

**RESOLUTION APPROVING AND ADOPTING THE TOWN'S DETERMINATION AND FINDINGS PURSUANT TO EMINENT DOMAIN PROCEDURE LAW 204 REGARDING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTY IN THE TOWN OF SENECA FALLS, NEW YORK IN CONNECTION WITH THE SENECA FALLS SANITARY SEWER SYSTEM IMPROVEMENTS PROJECT AND DIRECTION FOR ASSOCIATED ACTIVITIES BY TOWN COUNSEL AND STAFF**

**WHEREAS**, the Town of Seneca Falls (the "Town") is authorized and empowered by Article 4, Section 64 of the New York State Town Law, to acquire by acquisition in the manner provided by the New York State Eminent Domain Procedure Law ("EDPL"), any lands or rights therein, either within or outside the town boundaries, required for any public purpose; and

**WHEREAS**, the Town has undertaken the Seneca Falls Sanitary Sewer System Improvements Project to address various deficiencies throughout its collection system and increase available capacity for future development (the "Project"); and

**WHEREAS**, the Town is considering the acquisition of certain real property permanent easement interests approximately 20 feet in width with approximately 10 feet on either side of the actual installed force main pipeline (the "Easements") in connection with the Project and in order to reroute and upsize the aging Kingdom Road Pump Station and force main located within the Town. The Project route alignment alternatives are generally described as follows: (1) running from Kingdom Road along the north side of New River Road to the Frank J. Ludovico Sculpture Trail (SBL# 19-1-01) on the south side of the Seneca and Cayuga Canal to the Ovid Street Bridge ("Option A"); and (2) running along the north side of New River Road and Bayard Street between Kingdom Road and the Ovid Street Bridge ("Option B"); (collectively, the "Project Routes"); and

**WHEREAS**, on March 22, 2018, the Town conducted a duly noticed public hearing pursuant to EDPL Article 2 for purposes of hearing all persons in favor of or opposed to the proposed acquisition of the Easements in furtherance of the Project which hearing was left open through April 5, 2018 for additional written submissions; and

**WHEREAS**, at the March 22, 2018 public hearing, the Town described the Project and outlined the public purposes and benefits to be achieved by the Project for which the acquisition of the Easements is necessary and desirable and which will further the Project; and the proposed location of the Project and alternative Project Routes including a description of the Easements; and

**WHEREAS**, on February 2, 2016 and May 1, 2018, the Town, consistent with its obligations under the State Environmental Quality Review Act, adopted resolutions determining that the proposed Project will not result in any significant adverse environmental impacts, which resolutions are incorporated herein by reference; and

WHEREAS, pursuant to EDPL 203, copies of the record of the public hearing are being made available to the public for examination, without cost, at the offices of the Town located at 130 Ovid St., Seneca Falls, New York and Seneca County located at the Seneca County Office Building, 1 DiPronio Drive, Waterloo, New York 13165; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN OF SENECA FALLS TOWN BOARD AS FOLLOWS:

Section 1. In accordance with EDPL 204, the Town hereby approves and adopts its Determination and Findings in connection with the acquisition of the Easements along Project Route Option A ("Property") as follows:

A. The Determination and Findings attached hereto and made part of this resolution as Exhibit 1;

B. The synopsis of the Determination and Findings attached hereto and made part of this resolution as Exhibit 2; and

Section 2. The synopsis of the Determination and Findings (Exhibit 2) shall be published in two (2) successive issues of the Reveille Between the Lakes and the Finger Lakes Times pursuant to EDPL 204; and

Section 3. The staff and special counsel to the Town are hereby authorized and directed to do such things and perform such acts and execute such documents as are necessary and/or appropriate to effect this resolution and the Town is hereby authorized to acquire, through its power of eminent domain or otherwise, title to the Property; and

Section 4. This resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

The members voted as follows:

Gregory P. Lazzaro	Voted	<input checked="" type="radio"/> Yes <input type="radio"/> No
Doug Avery	Voted	<input checked="" type="radio"/> Yes <input type="radio"/> No
Dave DeLelys	Voted	<input checked="" type="radio"/> Yes <input type="radio"/> No
Vittorio Porretta	Voted	<input checked="" type="radio"/> Yes <input type="radio"/> No
Lou Ferrara	Voted	<input checked="" type="radio"/> Yes <input type="radio"/> No

The foregoing Resolution was thereupon declared duly adopted.

