

**Oneida County Permit Compliance and Sewer Abatement Project  
Steering Committee Meeting Report  
April 24, 2008  
5:30 p.m.  
New York Mills Senior Center**

<b>Municipality</b>	<b>Representative</b>	<b>Attendance</b>
<b>The Village of Clayville</b>		
Chief Elected Official OR Designee	Nancy Sheppard	<b>X</b>
<i>Community Delegate</i>	Mike Steiger	
<b>The Town of Deerfield</b>		
Chief Elected Official OR Designee	Scott Mahardy Peggy Boshart	
<i>Community Delegate</i>	In process of soliciting a delegate	
<b>Town of Frankfort</b>		
Chief Elected Official OR Designee	Joseph Kinney	
<i>Community Delegate</i>		
<b>Village of Holland Patent</b>		
Chief Elected Official OR Designee	Michael Bennison David Wilcox	
<i>Community Delegate</i>	Peter Gaige	
<b>The Town of Marcy</b>		
Chief Elected Official OR Designee	Brian Scala Keith Schuderer	
<i>Community Delegate</i>	Carson Sorrell	<b>X</b>
<b>The Town of New Hartford</b>		
Chief Elected Official OR Designee	Earle Reed Roger Cleveland	<b>X</b>
<i>Community Delegate</i>	Scot Owens	<b>X</b>
Alternate	Christine Krupa	<b>X</b>
<b>The Village of New Hartford</b>		
Chief Elected Official OR Designee	Donald J. Ryan Don Bathke	<b>X</b>
	John Grygiel	
<i>Community Delegate</i>	Terence Coughlin	
<b>The Village of New York Mills</b>		
Chief Elected Official OR Designee	Robert Maciol Joseph Urban	<b>X</b> <b>X</b>
<i>Community Delegate</i>	Michael Bailey	
<b>The Village of Oriskany</b>		
Chief Elected Official OR Designee	Don Rothdiener Mick O'Connor	<b>X</b> <b>X</b>

	<i>Community Delegate</i>	Chris Burtch	
<b>The Town of Paris</b>			
	Chief Elected Official OR Designee	Felix Cardillo	
	<i>Community Delegate</i>	In process of soliciting a delegate	
<b>Town of Schuyler</b>			
	Chief Elected Official OR Designee	Kenneth Dodge	
	<i>Community Delegate</i>		
<b>The City of Utica</b>			
	Chief Elected Official OR Designee OR Designee	David Roefero Deb Day Mike Mahoney	
<b>The Village of Whitesboro</b>			
	Chief Elected Official OR Designee	Richard Pugh Charles Tritten	<b>X</b>
	<i>Community Delegate</i>	Joe Lazenby	<b>X</b>
<b>The Town of Whitestown</b>			
	Chief Elected Official OR Designee	Charles R. Gibbs II Sal Granato	<b>X</b>
	<i>Community Delegate</i>	Bill Schmitt	
<b>The Village of Yorkville</b>			
	Chief Elected Official OR Designee	Bruno Petruccione Anthony C. Leone, Jr.	<b>X</b>
	<i>Community Delegate</i>	Ken Schaaf	<b>X</b>
<b>Oneida County</b>			
	<i>Community Delegate</i> <i>Community Delegate</i>	Bruce Brodsky Harvey Yando	<b>X</b>
<b>Oneida County Commissioner - Water Quality and Water Pollution Control</b>			
		Steve Devan	<b>X</b>
<b>Shumaker Consulting Engineering &amp; Land Surveying PC</b>			
		Karl Schrantz	<b>X</b>
		Nancy Pattarini	<b>X</b>
		Richard Barrett	<b>X</b>
<b>Guests in Attendance:</b>			
		Joanna Albrecht	<b>X</b>
		Barbara Weaver	<b>X</b>
		Mary Anthony	<b>X</b>

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**Meeting Summary**

Key areas of discussion for the Steering Committee's fifth meeting included:

Developing a sample unit price bid package for municipalities' use in beginning their I/I removal projects;

Reviewing a resolution already enacted by the town of New Hartford that addresses the issue of municipalities determining a rational and defensible fee structure for the purchase of I/I offset credits by developers;

Considering the drafting of statewide legislation to facilitate private property inspections for the purpose of determining scope and origins of I/I problems;

Involving the Board of Realtors in the process of gaining private property access at the time of property transfers;

Increasing public information efforts to deliver timely, accurate and useful project information so residents are adequately prepared to deal with project-related issues that impact them;

Developing an information package for developers so they have a better understanding of the impacts the project has on residential and commercial development in the district communities;

Exploring the concept of implementing phased incremental rate increases to create in advance a surplus fund to offset future project costs and to ease the financial burden on rate payers by spreading increases out over time;

Educating elected officials, key influencers and decision makers about the magnitude and complexity of the project, its formidable cost and the need for exploring available funding sources.

**Old Business**

***Unit Price Bid Package***

An update was provided on the committee's prior discussion of a unit price bid package that all municipalities could utilize in order to begin undertaking I/I removal projects. The

bid contract would be limited to manhole sealing and grouting with the possibility of televising and the unit price would be based on a range of the quantities of manholes to repair.

