

**TOWN OF LEICESTER**  
**PUBLIC HEARING/**  
**SPECIAL BOARD MEETING**  
**TUESDAY, JULY 25, 2023, AT 6:30 P.M.**

The Public Hearing/Special Board Meeting of the Leicester Town Board was held on Tuesday, July 25, 2023, at 6:30 p.m. at the Leicester Town Hall.

**Present:** David Fanaro, Supervisor; Jason Yasso, Matthew Durbin, Karen Roffe, Gerald Hull, Councilmembers; James Campbell, Town Attorney; Amy Neumann, Town Clerk.

**Others:** Richard White, Karen White, Renee Fanaro, Rich Neumann, Dan Christiano

**Open Public Hearing for Culyerville Water District Water Tank Replacement and Improvements:** Supervisor Fanaro opened the Public Hearing at 6:30 p.m. and stated it would be open for a brief period for public comment or concern. Town Attorney, James Campbell joined the Town Board this evening and described the possible project to the public. This is being proposed right now due to a grant being available called the WIIA grant and the tanks imminent failures. The Grant is up to sixty percent of the price of qualified projects with a forty percent match. The idea in this situation is that this tank has been identified as part of the York Leicester Regional Water Project that is being explored with the Livingston County Water Authority managing that project. AKZO Settlement Funds have already gone through the WIIA Grant process, and the idea is to have the Town of Leicester Apply for the WIIA Grant, see if it can get some funds from that grant, and if we can the balance of the local share which would be forty percent of the total amount would come from the AKZO settlement funds. WIIA Grant requires an adopted Bond Resolution that covers the financing of all the project to submit the application. Tight timeline to submit this application and this is the reason for special meeting. Taking down old tank and replacing with different design with new elevated tank to try to get better water pressure, we have had THM problems.

**Close Public Hearing:** A Motion was made to close the Public Hearing at 7:14 p.m. by Councilmember Karen Roffe and Seconded by Councilmember Matthew Durbin. Motion carried. Ayes 5, Noes 0.

**SEQR:**

RESOLUTION NO. \_\_\_\_\_

CLASSIFYING THE CUYLerville WATER STORAGE  
TANK REPLACEMENT AS A TYPE II ACTION.

Council Member \_\_Matthew Durbin\_\_ presented the following resolution and moved that it be adopted, and it was seconded by Council Member \_\_Karen Roffe\_\_.

BE IT RESOLVED BY THE BOARD OF THE TOWN OF LEICESTER AS FOLLOWS:

**WHEREAS**, the Town of Leicester Board (“Town”) has determined that it is appropriate to apply for grant funding to assist in the financing of the various capital improvement projects; and

**WHEREAS**, the capital improvements, known as the (“Project”), being considered includes the replacement of the existing Cuylerville Water Storage Tank; and

**WHEREAS**, pursuant to the requirements of the State Environmental Quality Review Act (“SEQRA”), the Town must consider pursuant to criteria set forth in SEQRA the environmental implications of the Project; and

**WHEREAS**, certain actions are classified under SEQRA as Type II actions; and

**WHEREAS**, Type II actions are those actions, or classes of actions, which have been found categorically to not have significant adverse impacts on the environment, or actions that have been statutorily exempted from SEQRA review, and Type II actions do not require preparation of an Environmental Assessment Form, a negative or positive declaration, or an Environmental Impact Statement; and

**WHEREAS**, Type II actions do not require any further SEQRA review; and

**WHEREAS**, the Town has considered under SEQRA the environmental impact of which will be separately considered, and finds that each of the actions meets the requirement for a Type II action; and

**WHEREAS**, pursuant to 6 NYCRR Section 617.5 (c), the Project is determined to be Type II actions because they involve the following requiring no further review by the Town:

617.5 (c) (1) maintenance or repair involving no substantial changes in an existing structure or facility;

617.5 (c) (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4;

617.5 (c) (9) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

617.5 (c) (13) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF YORK, NEW YORK AS FOLLOWS:

1. The Project discussed above hereby is determined to constitute SEQRA Type II Actions as defined under said regulation and does not require an environmental impact statement or any other determination or procedure.

This resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution and Order was duly submitted for approval by vote of the Leicester Town Board on Tuesday, July 25, 2023, recorded as follows:

**Vote of the Board:**

Dave Fanaro, Supervisor	_Aye_
Matt Durbin	_Aye_
Gerald Hull	_Aye_
Karen Roffe	_Aye_
Jason Yasso	_Aye_

This is to certify that I, the undersigned, Clerk of the Board of the Town of Leicester of the County of Livingston, was duly adopted by the Leicester Town Board of said Town on the date above, and that the same is a true and correct transcript of said resolution.

