

MINUTES BOOK TOWN OF COEYMANS
MAY 27, 2014 – Joint Town of Coeymans and Village of Ravena Workshop
Meeting-7:00PM**

VILLAGE BOARD: William Bailey, Mayor
Keith Mahler, Trustee
Joel Coye, Trustee
Bill Bailey, Trustee
Nancy Warner, Trustee

TOWN BOARD: Stephen D. Flach, Supervisor
George Langdon, Councilman
Thomas E. Dolan, Councilman

ABSENT: Kenneth Burns, Councilman
Peter E. Masti, Councilman

ALSO PRESENT: Diane L. Millious, Town Clerk
Laverne Conrad, Sewer Administrator
Henry Traver, Village Highway Forman

The following Notice was posted by Town Clerk Millious:

**NOTICE
TOWN OF COEYMANS
AND
VILLAGE OF RAVENA
JOINT WORKSHOP MEETING**

In compliance with Public Officer's Law, this will inform you that the Town Board of the Town of Coeymans and the Village Board of the Village of Ravena will hold a Joint Workshop Meeting on Tuesday, May 27, 2014 at 7:00pm for the purpose of discussing sewer matters.

The meeting will be held at Village Hall, 15 Mountain Road, Ravena, NY.

**By Order of the Town Board
of the Town of Coeymans
Diane L. Millious
Town Clerk**

AGENDA

- Handicap Parking at Senior Center
- Volley Ball Court
- Summer Recreation Program
- Intermunicipal Sewer Agreement

DISCUSSIONS

Handicap Parking at Bruno Blvd. Lot

Trustee Warner stated that the striping for parking has faded in the Bruno Blvd. lot and it should be done over as well as suggesting that there be a couple of spaces designated handicap parking when the Village takes ownership from the Town and suggested that they ask Joey Burns to go ahead and do it.

MINUTES BOOK TOWN OF COEYMANS**

MAY 27, 2014 – Joint Town of Coeymans and Village of Ravena Workshop

Meeting-7:00PM

Volley Ball Court

Mayor Misuraca stated that he was not in office when they had discussed the installation of a volley ball court and then asked what the agreement was between the Town and the Village.

Discussion ensued amongst both Boards relative to sand being donated, the site being dug out by the Village crew, liner, location and an old fence being torn down.

Summer Recreation Programs

Discussion ensued amongst both Boards relative to hiring for the Summer Recreation Programs.

Village Trustee Bailey pointed out that technically it is all Town employees and the Village reimburses 50% of the cost of the program to the Town that isn't funded by the County.

Supervisor Flach stated that someone had asked him about the kids in the Summer Recreation Program using the pool on Fridays and a concern for their safety.

Discussion ensued relative to life guards being on staff and the number of them based on the volume of the people in the pool.

Intermunicipal Sewer Agreement Between the Town & Village

Supervisor Flach stated that the Town had sent the Village a draft Intermunicipal Agreement and in turn Trustee Bailey sent one back to the Town.

Discussion ensued relative to the draft Intermunicipal Agreement between the Town & Village.

Village Trustee Bailey pointed out the following:

- The Village negotiated 60/40 for long term and agreed to step it up for the trunk part of the operation but they wanted to lock in the 60/40.
- The different meter readings of 75/25, 65/35, and now 60/40.
- The Agreement stating that the Village is only obligated for work inside the fence at the Waste Water Treatment Facility and that the Village and Town each take care of their infrastructure.
- Issues with the trunk line where the sewer gets into the plant, with a lot of the work being outside the fence, which the Village has no obligation to pay a penny for.
- Trustee Persico came up with an offer, which was not unanimously accepted by the whole Village Board but was accepted as a compromise that they would step up to a big cost factor, which they have no obligation to do under the existing Agreement and for that they wanted to lock in to a 60/40 percentage.

Discussion ensued about the length of term for the Agreement, which is stated as 10 years.

Supervisor Flach gave some background and pointed out the following:

- The Town's sewer line goes from Rte. 9W, down to the Sewer Plant with approximately 60 users in the Rte. 9W area and it flows through the Village along with the Village sewer flowing to the point where it flows through the Hamlet and the fact of the matter is that everyone flows through one line to the Sewer Plant, which is basically one main line and everyone goes through that one main line.
- Since the beginning of time the Town has been solely responsible from the point, for that line that goes to the sewer line, when everyone uses that line.

