

FEBRUARY 28, 2013 - TOWN OF PHELPS SPECIAL TOWN BOARD MEETING MELVIN HILL WATER DISTRICT EXTENSION AND REPAIR

MEMBERS PRESENT: Norman Teed Supervisor  
Carl Beechler Councilman  
Dennis King Councilman  
Kent Ridley Councilman  
Arthur Ruthven Councilman  
Linda Nieskes Town Clerk

OTHERS PRESENT: Jeffrey Graff Town Attorney  
Pat Nicoletta MRB Engineer

PUBLIC ATTENDANCE: See listing attached in Minutes Book.

CALL TO ORDER: The Special Phelps Town Board Meeting was called to order by Supervisor Teed at 7:00 PM. He said we have been working on this project for 7 years and hopefully we have finally come up with a plan that will work.

PLEDGE OF ALLEGIANCE: Supervisor Teed led the meeting in the Pledge of Allegiance.

PUBLIC HEARING ON MELVIN HILL WATER: Supervisor Teed called the Public Hearing to order at 7:05 PM. He asked the Town Clerk to read the Public Notice that appeared in the Finger Lakes Times, the

DISTRICT EXTENSION: Town's official newspaper. Supervisor Teed said he had asked Pat Nicoletta of MRB, our Engineering firm, to review the Extension District and it might answer many of your questions. Mr. Nicoletta gave a detailed description using a large map of the Melvin Hill Water District Extension and where it would be. He said the total cost of the project is \$1,556,460, of that \$162,000 would come from the General Fund. He said the 12" line along Griffith Road and the 10" line along Melvin Hill Road is not needed to serve this district; however, as the Town looks to extend water to the East and further to the South, these 12" and 10" lines will allow that to happen. He said that being paid out of the General Fund is considered Excess Facilities and as future districts extend and develop the General Fund will be paid back through that debt service. He said the overall cost for the extension and the existing district minus the \$162,000, is \$1,394,460. Mr. Nicoletta said that is split up 55%-45%. He said since Melvin Hill already has water but this needs to be approved, 45% of that cost will be attributed to the Existing Melvin Hill Water District and 55% of that cost will be attributed to the Extension of Melvin Hill Water District. He said each district will have a debt service and a cost for the district. He said the Existing District will be \$627,507 and for the Extension District \$766, 953. He said we have gone to the USDA Rural Development for a grant and they have provided a preliminary funding estimate of \$500,000. He stated that would also be proportioned accordingly with \$275,000 to the Extension and \$225,000 to the Existing District. He said there is also a Capital Contribution for the Extension District of \$150,000. He said that brings the debt to be financed for the Extension to \$341,952. He said at the present time all the Melvin Hill Road Water District users are charged on a lineal footage basis. He said the Town Board has decided the better way to do it and make it fair for everyone is to assign one (1) EDU (Equivalent Dwelling Unit) for

a single residence instead of the lineal footage. He said if we take the debt that is left for the remaining 13 years it would be \$156.00 per EDU. He said if you have a single family home, your existing debt for that area would be \$156.00. He said some will remain the same, some will go up a little some will decrease.

Supervisor Teed said we will take Public Comments regarding the Extension District first. At this time we will open the floor.

DONALD TIFFANY, 1909 MELVIN HILL RD. – Mr. Tiffany said he has only 1 question. He figures he averages a yearly cost of \$595.00. He asked if he would be paying an additional 50% more. Mr. Nicoletta said we are making the hydrants usable, which will give you fire protection and eliminating the red water. He said the part that is paying the previous debt will drop off after that debt is paid. He said if any new residents move into the area, that would also reduce the amount of payments. Mr. Tiffany said so this is increasing 50%. Mr. Nicoletta said yes.

BETH WEBSTER, 2037 GRIFFITH RD. – Mrs. Webster asked if the Bond Resolution was already done. Mr. Nicoletta said no, that cannot be done until after the Comptroller approves the project. She asked if the bond is defeated, what would happen. Mr. Nicoletta said if the bond is challenged by a certain number of residents, the project could fail.

