

**THE TOWN OF CHENANGO TOWN BOARD MET MONDAY, MARCH 5, 2018 AT 7:00 P.M. IN THE TOWN OFFICE BUILDING, 1529 N.Y. ROUTE 12, BINGHAMTON, N.Y.**

**PRESENT:** Harold Snopek, Town Supervisor  
Russ Hemedinger, Councilperson  
Gene Hulbert, Councilperson  
Jim DiMascio, Councilperson  
Terry Kellogg, Councilperson

**ALSO PRESENT:** Donald G. Walls, Town Attorney  
Lizanne M. Tiesi-Korinek, Town Clerk

**PLEDGE OF ALLEGIANCE TO THE FLAG -**

Mr. Snopek asked everyone present to stand and join in the Pledge of Allegiance to the Flag.

**APPROVAL OF MINUTES –**

Mr. DiMascio moved, seconded by Mr. Hemedinger, that the minutes of the previous meeting be approved as prepared and presented. Motion carried.

**BID OPENINGS-**

None

**PUBLIC HEARINGS –**

Mr. Snopek turned the meeting over to the Town Attorney, Donald Walls, to conduct the Public Hearing. Mr. Walls opened the Public Hearing and explained to the audience that the reason for this Public Hearing is the consideration of the creation of what will be called, if organized, Sewer District No. 12.

It has been proposed that the Town of Chenango take over the assets and operations of the former Chenango Disposal Treatment Plant and Collection System.

To give you some history – That Corporation was formed back in 1979. At that time they made an application to the DEC for a permit to operate the treatment plant and collection system. The State of New York granted that permit after the Town of Chenango agreed to contract with Chenango Disposal that would provide, in the event that the disposal company abandoned the treatment plant and/or the collection system, the Town of Chenango would take it over. The Town of Chenango has received formal written notice that this company intends to abandon this facility as of April 1st of this year. In order for the Town of Chenango to take over this facility, they would have to form and establish what is known as a special benefit sewer district. That is one of the reasons we are here tonight to consider that. The Town of Chenango has hired a professional engineer to carefully study the technical aspect of the condition of the treatment plant and collection system. He has come up with a formal written report. That report is on file with the Town Clerk and is open for public inspection or copy. In the event the Town of Chenango does take this system over, they will do an in depth analysis of whatever capital improvements and expenses are required to bring that system in to compliance with the DEC regulations. At the present time they are not in compliance. Also, the engineer and the Town of Chenango will perform an in depth study on what we call an assessment unit formula for the expenses that will be charged back to the users in the district that is required by Audit and Control. Based on the best information that we have from that corporation, the estimated cost for the users, if the Town takes it over, is \$82.50 per quarter or \$330.00/year. It may be subject to change after the analysis is made. If it does change, there will be a public hearing that the users can present their arguments or get the necessary information.

So now what are the next steps to be taken? If the Town Board consents, then they have to adopt a Formal Order of Establishment of the District. Tentatively, the Board has scheduled March 21<sup>st</sup> to take that matter up. It has to lay over for one meeting. They want to act on it then because the

deadline for the Company's abandonment is obviously April 1<sup>st</sup>. That is a very brief and general outline of the situation. At this time he will take questions, if there are any, and if he cannot answer the question there are people here (gesturing to the Town Board) that they can.

Spiros DiMatos – 1206 River Road – He was in a couple of weeks ago and was wondering if there is a map because at the time he was in there was no map available at that time.

Mr. Walls – there is a map and if you would like a copy you can get one from the Town Clerk.

Bob Croswell – 16 Teeburn Blvd.- Has a few questions: 1.) For those of us who are not hooked into the sewer right now are we going to be forced to join it and what is the estimated cost for doing so? 2.) If we do have to hook into the sewer and dig up our lawns, do we have to hook up to the water at that time? Is there an option or is this forced?

Mr. Walls – are you in the District at this time and not an outside user?

Mr. Croswell – yes he is in the District. However, Teeburn Blvd. and a few other houses that predated the system – we have wells and septic.

Mr. Walls – yes you have to hook up. Typically they give you a years' time to hook up. Is there water running in front of your house? If there is, it is your cost to have it run from the road to your house. It usually ranges around \$20.00/square foot, but a contractor can give you an estimate. It is calculated by the square foot.

