necessary appurtenances for the operation thereof is estimated to be \$3,100,000 and that the cost of construction of said improvements by the issuance of bond anticipation notes and bonds, the principal and interest of which are to be repaid in annual installments by the entire are comprising Perinton Consolidated Sewer District No. 8.
6. The proposed Extension was processed as an Unlisted SEQRA action. The temporary disturbance of soils and vegetation will be more than offset by the long term benefits of eliminating septic systems on developed lots. Therefore, this project is given a Negative SEQRA Declaration.
7. The area to be established as Extension No. 67 to Perinton Consolidated Sewer District No. 8 is described as follows:

**EXTENSION No. 67
TO
PERINTON CONSOLIDATED SEWER DISTRICT No. 8
TOWN OF PERINTON, MONROE COUNTY, NEW YORK**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Perinton, County of Monroe and State of New York, as shown on a map entitled "Extension No. 67 to the Town of Perinton, Consolidated Sewer District # 8, Map and Plan" prepared by MRB Group and dated 1/2019, and bounded and described as follows:

Beginning at the intersection of the existing common division line between Tax Map Parcel 179-.06-1-28 and lands owned now or formerly by the Town of Perinton Tax Map Parcel 179.06-1-32 with the existing common division line between Tax Map Parcel 179.06-1-28 and the New York State Barge Canal; thence.

1. Northerly, along the last mentioned existing common division line a distance of 2,441.4± to a point at its intersection with the existing northerly boundary of Tax Map Parcel 165.19-1-29; thence

2. Easterly, along the last mentioned existing northerly boundary a distance of 478.5'± to a point at its intersection with the existing easterly boundary of Tax Map Parcel 165.19-1-26; thence
3. Southerly, along the last mentioned existing easterly boundary a distance of 282.3'± to a point at its intersection with the existing northerly highway boundary of Red Barn Circle; thence
4. Southerly, crossing Red Barn Circle a distance of 60.0'± to a point at its intersection with the existing north easterly corner of Tax Map Parcel 165.19-1-40; thence
5. Southerly, along the existing easterly boundary of Tax Map Parcels 165.19-1-40, 165.19-1-39, 165.19-1-38, 165.19-1-37, 165.19-1-36, 179.07-1-1, 179.07-1-2, 179.07-1-3, 179.07-1-4, 179.07-1-5, 179.07-1-6, 179.07-1-7, 179.07-1-8, 179.07-1-9, 179.07-1-10 and 179.07-1-46 a distance of 1710.7'± to a point at its intersection with the existing northerly highway boundary of Red Barn Circle; thence
6. Southerly, crossing the existing Red Barn Circle a distance of 60'± to a point at its intersection with the existing northeasterly corner of Tax Map Parcel 179.06-1-30; thence
7. Southerly, along the existing easterly boundary of Tax Map Parcel 179.06-1-30 a distance of 225.6'± to a point at its intersection with the existing southerly boundary of Tax Map Parcel 179.06-1-30; thence
8. Westerly, along the last mentioned existing southerly boundary and also along the existing southerly boundary of Tax Map Parcel 179.06-1-29 and Tax Map Parcel 179.06-1-28 to the point and place of beginning.

The foregoing described lands are shown on a map entitled Extension No. 67 to Perinton Consolidated Sewer District No. 8, prepared by MRB Group, competent engineers duly licensed by the State of New York showing the boundaries of the proposed Extension No. 67 to Perinton Consolidated Sewer District No. 8, and providing for the transmission of sewage to the Van Lare Sewage Treatment Plant which is operated by the Monroe County Pure Waters Agency. There is an existing contract between the Town of Perinton and the Monroe County Pure Waters Agency for transmission and treatment of sewage. The proposed map shows whether sewer service is provided to neighboring lots to the proposed extension.

8. That Extension No. 67 to Perinton Consolidated Sewer District No. 8 is hereby established, as of this date, to include the real property described in paragraph 7 above.
9. That pursuant to the requirements of Section 90 of the Town Law, that within ten (10) days after the adoption by the Town Board of this resolution establishing said Extension, the Town Clerk shall give notice thereof, at the expense of the Town, by the publication of a

notice in The Post Serving Brighton, East Rochester, Fairport, Henrietta, Pittsford, a newspaper regularly published in Monroe County and having general circulation within the proposed Extension. In addition, the Town Clerk shall post, or cause to be posted, on the bulletin board in her office a copy of such notice. Such notice shall set forth the date of adoption of the resolution and contain an abstract of such resolution, describing the general terms, the proposed Extension and that such resolution was adopted subject to a permissive referendum.

On roll call, directed by the Supervisor, the following votes were recorded:

AYES: Hanna, Havens, Van Vreede, Sartori, Belaskas

NAYS: None

Whereupon the Supervisor declared the foregoing determination and resolution of approval of the creation of Extension No. 67 of to Perinton Consolidated Sewer District No. 8 is adopted.

Dated: March 7, 2019