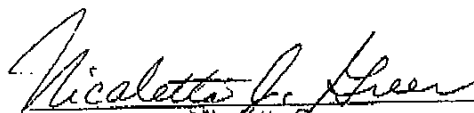
STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF SENECA )

I, the undersigned Town Clerk of the Town of Seneca Falls (the "Town"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the Town of Seneca Falls Town Board ("Town Board"), including the Resolution contained therein, held on May 1, 2018 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Town Board had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Town Board present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 1<sup>st</sup> day of May, 2018.

  
Nicoletta Greer  
Town Clerk



**Exhibit 1**

**PURSUANT TO EDPL 204 OF THE EMINENT DOMAIN PROCEDURE LAW OF THE STATE OF NEW YORK, THE TOWN OF SENECA FALLS THROUGH ITS TOWN BOARD, FOLLOWING A PUBLIC HEARING HELD AT THE SENECA FALLS COMMUNITY CENTER ON MARCH 22, 2018 (AND LEFT OPEN THROUGH APRIL 5, 2018 FOR WRITTEN SUBMISSIONS) REGARDING THE PROPOSED ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTY LOCATED IN THE TOWN FOR THE SENECA FALLS SANITARY SEWER SYSTEM IMPROVEMENTS PROJECT**

**I. Public Use, Benefit or Purpose to be Served by the Proposed Public Project**

The Town of Seneca Falls ("Town") proposes to acquire by negotiated purchase or through the exercise of its power of eminent domain the easement interests identified below to complete the Seneca Falls Sanitary Sewer System Improvements Project to address various deficiencies throughout its collection system including the improvements to the Kingdom Road Pump Station and force main used for conveyance of wastewater (the "Project"). Specifically, the Town will acquire permanent easements approximately 20 feet in width with approximately 10 feet on either side of the actual installed force main pipeline along the following route and located on the respective properties as described below:

- running from Kingdom Road along the north side of New River Road for approximately 3,586 linear feet through parcels identified as SBL#s 34-1-30, 34-1-19.1, 34-1-19.2; to
- the Frank J. Ludovico Sculpture Trail (SBL# 19-1-01) on the south side of the Seneca and Cayuga Canal; to
- 1 Canal Street (SBL # 11-3-29); to
- 2 West Bayard St (11-3-24.11) to the Ovid Street Bridge

**("Property")**

The Town finds the following public purposes will be served by, and benefits expected to be derived from, the proposed Project and the acquisition of the Property which is necessary for and in furtherance of the development of the Project:

- Upgrade aging Kingdom Road Pump Station and sewer system infrastructure which has experienced multiple and significant failures.
- Removal of the centralized and aging wastewater treatment plants from service (Town of Junius and NYSTA Junius Ponds SA). Town wastewater will be treated at a larger, more reliable and qualitatively improved facility.
- The Project will relieve the current aging infrastructure and sewer system "pinch points" which will result in increased flow and efficiency, support existing and future commercial developments, and serve outside users at an increased sewer tax rate.
- Provide capacity for additional users and future growth.
- The system's added efficiency will result in lower unit costs for the West Seneca Falls District Users and increase tax revenue as development inside and outside the

District continues. It will also obviate the need for future disturbance of the sewer system on the north side of the Seneca-Cayuga Canal and in turn, preserve important environmental resources.

- Create positive economic activity in the form of temporary construction jobs associated with the construction and installation of the Project.

## **II. The Approximate Location for the Proposed Public Project and the Reasons for the Selection of that Location**

As described above, the Project will be located on permanent easements approximately 20 feet in width with approximately 10 feet on either side of the actual installed force main pipeline along the following route and located on the respective properties as described below:

- running from Kingdom Road along the north side of New River Road for approximately 3,586 linear feet through parcels identified as SBL#s 34-1-30, 34-1-19.1, 34-1-19.2; to
- the Frank J. Ludovico Sculpture Trail (SBL# 19-1-01) on the south side of the Seneca and Cayuga Canal; to
- 1 Canal Street (SBL # 11-3-29); to
- 2 West Bayard St (11-3-24.11) to the Ovid Street Bridge

This Project site/route was selected because it will result in substantially less disruption to the Seneca Falls community with respect to the nature and extent of the construction activities associated with installation of the force main infrastructure; the force main sewer line can be installed through horizontal directional drilling throughout most of this route; this route impacts significantly fewer property owners and requires substantially fewer easements; results in significantly fewer tree removals; is materially less expensive than any other alternative, and requires less time to complete construction of the Project.

An alternative route running along the north side of New River Road and Bayard Street between Kingdom Road and the Ovid Street Bridge was also considered. This alternative route was rejected because there was a higher risk of damage to and the probable removal of numerous mature trees; open trenching would be required for most areas along the route; significantly more property owners would be affected by the construction of the Project and the imposition of easements; longer time needed to complete Project construction with much greater construction costs; and substantially greater disruption to the community, including traffic.