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 25<sup>th</sup> day of July 2023.

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Amy Neumann, Town Clerk

**Public Interest Resolution:** A Motion was made by Councilmember Karen Roffe and Seconded by Councilmember Gerald Hull to adopt the Public Interest Resolution.

**TOWN BOARD  
TOWN OF LEICESTER  
COUNTY OF LIVINGSTON**

**RESOLUTION**

At a regular meeting of the Town Board of the Town of Leicester, Livingston County, State of New York, held at the Leicester Town Hall on the 25 th day of July, 2023.

**Resolution of the Town Board of the Town of Leicester, on behalf of the Cuylerville Water District, Livingston County, New York, Pursuant to New York State Town Law §202-b Determining that it is in the Public Interest to Construct and Install a replacement water tank and other improvements located within the Town of Leicester Cuylerville Water District**

**WHEREAS**, the Town Board of the Town of Leicester has determined that there is a need to make certain improvements for the benefit of the Town of Leicester Cuylerville Water District (the “Cuylerville Water District”) to address deficiencies with the water storage tank that serves the District, including failure of the tank coating system and water quality concerns that have led to an EPA Consent Order in the past. Addressing such deficiencies will allow the Town to provide safe and effective public water service to its customers within the Cuylerville Water District and will mitigate the public health risks associated with the potential for inadequate ability to deliver potable water within said District; and

**WHEREAS**, in order to accomplish such needs, the Town Board of the Town of Leicester is proposing the following improvements to the water facilities within the Cuylerville Water District: The replacement of the existing 250,000-gallon standpipe water tank with a new elevated tank. The new water tank will be designed to sit on a steel or concrete column that will be able to house a new TTHM system and chlorine booster system. The tank would be provided with a 30-foot sidewater depth versus the existing 75 foot sidewater depth, along with separate inlet and outlet piping. This will reduce stratification in the tank and improve water quality, resulting in lower TTHM levels in the water system. Additionally, site security will be increased with upgraded site fencing (collectively, the “Improvements”); and

**WHEREAS**, the Town Board has caused an Engineering Report (last dated June, 2023) of the proposed Improvements, together with an estimate of the cost thereof to be prepared by CPL, a firm of competent engineers, duly licensed by the State of New York (the “Engineering Report”), which Engineering Report is on file in the Office of the Leicester Town Clerk; and

**WHEREAS**, the Town Board is empowered to authorize the proposed Improvements subject to the provisions of New York State Town Law §202-b; and

**WHEREAS**, the Town Board, by a Resolution adopted on June 27, 2023, pursuant to New York State Town Law §§ 202-b, called for a public hearing on the subject of the approval the aforementioned Improvements to be held on July 25, 2023, at 6:30 p.m., at the Town Hall located at 132 Main Street, Leicester, New York, to afford all interested parties an opportunity to be heard regarding the proposed Improvements; and

**WHEREAS**, the Town Clerk, in accordance with such Resolution of the Town Board and in compliance with Town Law §193, duly caused such resolution regarding the proposed Improvements to

be published in the official newspaper of the Town on July 13, 2023 and to be posted on the official sign board of the Town on June 28, 2023; and

**WHEREAS**, the Town Board, pursuant to such Order, held a public hearing on July 25, 2023, to afford all interested parties an opportunity to be heard regarding the proposed Improvements; and

**WHEREAS**, a copy of the Engineering Report describing the proposed Improvements to be constructed therein was made available for public inspection at the Leicester Town Clerk’s Office prior to the Public Hearing and copies were available to the public at the Public Hearing; and

**NOW THEREFORE BE IT RESOLVED**, after due deliberation and consideration of all public comments received, the Town Board of the Town of Leicester believes it to be in the public interest for the health, safety and welfare of the residents of the Town of Leicester Cuylerville Water District to authorize and hereby does authorize the replacement of the existing 250,000-gallon standpipe water tank with a new elevated tank. The new water tank will be designed to sit on a steel or concrete column, that will be able to house a new TTHM system and chlorine booster system. Additionally, site security will be increased with upgraded site fencing. The above Improvements are as more particularly described in the Engineering Report on file in the Leicester Town Clerk’s office, and all of said Improvements would take place within the Town of Leicester Cuylerville Water District; and be it further

