

TOWN BOARD
Special Meeting
March 23, 2016

A special meeting of the Oneonta Town Board was held on March 23, 2016 with the following members present:

Councilwoman: Patricia Jacob
Councilwoman: Patricia Riddell Kent
Councilman: Brett Holleran
Supervisor: Robert T. Wood
Town Clerk: Cheryl L. Shackelton

Recused: Councilman Michael Stolzer (because he lives in the Southside Water District)

Others present: Ted Lamonica; Andrew & Shannon Turner; John Ackley; Ian Austin, Hometown News; Steve Kent; Andrew Stammel, Co. Representative; and Michael Stolzer .

PUBLIC HEARING – Southside Water District #5 (Residential)

WHEREAS, a written petition dated March 15, 2016 has been submitted in due form by several residents and business owners containing the required signatures, which has been presented and filed with the Town Board of the Town of Oneonta, County of Otsego, New York, for the establishment of a Town Water District, to be known as Southside Water District No. 5, Town of Oneonta, which is bounded and described on Exhibit A attached hereto and made a part hereof, and

WHEREAS, the improvements proposed consist of the construction of a water system to serve said District in accordance with a certain map and plan prepared by Lamont Engineers, made a part of such petition and heretofore adopted by this Town Board, now on file in the office of the Town Clerk of the Town of Oneonta, New York, and

WHEREAS, it is the intention of the Town to construct said system and charge a benefit charge to each property owner in the District and a user rate to each user within the District. The maximum amount proposed to be expended for the construction and acquisition of the above-described improvement is \$6,000,000 with a total annual O&M cost of \$25,000. The Town anticipates receiving approximately \$3,900,000 in grants and the rest of the funding in low or no interest loans. With the anticipated funding, the costs to property owners of repayment would be set out as follows: bond repayment would be made by property owners based upon the property's assessed value; payment for annual operating and maintenance expenses would be made by property owners based upon the properties EDU (Equivalent Dwelling Unit= 100 gpd/person @2.6 persons/ household= 260 GPD). For example, a typical single family residence would be subject to an estimated bond repayment charge of \$275/year; and if connected to the water supply an additional fee estimated to be \$150/year. These costs would likely drop as more users hooked into the system.

Supervisor Wood opened the public hearing to consider said petition and to hear all persons interested in the subject thereof, concerning the same, and such other and further action on the part of said Town Board, with relation to the premises.

Andrew Turner, 456 Southside Dr. expressed the following objections: the water district will benefit commercial properties; but will be more of a burden than benefit to residential properties; town money would be better spent on the infrastructure.

John Ackley, 235 Southside Dr. stated the following: why did it take so long to pursue this, if in fact there has been a health issue; the purpose is to increase commercial development; disputed the fact that residential need public water, saying that the strain on private wells will be alleviated once commercials are hooked up; he also questioned the signatures on the residential portion of the district.

Councilwoman Riddell Kent stated that she visited many houses; talked with residents and addressed many of their questions and concerns. She said it's not all about the businesses because the majority of residential property owners expressed concern about the quality and quantity of their water; it's definitely time for this given the population density. She added that residential owners do not have to hook-up, but would be required to pay the annual bond repayment.

In response to comments by the speakers at the hearing Supervisor Wood stated that there has been substantial interest from residents of the district and that a majority of the resident owners, based on property values, have signed the petition. The petitions are available for review in the town clerk's office by anyone who wishes to do so.

He added that the reason the public water supplies are being required to connect to the system is that they serve water to the general public and it is for the safety of the public that they are being required to connect. To answer questions about how bond repayment is to be determined Wood explained that the town explored several options on how to bill for bond repayment. The board settled on the EDU (Equivalent Dwelling Unit) method as it is fair to both residences and businesses as the amount paid is based on how much water they use. This means that bond repayment has four levels for commercial properties and different levels for residential properties.

Wood also stated that the town has secured four million dollars, nearly half the cost of the project, in grants. The remaining funds are anticipated to be at zero percent interest. This combination makes the project as affordable as possible. Supervisor Wood gave credit to Councilwoman Riddell Kent and Councilman Stammel for going door to door many times to obtain signatures.

Andrew Stammel, past town councilman stated that the proposed water district has been contentious for some, but that water is our greatest resource and the town listened to concerned homeowners and addressed their concerns. He said Supervisor Wood put together a great funding package that will give property owners a reasonable bond repayment. He added that public water will also be an asset as far as fire protection and insurance. It will also encourage future business endeavors.

Motion was made by Jacob, seconded by Riddell Kent to close the public hearing.