STEVE OVERSLAUGH, 2174 MELVIN HILL RD. – Mr. Overslaugh asked if it is an equal assessment on every house regardless of the valued assessment. He said it is \$915 per household. Supervisor Teed said yes if you hook up to the water. Mr. Nicoletta said that also includes the water usage charge. Supervisor Teed said if you use more than the estimated amount of 45,000-46,000 gallons, it would be a little more. Mr. Overslaugh feels that it is a steep cost.

RAY DUNNING, 2333 MELVIN HILL RD. – Mr. Dunning asked how this will affect the assessment of the homes. Supervisor Teed said it would not increase the assessment; but would increase the value if you wanted to sell it. He said he was told the Assessor said it would not have any effect on the assessments. Mr. Dunning asked for a ballpark figure for cost from the road to the house. Mr. Nicoletta said if you have a private contractor do it and you put in a 1" line, it would probably be \$7-\$10 per lineal foot; but that is just a ballpark estimate.

LAURA KING, 2154 MELVIN HILL RD. – Ms. King wanted to know what the cost would be if you do not hook up to the water. Mr. Nicoletta said the debt service would be \$442 a year whether you hook up or not. He said the petition has been signed by the number of people that requested the water. She said so it is pretty much done. Attorney Graff said no; the Board has to pass the Resolution tonight and then it has to be sent to the NYS Comptroller for approval.

BETH WEBSTER, 2037 GRIFFITH RD. – Mrs. Webster wanted to know if we had a list of the Petitioners here tonight. She wanted to know if it was all the people or just the extension. Attorney Graff told her the only ones that could sign the petition were the residents in the proposed extension district. Mrs. Webster wanted to know the time frame from start to finish. Mr. Nicoletta said we still have hurdles to go through; but if everything goes through it is our hope to get it designed this summer, with construction in the fall.

THOMAS BANKERT, 2216 MELVIN HILL RD. – Mr. Bankert said it is going to cost us a little over \$900 for the next 38 years. He said when he was approached to sign the petition he was told it would cost around \$500. Mr. Nicoletta said the debt charge that you will be paying is \$442 and the \$473 is for the water and commodities charges. He said it would be a total of \$915 if you use the water. Mr. Bankert said he was never explained the second part of this when he signed the petition.

CAROL WICKUM, 1665 MELVIN HILL RD. – Mrs. Wickum asked if the \$1000 was for the year and does that go on the water bill or on the tax bill. Supervisor Teed said the \$442 will be on the taxes and the \$473 is what the estimate is for the water usage.

LARRY SELLICK, 2231 MELVIN HILL RD. – Mr. Sellick wanted to know how big the pump is that will be pushing the water. Mr. Nicoletta said he did not have that information; but he said they have run all the hydraulic calculations from the pump station based on what is in there now and it will supply the existing, the extension and further beyond. Mr. Sellick said he was never approach to sign this petition so he does not think it is legal to move forward with this project. Mike Vienna, Water Superintendent said he spoke with both Mr. and Mrs. Sellick. Mrs. Sellick said Superintendent Vienna did sit and talk with them regarding the petition. Mr. Sellick said he did not remember that.

BETH WEBSTER, 2037 GRIFFITH RD. – Mrs. Webster wanted to know when the petition is submitted, how many names are needed. Attorney Graff said a majority. He said as long as a majority of property owners representing a majority of the assessed valuation sign and according to the petition, 63% of the total assessed valuation signed and 53% of residential assessed valuation signed so that exceeds the requirement.

KRISTINE WALTERS, 2100 MELVIN HILL RD. – Ms. Walters said people signed this petition and did not understand what they were signing. Mr. Nicoletta said we had an informational meeting in 2011. He said some of the people signed the petition that night. He said the whole thing was laid out and explained at that time. He said the Town Board is not trying to hide anything and this has been brought out many times. Ms., Walters wanted to know how the people that have changed their minds but signed the petition could take their names off. Attorney Graff said possibly if people want to rescind their signatures on the petition, they could. Ms. Walters asked how they could do that. Attorney Graff said he had never had that happen before. He said they could probably put it in writing to the Board that they want to rescind their signatures, everything would have to be delayed and the Assessor would have to recertify the petition to see if there is still enough signatures. He said Rural Development has to have an answer by March 27<sup>th</sup> so we are trying to get everything done today in order to meet that deadline. He said it is either tonight or nothing.

