

*The Town of Orleans Board Meeting
December 14, 2017*

The Town of Orleans town board held a regular scheduled board meeting on December 14, 2017 at 7:00PM at the municipal building in LaFargeville.

Members Present: *Kevin Rarick, Peter Wilson, Gwen Kirkby Mary Ford-Waterman, and Thomas Johnston.*

Others Present: *Tammy Donnelly, Jim Burrows, Steve Dulmage, Brian Kirkby, Lee Shimel, Pam McDowell, Gunther Schalla, Chuck Ebbing, and Wendell Walldroff.*

Supervisor Rarick called meeting to order at 7:03pm

1. Approval of minutes- A motion was made by Peter Wilson and seconded by Gwen Kirkby to accept October 16, 18, 25 & 30, November 1, 9, 16, & 27th minutes as read.

*Kevin Rarick, Aye
Peter Wilson, Aye
Gwen Kirkby, Aye
Mary Ford-Waterman, Aye
Thomas Johnston, Aye All in favor motion carried.*

2. NYS Presentation Collins Landing Road – State cancelled. Supervisor Rarick meet with some state representatives regarding expanding Collins landing road for new future visitor center. Supervisor Rarick will have them come to board meeting.

3. Brian Kirkby update- Brian stated he had to put \$10,000 into the 2002 Beam Mack truck. Discussion was held.

4. Steve Dulmage update- TI Park- started phase 2 on Monday. Steve stated working much faster with new equipment, should reach main road by January.

New van for DPW was lettered.

Supervisor Rarick discussed work orders with Steve, Supervisor Rarick stated we are connecting people and not charging. Supervisor stated work orders must be done.

5. Rob Campany update - Rte 12 water - Finishing up comments. No response from DOT or Rural Development.

LA Sewer Solar Landfill- Almost complete, have cleanup to do and more in spring.

6. Lee Shimel update- Lee presented monthly, and year end report to board. Lee Shimel also presented a proposed fee chart for permits and applications for zoning department. Town board reviewed fee chart. Discussion was held. Town board will adopt at January 2018 meeting. Will make fee chart part of annual designations.

7. Continuation of Eminent Domain- Town board reviewed environmental review.

Resolution #18 was passed by board as follows:

**Town of Orleans
PO Box 103
LaFargeville, New York 13656**

"This institution is an equal opportunity provider and employer"

Supervisor
Kevin Rarick 658-4411
Town Clerk
Tammy Donnelly 658-9950
**Highway
Superintendent**
Brian Kirkby 658-9920
Town Assessor
Dale Raymo 658-4309

Zoning Officer
Lee Shimel 658-2057

Town Council
Gwen Kirkby
Peter Wilson
Mary Ford Waterman
Thomas Johnston

**RESOLUTION 18
FINDING THAT THE TOWN BOARD'S DETERMINATION TO
EXERCISE EMINENT DOMAIN TO ACQUIRE EASEMENTS FROM
OWNERS OF SEVERAL PARCELS WILL NOT HAVE A SIGNIFICANT
IMPACT UPON ENVIRONMENT**

WHEREAS, the Town Board for the Town of Orleans, New York has considered exercising Eminent Domain to condemn a 20 foot wide permanent, and a 10 foot wide temporary, easement along and across each of the following Tax Parcels:

Parcel #:	13.13-2-47	Parcel #:	13.13-3-71.1
Parcel #:	13.00-2-50.1	Parcel #:	13.06-1-13
Parcel #:	13.06-1-16	Parcel #s:	13.06-1-22.21 and
Parcel #:	13.13-2-32		13.06-1-22-22
Parcel #:	13.13-2-52.2		

and within the NYS Route 12 Water District a/k/a Orleans Water District No. 2;

WHEREAS, the Town Board must evaluate all proposed actions submitted for consideration in light of the State Environmental Quality Review (SEQR) and the Regulations promulgated pursuant thereto; and

WHEREAS, the acquisition of the easement along and across each of the remaining "critical" parcels with the use of condemnation will constitute such an "action;" and

WHEREAS, the Town Board has determined that the proposed acquisition is an unlisted action as that term is defined in 6 NYCRR §617.2(ak);

WHEREAS, there are no other involved agencies for SEQR review as that term is defined in 6 NYCRR §617.2(s);