Duane Whittaker – Teeburn Blvd. - who initiated this?

Mr. Walls – it was initiated because of the contractual agreement with Chenango Disposal and the Town back in 1979 that if the Disposal Co. abandoned it – the Town would take it over and now we are under pressure from DEC to do just that.

Mike Morris – 19 Teeburn Blvd. – when was the Town notified of this occurrence as we are only a month away from this?

Mr. Walls – we were in negotiations with them for some time now. But it was last year sometime.

Mr. Morris – It doesn't appear that there is a choice. There is no option. So if we knew about this last August, why are we only hearing about this with 30 days away? The last time I was told it would cost about \$15,000.00 to hook up. I have a perfectly working well and septic system.

Russ Hemedinger – explained to the audience/residents that the post cards went out to the people in the District and within 500 feet of the District. If the line does not go by your house then you will not have to hook up to the system.

The Map was opened up and given to the residents to look at to see if they were in the District or just the residents within the 500 feet radius.

Sean Faughnan – 13 Teeburn Blvd. – last year, in August, I believe that we got this letter asking us if we were interested in joining the sewer district if one was formed. I believe the letter was from the Town. We are now nine months later into this and why would I have gotten this letter when you are now telling me that Teeburn Blvd. will not be able to join the system. We now have one more meeting to go – so do we have the option or are we just getting this postcard because we are within the 500 feet radius?

Russ Hemedinger – Sean – I know where you live and you are not in the District. The questionnaires that went out back in August were part of a study that we had done by an engineering firm, Barton & Loguidice. They did a comprehensive study of all the wastewater systems in the Town and they sent a survey around to all the residents in the Town to see if they were interested in sewers. That was just part of their study and it really has nothing to do with this at all it is just coincidental that we had the study done and then this occurred.

Sean Faughnan – so it sounds like Teeburn Blvd. will not be a part of this at all.

Duane Whittaker – Will any of the people on Teeburn be effected by this?

Mr. Hemedinger – I think only the two people on the corner of Teeburn and Greenmeadow are in the District.

Mr. Morris – we don't have the option to join it?

Mr. Hemedinger – right now – no.

Mike Gumbach - 21 Verneth Drive – Are we talking about the treatment system that T.J. Smith has?

Mr. Walls – that is correct.

Mr. Gumbach – Ron Lake from your Engineering Firm called him about 3-4 weeks ago. He asked where his line was. He has been hooked up to the system for about 30 years. When his old system failed, he petitioned the Town and got permission to hook into his neighbors. My neighbor does not pay anything at all. That was the deal when you guys came across to do the sewers; he believes it was Pembroke Dr. He is hooked in with him and they could not find my line. He told Ron Lake what he was paying now that they raised it to \$500.00. He couldn't believe me. He said the Town was working with old prices like \$160.00 per year. Did he hear correct that the amount was \$300.00 per year?

Mr. Walls - \$330.00/year. \$82.50/quarter.

Mr. Gumbach - he did not know if anyone else here had their prices increased but his went from \$165.00/half year to \$125.00/quarter.

Mr. Walls – was that raised by the present owner?

Mr. Gumbach – yes, it was raised by T.J. When I called T.J. his condition would not let him speak so whoever was the spokesperson for that group told me that and also Ron Lake told me that you people knew about this since last fall. Ron did not even know the prices.

Mr. Walls – Ron is the Engineer and we did not get the final report until January, 2018.

Mr. Gumbach - Ron could not believe what the price was before and what it is today. We are talking strictly sewer – correct? Now how will that affect me when I am tied into my neighbor's? His clause was – you people probably know who he was-his name was Lilly. He was the principal of the school here. He has life use and anyone who buys his house has life use. He didn't pay anything.

Mr. Walls – that is a private agreement that between the two of you?

Mr. Gumbach – I don't have the agreement. The agreement was with T.J. So how will that affect him?

Mr. Walls – He is not familiar with that agreement but we will have our man in the Public Works Department take a look at that.

Mr. Gumbach – it's been like this for 30 years and he doesn't want to have a problem now. I've got my own septic and I have no problem with it. He is just surprised that you can do it a lot cheaper than he could. I know his system is kept up to date and the maintenance and the DEC had a lot of regulations that he did not update too.

