



## WATER RATE COMMITTEE

Rate Committee meeting Tuesday, May 7, 2013.

Meeting was called to order at 7:00 PM by Robert Stevens.

Present: Wm. Foster, Merle Prentice, Robert Stevens; James Tornatore.  
Kathy McCall, secretary.

Absent: Thomas Evans

Guests: Dennis Carlin, Deputy Mayor; Frank Como, Esq., Village Attorney; Lee Virtue, Village Code Enforcement Officer; Timothy Eriksen, P.G., Senior Geologist and William Richens, Environmental Technician II, both of Moody & Associates.

Motion by M. Prentice to approve minutes of 4/2/13 meeting; second by Wm. Foster; carried.

Update of soil testings given by T. Eriksen: 8 soil borings were taken, with 4 of them at ground water (20 ft); subsurface was better than expected, with no contamination of underground tanks, but metals were present in soil; metals are immobile in soil but can be found closest to surface. The metals found were arsenic, cadmium, chromium, lead and barium – these metals were underneath the old plating room, and dry well in dip tank room. With the assumption that this property could be used in future for commercial or industrial, the impact would be low, especially if use were industrial as there is slightly lower threshold. There are no tanks underground that Moody knows of.

Per T. Eriksen, based upon results, recommend:

- (1) DEC review the results; there may be an easy fix.
- (2) Wellhead protection in place will not allow any wells drilled, and this is very good for this situation.
- (3) Have an impervious surface, i.e. concrete floor, asphalt parking lot.

Wm. Foster asked if structure demolished, does soil need to be removed? T. Eriksen stated if soil removed, monitor for natural attenuation.

T. Eriksen stated DEC may accelerate time table to clean up site.

J. Tornatore asked as the property does not belong to the Village, is it our (Village) right to share information with DEC when not owner?

F. Como answered it is appropriate as Village is asking if this is a public safety issue.

J. Tornatore asked if the levels were acceptable by DEC, EPA.

T. Eriksen stated report will provide parameters of acceptable levels. Metal contamination is a known issue by the general public, and the types of metals found are terms that the public has heard with respect to these types of issues.

R. Stevens stated the history of some of the surrounding land was that it was swamp land, and filled in by soil that was brought in.

T. Eriksen stated that the report suggests optimism as to options, and stated this is not a new site to DEC as DEC is aware of its presence.

J. Tornatore asked the Rate Committee members their opinion of sharing this data with DEC.

R. Stevens feels that can't be concluded now, and wishes more discussion on the results.

J. Tornatore stated depending on the use of the property down the road, if the building is to be removed, would seek grant monies to do that.

F. Como asked if the building does come down, what are remediation options.

T. Eriksen stated if building comes down, could leave concrete floors as impermeable surface and there would be no worries as there are no dirt floors; if asbestos in the building, that is a separate issue if the building were to come down.

T. Eriksen stated with the hard data now, investors will know what they have to do.

F. Como stated a survey would be done by any commercial interest, as the bank requires it.

R. Stevens made the point that a hundred years before now, there was less known about impact of this site's industry, but more recent employees of the site (Art Hilliard and Ray Shaver) able to give valuable details so much more now known.

J. Tornatore asked for an overview with parameters to be in Moody's report, and asked what could scenarios be with respect to DEC.

T. Eriksen stated there may be EPA funding, brownfield funding? Economic development funding, state funding & these funding sources look favorably on the data that the Village has.

Discussion followed as to opinions of sharing data info. R. Stevens said there was no benefit to the Village in sharing information. F. Como stated that the Village could let agencies know up front what the Village is dealing with regarding the owner's issues. T. Eriksen stated that DEC knows about the site, and now there is new data. L. Virtue stated that the Village should be upfront. Wm. Foster stated that the Village would want DEC to work with the landowner. F. Como said the Village can approach it as a public safety issue and ask DEC or other agencies for options. J. Tornatore stated the Village trustees' obligation is to maintain land value.

Further discussion followed as R. Stevens stated engineer's report from HUNT would be needed. J. Tornatore asked why approach HUNT as info would be given regarding asbestos removal, etc and he felt that process is stopped at this point and DEC is not informed, thus HUNT not needed to do a report. L. Virtue suggested bringing in a commercial real estate agent to see what options there would be with respect to buyers. D. Carlin and J. Tornatore both stated that that was the responsibility of the property owner, and that the owner could be motivated if he sees property has options.

