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SPECIAL MEETING

Supervisor O'Rourke called the meeting to order at 6:00 pm and the Pledge of Allegiance was said. Also attending: Councilwoman Finke (late), Councilman Norris, Highway Superintendent Jordan and Town Clerk Brooks, and 8 members of the public who signed the attendance sheet. Absent: Councilwomen Benway (vacation) and Councilman Meredith, Attorney Wukitsch.

PRESENTATION - Delaware Engineering and Discussion of Possible Expansion of Water District #2, Mary Beth Bianconi

Supervisor announced that everyone owning property in Water District 2 (WD2) received a letter from her, dated August 16; she asked if all present were from Water District 2. Supervisor reviewed that the Town Board was approached by a resident who lives 2 lots away from the district; they have issues with water, have drilled 4 wells, and wish to get water. Supervisor had not been involved in enlarging a water district before so began her research. Established in 1972, never officially enlarged; some lots have been subdivided and created additional questions. With a resident in need, it seemed like a good time to determine compliance, how do we go about enlarging, follow a procedure, and wanted to invite all involved in the district to be involved. If Town does enlarge the district, a public hearing would be required. Knowing professional help was needed and Delaware Engineering, specializing in water and sewer and recommended by our neighbors, has helped us in the past, Mary Beth Bianconi is here tonight with maps. Both Water District 1/Village of Ravena and Water District 2/Village of Coxsackie have issues; most pressing now is WD2. Supervisor invited those attending to come forward to view the map.

Mary Beth distributed small maps for conversation; reviewing there are three different districts: WD1 who gets water from Village of Ravena; and WD3/Kalkberg Commerce Park and WD2/Scheller Park who get their water from the Village of Coxsackie. Water District 2 will be focus of tonight.

Around turn of century, 1910, Coxsackie got water from reservoir; some of that infrastructure is still out there, including old piping. It was a very small reservoir, Howe's Cave has same geology, we have acid rain and the rainwater permeates limestone. The dam under this reservoir began leaking in the 1950's, there was not enough water by 1962-63 drought; the Village stopped and looked to Climax.

Councilwoman Finke arrived.

The water district on the map identified in Red was formed in 1972-74; the formation process is same historically: to form a special improvement district, someone petitions or the Town Board determines this district is needed; a map, plan and report is prepared (it says what are we doing, who are we serving, what are the pieces/parts, how much will it cost the typical user, and how will that money be raised), a public hearing is held, an order is issued, and then several administrative activities. *Extension of a district* is more less the same process.

You must have *water source* to begin. Looking north to Albany County and south to Catskill, water systems get water from surface water sources, sometimes multiple sources, but ground water quantity is not plentiful. This WD2 gets its water from the Village of Coxsackie but, because we do not border the Village, there is a contract with the Town of Coxsackie and the Village of Coxsackie, layered, and those aging agreements should be looked at.

In order to get water, the Village must have water supply permit; the source of that is Climax reservoir and Medway reservoir. The Town of New Baltimore's water supply permit says the source is the Village of Coxsackie. The *difference between Red and all the Blue*: the blue is Greene County Real Property's lands serviced by the special district, the Red is the actual legal description of Water District 2; they are not the same because 1) the district was created following the road, was not separately surveyed, 100 feet from road, very common and Red lines may cut through many parcels; Greene County says if any part of a parcel is within the district, then the parcel is within. Some of these lands have been subdivided; if original parcel was larger, any parcel that came off from it is included in the district- for example, the Rebusmen

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property along Scheller Park Road- so all of it is within the district. The Schrowang property borders Scheller Park Road at southeastern corner and that's what makes it part of the district from Real Property's standpoint.