Mr. Walls – that is correct.

Terry Valdes – 15 Teeburn – I noticed in the information that I down loaded on this Public Hearing

that the charge for the sewer would be \$500.00 not the \$330.00 that you stated. What's the discrepancy there?

Mr. Walls – that was incorrect. It was just an estimate. The latest figures are the ones give tonight

Mrs. Valdes – there was a mention about water and the charges for each unit of water too.

Mr. Walls – that is a separate issue.

Ed Valdes – 17 Teeburn – Where is the treatment plant located? He did not know where it was.

The residents chimed in that it was the “Barn” on River Road.

Terry Blackman – Paul Drive – How extensive is the work that needs to be done to update the system?

Mr. Walls – It needs updates. I really couldn't tell you. Probably the engineer could give you more specifics. It needs renovations to bring it up to date.

Mr. Blackman – if he walks away on April 1<sup>st</sup> how long do you have to do that?

Mr. Walls – DEC is the one looking over our shoulder

Gene Hulbert –the cost is going to be on the future updates to meet the DEC regulations for 2025. The costs we are talking about are just the transfer costs to get the system up to current DEC regulations and that is it! The regulations do not matter. The discharge or SPEDES Permit regulations have to be met and we are taking over that SPEDES permit so we have to upgrade the facility to get the equipment inside the facility to meet the current DEC regulations. We are not treating it any different, we are not doing anything more than what we have to in order to get the system up and running and maintaining it. That is what this migration of the transfer is for.

Bruce Krizen – 8 Chris Court – This is different than what we heard at the informal meeting that this was only an interim arrangement. The plan was to remove the plant and extend the line on River Road which is about a mile from the original plant. This was going to be in the next couple of years. I don't think you have the whole picture here.

Mr. Walls – that is the long term range plan.

Mr. Krizen – how long is that? I heard a couple of years. That's not a long time

Mr. Hulbert – It is multiple years

Mr. Krizen – What do you mean by multiple years?

Mr. Hulbert – Three to Five years.

Mr. Krizen – so where are you at this point? Is that part of the engineering study or not? Is that included in this study?

Mr. Hulbert – the option was but the actual detail of the cost was not

Mr. Krizen – I heard that you are also updating the one in the Northgate Plaza as well. That's another expense that the people in this sewer district will have to assume some of the costs.

Mr. Walls – the cost will be a portioned.

Mr. Krizen – a portion by what?

Mr. Walls – I can't give you that figure

An unidentified resident – by 150 people in the District or the whole Town?

Mr. Hulbert – that makes a difference. The study that he is referring to is that there were a couple of different options on what would have to happen because of the upgrades to the facility. Currently that facility cannot treat the nitrates and phosphorous that are going to come into regulation. So there is millions of dollars of work that has to be done to bring the capital construction to upgrade that facility. It doesn't matter if T.J. owned it or the Town, it is a DEC requirement and the DEC said it has to happen. The economics play a big role. The hiring of a waste water management person is going to take part of those cost, the chemical treatment is going to be some of that cost as well. So we are sitting here today looking out four or five years to what that actual plan is going to be. If the plant is relocated to a pump station and pumped down to Northgate, then those improvements would be spread across all the users who are contributing to the flow to that station. If that doesn't happen and this facility gets upgraded to meet the effluent requirements then only the users that are within that district will bare those costs. So does that make a little clearer to understand?

Mr. Krizan – yes very clear. So basically this extension will fall upon the people in this new special sewer district which is roughly 142 people/homes. The other plan is another proposal that is system wide which involves all the sewer districts at some point that would contribute to that flow.

Sean Faughnan – is there ever an option, in the future, for running the sewers from the lateral down Teeburn Blvd. along with water? What has to happen for that to happen or do you ever fore see that happening especially if you run it down to Northgate?

Mr. Walls – if all the people want it and it is cost effective

Mr. Hulbert – It's an option to do it but it never was part of the original district that was there. But it is an option to incorporate a district extension but we would have to go through a study and normally these things are brought up by the residents in that area. A formal study is done, some economics are done, another Public Hearing would have to take place and then the capital costs that would go into it would be figured out.