Supervisor Teed asked if there was anyone that wished to speak that has not. He said he wanted to emphasize that we are not in any way trying to push this down people's throats. He said this is the best that we can come up with.

TOM BANKERT, 2216 MELVIN HILL RD. – Mr. Bankert said long ago he took up a petition and said they did not want the water. He said they were again approached and the numbers given to them had been cut. He and a lot of other people in this room then signed the petition. He said now what we signed has doubled. Councilman Ruthven said when they told you the \$500 amount that was the amount

of the water district; the other \$473 is an estimate for your water usage. Water Superintendent Mike Vienna said he talked with Mr. Bankert and gave him and everyone else a copy of the costs from the Engineer's Map, Plan and Report. He showed Mr. Bankert what he passed out to him and the others that he and Councilman King talked with. Mr. Bankert said he must not have had his glasses on then.

CAROL LACHY, 1898 MELVIN HILL RD. – Ms. Lachy said she did not know which district she was in but she just bought property here a little over a year ago. She said she lives in Geneva and they are doing the same thing you are doing here. She said she is from Massachusetts and she left there because of the taxes. She said I come here and it is bad; she said she is going to try New Hampshire next.

Supervisor Teed asked if anyone else wished to address the Board regarding the Extension District. No one else asked to speak. The first Public Hearing was closed at 8:05 PM.

Supervisor Teed opened the second Public Hearing on the Existing Melvin Hill Water District at 8:06 PM. He asked the Town Clerk to read the notice that appeared in the Finger Lakes Times, the Town's official newspaper. He asked if anyone wished to address the Board regarding the Existing Melvin Hill Water District.

JOHN DUCHESNEAU, 1991 MELVIN HILL RD. – Mr. Duchesneau said being in the existing district we know what our charges are. He said they now pay \$250 debt service which is based on lineal footage and \$150 for operation and maintenance on our tax bill, \$10 for a meter charge and then a commodity charge for water. He asked what the charges in the \$473 are. Mr. Nicoletta said the \$473 is the commodity charge. Mr. Duchesneau said so we will have a \$358 increase because of the debt; but it will be based on EDUs instead of lineal footage. Mr. Nicoletta said that was correct. Mr. Duchesneau said the existing debt will also be changed to an EDU calculation instead of lineal footage as well. Mr. Nicoletta said that is correct. Mr. Duchesneau asked about unimproved and ag exempt properties. Mr. Nicoletta said ag exempt properties will not incur any charges and unimproved vacant properties will be charged a nominal fee of \$10. Mr. Duchesneau wanted to know what the Town has put in place to prevent the travesty that occurred the last time. He said there was no accountability on the Engineering firm, the contractor or the Town. Mr. Nicoletta said we have done our homework, have done hydraulic calculations and verified what we have can feed this district. He said we will go through a contract bid process and select the contractor, the contract will be with the Town, we will oversee the work that is being done to make sure that is done appropriately and we will make sure they are following the specifications we put out.

DON ROMEISER, 1600 MELVIN HILL RD. – Mr. Romeiser said all the residents in the existing Melvin Hill Water District are not hooked up to the water. Mr. Romeiser said neither he nor the residents at 1602 were ever offered to be in the water district. He asked why we would not extend the line to the Town line instead of Ontario Street. Mr. Nicoletta said it is tied into the line at the Village limits. Mr. Romeiser wanted to know who would foot the bill to hook 1600 and 1602 Melvin Hill Road into the water line. Supervisor Teed said it would be part of the project and the water would go to the curb.

TIM MILES, 1994 MELVIN HILL RD. - Mr. Miles asked if this fails, where does this leave us. Mr. Nicoletta said it would be a dead deal. Mr. Miles said he is still guaranteed the water he has. Supervisor Teed said that is correct. Mr. Miles wanted to know what guarantee we have that the \$150,000 will come through. He said if we get to the end and they decide not to put that money in, what happens.

