

Minutes of the Public Hearing held by the LaFayette Town Board on August 3, 2009 at 7:00 p.m. in the LaFayette Jr.-Sr. High School Auditorium on Route 11 North in the Town of LaFayette.

Present: Gregory Scammell, Supervisor
David Knapp, Councilor
William McConnell, Councilor
Adrian Shute, Councilor

Absent: Thomas Bailey, Councilor

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: John Langey, Town Attorney
John Dunkle, Town Engineer
Greg Sgromo, Town Engineer
Robert De More, County Legislature
Mary Doster
Sean & Rebecca Richardson
Bruce & Joan Freund
Heidi Revette
Bertha King
Andrea King
George & Pat McConville
Doreen Verzosa
Mary & Tom Zilelinski
Barbara Lasky
Matt Dodge
Timothy Moynihan
Jeff Shute
Bob Thompson
Paul F. Carter
Mark Shute
Cindy & Harold Heckerman
Corrine Haynes
Thomas Murfitt
Michael Clemens
David Powers
Rick Carriere
Dawn Carriere
Pete Paul
Al & Gweyn Weaver
David Grossman – Haven Line
Joe DeBottis
Brian & Krista Kravak
Dan Gibbons
Barbara Boyd

Larry Allen
Mark Groth
Roland Marion
David LaBeff
Jean McCarthy
Stanley
Bill Pomeroy
Dale Nagel
Christine Foti-Cromley
Joe & Catherine Rizzo
David Kowell
Andy Ohstrom
Beverly Oliver
Ronald Bush
Vickie Marchand
Marshall D. Taylor
Mary Stimson
James Cromley
Rainer Brocke
Elton Fairbank
Sally Lowe
Ray Lowe

Supervisor Scammell opened the Public Hearing 7:08 p.m.

The Town Clerk took the Roll. Councilor Bailey absent all else present.

Pledge to our U. S. Flag.

Councilor's Shute moved and McConnell seconded the motion to accept the July 15, 2009 Special Meeting Minutes as submitted by the Town Clerk. Motion carried.

Supervisor Scammell welcomed everyone said this public hearing is for the proposed water district. He introduced the Town Board, County Legislator Bob De More, the Town Engineers - Greg Sgromo and John Dunkle, the Town Attorney- John Langey and Town Clerk.

Greg Sgromo said this presentation is similar to the presentation of the Informational Meeting that was held. The purpose of the public hearing is to inform the public of the district and the project and for the Town Board to gather the public's comments.

There were several options looked at for public water. Option A was to do nothing. Option B was to install our own well and distribution system. Option C was to form a small OCWA district area. Option D was to form a large OCWA district area and Option E was to connect to OCWA and operate and maintain our own district area.

The engineers recommendation was to form a mid-sized hybrid OCWA district. The pros are that it would extend service to all areas of intensive development. It would decrease the cost

and it would maintain limits on growth in the town due to geography. The cons are that the cost is incurred by a larger group of residents.

The recommended water district includes approximately 470 properties. It is 65,000 feet of new waterline. There would be a water tank and pump station. The total project cost is estimated at 5.7 million.

There are potential grants to help in funding and financing this project. Some of these are the American Recovery and Reinvestment Act which is stimulus money, USEPA, USDA Rural Development, NYS Environmental Facilities Corporation, and Congressional Member Items. Some potential loan sources would be USDA Rural Development, NYS Environmental Facilities Corporation and private lending institutions.

There are approximately 620 units to share the cost. A single family home would be assessed as 1 unit. Vacant building lots are assessed at .5 units. Non-buildable lots would not be assessed any units. Two family homes would be assessed 2 units and apartments would be assessed .8 units. Other uses would be assessed based on number of employees, potential water use, fixtures, etc. as compared to a single family home.

Other costs to the district would be the Metropolitan Water Board Cost which is the cost of delivering water from OCWA. This is based on usage and assessed value of the district properties. Another cost would be the OCWA hydrant maintenance fee which is OCWA's cost to operate and maintain the system hydrants.

The annual district costs depend on the final project costs, the amount of grants, loan interest rates, and duration of the loans, MWB usage fees and OCWA hydrant fees.