Cathy Smith – 33 Greenmeadow Lane – Curious to know if there is 142 houses paying all those year why it was not kept up for all that time with the money we were paying?

Mr. Walls – I can't tell you that. Apparently it was not a profitable operation that is the only thing he has heard.

Fred Menichelli – 35 Greenmeadow Lane – Are there any grant monies available for this?

Mr. Hulbert – We are in the transfer stage of this project and there is no grant money. There is not grant monies available for the time frame that we need for the upgrades that we need just to meet the current DEC regulations. There are grants available for combining/consolidating systems. We've talked to outside engineering firms and state agencies to see what those are. Those will come into play when we are talking about our five (5) year plan on any future capital projects.

Mr. Menichelli – so there is really nothing actually out there yet as to whether they are going to update the plant, pumping station or maybe a new line. That is within this three (3) to five (5) year plan.

Mr. Hulbert – nothing has been determined

Terry Blackman – so am I hearing that you take the plant over and put some substantial money into it and then possibly within three (3) to five (5) years chuck it and tie it into something else. So all this money went into this plant for nothing?

Mr. Hulbert- No this has to be done to get it up to the current DEC regulations otherwise they would have to shut the sewer down and none of you want this nor is it a benefit to anybody. So it

is not wasting money.

Mr. Walls –hearing from no one else on this matter, he declared the Public Hearing closed at 7:28 p.m.

**COMMUNICATIONS: Lizanne M. Tiesi-Korinek, Town Clerk**

The Chenango Fire Department has submitted a two (2) new membership application for the Town Board’s approval for Adnan Mujcic and Avdo Mujcic. Gene Hulbert moved, seconded by Jim DiMascio. Motion carried to approve this new membership.

**COMMITTEE REPORTS:**

**Mr. Hulbert – Highway Department**

**February 2018 Report –**

Snow removal services were provided on 12 separate occasions.

Christmas tree removal continued using the packer’s and the chipper.

Cold patch was used to patch potholes in various areas of town. A bad area of Overbrook was dug up and patch with cold patch.

A portion of the ditch line on Oak Hill Rd. was cleaned out. The ditch on Verneth Dr. was reconstructed to help alleviate water flow problems.

An additional pipe was added on Kelly Rd. to help create an access road to clean the mouth of the pipes out.

Sod was flipped over where it had been pushed up by the plows.

Town signs were straightened.

The Highway Department continued to patch water breaks on Calgary, Columbine and Fuller Rd.

Trees were removed on Jacobs Highway, Kelly Rd. and S. Morningside Dr. Trees were trimmed on Dorman and on Kennedy.

**Mr. Kellogg – Planning and Zoning**

**Planning Board – Monday, February 12, 2018**

**NEW BUSINESS-**

1. Bernardo & Elizabeth Ramirez – El Pulpo Mexican Restaurant and Grill – 1108 Upper Front Street – Tax Map No. 128.08-2-8 – Application for Site Plan Approval for Commercial Re-Occupancy. Site Plan Approval was granted by the Planning Board.

**Zoning Board – February 27, 2018**

**PUBLIC HEARING**

1. Thomas J. Lewis – 4 Park Road – Tax Map No. 112.11-2-34. Application to amend the original area variance (V-09 2017) to increase the size of the shed in front of the principal use in a residential zone from 12’ x 20’ to 16’ x 28’. The Board voted 5-0 to grant the Area Variance with a Building Permit being required prior to the start of construction.

2. Lindsay Rovere – 256 Mary Drive – Tax Map No. 078.20-3-47 – application for an Area Variance to construct an addition with less than the required rear yard setback from 25 feet to 11 feet in a residential zone. The Board voted 5-0 to grant the Area Variance with a Building Permit being required prior to any construction. They also suggested, but did not make it a condition of the Variance that the applicant has a survey performed to verify the nearest property line and verify the setback.

## **Mr. DiMascio – Insurance & Safety/Special Events**

### **Insurance/Safety –**

There was a safety committee meeting on Friday, February 23, 2018. One of our initiatives for 2018 is per the National Incident Management Systems or NIMS to update the Town's Disaster Emergency Preparedness Plan.