Who is in Blue and gets a water bill? Almost everyone. Schrowang is in the district but doesn't get water bill; Russo property is also not serviced. If Town determines to do something, Delaware Engineering will integrate this with Greene County Real Property. One of Anthony Manoli properties, a sliver, should be in district, but might not be buildable. Cavazos (Circle Drive) and Twisted Tree (4) who are in the district but do not have water, and, on other side of Thruway and Niagara Mohawk right-of-way, owned by Flacks; we're not sure whether they are in district and they do not touch any district parcel; reported by member of the public that [Flach] did own 60+ acres that is now owned by Schultz.

Supervisor said since original bond was paid off, no one is being taxed for debt service.

The O'Connors are having trouble with water. Knowing the geology this is not surprising. Mr. Borghaus and Ernest Smith, Scheller Park and Roberts Hill intersection, and not as far as under power line crossing: is there a chance that other folks up in this area will have similar problems? If the Town gets water to O'Connors, the Borghaus family and Batzas on Schoolhouse may want water. How you decide is either land use and planning or just need, with wells on peoples' property. One thing to think about is, not necessarily stretching north, but planning to accommodate potential. The parcels -Sportsmen's, Salvino, Roberts- perhaps someone in this area is thinking they may want to develop. Rebusmens already know from their experience that, if it is going to go to more than one house, it cannot just be a service line. From the public water line, located generally in a right-of-way, there is a tap, there is a *corporation or curb stop valve*- it resembles the metal ring with the orange juice containers- then the line runs to the house. Traditionally from the tap side of line to the stop is owned by the municipality; from that corporation stop to your house is your responsibility.

Many communities with *new districts have regulations* that explain this and, if you're going to tap in, they define tapping procedure, equipment, sanitary procedures, everything that protects the person doing the work and the homeowner. It is a good idea to address situations and why we are here to talk. If there was to be a service line just to the O'Connors, there is a nearby hydrant, the main would be tapped and [service line] would run about 1200 feet to house. *Service lines do not support hydrants; a 6" water line is needed for fire hydrant, the standard is a hydrant every 200 feet. Also a service line only serves one house.* Do we want to make this situation so that more people can be served and support firefighting? It would need a 6" line.

As far as we know *everyone with service is in the district*; sometimes we discover folk out of district who are receiving service. Why is this important from the community's perspective? If you want to provide water out of the district to a business that just wants water for the business, as opposed to a house, who owns the service line to that out-of-district house? 1200 feet is a lot of line for a homeowner to fix. Supervisor clarified that that would stay forever with that property; answer: yes, the person who puts it in generally takes care of it. It is the owner years and years later who assumes it is owned by the town, and then learns that it belongs to them. Best example in Cocksackie, Route 385 south going up the hill past the point, with Warren estate to the east, all are private service lines and every year at least one problem.

When you are not inside a district and do receive water or sewer service, and the owner says, "Gee, I have water and I don't feel like paying the bill." When inside the district, a bill is levied and town is made whole. But out-of-district, a town takes an unpaid bill to small claims court for satisfaction because of the contract. Town may shut off water at valve, or if Department of Health is called, may tell town to turn on the water. If we put in a service line and someone else wants water, must figure out how to deal with it or abandon that service line and put in a 6" line? or if Water Park comes, and interest comes on 9W.

Supervisor offered if an individual puts in service line and 10 years later someone else wants water and that's the place to go back to for the line, it would be the district that then owns the pipe; once we extend the district, the district is responsible and the district might decide to abandon the smaller line and put in the 6". Are we thinking this is a service line, and live with all

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the things that go along with a service line; or is this going to be part of infrastructure of a district with a potential to serve others and that can support fire hydrants and more?
How do other communities do this? Windham has very simple water system, in and out. Guilderland has 150+ water districts. Supervisor believes New Scotland has 9 water districts and buys water from Bethlehem.

