

Town of St. Armand
Special Board Meeting
Thursday, May 30, 2019
6:30 PM

These Meeting Minutes were approved by the Town Board on July 9, 2019.

A Special Board Meeting of the Town of St. Armand was held on the above date and time at the Town Hall, Bloomingdale, NY.

BOARD MEMBERS PRESENT:

Town Supervisor Davina Winemiller, Deputy Supervisor D. Joseph Bates, Councilperson Donald Amell, and Councilperson Jennifer Fuller.

A quorum of the Board was in attendance.

TOWN EMPLOYEES PRESENT:

Water Superintendent Jeffrey Cotter and Town Clerk Barbara Darrah.

EXCUSED: Councilperson Karl Law was excused from the meeting.

GUESTS: Victor Burman, Sandy Hayes, Warren McCarthy and Charles Whitson, all from the community, and Kevin Shea from the Adirondack Daily Enterprise.

Public Notice was published in the Adirondack Daily Enterprise regarding the date and time of this meeting, and posted in the Bloomingdale Post Office and the Bloomingdale Fire Department electronic marquis.

Supervisor Winemiller called the Meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

Supervisor Winemiller announced the main purpose of the meeting was to discuss and update the Water and Sewer Regulations in specific regard to the mandating of water meters and readers to be installed in all households. Winemiller referred to the Water Meter Grant Initiative presentation at the last Board meeting that she is working on with Bruce Misarski of HAPEC, and Allen Jones of ACAP, and United Way has joined, as well. Winemiller explained the initiative is a grant fund for individual homeowners to provide them with a water meter, reader and any type of insulation or heat tape that they may need to prevent their water and sewer lines from freezing. It is based on income eligibility. We are not sure if United Way or HAPEC will be the umbrella organization. She has another meeting on June 3rd with them, where they will hash out all of the details. Bruce Misarski came up today at noon, and he and Winemiller went to two separate homes in one trailer park to see what the needs are underneath the homes, so their lines don't freeze. It will be an individual grant fund. It will have nothing to do with the town. Winemiller is spearheading the organization of the fund and due to that, Deputy Supervisor D. Joseph Bates and Councilperson Donald Amell approved Winemiller to have until October 15th, as the date the meters will be mandated to be installed and working. Originally, it was July 1, 2019, decided from the fall budget hearings. Because the grant fund takes some time to get going, they extended the date in order to help as many people as they can.

What we are here to do tonight is work on the Water and Sewer Rules and Regulations regarding mandating those meters for October 15, 2019 and determine what type of violations we are talking about and who is responsible for the meter. All of those details is what we are going to be working on this evening. Winemiller referred to a draft copy of updates that were approved last year, and will be adopted. On page 4, there is mention of the flat rate for unoccupied dwellings, and she directed them on page 6, section 10, the water meters are discussed. Winemiller suggested Line A should become, "water readers and meters are mandated to be installed and operational by October 15, 2019." And then, "Water meters must be purchased by the homeowner." The Board agreed.

Winemiller: So, if that is our first mandate, what is the fine going to be for those who refuse to install a meter?

Donald Amell: The rate now is if you don't have a meter, the customer is estimated at flat rate.

Barbara Darrah: On page 1 midpage, it tells how many gallons per person. The amounts: \$51.80 would be for one person for water usage. \$119.60 for two people. \$179.40 for three people and \$239.20 for four people.

Winemiller: We should also do the Sewer. Why don't we put that next to the water?

Darrah: Sewer would be \$170.20 for one, \$340.40 for two people, \$510.60 for three people, and \$680.80 for four people.

Amell: So, just me, and my reader didn't work for a quarter, it would be a total of \$51.80 and \$175.00, not including the Debt Service. So the discussion is if somebody doesn't follow the mandate and you don't have a working meter and reader, are those rates incentive enough to get them to comply?

Deputy Supervisor Bates: Well, Jeff, probably not, right?

Jeff Cotter: No. If they don't have a meter they will just get an estimated flat rate, which they do now. They run maybe 1,000 gallons a day, some people, depending on how far they open their water line. It could be quadruple this number of gallons.