The first year anticipated costs for a typical property owner are water district costs at a maximum of \$500. There would be water usage at OCWA rates which would depend on actual water usage and could range from \$120 to \$160. There would be an installation and hookup of 5/8 inch water meter for \$170. The private hook-up cost varies depending on individual property conditions. For a typical property installation with a 3/4 inch copper service, costs will likely be \$18 - \$25 per foot with an approximate minimum of \$500. As per OCWA, for a typical house 60 feet from the right-of-way, the hook-up cost is estimated at \$1,000. These costs exclude excavation in rock, booster pumps for structures located significantly higher than water mains, meter if structure is more than 300 feet from the road, and significant modifications to interior plumbing. It is very hard for the engineers to say what it will actually cost for this to be installed into an individual's home. There may be plumbing modifications required, etc. Resident's could contact a plumber to get an estimate for what it would cost if they are concerned about this. If the water line is on the other side of the road, OCWA will bring it across the road to your property line. Your well will have to be disconnected from you house. OCWA does not allow a well to be connected to a home that they supply water to.

The annual unit costs equal the annual district costs divided by the number of units. The New York State Comptroller's Office limits the water district unit costs to \$646 a year which includes water usage. Additional units can also be added in the Town of Onondaga on Sentinel Heights Rd. This would be no extra cost to the district. There could be one possible district expansion within the Hamlet on Route 20 west across Route 81. The construction cost will not be charged to the district. This would add additional units at no extra cost to the district and it would lower the per unit cost for the rest of the district.

The next steps to be taken if the Town Board creates the district would be for those in the district to vote. If the district is formed, it needs to be registered by October 1st with EFC.

The ballot for voting will state the maximum project cost which is approximately 5.7 million and the maximum annual unit cost which is your cost which would be \$500 plus water usage. If the water district is approved by a vote of the property owners in the district then construction contracts and financing agreements will be executed. These contracts and agreements will only be executed if the conditions of the ballot are met (maximum project cost and maximum annual unit cost).

The pro's of a water district are safe and reliable drinking water, fire service/hydrants, reduced fire insurance for the entire town, increased property value for the district and elimination of current individual system costs. The con's would be paying for it, possibly encouragement of development and eventual increased property assessments. The encouragement of development could also be a positive.

Growth is limited by the size of the district, limited to 300,000 GPD and the current district usage would be 220,000 GPD. The gravity fed system cannot easily extend due to geographic limits. Any extension would require Town Board approval.

John Langey reviewed what the steps of forming the district are. We are really at the beginning of the process. So far the engineers have prepared the Map Plan and Report. There was a public interest forum held. The Town Board received the Map Plan and Report and authorized this public hearing and we posted and published the public hearing. The Board may or may not close the public hearing tonight. There's an environmental process that must be completed. The next step would be for the Town Board to either approve or disapprove of the district. If they approve the district, it can only go forward if there is a vote on it. There are two types of referendums, mandatory and permissive. The Town Board is considering the mandatory referendum which means a date will be set and it will be voted on by the property owners in the proposed district.

John Langey went over the general rules governing voting in a Special District Town Law 209-E). The statute provides: "The proposition submitted must be approved by the affirmative vote of a majority of the owners of taxable real property situate in the proposed district or proposed extended district as shown upon the latest completed assessment roll of the town, voting on such proposition." (Town Law 208-E(3)).

Per the New York State Comptroller's Opinions (1992 and 1986):

- Persons who do not own taxable real property situated in a proposed water or sewer district are not entitled to vote in a special district election on a proposition to establish the water or sewer district.
- Owners of taxable real property only (exempt property owners do not vote).
- Each tenant by the entirety, tenant in common and joint tenant is entitled to a vote.
- Partnerships and corporations are only entitled to a single vote.
- Any person or entity owning more than one parcel within the proposed district is entitled only to a single vote.
- A separate Comptroller Opinion advises that "a town is not authorized to adopt a local law authorizing absentee voting in special district elections".
- Corporate owners should vote by officer or agent that has been duly authorized by an appropriate resolution of such corporation.
- **District is approved (even despite Town Board approval) only if authorized by the majority vote of owners of taxable real property voting in such**

election. (i.e. – every vote is important). Even if this is approved not to exceed \$500, if the Town Board determines it will be more than \$500, the district will not go forward.

If 100 people show up to vote, it will take 51 votes to approve the district. It's up to the people in the district to show up to vote. The determination is based on the number of people who voted and not on the number of people in the district.