How do people pay for this? When it is needed quickly, the O'Connors, and it could benefit more people, from a public policy perspective this should be part of water district and should support multiple services. *Are the O'Connors responsible for paying?* They cannot recover those costs; say that their neighbor next year wants to jump on once they've paid to bring the line 1200 feet? That situation does happen and a community may say *tough luck*, but generally that does not happen. For residential properties that is unfair. *More common is that a community would calculate cost of a service line to that house as though the homeowner was hiring it out; then calculate cost of 6" line that would provide for fire hydrants each 200 feet and the ability to tap it. What is the difference?* The O'Connors would pay for the portion that would have been incurred for their service, the district as a whole would pay the difference in order to service multiple parcels. Supervisor thought 4" line as opposed to 3/4", about \$2700 additional for the pipe, trenched, hydrants are about \$500 installed (\$250 for the equipment). Mary Beth said it isn't just the cost of pipe of 3/4" service, a 6" water line requires excavating a trench, a metal box for safety, pipe bedding, appropriate backfill to avoid unintentional hump; there is a 'cost of installation'. We don't know today what that cost is; this is all 'food for thought'.

Supervisor asked *how many more lots there were if we were to extend to Roberts Hill?* Mary Beth showed National Grid line, if a logical extension were made up to Schoolhouse Road, it would include Batzas, Hotaling, Big Sky Devel, Bucholz, Borghaus, Schoenborn, totaling about 10 parcels. Supervisor thought currently there are 41 parcels in district. Ken Rebusmen asked [unable to hear]. Mary Beth said, if familiar with Route 81, go past Quarry Steak House, into Climax, Titus Mill Road, and looping back to the apple farm, and that is the site of the water plant.

The water system works on gravity; there are no pumps. Water plant sits about 300 feet elevation; right now some folk in Orchard Lane area don't have good water pressure, Mr. Van Gaasbeck [doesn't have water pressure]. The reason is that the service is at same elevation; the water tower in the Village does not affect this group; water will be the same unless pressure was applied, valves along the way to the river reduce the pressure as elevation drops. Extending this line further will not affect the pressure. Near Route 81 at Thruway, is a valve. Reed Street has a bunch of valves; the closer to same elevation doesn't help you. Extending the line further would not be affected without a pump. Supervisor made no campaign promises for a pump at the dead end with Van Gaasbeck home. Mary Beth said if there is a water line on Roberts Hill, and if Rebusmens have plans for water line through this property, that would improve pressure and flow for all. To change the water pressure the source of water must be raised or a pump added inside the house. Ken Rebusmen said trunk line is 10" [unable to hear] Mary Beth said either put in hydropneumatic tank creating pressure in the tank and then pressurizing the line, or simply abandon pipe and put in smaller diameter pipe. Taking into account condition of that pipe and its size, when water flows by gravity, as it travels it experiences friction and loses velocity. When a pump station is put in, choosing smaller diameter pipe gets water further without pumping the same volume; that could be a larger scale improvement down the road. Mary Beth said the [possible] Water Park would have a pressure problem, not for the water park itself, but for the planned multiple-story hotel that would require sprinkler system. Empire Merchants has a round 400,000 gallon fire tank on its west side in order to get enough pressure to run fire suppression systems. There is not much 'drop' from water plant and pressure is lost. This particular house would not impact anyone's pressure. One is 250 feet, another 200 feet; a 50-foot elevation change gets you a lot of pressure. No engineering has been done; these are the options.

Supervisor said it is important having residents here for discussion. She's been asked why the Town can't pay for this; as a special improvement district, the only people who benefit are those who live in the district, therefore the only people who will pay for changes are those who live in

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the district. It cannot be paid from the Town's General Fund, nor can everyone in the Town be taxed for it. Supervisor asked for questions from the Board.

Councilman Norris clarified that *the choice is public water line or a service line?* Yes, that's what [service line] O'Connors have proposed to do. If Town Board allows that, will the line be in a public road right-of-way? During the construction how will the Town ensure the road will be cared for and roadbed restored and, years down the road, what if a [silly] person buys their house, and goes out and cuts the road? What about insurance when the line is going in? If service line was outside of water district, but in the Town's road, they need permission to be in the road right-of-way. The Town wouldn't know or choose the contractor they engage. Supervisor interjected that if the Town contracted with a business, the Town would ask for bonding. A contract would need to be executed between Water District 2 and O'Connors to describe the way they would get services; while the water comes from Village of Cocksackie, they are a couple of 'links' down, the district would actually sell the water to the O'Connors.