WHEREAS, to aid the Town Board in its determination as to whether the condemnation of the easements will have a significant effect on the environment, part one and two of a Short Environmental Assessment Form has been prepared, a copy of which is attached and made a part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Orleans that based upon its examination of the Short Environmental Assessment Form in comparison of the proposed action with criteria set forth in 6 NYCRR §617, no significant impact on the environment is known and the exercise of Eminent Domain to acquire an easement across each of the remaining "critical" parcels will not have a significant impact upon the environment; and

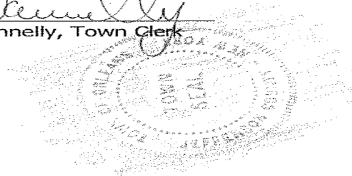
BE IT FURTHER RESOLVED, that the Supervisor of the Town Board of the Town of Orleans is authorized to execute the Environmental Assessment Form to the effect that the Town Board is issuing a negative declaration under SEQR.

The foregoing Resolution was offered by Board Member, Tom Johnston, and seconded by Board Member, Peter Wilson, and upon roll call vote of the Board was duly adopted as follows:

Supervisor Kevin Rarick	Yes <u>X</u>	No _____
Thomas Johnston, Jr.	Yes <u>X</u>	No _____
Gwendolyn Kirkby	Yes <u>X</u>	No _____
Peter Wilson	Yes <u>X</u>	No _____
Mary Ford-Waterman	Yes <u>X</u>	No _____

Dated: December 14, 2017

Tammy Donnelly
Tammy Donnelly, Town Clerk



**Short Environmental Assessment Form
Part 1 - Project Information**

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information		
Name of Action or Project: NYS Route 12 Water District aka Orleans Water District No. 2		
Project Location (describe, and attach a location map): Several parcels within the overall district. A copy of the location map is enclosed along with individual parcel maps.		
Brief Description of Proposed Action: Acquisition of water easements within the project area from several parcels to enable the water distribution project to proceed.		
Name of Applicant or Sponsor: Town Board of Orleans		Telephone: 315.656.9950
Address: P O Box 102 20558 Sunrise Ave.		E-Mail:
City/PO: LaFargeville	State: NY	Zip Code: 13656
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Approval from NYS Supreme Court	NO	YES
<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3.a. Total acreage of the site of the proposed action? _____ 5+- acres		
b. Total acreage to be physically disturbed? _____ 0 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0 acres		
4. Check all land uses that occur on, adjoining and near the proposed action.		
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): winery <input type="checkbox"/> Parkland		

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Kevin Rarick, Supervisor</u> Date: <u>December 14, 2017</u>		
Signature: <u><i>Kevin Rarick</i></u>		

PRINT FORM

Agency Use Only [If applicable]

Project:
 Date:

**Short Environmental Assessment Form
 Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

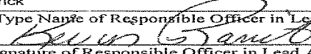
Agency Use Only (If applicable)

Project: _____
Date: _____

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed action is an effort to acquire water easements from several parcels located in the existing water district by the use of condemnation. The site of each easement is within the existing improvement district and immediately adjacent to, and parallel with, paved road(s). The State and/or Town already possesses an easement for road purposes overlapping the easement areas in question and zoning already prohibits most development and uses within the setback along the roads in question. The proposed action is intended to enable the Town to provide safe, abundant drinking water to several hundred families within the district and to avoid/mitigate damage to water appliances within the homes and businesses of the same residents.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town Board of Orleans	December 14, 2017
Name of Lead Agency	Date
Kevin Rarick	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	Signature of Preparer (if different from Responsible Officer)
Signature of Responsible Officer in Lead Agency	

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Resolution #19 as follows

Town of Orleans
PO Box 103
LaFargeville, New York 13656

"This institution is an equal opportunity provider and employer"

Supervisor
Kevin Rarick 658-4411
Town Clerk
Tammy Donnelly 658-9950
**Highway
Superintendent**
Brian Kirkby 658-9920
Town Assessor
Dale Raymo 658-4309

Zoning Officer
Lee Shimel 658-2057

Town Council
Gwen Kirkby
Peter Wilson
Mary Ford Waterman
Thomas Johnston

**RESOLUTION 19
ISSUING TOWN BOARD'S DETERMINATION AND
FINDINGS IN CONNECTION WITH EXERCISE OF EMINENT
DOMAIN TO ACQUIRE EASEMENTS IN REAL PROPERTY**