Supervisor Scammell asked for any questions or comments from the public. He reminded people to give their names.

Doreen Verzosa said she is a military spouse. If her husband is not home on the particular day of the vote does this mean he will not be able to vote?

John Langey asked her to meet with him after the meeting about this.

George McConville asked what the minimum pressure would be.

Greg Sgromo said 20 pounds at the street of the homeowner. The only places he believes it will be an issue depending on where the tank is located on Sentinel Heights would be low pressure areas. They won't know for sure until someone has provided a real demographic survey.

George McConville asked if it's lower than that, will it will be the owners responsibility?

Greg Sgromo said yes, to provide a booster pump.

Supervisor Scammell asked if there is a minimum water pressure that must be delivered.

John Dunkle said 20 pounds at the street is the minimum. You can take that 20 pounds and boost it.

Supervisor Scammell asked the cost of a booster pump.

John Dunkle said \$2,000 to \$3,000.

David Powers asked how far this will extend as he lives on a dead end road.

Greg Sgromo said to the right-of-way.

David Powers said the road is paved.

Greg Sgromo asked if it's a public road.

David Powers said yes.

Greg Sgromo said where the right-of-way ends is where the shut-off valve would be and the property owner would have to bring it to his property from there.

David Powers asked if this water needed to be treated.

Greg Sgromo said it's the same water you would get in Clay, parts of De Witt, etc. The water comes from Lake Ontario.

Al Weaver asked how much water can go through the line. How much can you get through a 12" line?

Greg Sgromo said he doesn't know the exact pressure but the 10" and 12" lines are designed for fire flows. If the school were on fire, we have to look at a certain amount of water going through the pipes for a certain amount of time. They are transmission lines.

Al Weaver said at the last meeting they were told it would be 40 pounds at the street.

Greg Sgromo said in the report they have advised a number of locations for water tanks. There are a couple of locations where the tank could be that depending on the final demographics survey, a couple of spots at the very high end of the district are going to be borderline.

Al Weaver said he is at the highest point.

Greg Sgromo said depending on how the actual survey comes out, there may be a couple of spots that will be borderline. Most of the tank locations would provide ample pressure.

Supervisor Scammell said no matter where they are located, property owners would be guaranteed 20 pounds at the street, is this correct?

Greg Sgromo said there are a couple of spots that might be borderline.

Al Weaver asked if the district could be moved.

Greg Sgromo said if the district can't give you water, you won't be part of it. He wishes he could give more of a definitive answer. If they can put a tank in one of the areas they want to, there will be no problem.

Matt Dodge said if you are assessed more units, is it more than the \$500? If you get assessed at "X" number of units, is it "X" times \$500?

Greg Sgromo said yes.

Matt Dodge asked when that would be determined.

Greg Sgromo said after the district is formed.

Matt Dodge confirmed it doesn't matter how many units you are assessed for on the property, you only get one vote.

John Langey said each property owner gets one vote.

Greg Sgromo said in the report there is a breakdown with approximate units for a daycare, etc.

Matt Dodge said if you should determine a property be assessed at 4 units, it would be \$2,000. Everyone would have to pay for the service whether they hook up or not.

Greg Sgromo said correct.

Joe De Bottis asked if this cost includes fire hydrants.

Greg Sgromo said yes. They would be approximately 600' apart.

Bill Pomeroy asked about the annual operating cost and maintenance of the system. Is this cost based on usage or on the entire district?

Greg Sgromo said with OCWA it's based on their fees.

Bill Pomeroy asked how the district would choose the location of the storage tank in order to provide the best pressure and what tools does the district have to secure that location? Can the district use eminent domain to secure the location? Can they go outside the district to secure the location?

Greg Sgromo believes some of the proposed locations were outside the district and hopes that someone would sell the property at a fair price.

John Langey said the power of eminent domain can be used inside or outside of the district. He would hope this wouldn't have to be used.

Bill Pomeroy said we are currently going to have a maximum capacity of 300,000 gallons a day. How long will it take the town to hit the maximum and then what do we do when we hit it? Do we start rationing water?

Greg Sgromo said it's a wide open question. It depends on zoning, sewage restrictions, etc.

Bill Pomeroy asked will we be good for 10 years, 20 years, etc.?