Option two is to extend the district, install public infrastructure of 6" line with fire hydrants each 200 feet, ability to tap off, need a public policy decision; the O'Connors would pay for the cost of what they would have accomplished by themselves [for a service line] and the Town would pay the difference. The Town cannot charge people outside the district for things done inside the district because it is based on benefit. The legal way of looking at it is that the people in the district have water service or water service is available to them, so they are considered "improved".

Supervisor said *the Water District 2 surplus is approximately \$2,700,* not a lot; if Option 2 is taken there are several steps and legal requirements. In talking to Delaware and Attorney for the Town Wukitsch, for look at mapping, etc. and paperwork Delaware would charge \$1300. Then with cost of putting the piping, the O'Connors paying a certain amount above and beyond, the Town Board may borrow from the General Fund, must pay General Fund interest, and must pay it back in the same year. Considering that, the Water District may need to take out a small bond; bond rates are possibly at one of their lowest levels, and it would be spread over the 40+ in the district and if the district included more property owners more would be contributing toward that bond. Supervisor asked whether that had answered Councilman Norris' question.

Councilman Norris asked, regarding the service line, *if the district incurred debt, would those people who had the service line have to pay that debt?* Mary Beth responded if it was somehow included in their contract [with the district]. Councilman Norris asked *if they sold their house, would the contract follow the deed?* Mary Beth posed the following scenario: right now the water rates pay for water from Village of Cocksackie (there is no debt) and there are some administrative costs charged in event of water main break. Suppose the district incurs debt by putting in pump station. This debt would be calculated into the water rate or, in the case of a special improvement district, it would be a tax for that district. When that debt is charged on an ad valorem (tax) basis, if the property is not in the district there is no mechanism to charge them the tax. When the debt is part of the water rate calculation and the agreement says that property owner is going to pay the same water rate as everyone else is paying, then they pay that rate. It becomes very complicated.

Supervisor was reminded of *work done for Sewer District 3's pump station that was very complicated.* Mary Beth familiarized the group with map of Kalkberg Commerce Park, showing the footprint of Empire Merchants; the pump station is over the town line; Greene IDA planned this business park and its water (comes up and ends in crosswalk about 50 feet past intersection on 9W) and 2 sewer lines (one is gravity line that collects wastewater from two parcels, Serta and Empire, and lets it go downhill to the cul de sac) (the second is a forcemain, pump station in New Baltimore that forces that water back up and south down 9W into the Village). When IDA put together a business park and pump station, needing a district to cover the services, Serta was paying Village of Cocksackie for water and sewer bills, part of this park arrangement was that the pump station would be turned over to the Town of New Baltimore. Supervisor called Mary Beth at Delaware regarding the bills, the Village said the Town of New Baltimore took over the pump

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station operation- the phone, electricity, yearly maintenance on generator were all unexpected bills; no mechanism had been set up to allow for Serta (or anyone else coming into Kalkberg) to pay the Town of New Baltimore for those legitimate costs. Town taxpayers should not be paying those bills; the only parties who pay those costs are those who benefit from those services in the district.

The pump station existed before the other occupants of Kalkberg; there was nothing to compel Serta, Empire or the Town of Coxsackie to pay Town of New Baltimore for those pump station services. A way was determined over many meetings involving Supervisor, for the Town of Coxsackie to charge for that use, and then pay the Town of New Baltimore. This was public infrastructure, but how do you compel users to pay? This district was its own entity, just like Towns of New Baltimore and Coxsackie. Mary Beth, several times, thought the process was done, then another attorney would have liability, present and future, and risk concerns, as well as defining items for which Town of New Baltimore and Greene IDA are responsible. The reason special district structures exist is for the protection of everybody. And generally speaking it is better to not have people served who are not in the special district.

