

RESOLUTION #233 OF 2018 OF THE TOWN BOARD FOR THE TOWN OF WEBSTER AUTHORIZING A PUBLIC HEARING UNDER TOWN LAW 202-b WITH RESPECT TO CERTAIN IMPROVEMENTS TO THE TOWN OF WEBSTER CONSOLIDATED SEWER DISTRICT CONSISTING OF THE PHASE 1 WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT SECONDARY CLARIFIERS AND EMERGENCY GENERATOR

At a special meeting of the Town Board of the Town of Webster, Monroe County, New York, held at the Webster Meeting Room, 1000 Ridge. Road, Webster, NY on the 20th day of August, 2018, at 11:00 p.m., there were present:

Supervisor Ronald W. Nesbitt
Councilman William G. Abbott
Councilman Barry A. Deane
Councilwoman Alecia J. Mazzo

Absent:
Councilwoman Patricia T. Cataldi

WHEREAS, the Town Board of the Town of Webster by Resolution #223 of August 9, 2018 did schedule a public hearing under Town Law 202-b with respect to certain improvements to the Town of Webster consolidated sewer district consisting of the Phase 1 Wastewater Treatment Plant Improvements Project Secondary Clarifiers and Emergency Generator to take place at a Special Meeting at the Town Hall, 1000 Ridge Road, Webster, NY at 8:30 a.m. on Thursday August 30th, 2018 and;

WHEREAS, the public notice thereof was posted on the Town of Webster Website, the Town Clerk Bulletin Board but was not timely published in the Town newspaper, it is incumbent pursuant to New York Town Law §193 that the hearing be rescheduled; and

WHEREAS, the Town Board of the Town of Webster ("Town Board") desires to undertake certain improvements to the Town of Webster Consolidated Sewer District that encompasses the Town of Webster (the "Town") exclusive of the Village of Webster (the "District"), such improvements being the Phase 1 Wastewater Treatment Plant Improvements Project — Secondary Clarifiers & Emergency Generator, consisting of the construction of new secondary digesters at the Webster Wastewater Treatment Plant, the installation of an emergency standby generator, and the installation of new exterior safety lighting, together with appurtenant facilities, including site improvements, original furnishings, equipment, machinery apparatus and other improvements incidental thereto (collectively, "Project"); and

WHEREAS, the Town Board and New York State Department of Environmental Conservation ("NYSDEC") are each an "involved agency" within the meaning of the State Environmental Quality Review Act ("SEQRA") with respect to the actions proposed to be undertaken in connection with the Project (collectively, the "Action"), and on or around, June 1, 2017 the Town Board provided notice of its intent to be Lead Agency to the NYSDEC for the

purpose of conducting a coordinated review under SEQRA with the other "involved agency"; and

WHEREAS, the Town Board received written notification from the New York State Office of Parks, Recreation and Historic Preservation ("SHPO") on June 6, 2017, that the project will have no impact on archaeological and/or historic resources; and

WHEREAS, the Town Board received written notification from the NYSDEC on June 15, 2017, stating it had no objection to the Town Board establishing itself as Lead Agency for the SEQRA review of the Action; and

WHEREAS, by a resolutions adopted on June 15, 2017, the Town Board (i) classified that the Project as a Type I action under SEQRA, and established itself as Lead Agency for purposes of conducting a coordinated review of the Project under SEQRA and (ii) acting as such Lead Agency under SEQRA determined, among other things, that the Action will not have any significant adverse environmental impacts and issued a Negative Declaration with respect thereto; and

WHEREAS, the Town sent the Negative Declaration to the Environmental Notice Bulletin on, or around, June 21, 2017 for publication; and

WHEREAS, Section 202-b of the Town Law of the State of New York empowers the Town Board of the Town of Webster, Monroe County, New York to acquire or construct on behalf of the District additional facilities therefore and appurtenances thereto, including additional lands or interests in land or to improve or reconstruct existing facilities and appurtenances; and

WHEREAS, in accordance with Section 202-b of the Town Law, the Town Board caused a map, plan and report of the improvements proposed to be included in the Project, together with an estimate of the cost thereof (collectively, the "Map, Plan and Report") to be prepared by Barton & Loguidice (the "Engineer"), a competent engineer duly licensed by the State of New York; and

WHEREAS, upon completion of the map, plan and report and estimate of cost, the Town Board, by resolution adopted on June 1, 2017 in accordance with Town Law section 202-b, called for a public hearing with respect to the Project to be held on June 22, 2017 at 5:30 p.m. in the Town of Webster at the Webster Town Board Meeting Room having an address at 1002 Ridge Road, Webster, New York 14580, for the purpose of hearing public comments thereon and caused a notice thereof to be published and posted in the manner prescribed in Section 202-b of the Town Law, which notice contained a description of the Project and specified that estimated maximum cost thereof to be \$9,480,000.00; and

WHEREAS, the Town Board conducted said public hearing on June 22, 2017 to hear comments from all persons interested in the subject matter thereof and discuss if the Project is in the best interests of the Town; and

WHEREAS, after such public hearing and upon the evidence given thereat, the Town Board, by resolution adopted on June 22, 2017, among other things, (i) determined that it is in the public interest to undertake the Project, and (ii) approved the acquisition, construction and equipping of the Project, at a maximum estimated cost of \$9,480,000.00; and

WHEREAS, the Town Board has now been advised by the Engineer, in its amended map, plan and report with respect to the Project, dated August, 2018 and accompanying cost estimate, that the estimated maximum cost of the Project has increased from \$9,480,000 to \$12,000,000, due to projected increases in Project costs; and

WHEREAS, in accordance with Town Law section 202-b, the Town Board now intends to call for a public hearing with respect to the Project at such increased maximum estimated cost; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

SECTION 1. A public hearing shall be held by the Town Board on **Tuesday, September 4, 2018 at 8:00 a.m. at the Town Hall in the Webster Meeting Room**, having an address at 1000 Ridge Road, Webster, New York 14580 to hear all interested parties on whether it is in the public interest to undertake the Project as described above at an aggregate estimated maximum cost of \$12,000,000.

SECTION 2. The Town Clerk is hereby directed to publish notice of such public hearing in the Webster Herald and post a notice on the Town Clerk's Bulletin Board at 1000 Ridge Road, Webster, New York 14580, as required by Section 193 of the Town Law.

The adoption of the foregoing Resolution was moved by Supervisor Nesbitt, seconded by Councilman Deane, and duly put to vote, which resulted as follows:

VOTE ON MOTION:

Supervisor Ronald W. Nesbitt	Aye
Councilman William G. Abbott	Aye
Councilwoman Patricia T. Cataldi	Absent
Councilman Barry A. Deane	Aye
Councilwoman Alecia J. Mazzo	Aye

Enter: August 20, 2018

Barbara J. Ottenschot
Town Clerk
Town of Webster