VOTE – Ayes 4, Nays 0, Recused 1 (Stolzer) Motion Carried

ORDER ESTABLISHING WATER DISTRICT No. 5 (Southside Residential)

Motion was made by Riddell Kent, seconded by Jacob to approve the **ORDER ESTABLISHING WATER DISTRICT NO. 5** in the Town of Oneonta, County of Otsego, State of New York

WHEREAS, a Petition, dated March 15, 2016, has been duly presented to the Town Board of the Town of Oneonta, according to law, requesting that a water district, as hereinafter described, be established in the Town of Oneonta, and

WHEREAS, the boundaries of the proposed water district are as described in Schedule A to the Petition which is set forth as an Exhibit A hereto; the district includes only property located in the Town outside the Village; and

WHEREAS, the improvements proposed consist of the construction of a water system to serve said District in accordance with a certain map and plan prepared by Lamont Engineers, made a part of such Petition and heretofore adopted by this Town Board, now on file in the office of the Town Clerk of the Town of Oneonta, New York; and

WHEREAS, it is the intention of the Town to construct said system and charge a benefit charge to each property owner in the District and a user rate to each user within the District. The maximum amount proposed to be expended for the construction and acquisition of the above-described improvement is \$6,000,000 with a total annual O&M cost of \$25,000. The Town anticipates receiving approximately \$3,150,000 in grants and the rest of the funding in low interest loans. With the anticipated funding, the costs to property owners of repayment would be set out as follows: bond repayment would be made by property owners based upon the property's water use classification; payment for annual operating and maintenance expenses would be made by property owners based upon the properties EDU (Equivalent Dwelling Unit= 100 gpd/person @2.6 persons/ household= 260 GPD). In District #5 a typical single family residence is estimated to pay \$275 per year in bond repayment and \$150 per year for O&M (water cost). These costs would likely drop as more users connect into the system; and

WHEREAS, at the March 9, 2016 meeting of the Town of Oneonta Town Board, the Town Board adopted an Order Scheduling Public Hearing on the Petition to be held on March 23, 2016; and

WHEREAS, the Order Scheduling Public Hearing recited the description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of

conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying a date, time and location in the Town as the place where the Town Board would meet to consider the establishment of the District and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, the Town Clerk of the Town of Oneonta caused to be published a certified copy of the Order Scheduling Public Hearing, posted a copy of same on the sign-board of the Town of Oneonta, and posted a copy on the Town's website, in the time and manner required by law, and

WHEREAS, a public hearing was held by the Town Board in the Town of Oneonta on March 23, 2016, at 7:05 P.M. at Town Hall, West Oneonta, NY to consider the establishment of the Town of Oneonta Water District No. 5 (hereinafter, the "Water District 5") and the water system improvements therein and to hear all persons interested in the subject thereof, and

WHEREAS, the Town Board had previously completed the SEQRA process pursuant to Environmental Conservation Law Article 8 and its implementing regulations; and

WHEREAS, the Town Board has given due deliberation to the hearing and testimony presented and has determined that the formation of the District is in the public interest.

IT IS HEREBY:

FOUND AND DETERMINED, that the said Petition dated March 15, 2016, for the formation, construction and operation of the Town of Oneonta Water District No. 5 and the municipal water distribution system therein in the Town of Oneonta, Otsego County, New York is signed, and acknowledged or proved, or authenticated, as required by law and is otherwise sufficient and complies with the provisions of Section 191 of the Town Law of the State of New York, and such other sections of said Law as are applicable thereto, and be it further

FOUND AND DETERMINED, by the Town Board of the Town of Oneonta that the Notice of Public Hearing was published and posted as required by Town Law and is otherwise sufficient; and that annexed hereto as Exhibit "A" – District Boundaries - Description is a description of the boundaries of the Town of Oneonta Water District No. 5 as finally determined, and be it further

FOUND AND DETERMINED, by the Town Board of the Town of Oneonta that: (1) it is in the public interest to grant the whole relief sought by said Petition and approve the establishment of the Water District; (2) that all of the property and property owners within said Water District are benefited thereby; (3) all property or property owners benefited are included within said Water District; (4) and that no property or property owners benefited thereby have been excluded therefrom, and be it further

RESOLVED, that the Water District described aforesaid shall be established in said Town of Oneonta, as described in Exhibit "A" – District Boundaries - Description and annexed hereto, to be known as the Town of Oneonta Water District No. 5 and to include all the property described therein, and be it further

RESOLVED, that the Town Supervisor is authorized and directed to take all actions necessary to apply for and to make application to any other Governmental agency whose approval may be required, and be it further

RESOLVED, that within ten (10) days after adoption of this order, that the Town Clerk be and is hereby authorized and directed to file a certified copy of this Order in the County Clerk's Office and the Office of the State Comptroller, and be it further

RESOLVED, that the Town Clerk, Town Attorney and other Town employees and agents are hereby authorized and directed to take such other or further actions as are necessary or desirous to effectuate the purposes of this Order.

RESOLVED, that the Petition is granted and approved by the Town of Oneonta.

The foregoing order was duly put to a rollcall vote as follows:

Councilwoman Jacob	Voting Aye
Councilwoman Riddell Kent	Voting Aye
Councilman Stolzer	Voting Recused
Councilman Holleran	Voting Aye
Supervisor Wood	Voting Aye

ORDER ESTABLISHING WATER DISTRICT No. 6 (Southside Commercial)

The public hearing for Southside Water District No. 6 was held at a special meeting on March 23, 2016.

