

TOWN BOARD OF THE TOWN OF LIBERTY
SPECIAL WORKSESSION MEETING
September 15, 2010

At a Special Meeting of the Town Board of the Town of Liberty held at 3:00 p.m. at Town Hall, 120 North Main Street, Liberty, New York, the following Town Board Members were present:

Supervisor John Schmidt
Councilperson Chris Austin
Councilperson Maurice Gerry
Councilperson Thomas Hasbrouck
Councilperson Lynn Killian

Recording Secretary:
Town Clerk Laurie Dutcher

Also present:
Finance Director Earl Bertsch
Water & Sewer Supervisor Albert Picard
Budget Coordinator Cheryl Gerow
Deputy Town Clerk Sara Sprague

After the Pledge of Allegiance, Supervisor Schmidt called the meeting to order at 3:00 p.m.

Finance Director Earl Bertsch advised that the Preliminary Budget was done and we were here to discuss with Albert Picard what projects need to be done and how we were going to get the revenue in which to do these projects.

The Town received a letter from John Sansalone, Environmental Engineer for the New York State Department of Environmental Conservation advising the Town that the Loomis Wastewater Treatment Plant had experienced a number of exceedences of the effluent limitations in their State Pollutant Discharge Elimination System (SPDES) permit, most notably for ammonia during the winter. Mr. Sansalone stated that the Town would need to notify them of what additional changes would be made in order to avoid violations.

Finance Director Bertsch advised the Board of the following:

**Loomis Sewer Plant Estimated Cost Increase for One Family House
in the Loomis Sewer District**

A one family house in the sewer district is charged one (1) M&O unit for 75,000 gallons of water usage PLUS one (1) capital unit for a one family house PLUS $\frac{1}{4}$ unit for each 50 feet of road frontage.

The average one family house gets charge one M&O unit and 1 $\frac{1}{2}$ Capital units.

Special Meeting
09/15/2010 Continued.....

	Present Cost		
	2008	2009	2010
1 M&O Unit	\$314.45	\$325.61	\$333.73
1 ½ Capital Units	<u>\$383.43</u>	<u>\$388.06</u>	<u>\$386.43</u>
TOTAL COST:	\$697.88	\$713.67	\$720.16

Cost of Improvements
20 year bonds—3 ½% interest rate

Principal	\$400,000
Interest over 20 years	<u>\$140,000</u>
Total Principal and Interest	\$540,000
 Yearly Cost	 \$27,000
 Divided by total Capital Units	 <u>172 units</u>
 Additional cost per unit	 \$156.97
Average capital units per house	<u>1 ½</u>
Additional cost per one family house	\$235.45

This additional cost would be for the years 2012 through 2015 when they will still be paying off the old debt. When the original bond issued is paid off, the cost would be reduced by \$386.00 per year.

NOTE: Estimated cost for necessary improvements to the Loomis Sewer District to be in compliance with DEC Regulations. \$400,000

Mr. Picard advised that we need either our Town Engineer or Supervisor to answer the DEC in regards to the letter received from Mr. Sansalone.

Mr. Picard advised that the problem comes during the winter months when water under the sand beds freezes and produces nitrogen which turns to ammonia. He advised that the answer to the problem would be to cover the beds but that they are the size of four football fields.

Mr. Picard also advised that it was a poorly designed bed for this area and is only running at 50% capacity.

Mr. Picard advised that they do make activated sludge package plants.

A short discussion followed.

RESOLUTION NO.

APPROVAL TO HIRE KELLY ENGINEERING TO LOOK AT OPTIONS W/ LOOMIS SEWER PLANT AND RESPOND TO MR. SANSALONE

Motion by Councilperson Chris Austin, seconded by **Councilperson Lynn Killian**, the Town Board of the Town of Liberty does hereby authorize the hiring of Kelly Engineering to look at the Towns options and respond to Mr. Sansalone.

5 AYES - Carried

**Swan Lake Sewer Plant Estimated Cost Increase for One Family House
in the Swan Lake Sewer District**

A one family house in the sewer district is charged one (1) M&O unit for 75,000 gallons of water usage PLUS one (1) capital unit for a one family house PLUS ¼ unit for each 50 feet of road frontage.

The average one family house gets charge one M&O unit and 1 ½ Capital units.

	Present Cost		
	2008	2009	2010
1 M&O Unit	\$522.07	\$592.78	\$662.76
1 ½ Capital Units	<u>\$159.74</u>	<u>\$163.34</u>	<u>\$168.93</u>
TOTAL COST:	\$681.81	\$756.12	\$831.69

NOTE: M&O unit cost increase due to reduced flow into the plant as a result of the closure of Green Hills Park and Stevensville Hotel.

Cost of Improvements—Priority #1--\$3,050,000
20 year bonds—3 ½% interest rate

NOTE: Rate may increase if 25 or 30 year bonds are issued

Principal	\$3,050,000
Interest over 20 years	<u>\$1,067,500</u>
Total Principal and Interest	\$4,117,500
 Yearly Cost	 \$205,880
 Divided by total Capital Units	 <u>1199 units</u>
 Additional cost per unit	 \$171.71
Average capital units per house	<u>1 ½</u>
Additional cost per one family house	\$257.57

This additional cost would be for the years 2012 through 2015 when they will still be paying off the old debt. When the original bond issued is paid off, the cost would be reduced by \$168.00 per year.

