

Joint meeting of the Town of Newark Valley and Board of Trustees of the Village of Newark Valley was held Tuesday evening, April 20, 2009 at 7:30 PM in the Hutchinson Hall at 109 Whig Street. Present were:

TOWN

Supervisor	Stuart Yetter
Councilmen	Daniel Cheresnowski, Ronald Graham, Donald Thomas, Joseph Tomazin Jr.
Clerk	Barbara Mock
Attorney	Kevin Lewis

VILLAGE

Mayor	James Tornatore
Trustees	Lori DeHaas, Dennis Carlin, C. Morgan Inderwies
Clerk/Treasurer	Mertie Pozzi
Attorney	Frank Como

Newark Valley Apts. Partner	William Frandsen
Attorney	Hilary Wild
Guests	See Sheet

Supervisor Yetter welcomed everyone, stated that the meeting would be recorded, and set some ground rules by asking that names be stated prior to speaking, and to speak to the boards only. Meeting was called to order by Supervisor Yetter.

Petition was received by both the town and village for annexation into the village by Newark Valley Apartments, located on Whig Street in the Town of Newark Valley, with tax map number of 53.00-1-43.122. Notices have been published and school district has been notified. Supervisor Yetter opened the floor to the petitioner. Hilary Wild introduced herself as representing the Newark Valley Apts., and Mr. Frandsen, General Managing partner of the organization. We are seeking annexation into the village. Reason is these apartments contain subsidized low-income families and want to be sure they are provided with hydrants and everyday water use. We have heard that the village water will no longer be provided. Option is to drill a well, cost prohibitive. We are seeking to move for annexation into the village. Attorney Como asked who the owner was. Newark Valley Apts. L.P. owns the entire parcel. Councilman Thomas asked what the cost of a well would be if he drilled. It is not so much the cost as the system monitoring of the wells, and I would have to drive over 40 minutes a day to maintain the water system.

Councilman Tomazin asked Mr. Frandsen if he had to maintain and monitor the apartments on a daily basis anyway. Mr. Frandsen said that all his apartment complexes are on city water but 3 are in the Town of Spencer. Mr. Frandsen was asked if he had someone to monitor the apartments on a daily basis. Mr. Frandsen does but they would have to be water operator certified, and they would come for no other reason. There are two fire hydrants on that street, and with two they would have to have a large retention tank. Don't have enough room to have a large tank. Supervisor Yetter asked Mr. Frandsen if he didn't feel the ongoing costs would be less if he dug a well. Mr. Frandsen's Attorney, Hilary Wild said it was not just for financial reasons but it was also logical. The pipes and hydrants are already there. Councilman Tomazin asked if it's a village road or a town road? He stated that they could not recommend to Mr. Frandsen to pursue this. They cannot go through town roads to serve village residents. Attorney Como stated that an agreement could be reached with an easement. Councilman Thomas asked the Mayor what the plan was to shut off water to town residents. Mayor Tornatore stated that there is no date as of this time but it could come to a time that enough wells are dug that we need to. No date has been created at this time. Domonica Creeley asked if all residents annexed into the village, could they all still get water. Bill Frandsen stated

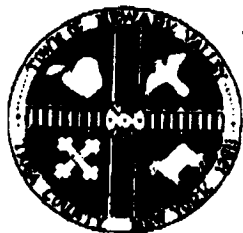
remind residents that the village tax rate is the same as town tax rate. Supervisor Yetter stated that town tax is always going to be an assumption. Supervisor Yetter stated that he shared his opinion with the board and then read a letter of objections (attached). Hilary Wild stated that serving the overall public interest motivated the annexation. The town does not have water. Court cases we read by Hilary Wild, followed by cases read by Supervisor Yetter. Town Attorney asked if there would be any changes to police coverage, fire coverage, code enforcement, or school district. Fire protection was in question. He asked if Mr. Frandsen was aware of the water situation when they came here. Mr. Frandsen stated that he did not. He stated that he was invited to come here by the town and they offered him the pilot agreement and water. Water has been received and billed by the village. Bill Foster stated that it did not sound like it would be in the public interest to disband two hydrants if there were a fire and houses close by, because minutes do count. Councilman Tomazin spoke about the forty-two out of village residents, and told Mr. Frandsen that had he been a player a year and a half ago things could be different today. Dan Bower, Hunt Engineers, spoke about the two hydrants hooked to the system and the distance to bring lines to the apartments by crossing different properties and having agreements with them, legal costs, and price. He stated that \$15,000 to put a well in was not a fair estimate. Would he need a sprinkler system, and what about fire protection? Issues of costs need to be ironed out. Hydrants are not just used for the apartments, the fire department could use them because they are in the public street right of way, therefore, being used for anyone. Discussion took place about the length of time to go another two or three-tenths of a mile, fire protection, suppression system, the need for one large or two wells, back-up power, and the fact that this would be a community water system.

