

A Public Hearing was held December 18, 2012 at 6:30pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT: Stephen D, Flach, Supervisor
Dawn Rogers, Councilwoman
Thomas A. Boehm, Councilman
Peter E. Masti, Councilman

ABSENT: Thomas E. Dolan, Councilman

ALSO PRESENT: Diane L. Millious, Town Clerk
Attorney for the Town Wukitsch
Building Inspector / CEO Conrad

Supervisor Flach opened the Public Hearing and led the Pledge of Allegiance.

OPENING COMMENT

Supervisor Flach stated that the purpose of the Public Hearing was to receive comments from the public on the proposed sewer rates and then asked that Town Clerk Millious read the Notice of Public Hearing.

Town Clerk Millious continued by reading the following notice that was posted in Town Hall and published in the Ravena News Herald.

PUBLIC NOTICE

In compliance with Public Officer’s Law, this will inform you that the Town Board of the Town of Coeymans has scheduled a Public Hearing for the purpose of hearing comments on the proposed sewer rates. The Public Hearing will be held at 6:30pm on December 18, 2012 at Coeymans Town Hall, 18 Russell Avenue, Ravena, New York.

**By Order of the Town Board
of the Town of Coeymans
Diane L. Millious
Town Clerk**

SUMMARY OF SEWER RATES

Supervisor Flach stated that the proposed sewer rates are \$250.00 per unit for a 6 month period, which totals \$500.00 a year and in 2007 & 2008 the rate was \$255.00 or \$510.00 a year but in 2009 they were brought down to \$200.00 a year. He added that it blows him away that they reduced it knowing how many issues there are with the sewer that continually need to be fixed. He continued by saying that it was raised to \$389.00 for the second six-month period of 2010 and the end of 2010 into 2011 it was raised to \$187.50, making it \$375.00 a year and for 2013 it is a \$125.00 a year increase from the past two years when there have been no increases. He went on by saying that there are walk-ways, lighting and other things that have to be fixed because they are under DEC Consent Orders and they have a project from Blaisdell to Colvin where there are three different pipe sizes as well as storm water going into the sewer and they have to put a couple of grit removal systems at the plant and there are a couple of clarifiers that have to be done. He added that they just finished a meter project and began reading them in March and they were installed so they can determine how much the Town and Village each pay in the shared cost and that they are currently using a 70/30 split but the way the meters are

reading it looks like it will be 60% Village and 30% Town and the rates of \$500.00 a year are based on 65/35 because for the first three months of this year they are 70/30 and they hope that it balances out and the only thing left for him to say is that New Baltimore pays approximately \$600.00 and Bethlehem pays between \$700.00 & \$800.00. He concluded by saying that this is the last thing that they wanted to do but they have two Consent Orders from DEC and if they don't fix the problems they will be fined \$12,000.00 for one and \$4,000.00 for the other and they just borrowed \$320,000.00 to fix the problems and reiterated that if they are not done, they will continue to cost them money.

He then invited the public to comment.

PUBLIC COMMENT

Ms. Donna Pasquini stated that in talking about the 2007 rates, it was raised then because the Village was not paying their sewer rents and they had no money coming in from them for a couple of years and the Town's rates were raised for certain things that needed to be done to keep the plant running. She added that when Mr. Hotaling was Supervisor he was gung-ho about taking the Village to court and settling it and making them pay their money and some members of the Town Board didn't want to do that so the Village was let off from paying \$300,000.00 + that they owed and because they were let off the hook, now they feel as though the residents of the Town should pay it. She continued by saying that the infrastructure is not anything new and for as long as she can remember there have been problems in this town and Mr. Hotaling was on the right track in taking the Village to court to get their money but instead they laid it on the sewer users in the Hamlet and a few up in the town. She went on by saying that those on the Board didn't react the way that they should have in looking out for the residents then and didn't make it fair and equal the way it should have been, and they should have been working on the sewer lines all of these years a little at a time because when Mr. Russo ran the plant, it was a wealthy plant and they were only paying \$86.00 every six months for sewer. She added that the Board decided that they were not going to fix this and that and now they want to slam the residents with the money and in talking about the meters with the Village, they already let the Village off in not collecting the \$320,000.00 that they owed and again they want to slam it on the residents. She concluded by asking them how much they think the people of this Town can take and reiterated that it is not a new problem, some people on the Town Board now were on the Town Board then and now they want to slam the residents again.