**RESOLVED**, that the maximum amount proposed to be expended for the improvements is \$1,560,000.00 of which it is expected that \$936,000.00 will be funded from a NYS EFC Water Infrastructure Improvement Act (WIIA) Grant and the local share of \$624,000.00 will be financed through long term financing through either the New York State Environmental Facilities Corporation or through long term bonding; and be it further

**RESOLVED**, that the anticipated cost for the Improvements shall be shared by all of the properties within the Town of Leicester Cuylerville Water District in proportion to the amount of benefit which the Water Main Improvements confers upon such properties; and it is further

**RESOLVED**, that Town Board is authorized to engage an engineering firm to prepare definite plans and specifications for the Improvements, and to make a careful estimate of the expense, and, with the assistance of the Town Attorney, to prepare one or more proposed contracts for the execution of the work.

The question of the adoption of the foregoing Resolution and Order was duly submitted for approval by vote of the Leicester Town Board on Tuesday, July 25, 2023 recorded as follows:

**Vote of the Board:**

Dave Fanaro, Supervisor	_Aye_
Matt Durbin	_Aye_
Gerald Hull	_Aye_

Karen Roffe

\_Aye\_

Jason Yasso

\_Aye\_

This is to certify that I, the undersigned, Clerk of the Board of the Town of Leicester of the County of Livingston, was duly adopted by the Leicester Town Board of said Town on the date above, and that the same is a true and correct transcript of said resolution.

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 25<sup>th</sup> day of July, 2023.

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Amy Neumann, Town Clerk

**Bond Resolution:** A Motion was made to adopt the Bond Resolution by councilmember Karen Roffe and Seconded by Councilmember Jason Yasso.

EXTRACT OF MINUTES OF MEETING OF THE TOWN BOARD  
ADOPTING BOND RESOLUTION

At a meeting of the Town Board of the Town of Leicester, Livingston County, New York, held at the Town Offices in Leicester, New York, on the 25<sup>th</sup> day of July 2023:

PRESENT: David Fanaro, Town Supervisor; Councilmembers, Jason Yasso, Gerald Hull, Matthew Durbin, Karen Roffe; Town Attorney, James Campbell; Town Clerk, Amy Neumann

ABSENT:

\_Karen Roffe\_\_\_\_\_ presented the following resolution and duly moved that it be adopted and was seconded by \_\_Jason Yasso\_\_\_\_:

BOND RESOLUTION DATED JULY 25, 2023 OF THE TOWN BOARD OF THE TOWN OF LEICESTER, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH

PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town of Leicester Cuylerville Water District is a water District of the Town of Leicester, New York, duly established by the Town Board pursuant to the Town Law and, pursuant to a resolution adopted on July 25, 2023, the Town has duly authorized additional facilities therein pursuant to §202-b of the Town Law; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on July 25, 2023, has duly determined and found the purpose to be a type II action which will not have a significant impact on the environment and is not subject to any further environmental review under SEQRA; now therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LEICESTER, NEW YORK (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Leicester shall undertake certain capital improvements consisting of the acquisition and construction of water improvements for the Town of Leicester Cuylerville Water District, duly authorized pursuant to Section 202-b of the Town Law, consisting of the replacement of the existing Cuylerville Water District Water Tank, including the installation of by-pass pumping connections that will enable the water system to function during construction, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$1,560,000 of the Town are hereby authorized to be issued to finance said purpose, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost to the Town of Leicester of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$1,560,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, currently expected to be \$936,000 from a NYS EFC Water Infrastructure Improvement Act (WIIA) Grant.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, and the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Leicester.

Section 7. The faith and credit of the Town of Leicester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall



be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Leicester together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

The motion having been duly seconded, it was adopted and the following votes were cast:

AYES 5.                      NAYS 0.

NOTICE PURSUANT TO LOCAL FINANCE LAW SECTION 81.00

The bond resolution published herewith was adopted on July 25, 2023, and the validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Leicester is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

\_\_\_\_\_  
Amy Neumann, Town Clerk  
Town of Leicester, New York

STATE OF NEW YORK            }  
  }    ss:  
COUNTY OF LIVINGSTON    }

I, the undersigned clerk of the Town of Leicester, DO HEREBY CERTIFY as follows:

1. A meeting of the Town Board of the Town of Leicester, Livingston County, State of New York, was held on July 25, 2023, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Town Board.
2. I have compared the attached Extract with said Minutes so recorded and said Extract is a true copy of said Minutes and of the whole thereof insofar as said Minutes relate to matters referred to in said Extract.
3. Said Minutes correctly state the time and place when said Meeting was convened and the place where such meeting was held and the members of said Board who attended said Meeting.
4. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said

Town Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

5. IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Leicester this 25 day of July, 2023.

{SEAL}

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Town Clerk  
Town of Leicester

**Resolution to Authorize:** A Motion was made for WIIA Grant Authorization for the Supervisor to Sign and Submit by Councilmember Gerald Hull and Seconded by Councilmember Matthew Durbin. Motion carried. Ayes 5, Noes 0.