Winemiller: That is based on the rates we have right now. I do have a proposal for the Regular Board meeting to reduce the rates, so we should look at something different as a carrot and stick type situation for that. I do think we need to add a caviat, say that it is February, and they do have a meter and reader and its broken, I do think we should give them a certain amount of time to fix it. I also think in the winter we should give them an extended amount of time.

Bates: That's when they use the most water.

Winemiller: I'm saying if they have a meter and it breaks. I'm not saying if they refuse to install a meter.

Amell: The issue then, to Joe's point of view, is that's when the fear of freezing water happens. It's easy to say "My reader is not working." I'm not convinced that that's the time to be allowing that.

Winemiller: I understand that. I'm going to give you an example. Say we bring this up to \$500 or something like that. My meter and my reader work. I do not go out and check that meter to see if it's working. So, if it broke in the middle of the winter, I would probably be able to pay somebody to come and fix it within a reasonable amount of time. But, my meter is inside.

Amell: But the sequence of events there would be you don't know it's broken. Then your meter gets read at the end of the quarter for billing purposes. Now, you are aware of it. We have a whole procedure in place to address those types of issues. The review process takes that into consideration. If we start the caviats, we're going to be right back where we started from.

Winemiller: So, the adjustment process. That's fine if that's the way you want to address it with the adjustment issue.

Darrah: It's worked. The Board agreed.

Amell: That's what it is.

Charles Whitson: Another part of that same question could be when they are flushing and using excessive amounts of water, that's also putting an overload on your sewer system.

Winemiller: That is correct. That's why we are mandating the meters and readers. That's why I am doing this grant to help people so their lines don't freeze so they don't have to run their water. There are definitely times, and Jeff would probably agree, certain individuals that we know have shallow lines, we do allow them to run the water for safety purposes so that we don't end up freezing main lines and losing part of the Town's water system. That is already in place. I think if we can get everybody getting a meter and making sure their lines are secured and don't freeze with insulation and heat tape, it is really going to cut down on the water usage that we have to pump and treat and it will cut down on the sewer side, as well. So, it's a win, win, win all the way around.

Amell: Jeff, you said it wouldn't be unusual for this condition to be using 1,000 gallons a day.

Jeff Cotter: Yes, I am just estimating, depending how much they open their line.

Amell: For a quarterly period, and 9200 gallons is what we are estimating would be used in three months for one person, you are absolutely right.

Cotter: They could run it wide open all night, and say I don't have a meter so it doesn't matter. They say if you run a size of a pencil, that will keep it from freezing.

Amell: So, for three months.....we don't want to go from 9,000 gallons to 90,000 gallons....

Winemiller: But, do we want to do something like bring it up to 20,000 gallons? I don't know. That's what we are here to figure out.

Cotter: Yes, if it's too little, they will say, "Well, I'm just going to go ahead any pay that".

Bates: Just double it.

Winemiller: Right. We could just double it all the way. That's a pretty good incentive.

Amell: So, for me, at a single rate, doubled, it would bring it up to \$460.00 every three months. Just to do the other end of it: I have no meter, I have no reader. I've got nothing. What would it cost me to install a meter and get a reader?

Winemiller: Approximately \$1,000.

Cotter: Yes, the new meters are \$350, and then you are talking insulation and everything else.

Winemiller: It could be between \$1,000 and \$2,000, depending on the situation; on what is needed in the home.

Amell: So, \$1,000 is reasonable?

Winemiller: I would think. Especially if you are a little bit handy, or if you have a brother or uncle, or friend that could help.

Warrene McCarthy: How many people do you think may not run their heat tape in the winter because what it will cost them in electricity?

Winemiller: Actually, I did ask that question of Rob Wick, the project manager for the Essex County Planning Department. He informed me that heat tapes are very efficient and have a low draw.

Cotter: The new ones have a built in thermostat and they shut off when they reach the temperature.

Winemiller: The new heat tape with the low draw is the way to go.

Cotter: I know Hulbert's carries them and Lowe's.

Darrah: Just keep this in mind. We have one customer who spray painted their reader black, so you can't read it at all. He rents the house to tenants and doesn't tell us how many people are in the household. That is one scenario to kind of figure out.