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Attorney Graff said we already have a contract signed with them and the money would be paid at the time of construction.

MARION DONNELLY, 1609 MELVIN HILL RD. - Ms. Donnelly asked if there are any other grants or money for which we would be eligible. Mr. Nicoletta said we have exhausted all the possibilities. He said we have done the best we can, with the Town Board's help. He said they have gone to Legislature to ask for help and this is the best there is.

KATHY DUCHESNEAU, 1991 MELVIN HILL RD. – Mrs. Duchesneau asked if she could have an updated copy of the costs. She was told said could. She said if they do not hook on in the new district, they would just pay the \$442 on their taxes. Mr. Nicoletta said that would be the Board's decision as to charge the \$150 on the tax bill.

BRUCE OAKS, 2094 CO. RD. 6 – Mr. Oaks said he is not in the water district; but he is a tax payer in the Town of Phelps. He said he reads all the notices in the paper. He said the only thing that remains constant is the Town's contribution of \$162,000. He said the General Fund of the Township is derived from the whole Town. He said the only people that paid were in the water district. Attorney Graff said the law that permits the Town to pay for excess facilities also requires that when a future district is created that is going to benefit from that excess capacity; it repays the Town's General Fund for what they used. He said the Town will see it repaid over time. Supervisor Teed said if we do not upgrade that line now you can never add onto it because you will not have the flow capacity. He said we are doing this for future growth.

JOHN MULFORD, 1992 MELVIN HILL RD. – Mr. Mulford said with the dead end in the Village, is there not a risk of stagnant water there. Supervisor Teed said no the plastic line is entirely different than the old cast iron line. He said it holds its residual and the chlorine. Councilman King said it will also help the pump station that Mr. Sellick was worried about because the plastic line will require less pressure and less friction.

LARRY SELICK, 2231 MELVIN HILL RD. – Mr. Sellick asked if the cost of the materials fluctuate from month to month. Mr. Nicoletta said it does fluctuate because the PVC is a by-product of oil. He said it is still far less than duct iron. He said once the contractor is locked in, regardless of how long it takes him to complete the project, it is set.

JOHN MULFORD, 1992 MELVIN HILL RD. – Mr. Mulford said obviously we learned from the last experience and wondered if it would be a good idea to have a performance bond in place. Mr. Nicoletta said we have our insurance policy. He said we are licensed engineers in New York State. He said we have done our homework and we have insurance in place.

Supervisor Teed asked if anyone else wished to speak. There were no further comments. The Public Hearing was closed at 8:52 PM.

Supervisor Teed asked Attorney Graff what do we do. Attorney Graff said it is the Board's pleasure. He said first ask if anyone that has signed the petition wishes to renounce their signature. Supervisor Teed said he is extremely sorry if there was any miscommunication because that was not what was intended. Janet Oaks asked that her name be removed from the petition. Mrs. Oaks never signed the petition. Supervisor Teed said the reason for this big push right now is because the State is changing to the 2010 Census very shortly and that  
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affects the grant. Attorney Graff said the increase takes effect on March 28<sup>th</sup> of this year, so we are being told by the Grant Writer that everything has to be in prior to that. He said they had just received word of this change.

Supervisor Teed said if we do not have it in by the deadline; we lose the grant anyway because we would not qualify because of the median household income increase. Attorney Graff said the Board can postpone this tonight if they want to; but we are trying to tell you what the likely repercussions are of not acting tonight. Supervisor Teed said if we were not up against the wire, he would be glad to postpone this for some time; but we do not have that time. He asked again if anyone wished to remove their name from the petition. The following people asked that their names be removed: Tom Bankert, Kathy Bankert, Betty Bankert and Ray Dunning. Attorney Graff said the Assessor will have to recertify the names to see if there is still a majority. Supervisor Teed said it is likely we will not meet the deadline.

There was no action taken on any of the Resolutions.

ADJOURNMENT: Councilman King moved to adjourn the meeting, Councilman Beechler seconded the motion. 5 AYES. Carried.

TIME: 9:09 PM.

Respectfully submitted,

Linda Nieskes  
Town Clerk