**TOWN BOARD  
TOWN OF LEICESTER  
COUNTY OF LIVINGSTON**

**RESOLUTION AUTHORIZING WIIA GRANT APPLICATION  
FOR THE  
TOWN OF LEICESTER CUYLerville WATER TANK REPLACEMENT**

At a special meeting of the Town Board of the Town of Leicester,  
Livingston County, State of New York, held at the Leicester Town  
Hall on the 25th day of July, 2023.

**WHEREAS**, the Town of Leicester (Town), is seeking a grant for the Town of Leicester Cuylerville Water Tank Replacement (Project) and intends to submit via the Environmental Facilities Corporation for funding to the New York Water Infrastructure Improvement Act (WIIA); and

**WHEREAS**, the Town project cost estimate for the Project is \$1,560,000.00; and

**WHEREAS**, the WIIA through NYS Environmental Facilities Corporation (NYSEFC) is authorized to fund up to 60% of the project cost in the amount of \$936,000.00; and

**WHEREAS**, CPL is authorized to prepare a grant application on behalf of the Town via the Environmental Facilities Corporation (EFC) to the NYS Water Infrastructure Improvement Act (WIIA); and

**WHEREAS**, the Supervisor is required to sign the grant application on behalf of the Town as well as a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project if a grant is awarded; now, therefore be it

**RESOLVED**, that the Town authorizes and appropriates a minimum of 40% local match as required by the Water Infrastructure Improvement Act (WIIA). Under the WIIA, this local match must be at least 40% of total project of \$1,560,000.00 for a total share of \$624,000.00. The maximum local share appropriated subject to any changes agreed to by the Town shall not exceed \$624,000.00 subject to receipt of a WIIA grant and available funding. The total estimated maximum grant is \$936,000.00. The Town may increase this local match through the use of in-kind services without further approval from the Town; and be it further

**RESOLVED**, that the Supervisor is authorized to sign a grant application on behalf of the Town via the NYSEFC to the Water Infrastructure Improvement Act (WIIA); and be it further

**RESOLVED**, that should a WIIA grant be awarded to the Town, the Supervisor is authorized to execute a Grant Agreement with the NYSEFC and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Town's obligations under the WIIA Program through NYSEFC.

The question of the adoption of the foregoing Resolution and Order was duly submitted for approval by vote of the Leicester Town Board on Tuesday, July 25, 2023 recorded as follows:

**Vote of the Board:**

Dave Fanaro, Supervisor	_Aye_
Matt Durbin	_Aye_
Gerald Hull	_Aye_
Karen Roffe	_Aye_
Jason Yasso	_Aye_

This is to certify that I, the undersigned, Clerk of the Board of the Town of Leicester of the County of Livingston, was duly adopted by the Leicester Town Board of said Town on the date above, and that the same is a true and correct transcript of said resolution.

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 25<sup>th</sup> day of July, 2023.

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Amy Neumann, Town Clerk

**Discussion on WIIA Grant:**

**Hold Public Hearing if No AKZO Funds and Before Bond impacts the Taxpayers:** A discussion was had regarding having a public hearing prior to moving forward if it impacts the taxpayer with this bond brought up by Resident, Rich Neumann and Councilmember Jason Yasso agrees. Supervisor Fanaro suggested, or we can reapply with the Village if they need a replacement tank, possible opportunity to get grant funds.

A Motion was made to have another Public Hearing if no Akzo Funds or the bond is needed in this project to move forward and will impact taxpayers, the Town Board will hold another Public Hearing before moving forward was made by Councilmember Gerald Hull and Seconded by Councilmember Jason Yasso.

Motion carried. Ayes 5, Noes 0.

**Adjournment:** A Motion was made to adjourn the meeting at 7:33 p.m. by Councilmember Jason Yasso, and Seconded by Councilmember, Matthew Durbin.

Motion carried. Ayes 5, Noes 0.

Respectfully Submitted,  
Amy Neumann, Town Clerk