**III. The General Effect of the Proposed Project on the Environment and Residents of the Locality**

The environmental impacts associated with the Project have been extensively examined and considered by the Town. As stated above, the proposed acquisitions are required to update antiquated sewer system infrastructure and improve sanitary sewer conditions, capacity and flow within the district. The Town's review pursuant to Article 8 of the State Environmental Quality Review Act (SEQRA), and memorialized in the February 2, 2016 and May 1, 2018 resolutions of the Seneca Falls Town Board, found that the Project will not result in any significant adverse environmental impacts. The February 2, 2016 and May 1, 2018 resolutions are attached to this Determination and Findings as **Exhibit A**.

May 1, 2018

TOWN OF SENECA FALLS

**Exhibit 2**



**SYNOPSIS OF EDPL 204 DETERMINATION AND FINDINGS BY THE TOWN OF SENECA FALLS REGARDING ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTY LOCATED IN THE TOWN FOR THE SENECA FALLS SANITARY SEWER SYSTEM IMPROVEMENTS PROJECT**

Pursuant to Section 204 of the Eminent Domain Procedure Law of the State of New York ("EDPL"), the Town of Seneca Falls ("Town") held a public hearing at the Seneca Falls Community Center, located at 35 Water Street, in the Town of Seneca Falls, Seneca County, New York on March 22, 2018 which was left open through April 5, 2018 for additional written submissions. Based upon this hearing and information in the record before the Town of Seneca Falls Town Board ("Town Board"), at its May 1, 2018 meeting the Town made its Determination and Findings regarding the proposed acquisition of certain easement interests identified below (the "Property") for the Seneca Falls Sanitary Sewer System Improvements Project to address various deficiencies throughout its collection system including the improvements to the Kingdom Road Pump Station and force main used for conveyance of wastewater (the "Project").

**I. THE PUBLIC USE, BENEFIT OR PURPOSE TO BE SERVED**

The Town has developed a plan to upgrade the Seneca Falls Sanitary Sewer System by upgrading the aging Kingdom Road Pump Station and existing sewer system infrastructure which has experienced multiple and significant failures. The acquisition of the Property is necessary for and in furtherance of the development of the Project.

The Town finds and determines the acquisition of the Property and the development of the Project will serve the following public purposes, uses and benefits:

- Upgrade aging Kingdom Road Pump Station and sewer system infrastructure which has experienced multiple and significant failures.
- Removal of the centralized and aging wastewater treatment plants from service (Town of Junius and NYSTA Junius Ponds SA). Town wastewater will be treated at a larger, more reliable and qualitatively improved facility.
- Relieve the current aging infrastructure and sewer system "pinch points" which will result in increased flow and efficiency, support existing and future commercial developments, and serve outside users at an increased sewer tax rate.
- Provide capacity for additional users and future growth.
- The system's added efficiency will result in lower unit costs for the West Seneca Falls District Users and increase tax revenue as development inside and outside the District continues. It will also obviate the need for future disturbance of the sewer system on the north side of the Seneca-Cayuga Canal and in turn, preserve important environmental resources.
- Create positive economic activity in the form of temporary construction jobs associated with the construction and installation of the Project.

## II. THE APPROXIMATE LOCATION FOR THE PROPOSED PROJECT AND THE REASONS FOR THE SELECTION OF THIS LOCATION

The property interests to be acquired for the Project consist of permanent easements approximately 20 feet in width with approximately 10 feet on either side of the actual installed force main pipeline along the following route and located on the respective properties as described below:

- running from Kingdom Road along the north side of New River Road for approximately 3,586 linear feet through parcels identified as SBL#s 34-1-30, 34-1-19.1, 34-1-19.2; to
- the Frank J. Ludovico Sculpture Trail (SBL# 19-1-01) on the south side of the Seneca and Cayuga Canal; to
- 1 Canal Street (SBL # 11-3-29); to
- 2 West Bayard St (11-3-24.11) to the Ovid Street Bridge

This route was selected because it will result in substantially less disruption to the Seneca Falls community with respect to the nature and extent of the construction activities associated with installation of the force main infrastructure; the force main sewer line can be installed through horizontal directional drilling through most of this route; this route impacts significantly fewer property owners and requires substantially fewer easements; results in significantly fewer tree removals; is materially less expensive than any other alternative, and requires less time to complete construction of the Project.

An alternative route running along the north side of New River Road and Bayard Street between Kingdom Road and the Ovid Street Bridge was considered but rejected as too disruptive, more expensive and time consuming.