Ms. Mary Pape inquired as to the amount that the individual residents will have to pay for their sewer.

Mr. Conrad stated that it is \$250.00 for six months and \$500.00 for the year,

Ms. Pape inquired about the rate for vacant lots that don't have any sewer and whether or not it went up.

Mr. Conrad stated that the charge for vacant lots stayed the same.

Ms. Pasquini asked if the businesses are paying the same as the homeowners.

Mr. Conrad stated that they are the same rates.

Ms. Pape stated that she is one person using sewer in a single family house and not a business and it makes no sense to her and is so wrong but year after year they have to go through this. She continued by saying that when Floyd Russo was at the Sewer Plant it was a fine place that he was proud of and he would give tours and opened the doors to hold meetings in their conference room. She added that they use to go down there for picnics and it was a really fine place, which is strange to say about a sewage plant, and it is one of the most beautiful places in town and Mr. Russo respected that. She concluded by saying that she is not seeing respect or anything close to fairness.

Supervisor Flach stated that there was a contract that was signed prior to him taking office and it said the Town would pay 30% and the Village would pay 70% until the new meters were put in, which since has been done and there is one at 9W, one at the point by Pieter B. Elementary and one at the plaza and the contract says that whatever the meters say, at the end of a year it is what the Village and Town will split, which looks like it will be 60/40 instead of 70/30.

Ms. Pape asked that he repeat where the meters are.

Supervisor Flach stated that there is one right next to Village Pizza, one at the Plaza by the First Niagara sign and one at the point across from the Fire House on the Pieter B. side. He added that the meters are read and they deduct how much flow is coming from the Village down into the plant and that tells them what percentage they are using in the Hamlet and it is looking like it is going to be 60/40. He added that the Village at 65/35 would be paying \$280,000.000 a year and the Town would be paying \$218,000.00 a year.

Ms. Pasquini interjected that the Town has 430 users and the Village has many more.

Supervisor Flach stated that she was right, they do have more users and he has said from the first day that he does not know how it can be that they have 1,500 users and the Town has just over 400 but he has to go by the contract that was signed stating that they would have to go with what the meters say. He added that he thinks that there are some I&I (inflow and infiltration) issues that they are working on at Colvin and Blaisdell and they are issues that have been ongoing.

Ms. Pasquini stated that they have been issues for over 20 years and nothing has ever been done.

Supervisor Flach stated that they are working on them now and they are trying to get things done. He added that the Town charges the Village \$280,000.00 and what they charge their residents is up to them and has nothing to do with the Town and the Town has to charge \$218,000.00 to however many are users in the Hamlet and it is just what it is with the meters. He reiterated that a contract was signed and what was agreed to, and it would be based on the meter readings.

Ms. Pape interjected that the Town is 1/3 of the Village in users but they are paying almost the same.

Supervisor Flach stated that in order to make sure that they are not in the red; it really should be more than \$500.00 a year.

Ms. Pape state that another thing that she faults the Town Board for, but not him because he was not on the Board at that time, is that there was grant money available for the infrastructure and she is not sure that the Board was even aware of it because one of the residents in the Hamlet brought it up and she saw a whole lot of blank faces. She then asked why they don't look into grant money, which would help.

Supervisor Flach stated that there is something that he talked about at the last meeting, which is a State Revolving Fund providing grants to municipalities who qualify and in order to qualify they have to pay out a certain amount. He added that they are looking into the Revolving Fund now that the Town's debt has gone up to do repairs that are necessary and they are hopeful. He reiterated that he assures her that they are looking into that particular part of it.

Ms. Pape stated that by the agenda for the Town Board Meeting following the Public Hearing, that they have already decided to establish the sewer rates by a resolution and added that she feels stupid standing there giving her opinion about something that has already been decided. She added that there are other places to look for grants and many, many State grants.

Supervisor Flach stated that he does not know where all of the information is and if someone could come and share that with him it would be great and he is willing to look if someone would point him in the right direction.