Greg Sgromo said from what he's seen from being involved with the town, the capacity would be good for 30-40 years.

Bill Pomeroy asked if it's likely with the implementation of a water district that there would be an increase in usage in the hamlet and a move towards having a sewer district. If so, would this follow the water district line and would everyone have to pay for this too?

Greg Sgromo said sewer and water districts are two separate districts. The water district would not be charged for a sewer and the sewer district would probably have different boundaries. The area he sees that could determine a need for sewer would be in the hamlet area with ¼ acre lots or less. One question that has been asked is if you have water, will you have a problem with your septic. That is up to you. If you use more water, it could exceed your septic.

Bill Pomeroy said he was concerned that if they were in the water district, it would make them become included in the sewer district. Can this happen?

Greg Sgromo doesn't believe in the scenario he is talking about.

Bill Pomeroy asked the possibility of the people in the water district being included in a sewer district even if the sewer district line doesn't come along their property.

John Langey said the standard for establishing a water or sewer district is that each parcel in the district must benefit from it.

Supervisor Scammell said his understanding is that if you are at 299,000 gallons a day and another user comes into the district and needs 2,000 gallons per day, we cannot refuse them to come on to the system.

John Langey said that is correct.

Supervisor Scammell asked how many gallons a day can the line deliver?

Greg Sgromo said it can deliver 300,000 gallons a day through a 12" transmission line. You don't want to max this out in case of a fire. You could always put another line parallel to this one if more water is needed. He believes this should service the district for quite awhile.

Bruce Freund asked if the water line would be on people's property.

Greg Sgromo said it will be on the side of the road between the edge of the pavement and the road right-of-way.

Bruce Freund asked who restores the property and/or the driveways.

Greg Sgromo said that is part of the contractors responsibility.

Bruce Freund asked who pays for it.

Greg Sgromo said it's part of the district cost.

Bruce Freund said there was a figure of \$500 maximum but in the close of the presentation there was a \$1,000 figure mentioned. Is it conceivable that an individual property owner's cost could be \$1,500 to \$2,000 or more?

Greg Sgromo said initially yes. That is why he would encourage anyone to contact a plumber for an estimate. There's a variety of factors to determine this. There may be rock, the water may currently come into the back of the house and need to come into the front, you might need a meter pit, etc..

Corrine Haynes said there are 620 units, does that include the school?

Greg Sgromo said yes.

Corrine Haynes said then the school taxes will go up.

Greg Sgromo doesn't know about this. The school is very much in favor of the water. There are costs they incur now. Is it something that would come out a wash or does it benefit or hurt the school budget, he doesn't know. She may want to contact the school for this information.

Corrine Haynes said if this will increase the school taxes, it should be everyone within the school district that gets to vote.

Greg Sgromo doesn't think it will increase the school budget significantly. It might be a savings to the school. He would suggest she contact the school district.

Councilor McConnell gave her a contact at the school. It costs the school \$6,000 to \$12,000 now. The water has to be treated. It already costs the taxpayers something today. The water part of the budget may lower, stay the same or increase slightly.

Corrine Haynes asked if the school shouldn't have put off drilling the well at Grimshaw until they found out about this water district.

Councilor McConnell said that was part of a project that was paid for primarily by state grants. The process started two years ago and was voted on a year ago. It was thought this work would be done last summer. The well is going to be used for irrigation. He said to contact Tom Goskoski at the District Office.

Corrine Haynes asked if this is approved, when will it start and when will it be finished? She assumes we will be paying for it right away.

Greg Sgromo said you won't pay for it until it is finished. If the district is formed and voted on, we will be waiting for grants and funding.

Councilor McConnell said if this project were to move forward, there's funding for a time-frame of February/March of next year. Theoretically if you were to capture money next February or March, hopefully you could get a contract by spring. This could be done in one season but may be done in two seasons depending on the variables.