Stevensville Well

Stevensville Well has no WAS Number. This number is required by NYSDEC and will allow them to pump 450 gpm. Mr. Picard has one quote in the amount of \$8,625 and will look for additional quotes.

Special Meeting
09/15/2010 Continued.....

Sherwood Roth Well

The screen is plugging up has iron build-up / bacteria. 480 gpm is the best they can get. Needs to be cleaned have one quote of \$18,000 will try to get more quotes.

Badger Meter

Tom Sprague will be at the 10/4/10 Department Head Meeting to give a presentation on remote touchpad meters and a possible pilot plan for WSS cost would be approximately \$42,000.

RESOLUTION NO.

SALARY INCREASES GRANTED

Motion by Councilperson Chris Austin, seconded by **Councilperson Thomas Hasbrouck**, the Town Board of the Town of Liberty does hereby grant salary increases to the Highway Superintendent and Water & Sewer Chief in the amount of \$2,080. all other Department Heads in the amount of \$1,040 for those working 40 hours and \$910 for those working 35 hours for 2011.

5 AYES - Carried

STEVE KALKA

Mr. Kalka advised that he had over 40 years of experience and wanted to clear up some of the misinformation that was floating around. He submitted the following email to the Town Board members:

DEC PBS (Petroleum Bulk Storage) regulations address the registration of PBS facilities, handling and storage of petroleum, and standards for new and substantially modified petroleum storage facilities. These laws do not replace the fire and building code and in fact refer to the same industry standards as such as NFPA 30 and 30A. For example it is illegal to fuel vehicles in a building with gasoline. All attended (self-service) gasoline dispensers must be equipped with a UL labeled Fire Suppression System this is in the Fire Code. The Town's Code officer can supply a copy.

DEC does not act as Building Department as to issue permits for construction and inspect work, during construction. I can build a gasoline station without review or approval of the DEC, subject to local, state and federal law enforced by the local Building Dept. All the DEC requires is an as-built drawing of the underground tank and piping installation certified by the installer to meet Part 614. Site has to be registered before being placed into service. It is not unusual for a registered site not to be inspected by the DEC for up to three years after opening for business. Above ground tanks that are portable can be moved around a site without notifying the DEC, they have to be registered if the site qualifies as a registered site.

Special Meeting
09/15/2010 Continued.....

Fines for any violation of PBS regulations are subject to fines of up to \$37,500.00 per day per violation. This amount is not normally assessed. I have attached a schedule of fines as they are normally assessed. The largest fine levied by the DEC that I have been involved with was \$150,000. In my opinion the violations I observed at the Highway Dept. when I reviewed the site could generate a fine of ten to twenty thousand dollars if not corrected before the DEC inspects the site. All sites are supposed to be inspected at least once every three years.

I repeat what I recommended that there is no reason for a gasoline bulk storage tank at the Highway Dept. If UPS and the NYS Police can fuel at retail locations the Town can. The economics favor fueling off site and it eliminates all potential spill liability, maintenance, insurance for fueling and the management cost of tracking and accounting for the use of gasoline.

Please send a copy of this to Ken for his review.

Steve Kalka

Councilperson Austin advised that all he was concerned with at this time is the PBS permit. Mr. Austin wanted to know if we needed to notify the DEC that we had moved the tanks.

Mr. Kalka advised that no because they are so called "portable" tanks and not fixed to the ground and can be moved anywhere on the site.

Mr. Kalka advised that the DEC does not give prior notice of inspections, no warrant they just walk in and tell you to show them your records.

Mr. Kalka advised that you cannot have gasoline in a tent. You can't vent tanks with flammable liquid. He also advised that the tanks weren't painted there was evidence of spills, etc. He advised that one day the DEC was going to show up and it may only be \$10,000 but it would be wasted money. He advised that it is against every Fire Code there is to have gasoline in a building He advised that the worst thing is if there were a fire and an employee was to be injured. He advised that the Town is not exempt from regulations and that he gave this message loud and clear a year ago.

Gasoline still needs fire suppression. To put the proper fire suppression over the pump would be roughly \$20,000.

Councilperson Austin asked Mr. Kalka if he could provide documentation for all of this.

Mr. Kalka advised that he could.

Councilperson Hasbrouck asked if that is why nobody has them anymore and if it would make the Town's insurance go down.

Mr. Kalka advised that this regulation is in the NYS Building Codes. Mr. Kalka advised that it would in fact make the insurance go down.

Special Meeting
09/15/2010 Continued.....

Mr. Kalka advised that it makes no economic sense to be in the gasoline business.

Councilperson Austin advised that he would like Mr. Kalka to show the Highway Dept. what is required and recommended and what needed to be inspected and how often.

Mr. Austin also advised that if Mr. Kalka had been at the meeting a month or six weeks ago it would have saved a lot of grief and bitterness.

Account / Budget Coordinator Cheryl Gerow advised that she needs the information from the Highway Department in order to get the fuel cards for each vehicle.

ADJOURN

On a motion by Chris Austin, seconded by Councilperson Lynn Killian, the Town Board does hereby adjourn the meeting at 5:46 p.m.

Respectfully submitted,

Laurie Dutcher, Town Clerk