WHEREAS, the Town Board for the Town of Orleans, New York previously formed NYS Route 12 Water District a/k/a Orleans Water District No. 2 associated with a Water Distribution Project that will serve several hundred residents in the NYS Route 12 corridor from the Route 81 interchange to the Town of Clayton line; and

WHEREAS, the Town of Orleans previously acquired easements upon and across approximately 200 critical parcels within the District that would include a Water Main vital for the provision of public water to all affected properties in the District; and

WHEREAS, eight (8) parcels remain classified as "critical" in that those parcels would also include a Water Main vital for the provision of public water to all affected properties in the District and the Record owners of those same eight (8) parcels have not yet provided the necessary easement to the Town of Orleans to enable the Water Project to continue; and

WHEREAS, The Town Board believes that it is in the best interests of the citizens of the Town of Orleans to continue its efforts to provide abundant potable water to its residents in the District; and

WHEREAS, a public hearing pursuant to Article 2 of the Eminent Domain Procedure Law was conducted on Monday, November 27, 2017 for the purpose of informing the public, reviewing the public use to be served by the proposed project, and acquisition of easements necessary to enable the project to continue; and

WHEREAS, public comments were made in connection with the proposed project;
and

WHEREAS, the following property owners expressed support for the project, but voiced concerns with their respective easements:

Gail Bieda and Deborah Monroe
_____ ; and

WHEREAS, the Town of Orleans has considered its record and input from all interested parties; and

WHEREAS, Article 2 of the Eminent Domain Procedure Law requires that within ninety (90) days after conclusion of the public hearing held pursuant to Article 2 of the Eminent Domain Procedure Law the Town Board must make a Determination and Findings concerning the proposed project and must publish a brief synopsis of its Determination and Findings in at least two (2) successive issues of its official newspaper;

WHEREAS, the Town Board has concluded its environmental review pursuant to SEQRA and has issued a negative declaration.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Orleans Determination and Findings concerning the proposed project is attached as **Exhibit A** and is hereby incorporated for reference; and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Orleans shall cause a brief synopsis of the Town Board's Determination and Findings concerning the proposed project to be published in two (2) successive issues of the Watertown Daily Times forthwith which synopsis should also state that copies of the Determination and Findings will be forwarded upon request and without cost to interested parties; and

BE IT FURTHER RESOLVED, that the Town Clerk and/or her designee shall serve by personal service or certified mail, return receipt requested, a notice of a brief synopsis upon the record owners of each of the eight (8) remaining critical parcels, together with a full and complete copy of this Resolution of Determination and Findings with Notice that pursuant to EDPL §207 stating that there are 30 days from completion of final publication of the brief synopsis to seek judicial review of the Determination and Findings; and in accordance with EDPL §207 and §208, venue for any judicial review of the Determination and Findings is in the Appellate Division, Fourth Department; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

The foregoing Resolution was offered by Board Member, Mary Fred Waterman and seconded by Board Member, Gwen Kirby, and upon roll call vote of the Board was duly adopted as follows:

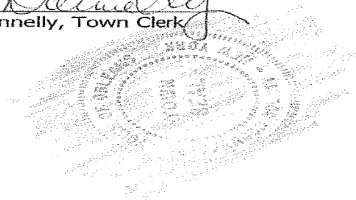
RESOLUTION-EminentDomain-DeterminationFindings

Supervisor Kevin Rarick
Thomas Johnston, Jr.
Gwendolyn Kirkby
Peter Wilson
Mary Ford-Waterman

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Dated: December 14, 2017


Tammy Donnelly, Town Clerk



8. *Wind – Attorney Burrows spoke and updated town board. Town board reviewed long for seeker Part 2 Determination of Significance. Discussion was held. Chuck Ebbing and Wendall Walldroff suggested a few more changes to wind law. Discussion was held. Attorney Burrows will look at suggestions get with town board.*

9. *Other- Bowers & Company town accountants contract was agreed upon by the town board in the amount of \$1,200 per month. Supervisor Rarick signed contract.*

10. *Councilman Tom Johnston stated he spoke with state and they will make town signs and put up in four different locations. Tom gave map to board where town signs will go. This will be at no cost to the town, they will make and put up for free.*

11. *Town Clerk report reviewed*

12. *Bills were audited in the amount of \$ 272,612.05*

Continuation meeting for year end bills and other if needed will be at 2:00PM on December 27, 2017

Meeting adjourned at 9:50PM

*Respectfully submitted
Tammy Donnelly
Town Clerk*