Motion was made by Wood, seconded by Riddell Kent to approve ORDER ESTABLISHING WATER DISTRICT NO. 6 in the Town of Oneonta, County of Otsego, State of New York

WHEREAS, a Petition, dated February 10, 2016, has been duly presented to the Town Board of the Town of Oneonta, according to law, requesting that a water district, as hereinafter described, be established in the Town of Oneonta, and

WHEREAS, at the February 10, 2016 meeting of the Town of Oneonta Town Board, the Town Board adopted an Order Scheduling Public Hearing on the Petition to be held on February 24, 2016; and

WHEREAS, the boundaries of the proposed water district are as described in Schedule A to the Petition which is set forth as an Exhibit A hereto; the district includes only property located in the Town outside the Village; and

WHEREAS, the improvements proposed consist of the construction of a water system to serve said District in accordance with a certain map and plan prepared by Lamont Engineers, made a part of such Petition and heretofore adopted by this Town Board, now on file in the office of the Town Clerk of the Town of Oneonta, New York; and

WHEREAS, it is the intention of the Town to construct said system and charge a benefit charge to each property owner in the District and a user rate to each user within the District. The maximum amount proposed to be expended for the construction and acquisition of the above-described improvement is \$2,800,000 with a total annual O&M cost of \$43,000. The Town anticipates receiving approximately \$100,000 in grants and the rest of the funding in low interest loans. With the anticipated funding, the costs to property owners of repayment would be set out as follows: bond repayment would be made by property owners based upon the property's water use classification; payment for annual operating and maintenance expenses would be made by property owners based upon the properties EDU (Equivalent Dwelling Unit= 100 gpd/person @2.6 persons/ household= 260 GPD). In District #5 a typical single family residence is estimated to pay \$275 per year in bond repayment and \$150 per year for O&M (water cost). These costs would likely drop as more users connect into the system; and

WHEREAS, the Order Scheduling Public Hearing recited the description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying a date, time and location in the Town as the place where the Town Board would meet to consider the establishment of the District and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, the Town Clerk of the Town of Oneonta caused to be published a certified copy of the Order Scheduling Public Hearing, posted a copy of same on the sign-board of the Town of Oneonta, and posted a copy on the Town's website, in the time and manner required by law; and

WHEREAS, a public hearing was held by the Town Board in the Town of Oneonta on February 24, 2016, at 7:05 P.M. at Town Hall, West Oneonta, NY to consider the establishment of the Town of Oneonta Water District No. 6 (hereinafter, the "Water District 6") and the water system improvements therein and to hear all persons interested in the subject thereof, and

WHEREAS, the Town Board had previously completed the SEQRA process pursuant to Environmental Conservation Law Article 8 and its implementing regulations; and **WHEREAS**, the Town Board has given due deliberation to the hearing and testimony presented and has determined that the formation of the District is in the public interest.

IT IS HEREBY:

FOUND AND DETERMINED, that the said Petition dated February 10, 2016, for the formation, construction and operation of the Town of Oneonta Water District No. 6 and the municipal water distribution system therein in the Town of Oneonta, Otsego County, New York is signed, and acknowledged or proved, or authenticated, as required by law and is otherwise sufficient and complies with the provisions of Section 191 of the Town Law of the State of New York, and such other sections of said Law as are applicable thereto, and be it further

FOUND AND DETERMINED, by the Town Board of the Town of Oneonta that the Notice of Public Hearing was published and posted as required by Town Law and is otherwise sufficient; and that annexed hereto as **Exhibit “A” – District Boundaries - Description** is a description of the boundaries of the Town of Oneonta Water District No. 6 as finally determined, and be it further

FOUND AND DETERMINED, by the Town Board of the Town of Oneonta that: (1) it is in the public interest to grant the whole relief sought by said Petition and approve the establishment of the Water District; (2) that all of the property and property owners within said Water District are benefited thereby; (3) all property or property owners benefited are included within said Water District; (4) and that no property or property owners benefited thereby have been excluded therefrom, and be it further

RESOLVED, that the Water District described aforesaid shall be established in said Town of Oneonta, as described in **Exhibit “A” – District Boundaries - Description** and annexed hereto, to be known as the **Town of Oneonta Water District No. 6** and to include all the property described therein, and be it further

RESOLVED, that the Town Supervisor is authorized and directed to take all actions necessary to apply for and to make application to any other Governmental agency whose approval may be required, and be it further

RESOLVED, that within ten (10) days after adoption of this order, that the Town Clerk be and is hereby authorized and directed to file a certified copy of this Order in the County Clerk’s Office and the Office of the State Comptroller, and be it further

RESOLVED, that the Town Clerk, Town Attorney and other Town employees and agents are hereby authorized and directed to take such other or further actions as are necessary or desirous to effectuate the purposes of this Order.

RESOLVED, that the Petition is granted and approved by the Town of Oneonta.

The foregoing order was duly put to a roll call vote as follows:

Councilwoman Jacob	Voting Aye
Councilwoman Riddell Kent	Voting Aye
Councilman Stolzer	Voting Recused
Councilman Holleran	Voting Aye
Supervisor Wood	Voting Aye

The meeting was adjourned at 7:30 pm.

Respectfully submitted,

Cheryl L. Shackelton
Town Clerk