**Special Events** – 2018 Music in the Parks program, all of the performer's for last year's program have been contacted for their interest to perform this year. The dates for this year's program are Thursday, July 5 – August 23, 2018, with a rain date of August 30<sup>th</sup>. Each performance will begin at 7:00 p.m. through August 9<sup>th</sup> with the performance on August 16<sup>th</sup> and August 23<sup>rd</sup> starting at 6:30p.m. due to the shortening of daylight.

## **Mr. Hemedinger- Public Works Department/Buildings & Grounds**

### **February 2018**

There were 3 water main breaks which were repaired at the following locations:

- Woodland Road
- Hospital Hill Road
- Thomas Road

A 6" inline valve was installed on the Thomas Road water main

A New was pump installed at Whitcomb Lift Station

A welder was hired to repair one of the interior steel walls at the Pennview sewer plant. These holes were caused by age & rust.

Annual Flow and Loading reports were completed for both waste water treatment plants and sent to NYSDEC

A new sludge pump was installed at the Northgate WWTP

There were 9 after hour call-outs

## **Mr. Snopek – Supervisor's Report**

Nothing new to report at this time

## **RESOLUTIONS:**

**Resolution Designating the Town Board as Lead Agency with regard to Water Dist. No. 2,** offered by Russ Hemedinger, seconded by Jim DiMascio and carried by the following roll call: 5 Ayes, 0 Nays.

**Resolution Adopting Determining Environmental Significance and Issuing a Neg. Dec. with regards to Water Dist. No. 2,** offered by Jim DiMascio, seconded by Terry Kellogg and carried by the following roll call: 5 Ayes, 0 Nays.

**Resolution Amending Boundaries of Water District No. 2 (Final Order)**, offered by Russ Hemedinger, seconded by Jim DiMascio and carried by the following roll call: 5 Ayes, 0 Nays.  
DOT Resolution to Energize Highway Lighting NY ST. 81, offered by Gene Hulbert, Seconded by Russ Hemedinger and carried by the following roll call: 5 Ayes, 0 Nays.

**Resolution Authorizing Purchase of Equipment for Sewer and Water Department a 1-Ton Pickup from Genesee Valley Motors, Inc. d/b/a Genesee Valley Chrysler Dodge Jeep in the amount of \$26,309.44**, offered by Russ Hemedinger, Seconded by Jim DiMascio and carried by the following roll call: 5 Ayes, 0 Nays

**Resolution Authorizing Execution of Memo Contract with NYSEG to change out the current street lights to LED bulbs at an estimated cost of \$43,562.88**, offered by Jim DiMascio, seconded by Terry Kellogg and carried by the following roll call: 5 Ayes, 0 Nays.

#### **UNFINISHED BUSINESS:**

Hal Snopek asked Cindy O'Brien, Broome County Legislator, if she wanted to speak as she was in the audience.

Cindy O'Brien – Wanted to thank Mike Kwartler and the Highway Department for working overtime and taking care of our streets during the last storm. They did a great job. Also, a thank you to Emergency Services and the Fire Department.

As far as the County goes, there is not much going on at this time.

In regards to Jay Abbey – another meeting has been called as we are working on safety issues with how he is to build the road. Once he addresses the concerns and it is in writing then they will probably move forward. Cindy asked Hal if he wanted to be notified when the next meeting will take place. He said to have her e-mail him when it will be.

Hal asked Terry Kellogg to make a statement with regard to New York Rising and the Wallace Road/Smith Hill Creek Project.

Mr. Kellogg read the following:

The New York Rising Community Reconstruction Phase II Program was announced in March of 2014. The Town was offered potential grant opportunities totaling 3 million dollars in Federal Grant monies through the Governor's Office of Storm Recovery (GOSR) to be used for flood mitigation or other qualifying uses.

Throughout the fall of 2014 and into spring of 2015, Tetra-Tech, a consultant firm hired by GOSR, conducted a needs analysis in conjunction with a committee of Town residents. In March of 2015, the formal CDBG-DR documentation was received that allowed the Town to start moving forward with project selection.

In July of 2015, a draft Request for Proposals (RFP) was received by the Town for the design for the highest priority project. The project that was deemed to be the highest priority by the committee was the Smith Hill (Wallace Road) Storm-water Management Project.

