

**RESOLUTION NO. 37 OF 2013  
TOWN OF CLAYTON  
A RESOLUTION ACCEPTING THE SEQR - NEGATIVE DECLARATION FOR THE  
ROUTE 12 SEWER PROJECT.  
APRIL 10, 2013**

**Title:** A resolution accepting the SEQR – Negative Declaration for the Route 12 Sewer Project.

At a regular meeting of the Town Board of the Town of Clayton held at the Town Board Room, 405 Riverside Drive, Clayton, New York, 13624, Jefferson County, on the 10<sup>th</sup> day of April, 2013 at 5:00 PM prevailing time there were:

**PRESENT:** Justin A. Taylor, Supervisor  
George E. Kittle, Councilman  
Robert W. Cantwell III, Councilman  
Christopher D. Matthews, Councilman

**ABSENT:** Lance Peterson, Councilman

The following was offered by Robert W. Cantwell III, who moved its adoption, seconded by Christopher D. Matthews, to wit:

**WHEREAS**, the Town of Clayton has established the NYS Route 12 Sewer District in said Town pursuant to the provisions of Article 12A of the Town Law; and

**WHEREAS**, following completion of construction of the infrastructure to service the New York State Route 12 Sewer District, the sanitary sewage from the improved properties within said district shall be transmitted for distribution and treatment to the joint sanitary sewage treatment plant owned by the Town of Clayton, the Town of Orleans, and the Town of Alexandria, and located on a certain parcel of land adjacent to the Thousand Islands Bridge Authority within the Town of Alexandria; and

**WHEREAS**, the transmission of sanitary sewage for treatment at the jointly owned sewer treatment plant requires an amendment to the current Intermunicipal Agreement between the Towns of Alexandria, Orleans and Clayton in connection with the joint sewer treatment plant; and

**WHEREAS**, the adoption of an Amended and Restated Intermunicipal Agreement by the three towns is subject to the provisions of the New York State Environmental Quality Review Act and the regulations promulgated thereunder at 6NYCRR, Part 617 (“SEQRA”); and

**WHEREAS**, at a regular meeting of this Board held on March 13, 2013, Part I of a long form Environmental Assessment Form (“EAF:”) was duly accepted for filing by this Board as prepared by the Town Engineer, a Resolution was duly adopted by which this Board declared itself lead agency, and directing the Town Attorney to circulate Part I of the EAF to the involved agencies identified in Part I of the EAF and attached to this Resolution, and

**WHEREAS**, by letters dated March 14, 2013, the Town Attorney forwarded a copy of Part I of the EAF to the involved agencies as identified by this Board, and

**WHEREAS**, this Board has either received the consent of each of the other identified involved agencies that this Board act as the lead agency for this project, or at least 30 days have passed since notification was provided and no objections to this Board serving as lead agency have been received, and

**WHEREAS**, this Board has received comments from certain of the involved agencies, and has thoroughly reviewed those comments in connection with its obligations under SEQRA, and

**WHEREAS**, pursuant to 6 NYCRR Part 617, this Board has reviewed Part II of the EAF to determine whether the project will have a significant effect on the environment, and

**WHEREAS**, pursuant to Article VIII of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation, to wit: 6 NYCRR Part 617, this Board has determined that the action will not have a significant affect on the environment, and will not cause a significant impact on the environment, and therefore, the preparation of an environmental impact statement is not required.

**NOW, THEREFORE**, be it resolved by the Town Board of the Town of Clayton as follows:

1. Based upon the examination of the EAF and the criteria set forth in 6 NYCRR Part 617, the Board makes the following findings.

- A. The proposed action constitutes a Type I action pursuant to 6 NYCRR Part 617 and this Board has previously determined that a coordinated review is appropriate.
  - B. This Board has received the concurrence from the other involved agencies that this Board act as lead agency for this project, this Board has received and considered the comments, if any, submitted by the other involved agencies.
  - C. No potentially significant adverse impacts on the environment are noted on the EAF, none are identified by any of the involved agencies, and none are known to this Board.
  - D. There will be no substantial adverse change in existing air or water quality.
  - E. There will be no hazard created to human health.
  - F. There will be no substantial change in the use or the intensity of the use on the land.
  - G. There will not be created a material conflict with the community's current plans or goals as officially adopted.
  - H. None of the criteria listed in 6 NYCRR Section 617.11 will be present in the proposed project and no similar criteria will be present which will adversely impact on the environment.
- 2. The Notice of Determination of Non-Significance attached hereto is hereby adopted and accepted by this Board as its Negative Declaration in connection with this Project.
  - 3. The Town Clerk for the Town of Clayton is hereby directed to file in the Town Clerk's Office in a file readily accessible to the public, the Negative Declaration attached hereto.
  - 4. The Clerk is directed to cause the Negative Declaration to be served on each of the other involved agencies.
  - 5. The Clerk is directed to cause to be published the Negative Declaration in the Environmental Notice Bulletin.
  - 6. All subsequent notices concerning this project shall note that this Board has issued a negative declaration.

7. This Resolution shall take effect immediately.

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

Justin A. Taylor, Supervisor	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
George E. Kittle, Councilman	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Lance Peterson, Councilman	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Robert W. Cantwell III, Councilman	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Christopher D. Matthews, Councilman	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Yes 4 No 0 Absent 1 Abstain 0

Dated: April 10, 2013

**Certification:**

I, Kathleen E. LaClair, Town Clerk for the Town of Clayton, do hereby certify that the above resolution was adopted at a regular meeting of the Town Board of the Town of Clayton held on April 10, 2013 and it's on file and of record, and that said resolution has not been altered, amended or revoked and it's in full force and effect.

**(SEAL)**

---

Kathleen E. LaClair, Town Clerk