Bob Stevens let the board know that there is another resident that lives on Rock Street that expressed concern, and was unable to place a well on his property but his is not contiguous to the village. This is a situation to think about because he's going to be pleading his case to be connected to the village water system. Supervisor Yetter explained that the village and their attorney's did a huge amount of work, the people met, and they opted that a district wasn't something they wanted to pursue. There wasn't enough support. Mr. Frandsen asked if that excluded creating a district. Mr. Frandsen stated that he did not pay \$100,000 to put 8" lines down Golden Lane to have the water shut off. The town invited him to come here and offered him the pilot agreement and was told they would give him water, and now being told that he cannot get water. He was told there was a possibility of a private contract. Mr. Frandsen stated that Mr. Grant paid a portion of the cost of the hydrants for his own protection.

Supervisor Yetter stated that each board has 90 days to make a decision and resolution supporting or denying this petition. Mayor Tornatore stated that we would await the town board decision. Supervisor Yetter stated that, if there was a consensus, they should have their decision at their next work session. Councilman Tomazin stated that the last year and a half have been very confusing and convoluted. Supervisor Yetter said the decision will not be made lightly and they aren't going to let it drag out.

Meeting adjourn at 8:30 PM.

Mertie Pozzi
Clerk-Treasurer



TOWN OF NEWARK VALLEY

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April 20, 2010

As Supervisor I have several objections to the proposed annexation of Golden Lane. The reason stated by the petitioner for the change is financial considerations. In reviewing the first quarter 2010 water bill, the projected yearly water bill would be over \$14,000.00. If you figured a cost of \$15,000 to \$20,000 dollars for a well and a first year testing cost of \$2,000, the payback for the private water system would be less than 2 years. To become a part of the village water system would cost more and these costs are subsidized by all taxpayers. The proposed annexation would leave water mains under town streets, possibly subjecting town residents to cost if the streets need to be dug up for repairs or maintenance. The proposed annexation also would leave the town maintaining a road that for all intents and purposes would be serving a village property. It appears to me that annexing would be only a convenience for the property owner and a significant source of revenue for the village which would be borne by the residents of Golden Lane and subsidized by all taxpayers.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Stuart L. Yetter, Jr.", is written over the typed name.

Stuart L. Yetter, Jr.
Supervisor

4-20-10

NEWARK VALLEY TOWN COUNCIL

PLEASE SIGN IN

Name	Telephone	Privilege of the Floor Subject? (3 rd Tuesday of the month only)
D. Creeley	642-85519	_____
Charlie Morgan		_____
Beth Thompson		_____
Bill Foster		_____
Lori DeNas		✓
Ray Staver	642-3627	
Erica Gifford	6076878565	Health Department
Bob Stevens	601-642-8936	
Toor Favars	642-9936	
Paul Brown	642-5213	
Gene G. Staff	642-3985	
Chloe Maynard	642-5311	
Alba Moreno	642-5002	
Carol Boughton	642-5213	
David Callahan	621-7408	
Dan Bowe	(607) 962-3458	
Mary Chappell	585-394-4890	
Jim Tomlin	642-3543	
Veritha	6429552	
Mertie Pozzi		