T. Eriksen stated that as a professional geologist, he feels exposed not reporting data to DEC.

J. Tornatore concluded that DEC is to be included in Moody's reporting. Moody representatives were thanked for their time and clear reporting. The two men left meeting.

R. Stevens stated he understood that USDA had sent the Village a check in the amount of \$139,658.97.

J. Tornatore asked the committee's recommendation for the money's use.

R. Stevens asked questions regarding external audit: is there a bid process? Why does the audit cost so much? Why does an audit have to occur?

J. Tornatore stated until they are down to 50 % of the bond amount as it was issued, annual audits are required by USDA, and audit involves just the water department. The first year there was a bid process, and this was the only bid received, but this is the same firm that has done the annual audit for the last few years, and this is also prominent in the area in doing other audits for municipalities, schools, etc.

R. Stevens asked again why so high a cost, as it doesn't seem to be a lot of work, especially as the audit occurs annually. He would like followup regarding their rate, and also would like to hold some of this money back for audit; would like to see 3 years without raising the budget.

Wm. Foster stated that there is a decreased dollar amount each year with the audit.

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R. Stevens stated he would like an agreement to set aside an amount, and also put some amount on the principal. R. Stevens suggested \$80,000 applied to the principal and save the \$59,000 balance to cover the audit for the next three years. \*\*

M. Prentice agreed with that suggestion.

D. Carlin suggested about half, with \$70,000 to principal, and \$69,000 for audits.

R. Stevens stated he was very reluctant to increase rates, and stated that \$80,000 on principal and \$59,000 for audits would give more comfortable reassurance of reserves, and could change in the future as needed. Also, would like Village Clerk to ask for amortization schedule.

F. Como stated if pay more on principal, would get closer to the 50% sooner.

R. Stevens stated he would like to revisit issue of selling water should there be any future fracking in area. J. Tornatore will check with Chuck Franzese regarding any lawsuit that had to do with selling water.

J. Tornatore stated there has been an assessment change. Village assessment down, even with the presence of the Family Dollar Store; also decreased Town assessments due to healthy grievance days.

J. Tornatore informed group that current code enforcement officer will be out approximately twelve weeks medical, and that he and D. Carlin will discuss and recommend name of interim CEO.

\*\* NOTE: upon next day conversation with Mayor and Committee Chair of this committee, due to fact audit is to cost \$4000, \$20,000 to be set aside for five years to cover audits, with remaining \$119,658.97 balance to be applied to principal

R. Stevens wanted to inform CEO of garbage in creek as he suspects people not on the garbage system (and some people seen using local business dumpsters), garbage is lying around houses and blows about. It is being tossed in the creek and he has seen furniture pieces, and all this is contributing to the damming effect on creek. Wm. Foster stated DPW had cleaned a large part of the creek bed by hand. There was concern that people may be burying garbage in the field. Secretary of committee made not that often tenants are not aware they can have their own garbage account if the landlord does not provide garbage service; but oftentimes tenants are financially unable to pay for the service anyway; tenants who are not on the garbage service do not receive mailed quarterly newsletters but a supply is available outside post office and at other Village sites. Secretary suggested landlords be surveyed as to who has garbage service for tenants. L. Virtue asked Village attorney should there be a local law to ask that landlords provided garbage service? J. Tornatore stated more tenants are in the Village; the issue would have to be enforced through code enforcement.

D. Carlin noted that houses are to be re-inspected upon change of ownership, and perhaps this could happen with apartments. This would fit into the Newark Valley Chamber's "pride project."

It was noted that doorknob cards could be used for landlords for sidewalk and garbage issues, under property maintenance code.

J. Tornatore stated that the first step regarding ladder factory site was to seek a fine in court; start second process again for court; wants to see letter go to owner to get the site boarded up.

Motion by R. Stevens to adjourn, second by M. Prentice. Adjourned at 8:50 PM.

Kathy McCall  
Account Clerk Typist

\*\*\*\*\**NEXT MEETING TUESDAY, JUNE 4<sup>th</sup>, 2013*\*\*\*\*\*