Joe Rizzo said there's a presumption that this is a slam-dunk and everyone wants the district and is happy with it. This has not been shown in any way. The people have been asked if they would like the district informally and they said sure. They never said they wanted to pay for it. You are asking for about \$10,000 per resident to set this system up. We will be borrowing money for this and if it's for 20 years, we will pay \$20,000 and if it's done in 30 years we will pay \$30,000. This is a large amount for a small community. He has a new well and good septic tank. He will not use this or be connected to it. He is not in favor of this. This favors the large property owners or those with businesses. The cost to an individual land owner who has not asked for this is great. This will encourage development. He is not looking to develop high density housing which will have a big impact on our community. He doesn't see the future of this community being a Nedrow south. He will oppose this and will join with anyone here who wishes to oppose it. These details don't really matter if it's not a good idea. He doesn't know what the result will be but the Board is putting the cart way before the horse. He was near Fredonia recently and they have signs up all over stating opposing public water. He will be putting these signs up. The question of whether this should be done or not should be answered before the details are given. He knows it's to their disadvantage to put money into something that they don't want.

Councilor McConnell said there was a study done in 2004. In 2007 there was a water survey done. He held a couple of town hall meetings at the Community Center. He has written about this in the Town Newsletter. There has been an informational gathering from people within the Hamlet. There are opposing opinions on this. One thing he is most concerned with is the character of the town. He doesn't propose to become Nedrow South. To expand the district, it would take Town Board approval. His job tonight and the rest of the Town Board's job is to listen to the public. He doesn't want our town to change in character. The town must take a look at its Comprehensive Plan and zoning.

Councilor Knapp said again, we have been talking about this for a long time. The village is an area of concern. The way he looks at it is it's time for the people in the district to decide what they want to do which is why we are here. We went the extra steps to mail every property owner an invitation to come to the last meeting and this meeting to be sure they get all the

information. There's nothing we are trying to slam-dunk or pass through in the middle of the night. There are no developers he knows of that will be voting on this. It's up to the people in the district. If the Town Board wants to create this district, they are only voting to have the district vote. The big reason this has come to the forefront right now is the possible funding out there. This isn't going to be cheap and the funding would be needed. That is why the timing is the way it is right now. If this is something the folks want to do, we should take advantage of it. If the folks want it, fine. If the folks don't want it, that's fine too.

Greg Sgromo said the grants bring down the \$500.

Vickie Marchand said she took the initiative to call Cross Brother Plumbing. Her well is in the back of her house and the plumbing would have to be put in the front. The minimum would be \$2,000. It could be over \$10,000 for some homeowners in LaFayette. If this doesn't match up with her system in her home, she would have to replace the plumbing. She called her insurance company to check on fire insurance and was told only people who would get a reduction would be if you were within 1,000 foot of a hydrant. She moved here because she liked what was here. She travels to New York City and she chose La Fayette for a reason. She will be voting no and will be putting signs up against this.

Greg Sgromo said each house within the district will be within 600' of a hydrant. If the plumber told you that, you need to find a new plumber.

Vickie Marchand said Cross Brothers are good plumbers. She was told it could cost this much for some homeowners. Homeowners will not know until this is already passed.

Greg Sgromo said OCWA gave them a figure of \$1,000 for a typical installation approximately 60' from the right-of-way line.

Vickie Marchand said he can't guarantee this.

Greg Sgromo said that is why he said she should get an estimate from a plumber.

Vickie Marchand said it would be a minimum of \$1,500 for the digging and hookup.

Mary Stimson said she would probably vote in favor of this. She has lived here since 1973. She has a water system and has had to replace the pump in her well. Whether you have a well or this water district, you are going to have an expense. She thinks the quality of water will be better. There are pro's and con's but she is in favor of this district. She doesn't think anyone can say we are opposed to this as they can't speak for everyone.

Andrea King asked about a single family property owned by 4 people in which 2 of them reside in the house. Who gets to vote?

John Langey said if all 4 people are on the deed than all 4 get to vote.

Barb Lasky asked if the \$500/year is for the length of the loan for 20-30 years?

Greg Sgromo said yes.

Barb Lasky asked how this will coordinate with the D.O.T. corner construction.

Greg Sgromo thinks that project keeps getting pushed back further and further so it probably won't coordinate with it. It would be nice if it could happen.

Barb Lasky confirmed tax exempt properties don't have a vote.

Greg Sgromo said that is correct.

Barb Lasky confirmed they still must pay for this though.

Greg Sgromo said yes.

Dale Nagel asked if we would know the amount of years before the vote.

Greg Sgromo said no.

Dale Nagel said then we vote blinded.

Greg Sgromo said we can't determine that until sometime down the road when the grant applications are in and we find out what kind of grants are available and what kind of interest rates would be given to us.