After Proposals were received from numerous engineering firms, the Town selected Delta Engineering for the project design and held a kick-off meeting with them in November of 2015. Throughout 2015 and into early 2016, numerous setbacks occurred including difficulties in achieving certain design performance levels for the desired improvements (i.e. – 100-year storm resiliency), issues with tying any new closed drainage system into the existing NYSDOT system at Front Street and major additions in scope both under Smith Hill Road (owned by Broome County) and Front Street (owned by the NYSDOT). These setbacks delayed the final design and significantly increased the project scope and budget.

It was not until March of 2016 that GOSR accepted the final design of the project prepared by Delta. From March of 2016 through the middle of 2017, unresolved issues with the NYSDOT closed drainage system as well as issues regarding the necessary easements required to perform the work delayed the project from going out to bid. The Town met with GOSR representative several times in 2017 to discuss alternative designs, alternative funding streams, and our options moving

forward. Unfortunately, it was an all or nothing proposition as the use of GOSR funds had certain conditions attached to them and the process by which projects are approved is very intensive and very time-consuming. The GOSR funding could not be used to fund only a portion of the project unless all project costs were accounted for and funded.

By late 2017, the project was put out to bid to determine the hard cost for construction. Sadly, the bids came in over \$200,000 higher than expected and the total project budget, including design, construction, construction inspection, and payments for land acquisition or easements ballooned to approximately \$3.9 million dollars. The Town Board discussed using reserve funds to make up the shortfall and were optimistic that the landowners who were most impacted by the past flooding would be willing to waive payments for use of their land on which these improvements were planned. Unfortunately, out of the 46 easement letters sent out, only 26 landowners responded. Of those 26, only 13 agreed in principle to waive their easement payment. Town officials went door to door along with representatives from Delta Engineering in an attempt to answer any questions about the project.

Without the necessary easements to perform the proposed work on private property and with the project being significantly underfunded, the Town Board had to make a difficult decision at the end of February, 2018, as the GOSR grant opportunity was quickly closing. The Town Board has elected to forego the Smith Hill (Wallace Road) Storm-Water Management Project at this time and pursue other opportunities previously identified and approved by GOSR when this process first began. Those projects include the purchase of an emergency standby generator for the Town Hall as well as other flood resiliency projects to raise sanitary sewer pump station electrical infrastructure above previous flood levels to ensure their continued operation during future flood events.

The Smith Hill (Wallace Road) Project had several challenges from the beginning. The significant demands placed upon the project by GOSR made it nearly impossible to complete. The Town will continue to seek solutions to future flooding in the area which will include seeking alternative grant funding as well as participation from Broome County and the NYSDOT for any improvements within their jurisdiction. We will determine if a design using existing Town right-of-way is feasible and what might be able to be accomplished in a phased process. While we are disappointed by this turn of events, we are grateful that the opportunity still exists to use a portion of the GOSR grant funding for other important Town projects, and we appreciate GOSR's continued assistance through this process.

Mr. Snopek - It is the Board's decision that we will not pursue this. It is a sad thing but cost wise it doesn't work.

Mary Minacci - The grant was for three million, so if you go to one of the other projects, that Terry mentioned, is it still three million?

Hal Snopek – Well let's say - we have to pay Delta and let's say it's a million dollars to do these other things-I'm just throwing that out there as a hypothetical- that will be a million and a half – we lost.

Richard Trebilcock – He was on the committee that got the three million dollars. He has spoken before this Board a number of times, as you know. He believes that the Board had no other choice because of some very greedy, greedy, selfish people that truly did not care about their neighbors and all they could see were dollar signs. They are not getting it now so all they had to do is give it up and the chance to get a big improvement down there. It serves them right if they get flooded out. Sorry for the other people that may suffer because of them. He thinks that the Board did the right thing and that's the only thing they could do.

Hal Snopek – thanked Mr. Trebilcock and thanked the Board for all their hard work on this project. It is very sad that we couldn't do it.

As there was no other business a motion was made by Jim DiMascio to adjourn the meeting, seconded by Terry Kellogg and with a unanimous vote the meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Lizanne M. Tiesi-Korinek, Town Clerk  
Town of Chenango