MINUTES BOOK TOWN OF COEYMANS**
MAY 27, 2014 – Joint Town of Coeymans and Village of Ravena Workshop
Meeting-7:00PM

Trustee Bailey disagreed and said that there used to be payments back and forth and the Village would get paid because the sewer came through the Village lines and the Village used to pay 87.9% of the sewage flow.

Supervisor Flach pointed out that originally it was based on the amount of people that are in the Village, which was 1,400 units and 400 in the Hamlet and it was based on the percentage of users and not a meter flow.

Discussion ensued relative to:

- The original percentage and installation of meters at the insistence of the Town Board, which showed a 60/40 split and at that time it was being split 85/15, with the Village paying 15%.
- A change in the contract in 2010 to a 60/40 split after a three year period to negotiate a workable contract.
- The Village withheld \$500,000.00 in payments because the Town would not accept the old rate.
- Meters were put in again and it came up 60/40, the contract at the time was written 70/30 but the meters showed 60/40, so they changed it.
- The contract specifically stating that the infrastructure in the Town of Coeymans is the Town's cost and the infrastructure in the Village of Ravena is the Village's cost

Mayor Misuraca asked what the Town is looking for.

Supervisor Flach stated that they need to put a new truck line down through there and pointed out the following.

- When he came in office in 2012 they started reading the meters and started working back and forth and the final percent was 60/40, which they decided to do for a year.
- It cost the Town \$150,000.00 for the meters as a result of the 2010 contract.
- There are overflows that cause both the Town and Village heartache.
- He approached the Village Board saying that the Town could not afford the trunk line and asked if they could share the expense because they all use that line to get to the Waste Water Treatment Plant.

Mayor Misuraca asked why no one ever foresaw the line needing to be replaced.

Sewer Administrator Conrad stated that they did but Trustee Bailey left some things out and outlined the following:

- Both the Town and Village are under a Consent Order.
- There were two contracts, one for the Sewer Plant and another for the infrastructure.
- As a result of the infrastructure, the Village had to do away with their line where VanHoesen was their sewer disposal place, which would overflow to the creek and then down through Tracey and Trickey's property.
- The Village paid money to upgrade the line that comes across by Pieter B. Elementary and had to tie in behind where the Civic Center is and it was upgraded to 15" pipe in order to get their sewage to flow down to the Town's plant.
- It was the only part that the Village did pay but it became the property and ultimately the responsibility of the Town of Coeymans.
- Over the years there was a flow through charge that Trustee Bailey talked about and it went back and forth and as a result of the 2010 contract it was stopped.
- Years ago when it was first started there were only 50 Town people flowing through the Village and the Town paid \$8,700.00 a year.

MINUTES BOOK TOWN OF COEYMANS**

MAY 27, 2014 – Joint Town of Coeymans and Village of Ravena Workshop

Meeting-7:00PM

- The Village total for residents and businesses is 1,440 units, which at the point flows through the Town's infrastructure and they didn't want to pay even \$1.00 for a flow through charge.
- The Village charged the Town flow-through charges for the two lines to go through the Village but the Village didn't pay a flow-through charge for going through the Town's lines.
- Everything has to flow through the 15" line, which ultimately can't handle the flows during high flows and they need to do some rerouting, which is described in the contract.

Discussion ensued regarding the current path of the flow and the intent to reroute it, take out some of the 90 degree bends, increase the size of the pipes in a couple of spots and at the Sewer Plant increase the pipe to a 2 foot diameter so they can have 20% airflow in order to carry the volume.

Trustee Bailey stated that he wanted to give a little history and outlined the following:

- The Village originally had plans to build a Sewer Plant right where the VanHoesen overflow currently is.
- Coeymans didn't have sewer at all and got hit with a Consent Order and had to build so they came to the Village and the Village agreed to go in on it with the Town and the Waste Water Treatment Plant was built.
- The Village came up with money with some of the up-front cost for the engineering because it took a little time to get the district created and the percentage that they paid to that plant varied from year to year but basically they paid for about 50% of the plant when it was built.
- The Village paid between 85-89% depending on what the Chief Operators came up with and no one knew what it was based on and the money involved was so low that no one cared at that point in time but now money has gotten bigger.
- The Village has a contract that they negotiated that says that the Village infrastructure is their business and the Town's infrastructure is the Town's business and there were set percentages and then it changed based on the meters.
- There were some actions taken by the Town that the Village did not agree with and the Town lost the case, which was around \$20,000.00 and the Village sent a letter saying that it was the wrong action to take and they were not liable.
- The Town vouchered the Village for that, which they were not going to pay and there was a question about going to court so as part of the negotiations they stepped up and paid it because it was going to cost them a lot of money to go to court and their share was approximately \$14,000.00 and as part of the deal they have a signed contract that says they do not have to pay for the trunk line and it says that once they get a good reading they would change it based on the percentage and reiterated that this is in the existing contract.
- They have not been able to get a decent reading out of the meters, which has been frustrating because they are not working correctly and the last reading they got 60/40.
- They will pay 60/40 for the trunk line and they want to lock that percentage in for long term.

Supervisor Flach stated that Trustee Bailey was absolutely wrong about the negotiation on the Town issue and there were two totally separate meetings and at the last meeting it was only himself and Sewer Administrator Conrad and it was the first time that they talked about the trunk line, prior to that it was Councilmen Dolan and Boehm.

Councilman Dolan stated that they did all meet and discuss the trunk line.

Supervisor Flach stated that it wasn't during the Town issue and it had nothing to do with it.

Discussion ensued relative to the cost of the trunk line; both inside and outside the plant, the Village responsibility, percentages for the flow, infrastructures, inflow & infiltration,

MINUTES BOOK TOWN OF COEYMANS**

MAY 27, 2014 – Joint Town of Coeymans and Village of Ravena Workshop

Meeting-7:00PM

meter readings, interpretations of the “deal” between the Town & Village, VanHoesen overflow, DEC Consent Order, the Village’s commitment to pay one million dollars, discussion with Ed Vopelak about changes and taking some of the curves and 90 degree angles out of the flow route for a cost of approximately \$30,000.00 as opposed to a million dollar project, complying with the Consent Orders, man holes changes.

Mayor Misuraca asked Supervisor Flach to put into simple terms what the Town is looking for from the Village.

Supervisor Flach stated that the Town wants the Village to share the cost of the new trunk line and then percentages based on the meters, which is now 60/40 that he agreed to and will abide by but it could change if they get some of the I&I fixed and hopefully it would change to 75/25 based on the number of users, which is 1600 in the Village and 400 in the Town.

Mayor Misuraca asked Supervisor Flach what term of contract he would like to see.

Sewer Administrator Conrad stated it would be the same as it is written now and they should leave it as it is.

Trustee Bailey stated that in 2010 they wrote a 30 year contract with 10 year renewable clauses and it is now 60/40.

Sewer Administrator Conrad stated that they use the meters on an annual basis and determine the next year’s flow.

Discussion ensued relative to the key meter at the point giving them trouble, the cost to maintain and calibrate it, cost of electricity, 60/40 vs. 80/20.

Councilman Dolan asked if anyone had done the math to decide what the Town would gain by the Village going in with their percentage of the truck line and paying 60/40 vs. the Village not going in vs. the best case scenario for the Town, which would be 80/20.

Sewer Administrator Conrad stated that both the Town and Village are under Consent Orders from DEC and they can’t just do the math based on the number of users.

Trustee Bailey stated that it is a 1.2 million dollar project and the Village would be paying \$720,000.00 that they have not committed a penny of in addition to continuing maintenance and future costs of the trunk line and the Village is willing to step up and pay but they want to lock in to the 60/40.

Discussion ensued relative to locking in to 60/40 vs. the best case scenario for the Town of 80/20 and what the Village is paying now.

Mayor Misuraca asked Trustee Bailey if his position is that the Village does not have to pay for the trunk line and because they are offering to, they think they should be able to lock in at 60/40 for 10 years.

Trustee Bailey stated that was absolutely true.

Sewer Administrator Conrad interjected that the Town is not going to do the trunk line unless the Village is in.

Mayor Misuraca stated that there has to be a compromise and asked how they can attain one.

Sewer Administrator Conrad stated that the Town can’t afford to do it and that the compromise is with DEC and both the Town and Village have already committed to make the changes.