Councilman Norris asked *cost of pump station, adding that if we're going to do infrastructure, let's consider a pump station that can benefit everyone.* Delaware also works for the Town and Village of Coxsackie, knows the water pressures. Delaware has a *valve hydraulic model*: a map of all the known water lines (some are very generic) and, given x at a certain location, insert a pump station to see the affect (need for changes in line sizes); an analysis can be done.

Supervisor said *the immediate need is the O'Connors*, winter is approaching, there are certain processes to go through if we enlarge the district, including holding a public hearing. If Town Board makes that determination, maps must be drawn, a month at best to public hearing, the Map, Plan and Report (8 sheets of paper possibly) that will defined its cost; that takes a bit of time to do. Supervisor offered mid- to end of October? Mary Beth said it must be legally sufficient, reviewed by Attorney for the Town, the Town Board would receive it, notice it in paper, that document would be available to everyone to view, and describe how would it be assessed. Then, after public hearing, and the Town Board listens to everyone, and Town Board would adopt the new district, and a Final Order is put together that creates the new district.

Supervisor said the Board could also look at it and do something different; the Board could modify and labor on. Mary Beth said the Board could just bring red line in, hook up the O'Connors, and meet this red line; that is one option. The Board could tell Delaware, without going through fancy-stuff, who is in and what does it look like and cost? Also the Board could ask Delaware to show a bigger district and what does it look like and at what cost? When the Board gets to that point of wanting a Map, Plan, and Report, you've have that type of prelim discussion and know what you want to do. Supervisor asked if the Board had questions and then to open it to the public attending. Councilwoman Finke had no questions.

[Member of the public] asked *would all costs would be paid by the district property owners;* Supervisor said the brunt of it *could* be paid by O'Connors, or *all of it* as MaryBeth had described. It is also possible for the district to pay for the additional cost of 6" line and the hydrants, but not for the district to pick up the entire cost. Mary Beth offered a very simplified example: if the O'Connors' service line cost \$10, a 6" line would be \$20, the district would pay, as a public policy matter, split this 50/50: O'Connors would pay what it would otherwise cost them alone for that service line. Also, the bigger a district is, the more folks share costs. Supervisor knows that well from the Sewer District 1 and added that the Town Board could also say to the O'Connors that if that total cost is \$20 to put in 6" main with hydrants -because that is what is needed in the district- and that they have to pay the total \$20. Supervisor believes that is what the Rebusmens have done? Mary Beth asked to be corrected if wrong but believes that they were looking at putting in multiple services off the 6" line to provide future needs. Ken Rebusmen said that to go to furthest lot, 1700 feet from main line, it had to be that size, paid an engineer, and the hydrants. Mary Beth added that the hydraulics of the system required that.

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Supervisor said if we expand the district, if district's expansion policy was that someone pay for service line that the district pays for the additional cost, then anyone who subdivides down the road would be in a similar situation, and everyone would know what to plan for the future so as to avoid rush decisions and Town Board would not be facing this.

Twenty years ago, Donna Carlson built when folks weren't allowed to hook into water system and asked whether Cocksackie will allow this action. Supervisor said O'Connors have received approval from Village of Cocksackie's board. Mary Beth reviewed that the Village has an old system, had 3-4 different kinds of treatments, is just finishing a \$4 million water project, had a restriction on water connections due to a sewer issue, and has administrative things left to do; many things have been built in last 20 years. Supervisor said the way our contract is written, people have to go to the Village for approval. When you don't own your water source, it is all about the contract.

Regarding the possible water park, it isn't in a district, how will that water be gotten? The Town's contract allows the Village to charge Water District 2 residents 180% of the Village residents' rate. The Town has started discussing that contract with the Village.