A contractor contacted by the project consulting team has offered to do a free demonstration of the manhole repair work for committee members, public officials and affected municipal employees to observe.

The project engineering consultant will provide an outline or sample bid form to members at the next meeting.

### ***Private Property I/I***

Committee member Roger Cleveland shared information he obtained from a water conference in Las Vegas that included a segment on private property I/I issues, and more specifically, gaining access to a homeowner's property. He reported that some communities faced with similar issues approached the access issue from the standpoint of acting in the best interests of the public. This approach gives them grounds for access but also begins to support an argument, based on established legal precedent, that favors communities having the ability to spend public funds on private repairs if expended for the public good.

Citing the state of Wisconsin's private property I/I legislation as an example, it was suggested that the committee consider the idea of pursuing enabling legislation through New York State that would allow for private property inspections in order to determine the scope and origin of I/I problems. There is a strong belief among the committee that there are many other communities facing similar situations that would support this action, and that strength in numbers can be leveraged by generating statewide interest.

The project consulting team agreed to discuss with its attorneys the possibility of drafting legislation and would also approach state sewer and water associations about obtaining their support and endorsement. Roger Cleveland indicated he would attempt to obtain additional information and sample legislation from other program participants and share that with the committee when it becomes available.

Another suggestion was made to involve the Board of Realtors at some point to discuss the possibility of conducting home inspections at the time of property transfers, as has been the case in other communities that have experienced private property I/I issues. This approach will be a topic of discussion for a future meeting, and could possibly involve providing the board with project background information, holding small group discussion meetings or inviting board representatives to speak with committee members about the feasibility of such action.

## **New Business**

### ***Resolution on sale of offset credits***

Steering Committee member Roger Cleveland reported that the Town of New Hartford has moved forward and passed a resolution that sets guidelines and initial costs for the sale of I/I offset credits to developers who want to undertake development projects in the town.

Cleveland pointed out that the resolution contains language stipulating it is a living document that will be reviewed a minimum of twice a year and can be modified any time the town feels it is necessary to do so. This stipulation provides the flexibility to adjust costs as additional I/I projects are identified and as more detail and information related to project cost becomes available.

The resolution also provides for separate rates for residential and commercial development, due to the fact that commercial development will generate tax revenue for the town whereas residential development does not.

It was noted that the cost of offset credits will likely increase over time due to inflation, development of a more structured Operations and Maintenance program and the addition of staff to maintain and monitor the system.

Cleveland also discussed the rationale used to set the cost of credits included in the resolution, stating that fee setting will be guided more by actual cost of projects as opposed to creating margins.

Town attorneys have carefully reviewed and put their seal of approval on the resolution, claiming that the rationale used in developing the town's fee structure for offset credits is rational and legally defensible. Anticipating the possibility of legal challenges from developers over variations in fees, it was noted that towns establishing fees for the purchase of offset credits is no different than setting fees for licenses, subdivision permits, or site plan reviews.

A suggestion was made that perhaps an information package could be developed for member municipalities that addresses the issues and concerns of developers as they move forward under the terms of the Consent Order.

### ***Need for Public Information***

It was brought to the attention of the committee and project consulting team that the time has come for the public to know and recognize that there is an I/I problem system-wide and that everyone plays a part in developing a workable solution. A recommendation was made to involve the media in getting the word out, however some concerns were voiced about providing preliminary information that is not yet complete or well-understood and could be misinterpreted and incorrectly reported by the media. This would lead to

misinformation and misunderstanding by the public, which could hinder the progress being made by the committee and create additional roadblocks in what is already a challenging public education effort.

Attempts will be made to involve the media at an appropriate time in the process and to hold additional public meetings in the interest of delivering timely, accurate and useful information to community residents and business owners. One alternative discussed was the development of a presentation for both the editorial board of the OD and for legislators and key influencers so that they have a firm grasp on the issues surrounding the project and are armed with correct information in order to help facilitate better public understanding of the project's implications. The project consultant's public information team is in the process of developing that presentation.

### ***Anticipating project cost and funding***

Steering Committee member Bruce Brodsky led discussion on the anticipated cost of the project and identified several possible methods for financing the cost of repairs, namely phased rate increases in combination with bonding.

It was acknowledged that it is difficult at this time to pin down exact cost figures since a full system-wide evaluation and study has not yet been completed. Brodsky used hypothetical figures to illustrate the impact of rate increases on district revenue and the cost of bonding for the repairs over a 30-year period. He also discussed the possibility of applying for grant money to offset repair costs, suggesting that communities could apply pressure on state legislators to help arrange funding for the project. It was thought that involving legislators and key political leadership early in the process could prove helpful in providing guidance and identifying additional funding sources to offset project costs. As a way to help reduce the financial impact to ratepayers, Brodsky also recommended working with the County to discuss the implementation of small incremental rate increases over the next few years as opposed to one large rate increase later.

Next meeting: May 29, 2008 at New York Mills Community Center