MINUTES BOOK TOWN OF COEYMANS**
MAY 27, 2014 – Joint Town of Coeymans and Village of Ravena Workshop
Meeting-7:00PM

Trustee Bailey stated that the Village didn't and added that they agreed to certain things with DEC in trying to work out certain things but there were no specifics.

Supervisor Flach stated that both the Town and Village are under a Consent Order, he signed the Town one and Mayor Bruno signed the Village one and they have to abide by it.

Trustee Bailey stated that the Consent Order did not mention anything about the trunk line and it said that they have to work to alleviate the violations.

Discussion ensued relative to what the Village and Town Consent Orders actually said vs. their interpretations, which calls for remediation of the violations, the Village flowing through the Town lines, the Village commitment of one million dollars, the rate locked in at 60/40 for 10 years, poor planning in lowering sewer rents by prior Boards, the trunk line allowing them to get out of the moratorium so they can put more houses in, the Village paying for something that the current contract does not require them to, 75% of the users are Village residents going through the Town lines, past negotiations.

Sewer Administrator Conrad proposed locking in at 60/40 for two years because it is going to take that long to do the trunk line and then see what happens.

Trustee Bailey stated that he will not agree to that.

Discussion continued relative to the engineers plan for the work to be done in stages with the first one being outside the plant and then evaluating after the first stage with the possibility of not have to do anything after that and sharing costs of what has to be done.

Mayor Misuraca asked what the ramifications would be if it does not get updated in 2014.

Supervisor Flach stated that the Town's lines cannot accept the flows from both the Town and Village and if they had just the Town's 400 users and not the Village they could handle it.

Trustee Bailey interjected that with 400 users they could not afford the plant and at one point the Village was going to build their own plant.

Collectively Supervisor Hotaling and Sewer Administrator Conrad agreed.

Mayor Misuraca asked what the ramifications would be if the trunk line does not get done by 2016.

Discussion ensued relative to dealing with DEC, crippling the area with the inability to develop because they are under a moratorium, the I&I and what has been removed, building being allowed on a case by case basis, no building past VanHoesen.

Supervisor Flach reiterated that the fact of the matter is that they have to do something with the trunk line because they can't take all the flows and he went to the Village and asked for help and added that he wanted to stick with the meters and he is willing to go for two years and see how it goes, which is a big commitment for the Town because they think changing the line at the plant to a 24 inch pipe will solve a multitude of problems.

Discussion ensued relative to the meters not working, locking into 60/40 split if the meters are still not working after two years, Village flow going through the Town for 46 years and never being shared, the Town not being able to handle the flow the way it is designed, the Village willing to share on other occasions when they tried to relocate the pipe.

Trustee Bailey stated that they are willing to absorb the majority of the cost of the work when under the existing contract they don't have to pay a penny and for doing that they want a ten year 60/40 split.

MINUTES BOOK TOWN OF COEYMANS**
MAY 27, 2014 – Joint Town of Coeymans and Village of Ravena Workshop
Meeting-7:00PM

Supervisor Flach stated that he would like everyone to read the Consent Order and think about it and get together again within the next couple of weeks.

Discussion ensued regarding the Contract that expired in December and keeping it 60/40, a possible grant for the Town, DEC's lack of response.

Sewer Administrator Conrad proposed showing the Village Board where the Town is trying to make changes and to see where the existing trunk line goes and where they are proposing to put the new one.

Discussion ensued relative to Mr. Traver signing and voting for the contract when he was Town Supervisor, the possibility of taking some 90 degree bends out for the flow, the path for a new line, cost for the work, increasing sewer rates, what Town residents pay vs. what Village residents pays for sewer and water.

Sewer Administrator Conrad stated that the problem is that over the years the plant got old and no one fixed it like they needed to and now they are under a Consent Order since 2001, which is longer than necessary and none of the fixes started until 2003 and 2004, which drove the prices through the ceiling and they waited until it was a disaster to fix it.

Discussion ensued relative to how the Water and Sewer Districts were created and who owns what, negotiated contracts, agreement that the Town would operate the Sewer Plant, necessary repairs being put off, the first meter reading of 85/15, contracted split of 60/40, the Town not raising the rates when they should have and instead lowered the rates by 20%, running at a deficit and doing Capital Improvements with Bonds.

Councilman Dolan stated that the simple answer is that the Village owns the water system and delivery system and the Sewer Plant is owned by both the Town and the Village.