## III. THE GENERAL EFFECT OF THE PROPOSED PROJECT ON THE ENVIRONMENT AND RESIDENTS OF THE LOCALITY

The Town in its role as lead agency, evaluated the Project pursuant to Article 8 of the New York Environmental Conservation Law (State Environmental Quality Review Act a/k/a "SEQRA") and the statewide regulations under SEQRA ("Regulations"). The Town, by resolutions dated February 2, 2016 and May 1, 2018, determined that: (i) the proposed Project is a Type I action pursuant to the Regulations; (ii) as head agency, the Town engaged in a coordinated environmental review of the Project; (iii) upon conducting said review, the Town has determined the Project will result in no significant adverse environmental impacts and therefore will not have a significant effect on the environment; and (iv) therefore no environmental impact statement is required to be prepared with respect to the Project and issued its Negative Declaration and Amended Negative Declaration under SEQRA.

Copies of the Determination and Findings will be forwarded upon written request without cost.

May 1, 2018

TOWN OF SENECA FALLS TOWN BOARD

**RESOLUTION  
TOWN OF SENECA FALLS TOWN BOARD**

**RESOLUTION ESTABLISHING TOWN OF SENECA FALLS TOWN BOARD AS LEAD AGENCY AND DETERMINING THAT ACTION TO CONSTRUCT THE SANITARY SEWER SYSTEM IMPROVEMENTS PROJECT IS A TYPE I ACTION AND WILL HAVE NO SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT**

**WHEREAS**, The Town of Seneca Falls (Town) is proposing to complete the Sanitary Sewer System Improvements Project to address various deficiencies throughout its collection system.

**WHEREAS**, the Project is largely located within the boundary of the former Village of Seneca Falls; and

**WHEREAS**, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act ("SEORA") and the implementing regulations at 6 NYCRR Part 617 (the "Regulations"), the Town desires to comply with SEORA and the Regulations with respect to the Project; and

**WHEREAS**, on October 6, 2015, the Town caused a letter and Part I of a Full Environmental Assessment Form (FEAF) to be sent to other potentially "Involved Agencies" (as this term is defined in the SEORA Regulations found at 6 NYCRR Part 617), indicating the Town's desire to serve as the "Lead Agency" (as this quoted term is defined in the SEORA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

**WHEREAS**, a minimum of 30 calendar days were provided, and each of the potentially Involved Agencies has agreed to, or raised no objections to, the Town of Seneca Falls Town Board serving as Lead Agency for the Project; and

**WHEREAS**, pursuant to the SEORA Regulations, the Town has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEORA Regulations; (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF and Part 3 Evaluation Document, together with other available supporting information, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of environmental concern;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of Seneca Falls Town Board establishes themselves as the SEORA Lead Agency for the Project; and

**BE IT FURTHER RESOLVED**, that based upon an examination of the FEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Town's knowledge of the area surrounding the Project, the Town of Seneca Falls Town Board makes the following findings and determinations:

1. The Project is accurately described in the FEAF; and
2. The Project constitutes a "Type I Action" (as the quoted term is defined in the Regulations); and
3. No significant adverse environmental impacts are noted in the FEAF for the Project and none are known to the Board.

Therefore, the Town of Seneca Falls Town Board hereby determines that the Project will not have a significant adverse environmental impact, and the Board will not require the preparation of a Draft Environmental Impact Statement with respect to the Project; and

**BE IT FURTHER RESOLVED**, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the Town of Seneca Falls Town Board, as Lead Agency, hereby directs the Town Supervisor to sign the FEAF Part 3 indicating that a Negative Declaration has been issued for the Project; and

**BE IT FURTHER RESOLVED**, that the Town of Seneca Falls Town Board directs the Town Supervisor and the project engineer to publish notice of, and file a copy of, the Negative Declaration for the Project in accordance with the Regulations; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor and the project engineer, together with counsel for the Town, are hereby authorized and directed to take all actions, serve all notices, and complete all documents in order to give full force and effect of this determination; and

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

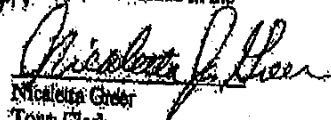
The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Gregory Lazzaro, Supervisor	Voted	Yes/No
Chad Sanderson, Board Member	Voted	Yes/No
James Ricca, Board Member	Voted	Yes/No
Dave DeLelys, Board Member	Voted	Yes/No
Vittorio Porretta, Board Member	Voted	Yes/No

The foregoing resolution was thereupon declared duly adopted.

Dated: Feb. 2, 2016

I hereby certify that this resolution was adopted on February 2, 2016 and is recorded in the Meeting Minutes of the Town Board.

  
 Nicoletta Greer  
 Town Clerk