Dale Nagel confirmed if McDonalds wants to get in, after the vote, they can be put into the district. Does the district incur the cost?

Greg Sgromo said if this district is formed, they would have to petition the Town Board to for their own district. If the Town Board approved it, they would have to pay the cost from where we left off to the McDonalds pumps.

Cindy Heckerman read the following letter:

Proposed LaFayette Water District

After attending the meeting for the proposed water district on June 23, 2009, I am disappointed for not having all the information on this proposed district available at the meeting. From what I heard at this meeting, most of the questions that were asked were not answered. The answers that we did receive were vague and not informative. It would be impossible to consider voting on something of this magnitude without all of the information. This cannot be accomplished when the correct answers are not forthcoming. Upon my investigation into this matter, I have the following comments:

- The following tax exempt properties that every land owner will pay for the installation and yearly water bill:
 - Grade school
 - High school
 - Town offices
 - NYS D.O.T.
 - NYS Police barracks
 - TOL Highway Department
 - Churches in the proposed district (there are 4)
 - Fire Department
 - Community Center
 - V.F.W.
 - Oddfellows
 - Head Start
 - Stafford Park

When these buildings were in the planning stages, the engineers were aware they would have to make sure that there was plenty of water to accommodate the need for each building. To my knowledge a water district was not an option. This will affect the yearly school and property tax rate and it will increase every year for ALL property owners whether they are in the water district or not. So the property owners that are in the proposed district will get a triple whammy and pay three times. First time for being in the proposed district; second on the yearly school tax and third on yearly property tax for the buildings water usage. Not to mention all taxable property owners will have to pay for parts and installation for some of the tax-exempt properties.

- A question was asked how much has the town paid thus far to Dunn & Sgromo Engineers.

Apparently a bill has not been sent to the town. Is there a reason one has not been sent? The landowners have a right to know how much of their money that has been spent thus far, instead of receiving the final bill when we will have no voice. We will have to pay, with the possibility of an increase for all property owners tax bill. Also, how much have we paid in attorney's fees for this project alone?

- As far the survey that was sent out, I don't take much credence in the accuracy in them. Most of the homeowners I talked to just threw them away, because they figure their voice will not be heard, so why fill them out and send them back.

The only way to possibly get an accurate gauge as to the water district consensus is to have a door-to-door survey. People may be more likely to answer a person than return a paper survey. They would have to be available days, nights and weekends in order to give all homeowners in the propose district an equal chance to voice their opinion. However, detailed information about what a water district would involve has to be made available at the time of the survey. It would be impossible to make an informed decision if all the information is forthcoming. This could be compared to having surgery but have no idea who the surgeon is, what the surgery is for or how much it will cost. Yes, I know it cost money, but what have we already spent?

- It was asked how large of a pumping station would be needed. And what would happen if the pump that was installed wasn't compatible for the job to be done correctly.

As far as the how large the pump will need to be, the only response we got was it would handle the demand. The answer to what happens if the pumping station could not handle the demand was never answered. Once the district is formed, all properties within the district can obtain the water. With all the vacant properties within the proposed district, the landowner would then be able to develop. If the facility fails to handle the extra demand, then would a second facility be required, and who would incur the cost?

- Why was the proposal in 1992 never pursued?

This was never addressed at the meeting. Upon investigated into this question, I found out it was abandoned due to monies for funding had dried up. Why has it taken 16 years for this issue to be readdressed? Was it possible to bring up the proposal again in 1993?

- What information justifies installing the proposed district is in a very hard economic time?

At the meeting I noticed 95% of the landowners attending were Senior Citizens. How are they supposed to keep their homes with an increase of approximately \$640.00 added to their taxes for the next 30 years? This amount will not include the cost of the installation and water use on tax-exempt properties that will be added to the property and school taxes. Most of our valued seniors are on fixed incomes and cannot afford this increase and all the associated costs that will go with it. We should cherish our senior community, their input and perspective is vital to our community. If the water district is approved, it could drive these valued citizens right out of their homes and our community.

However, our senior community will not be the only landowners who could be financially strapped. For the average landowner, that extra yearly expense could force them to make drastic changes or move out of our district, putting an additional burden on those who remain. Our whole nation is in the middle of a financial crisis. When you are looking at an approximately \$6 million dollar bill with a possible \$1 million in grants, it is just a drop in the bucket. What will happen if the actual cost exceeds the estimated cost once construction is underway? There is no way anyone can foresee the future and once the commitment is made, there is no turning back. Now the cost has risen to the extreme. There is no guarantee that the grant will be approved or cost will not exceed the proposal.