Ms. Pape stated that her final thing, which she knows is legal because years ago the law changed it to make it legal, is that she feels as though vacant land with no hook-ups should be charged anything, there are no pipes running there and there are actually no pipes on her property but yet she gets to pay the extra money, which is not right, but it is legal.

Ms. Pasquini stated that grants were brought up to the Board and there was a meeting at the Bowling Alley about the Town's infrastructure and then asked why it is that residents have to bring it up because the Board has a Sewer Plant liaison and they have a Sewer Plant Administrator that they are paying and reiterated that it should not be up to the residents to bring it up and they need to do their jobs.

Supervisor Flach asked if there were any other comments.

Mr. Larry Conrad stated that he is a resident of the Sewer District as well and is familiar with the workings of the Sewer Plant Operation and wanted to speak to a couple of comments that were made. He continued by saying that going back to when Floyd Russo operated the plant, the rates have been changed numerous times and in the early 60's when the plant came about rates were designed on front footage where you paid for as much footage of pipe you had in front of your house and it didn't matter whether you had one or no bathroom and the residents felt as though the rates were unfair. He added that the rates have been adjusted over the years to try and make sure that the rates are fair for the people in the community and as far as the Town being compared to the Village, the past few administrations have somewhat ignored the Town only debt, which goes back to George McHugh's administration when they lowered the rates for the Sewer District because they thought they had a surplus. He went on by saying that they did have a surplus and they were being designed to take care of the infrastructure at some point from previous administrations that understood that they needed to put money away but the money got reduced in the amount of rates to the customers so therefore they had no money to work with. He continued by saying that as far as grants, they have received grants and have applied for grants on a regular basis and don't always qualify because they don't pay enough in rates, which is basically what they tell the Town and the Town has a current score with EFC of 58 and in order to qualify for a grant they have to be up around 90 and they are told that it is because the residents don't pay enough money on the sewer rates. He added that he understands that people don't understand all of these issues but they have had a UV Grant, an Upgrade to the Clarifiers Grant and they have conducted a lot of business through EFC (Environmental Facilities Corporation) and they continue on their list and they are aware of what grants come out and whenever they qualify they take advantage. He went on by saying that the problem goes back to the McHugh administration with all of the debt money and then coming into the Scalzo administration it was down to a point that the money coming from the Village was paying for salaries for the people who ran the plant and not paying any of the debt loan and accordingly the Town has right now \$67,523.00, Town-Only debt but the Village has paid theirs 100% as they have gone along and one of the reasons why the Village can drop their rates to their customers is that they don't have a debt load like the Town does.

Attorney for the Town Wukitsch inquired as to if a portion of the individual charge is the debt.

Mr. Conrad stated that was true and there are Town-Only things that the Town pays for, such as the collection system from the Hamlet down to the Sewer Plant and every time something goes wrong with the infrastructure down in the Hamlet, such as a large part of the I&I, all of that is Town-Only. He added that the other users on both ends of Rte. 9W, north and south are out of the Village and have I&I and if something goes wrong up there they have to pay for it as Town-Only and they just recently beside the meters, replaced approximately 40 feet of pipe going across Rte. 9W that had collapsed and it cost the taxpayers \$36,000.00. He continued by saying that everything they do costs money, the system is 40+ years old and they tried to go with a unit derived basis with the Village but