Supervisor Flach stated that he had one last thing and stated that the Village bills for the water, the Town collects for it from the Town users and then asked that Town Clerk Millious explain the process.

Town Clerk Millious stated that there are two billings, the Village does the billing for each and when she receives the second-half there is a problem because people still owe for the first half but the bills say that there is a zero balance and the amount from the first bill should be carried over.

Trustee Bailey stated that the problem is that the Town pays for the water in full and as far as they are concerned, it is paid in full.

Town Clerk Millious stated that the problem is that the residents think that the first half is paid because there is not a balance carried forward on the second half.

Trustee Bailey stated that from the Village point of view it is paid and he does not know if they can do it because they don't know who pays or doesn't pay.

Discussion ensued relative to paying the Village the full amount before the money is collected by the Town, the Village mailing the bills for everyone, Village accounting system for water, the contract between the Town and Village.

Trustee Warner suggested giving the second half bills to the Town so the first half billing could be included in the envelope.

Discussion ensued relative to if the Town can issue a water bill, the Town's authority to bill, letter from Mayor Bruno to Town Board stating that the Village will no longer accept the Water Agreement between the Village of Ravena and Town of Coeymans, Comptroller's writing up the Town for pre-paying, letter from Attorney for the Town Wukitsch to Village stating that they were violating State Law.

MINUTES BOOK TOWN OF COEYMANS**

MAY 27, 2014 – Joint Town of Coeymans and Village of Ravena Workshop

Meeting-7:00PM

Trustee Bailey stated that as long as they get their \$76,000.00, they don't care and based on the 1982 Agreement, they are producing and mailing bills that they really don't have to.

Discussion ensued amongst both Boards relative to the Village billing Town residents, and the Water District being created so they can re-levy.

Mayor Misuraca suggested that they ask the Village Accounting and whomever else if it is doable.

Discussion ensued relative to the Village not knowing whether someone pays or not, the Village zeroing out because the Town pays in full, possibly changing so the Town does not pay upfront, the number of Town bills, the Comptroller telling the Town not to pay upfront.

Collectively Trustee Bailey and Trustee Warner said that it cannot be done and they are not doing it.

Supervisor Flach asked if the Town could give the Village a list of who didn't pay prior to the billing and in turn have the Village put it on the bill.

Trustee Warner said they could not unless they changed the contract because it says that the Town pays the whole thing within 45 days.

Discussion ensued about the possibility of doing it that way.

Trustees Warner and Bailey reiterated that it cannot be done and it is something that they cannot change.

Councilman Dolan suggested sending a letter to each person who did not pay the first half.

Discussion ensued relative to the Comptroller saying that they cannot bill and collect, sending a letter for unpaid balance and the Town not having a water account.

Trustee Bailey asked what they hope to accomplish by the next Joint Meeting.

Trustee Warner added that everyone would have read the Consent Order and hopefully come back smarter.

Sewer Administrator Conrad stated that instead of listening to him and Trustee Bailey people need to be up to speed on current day standards, see what the problem is and where it is arising and have a better handle on the Consent Order and added that it is a community of people and they need to work for all of them.

Trustee Bailey stated that as an Elected Official by the Village residents he is supposed to do the best deal he can for the Village of Ravena and he believes the Village steps up quite a bit quite often on a lot of things, such as the Summer Program.

Discussion ensued regarding what portion of the Summer Program the Village pays vs. what the Town pays for charges associated with the sewer.

Supervisor Flach stated that they have a lot to think about.

Discussion ensued regarding the next date for another Joint Meeting, collectively it was agreed that they would take some time to look everything over and meet on June 24th at Village Hall.

Mayor Misuraca stated that the bottom line is that they are there for the same reason and they will work together to get it resolved so it is fair for everyone.

MINUTES BOOK TOWN OF COEYMANS**

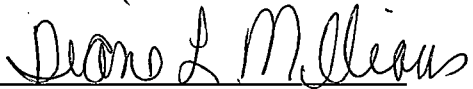
**MAY 27, 2014 – Joint Town of Coeymans and Village of Ravena Workshop
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ADJOURNMENT

Time – 9:12pm

Respectfully Submitted,

APPROVED – As Read June 23, 2014


Diane L. Millious
Diane L. Millious, Town Clerk