Annaliese Lydon clarified *that the O'Connors want water, and the Town has 10 other possible properties to add to the Water District 2 and are those other people interested in tying in or will they be required to tie in?* Without that requirement, there isn't the division of that cost. Supervisor reviewed what Mary Beth had said: could be distributed by cost of water, or by property tax as in Sewer District 1- where debt service is paid by some who are not hooked up to sewer. Supervisor agreed with Annaliese that it is important to reach out to those people, tonight is just a conversation, and whether or not current owners are interested, important to consider whether future buyers might be interested. Supervisor said many 'ifs'; and will the Town and residents kick themselves for not expanding when the chance was before them. Mary Beth asked if you've ever had a well fail in one day; knowing the geology in this area and likelihood of other failures, hopefully good wells won't fail. The purpose of this meeting was to get out to the public that there are lots of different ways to do this- what private property owner wants (cost/risk/benefits) and what is a public policy decision made by a community are not necessarily the same. And if Supervisor were to call these 10 people and all said, "not interested" and "willing to take the risk of having to pay for it myself", then the Board does what is needed for the O'Connors. The map is so big because we do not want to be short-sided; we want to spend smart money. If we consider everything, at least down the road we can say we considered it but at the time it didn't make sense; if we don't give it any thought, then shame on us.

Supervisor reminded all that she and the Board want to hear opinions, call or contact or email, do not hesitate to pick up phone; before any action, there will be a public hearing.

Councilman Norris clarified hearing that these things are complicated, but O'Connors want quick. *Is there anything we can do to get them through next couple months so it doesn't have to be a rushed decision?* Can they get a big tank? Not wanting a rushed decision, Mary Beth, without speaking to the O'Connors, thought with another failed well on property, she would rather invest in a public system where you know you'll get water. Mary Beth reports receiving odd questions, companies will truck in treated water and it is very expensive.

Supervisor researched *original district information; originally took an \$80,000 bond to replace infrastructure; whether all of it or some of it, it looks like everyone shared equally in the payment of the bond.* Mary Beth answered that, with this area and with Diederich's, NYS Department of Health/Oneonta had many old records and may be able to provide us with some more information. Engineers like 'as built' plans, what really got built, not the proposed plan.

With 5 minutes before scheduled Work Meeting, *Supervisor will continue with Water District 1 on another night.* She said those property owners are not billed by the Town but by the Village of Ravena; with their own unique issues, the Town levies a property tax for the hydrants. With Water District 2, the hydrants are part of the cost system; they are old and have pressure

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problems. Town of Cocksackie's hydrant in front of bank broke recently and was very expensive to repair and Supervisor wonders shouldn't we be building a surplus in order to replace these broken hydrants since all are on borrowed time (1974) at this point. Mary Beth added that if you've lived there all your life and haven't seen anyone fiddle with a particular hydrant, it's probably not going to work.

Ken Rebusmen said, regarding the \$80,000 bond, they may want to look at when Joe Lechner did a water line under the creek, 30 years ago, excavating and changing the line from cast iron, to ductile to Warren/now Manoli property. Mary Beth said that was part of the record that was found earlier this day, but they weren't sure what it meant. From under creek, line was put in with Joe Lechner in late 1960's/early 1970's. Supervisor sees attempt to replace line put in by developer with bigger line, but was not sure how much line was replaced. Town Clerk's office has been busy trying to retrieve any of this, too.

With time requirement for the work meeting, Supervisor encouraged comments and concerns to be transmitted by phone or email, thanked Mary Beth Bianconi, Delaware Engineering. **Councilman Norris moved to adjourn, Supervisor seconded.** No discussion. The adoption of the foregoing Motion was duly put to a vote, and upon roll call, the vote was as follows:

BENWAY-Absent	FINKE-AYE	MEREDITH-Absent
	NORRIS-AYE	O'RORKE-AYE

MOTION CARRIED

The meeting was adjourned at 7:29 pm.

Respectfully submitted,

Janet A. Brooks
Town Clerk