- It was brought up at the meeting that in order for a well to be installed in a new building you need 4 acres of land. (Not sure if they were referring to residential or commercial. Never stated.)

I asked a builder who had building experience and I was told that it was 2 acres of land needed, not 4. However, I did find out if this is a commercial business, then they will need 4 acres. This needs clarification.

- It was brought up if a sewer district will be considered.

We were told No, that the cost would be too great to install one. However, one is in the planning stages for the Hamlet district. What guarantee is there if the Hamlet were approved, it would not expand? Do the residents in the Hamlet realize they will have to pay for the water and sewer districts too? Plus all the associated cost. What will the cost to these valued citizens be? Can they afford to do both?

- A question was asked if any trees would be affected if the pipe were installed. Inquiries were also made how long it would take and what will the landscape look like after it has been installed.

The only response was the pipe could go around the tree. How small would the offending tree need to be in order to go around it. If the root system is larger than expected, what happens to the tree? Who makes the call and will the landowner be notified before the tree comes down. It was mentioned it would take 1-year to install the system and the landscape would be returned to pre-installation.

The one thing that was never addressed at the meeting is if the remaining landowners who are not in the proposed water district are aware of the additional cost that will eventually be added to their tax bills. This will affect everyone who are on the tax rolls. And what happens to the property owners who are tax-exempt, who picks up their portion of the bill.

Greg Sgromo answered some of her questions. The tax exempt parcels will be charged and will have to pay district fees depending on the units they are assessed. The school district will have to pay a fee even though it's tax exempt. If the cost of the project exceeds their estimates, they have a contingency of 15% built in to offset variables they might incur. The contractor does a very good job of going around trees. It's cheaper for them to go around large trees. The water line can job around them.

Bruce Freund asked if it has been determined which side of Sentinel Heights the water line will go.

Greg Sgromo said not at this point. The final survey will show where trees, grading, ditches, etc., are.

Ray Lowe said he has two adjoining parcels for a total of a little less than an acre. One piece has his home on it and the other has his septic system. Would he be paying for two units a he has two deeds?

Greg Sgromo said the lot with his house on it would be assessed at one unit and the vacant lot would be assessed at ½ unit. Any vacant buildable parcel would be assessed at ½ unit.

Ray Lowe said he needs the second parcel as the parcel with his house on it can't pass inspection without having the septic on the vacant parcel. He asked if he would know the units he will be assessed at before he casts his vote.

Greg Sgromo said no. There's a negotiation process.

Mark Shute asked who is going to police the assessments of the businesses. Who is going to say how many units a business is assigned?

Greg Sgromo said they will come up with an estimate.

John Langey said the engineer will make a recommendation for units and then the Town Board will approve it. This approval is done on a yearly basis.

Mark Shute said at the last meeting he asked if we would know before we went in to vote how many years we would be paying for this and was told we would know before we voted.

Greg Sgromo said if he said that, he apologizes. He thinks the timing won't allow for this.

Mark Shute said there's no way they will know what it's going to cost until after they cast their vote.

Greg Sgromo said he thinks that a maximum cost for year is known.

Mark Shute said the number of years isn't known. He heard 38 years at the last meeting.

Greg Sgromo said the range is 20-40 years.

Rainer Brocke said one important point is that most of us look at this whole project as our individual cost for our individual needs for our individual lot. There's another issue here and that is what this will do to the town as a whole. All these years we have been going through the 4 corners. It looks pretty grim and will continue to look grim without water. We would like all these little services and businesses that we can forget about if we don't have water for the town. Bill McConnell and the Town Board have worked very hard on this. If you wish to see something more than a messy 4 corners, it isn't going to happen without water.

A resident said at the last meeting he talked to a gentleman outside who said he has an unbuildable lot because his septic and well can't be on the property. If this goes through, will it decrease the size of a buildable lot? Will we end up with houses 15' apart from each other? This will decrease the value of his property. How many unbuildable lots like this are out there that are waiting for this to pass?