they held out and persisted for the meters and originally the first part of the plant was designed on meters and was suppose to be read on a manual basis and it was fine operating the way it was, things weren't that expensive and they just let things go and the meters basically went away and now all they are really doing is replacing them. He added that they are being read currently and they are about a year and a half behind the schedule because they were suppose to already be on a percentage basis with the meters according to the contract and the Village has let them off and let them continue to pay 30% for the past year when they actually were suppose to be on meters for this year but because they could not get the meters in on time and they were not actually functioning until April of this year, the Village has agreed to wait until next March to make that determination and they will be staying at the 70/30 for operation and maintenance and 65/35 for Capital Improvements. He went on by saying that the Village has done a few things to make their flows better recently and have forced Oakbrook Manor, who was a major contributor of I&I into their system, to fix it, which they are still not done with, and they have reduced the flows into their system by approximately 150,000 gallons a day, which is a tremendous benefit to the Village who didn't have to do anything other than reaping the benefit. He continued by saying that this is why the flow meters are starting to go the other way and the Town on the other hand has some water leaks down in the Hamlet, some of which they know about and have tried to get shut off like the one on Westerlo Street at the Jeremy Richardson property that has been vacant for a year and they estimated that 600,000 gallons of water has come into the system because of that leak and hopefully they will be getting it taken care of because they have been fighting with the banks to try and get into the house to shut the water off and they had to dig another one up at 78 Main Street last week that had water running into the sewer system. He added that it is constant and everywhere they look they have some other fix to try and do and they are all costly, there is nothing cheap and when it hits the Hamlet alone, the 300 parcels pay the debt load and the last couple of years they have done nothing with it and have not paid back even a penny of the debt back. He went on by saying that when Ron Hotaling was Supervisor the reason for the change in the rates were that he went on a benefit derived basis and was taking on the Village saying that they were going to pay 75% of it and the Town was going to pay 25% but he lost the argument and when he tried to relevy it on to their taxes he lost that gamble as well and this is the reason the rates really went on because the proposed plan to relevy and get the money from the Village one way or the other didn't work and the last two administrations didn't want to raise the rates so they stayed at \$105.00, which were artificially reduced. He continued by saying that he is not trying to be disrespectful to anyone but when you have debt like they have because Supervisor Hotaling paid off the bonds that were Town only back in 2008 and 2009 with taxpayer funds from other accounts, which need to be paid back and it is another reason why the \$67,000.00 is here because they had to go out and float another Bond to pay back \$320,000.00 to other funds and it is the Sewer District's responsibility and added that with all that said, if people really understood the whole reason for it, maybe they should have gotten another Board sooner and been a little more involved in the process and he would congratulate this Board for doing something with it. He concluded by saying that he pays the same rates as everyone else and he doesn't like it either but the fact of the matter is that you have to pay your fair share and it is still fairly cheap considering you have sewer provided to you.

Councilman Masti inquired as to why exactly the Village pays a lower rate for the same services as the Town.

Mr. Conrad stated that they have no debt load.

Councilman Masti asked if the difference is because the Town is still paying off the \$67,000.00 and the \$300,000.00 that they are just taking out.

Mr. Conrad stated that based on the current budget they are looking at just under \$500,000.00.

Councilman Masti asked if that is debt.

Mr. Conrad stated that it is the overall budget to operate the plant for one year, which includes insurances, salaries, chemicals, gas & electric, etc., which everyone knows is

getting more expensive and just on that basis alone if they go to 35/65, the Village will pay \$280,445.75 and the Town for that portion of the budget will pay \$151,009.00 but on top of that the Town has the debt load that is Town only, which is another \$67,500.00 added to that and with so few users it is a cumulative process that adds up quickly.

Supervisor Flach asked if there were any other comments.

Attorney for the Town Wukitsch stated that he has some background in the area of sewer and water and he wanted to speak to two things for the Board's information. He added that in terms of grants, there are grants available through the State of New York for water and sewer improvements, construction and renovations, but grants have been cut back over the past 3-4 years with the fiscal constraints that the State is facing. He continued by saying that the remaining grants that are available are very competitive and they have far more applicants than money available and it only a small percentage of the grant application that is funded by the State. He went on by saying that Mr. Conrad eluded to the fact that they have a Sewer Plant from the 60's, the parts wear out and the infrastructure of the plant wears out and it needs to be updated, which is very expensive to do and if you don't do it you are not in compliance and you are not going to have an effective plant. He concluded by saying that a lot of it is aging of the infrastructure of the plant and the need to expend funds to make it operational and it is happening all over and not just in this town because many of plants locally were built around the same time and they are aging out.

Supervisor Flach asked if there were any other comments, hearing none he asked for a motion to adjourn the Public Hearing.

ADJOURNMENT

MOTION

On motion of Councilman Masti, seconded by Councilwoman Rogers, the Public Hearing was adjourned.

VOTE – AYES 4 – NAYS 0 – ABSENT 1 (Dolan) – SO MOVED

Time – 7:10pm

Respectfully Submitted,

APPROVED -

Diane L. Millious, Town Clerk