Greg Sgromo said the town zoning limits the lot size. The other thing is that the Health Dept. determines you need an acre lot for a septic system. That may be why this gentlemen lot isn't buildable right now.

A resident said if you put a water district in, unbuildable lots could become buildable lots on 1/3 acre parcels.

Councilor McConnell doesn't believe the Town Board would change the requirement for a lot size because of the water district.

A resident said those lots that were previously unbuildable would be able to be built on now.

Councilor McConnell believes they would be held by the same restraints as they are today. You would have to overturn the zoning to do this.

Councilor Knapp said the county has requirements on septic systems too.

A resident said he owns the property this gentleman is talking about. The lot is grandfathered in as a buildable lot. He explained the problem with the smaller lot. The septic isn't a problem. He has to jump through some hoops to get the well. He is waiting to see if we are going to get public water.

Jim Cromley asked if it's possible for the Town Board to give a worst possible case scenario for the district. We are talking about grants, etc. Can the town Board give us a cost without grants, etc., so at least when we go to vote we will know how long it will take to pay for this and how much it's going to cost?

Councilor McConnell said as far as the grants, they are out there. Depending how severe your case is determines how much you might get. The Board will hire a grant writer whose job is to go out and capture as much money as he can. He would ask the attorney to put in the proposal no more than 20 years and no more than an annual cost of \$500. The subject of a water district was dropped in 1993 because there was no grant money available.

Jim Cromley said grants that aren't secured don't exist until you secure them. He understands you must go through the process to do this.

Councilor Mc Connell said by August 7th the engineers have to submit a document to get our project listed.

Jim Cromley said he just wants to be sure when the vote comes, will the proposal they vote on have this 20 year and \$500 annual cost limitation in it?

Councilor Mc Connell checked with John Langey and was advised this can be put in the resolution. If the Town Board schedules a special meeting, this constraint could be considered. Councilor McConnell said he would be in favor of putting this in the resolution.

Jim Cromley doesn't want to vote on something without an end-all cost or some sort of restriction on how far we are willing to go. Who makes the decision about businesses and their assessed units?

Greg Sgromo said his company provides a recommendation to the Town "Board who will vote on it.

Jim Cromley said he has no intention of hooking up to this as his business is 400' from the road so he just wanted to know how much he is going to have to pay for this to pass by his house.

Doreen Verzosa asked how much time for travel will be allowed in scheduling the voting date? Does the Town Board have a specific date in mind?

John Langey said there is New York State Law regarding this. There's a chance this could be pushed to mid-term election day. If the Town Board should act prior to August 19th, they could hold a special election just for consideration of the water district before the mid-term election process sometime in mid October

Councilor Knapp said we have to give a certain amount of time in noticing the residents.

John Langey said that is correct.

A resident asked how far in advance this is.

John Langey said the published and posted notice must be done at least 10 days before the referendum. It can be done much more than 10 days in advance. The town Board will make this determination.

Al Weaver asked if there were any other options proposed in going with a water district. Was it ever thought about taking this on as an entire town for the center of town?

Greg Sgromo said there was options studied for small areas around the Hamlet. You would have to bring the water down Sentinel Heights to the Hamlet. You can't tax all town residents for water for a small area.

John Langey said in a village setting you could make it a village tax. In a town, those who are going to benefit from a new water service have to pay for the new water service and not those outside the constrained area.

Corrine Haynes asked if Tully has a water line.

Councilor McConnell said yes, they have two. It would be too expensive to cover the entire town with water. The infrastructure and long-term costs to have our own well and to treat it would be too expensive.

Matt Dodge asked at what point it becomes OCWA's responsibility for the infrastructure. If the water line breaks, is it the water districts responsibility?

Greg Sgromo said OCWA will take over the system once it's done and tests have been done.

Councilor McConnell said when you look at what the Northeast Water community went through for a permissive referendum, the work was all done by the residents. The Board has done the work for this and left it up to the people in the district to make the decision. To him, it's important for the people to have a vote. He thinks if the Board decides to go ahead and form a district, it's up to the people to vote and have their voice heard.

Supervisor Scammell asked for any other questions or comments. There were none. He thanked everyone for coming and sharing their questions and comments with the Board.

Councilor's McConnell moved and Knapp seconded the motion to close the public hearing. Motion carried.

The public hearing closed at 9:19 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk

Adopted 8/24/09