Winemiller: But, we will be sending out letters, once we have this finalized, letting them know the meters are going to be mandated and these are what the rates will be if you don't comply. We will have to do that fairly soon so they have time through the summer to get it done.

Bates: You might want to put something in there about the reader being readable.

Amell: If it comes to pass that the grants for individual assistance comes through, it's another incentive.

Jennifer Fuller: So, by October 15, we should know more about the grant.

Winemiller: Yes, by October 15th, right now that is the goal we are working on to get the funds, and get exactly what we need. And, just so you are aware, it is not installing them for them. The homeowner would be responsible for installation.

Bates: They are just supplying the items.

Winemiller: The water meter, the reader, whatever type of insulation, and heat tape.

Amell: Would Warrene's situation where she needs heat tape...

Warrene: I'm not in the water district. I was just wondering if there was a brand name of heat tape.

Winemiller: On page 7, line F, will have to change to whatever we determine on the first page. Did we decide to double the usage as of October 15th?

The Board agreed to October 15, 2019 for the mandate of meters/readers.

Winemiller: So, the gallons will be instead of 9,200 per person, it will be 18,400 gallons per person.

Darrah: If they refuse.

Winemiller: Right. If they refuse.

Amell: We said they will be charged double per the calculation. Regardless. Whether they refuse or...

Winemiller: So, will be charged per flat rate calculation, I think that's all we need to state there, because we have it at the front.

Darrah: But, that's not right. Am I missing it? I'm not getting it.

Amell: I'm not hearing what you are saying.

Winemiller: So, as of October 15, 2019....

Darrah: So, no matter what, they are doubling? Nevermind. Disregard.

Amell: Are you good with that Barb?

Darrah: Except if we have a person who, as we said, it breaks whenever, we are not going to double it. We are going to give them an opportunity to fix it. So, we are going to estimate it back to the original rate during that quarter.

Winemiller: Or, we leave it as it is and come forward to the board, and the customer says, "Barb, you just sent me a letter that my meter reader was broken, I just found out, I got it fixed." So, you would calculate that rate for my estimate for that quarter, and then I would say, "Barb, can you please ask the Board to give me an adjustment?"

Bates: Anything different than this has to be done as an adjustment.

Winemiller: Right.

Jen Fuller: Isn't that what is stated in item G?

Amell: Yes. It does say that in G.

Darrah: I think we should put the doubling of estimated rate in G. If they refuse, double them. We are going to leave them the same in the first section that talks about estimates. Because the very first one is the National Average. It is not a penalization for them. It is just if their meter or reader breaks midway in the middle of the quarter, so this is what we are going to charge them. Whereas, if they totally refuse to get a meter or if they go into the second quarter of them not having something fixed, then we double the rates.

Winemiller: So you think it would be more fair to leave this as the National average, and then if they refuse to install their meter as of October 15th, we would double the rates in the next quarter?

Darrah: If they do not fix their meter or reader from the first quarter, then we double in the second quarter. Does that make sense? It's almost like we are punishing them right away if they have a broken meter in that quarter.

Amell: Let's use that example: The quarter comes in part way through it, my meter breaks. I don't know it until I get the bill and I get hit with 9200 for one person. Now, time goes on, I don't get it repaired or I refuse to get it repaired. Or, if I didn't have one in the first place and didn't have it put in. The next cycle from then on the estimated rate is doubled.

Darrah: Yes. Yes.

Winemiller: Right. I think Barb is right because then....

Amell: So, we are not penalizing the ones who were really not aware their meter or reader of it being broken and giving them a little more leeway in getting it repaired. I'm thinking out loud here. So, I get this and I say, Oh God, and I get somebody to fix it and now we are in the second period but I didn't get it done until a month into it, but it's fixed....

Winemiller: The other thing we need to add as you are talking out loud there. We need to add something and Barb has mentioned this to me time and time again. She will send out a meter/reader letter that their meter is broken. They get it fixed, but they don't call her to tell it is fixed. She's not psychic. It happens all the time.

Bates: And that is whose fault??

Darrah: I changed the letter. I changed that wording and it now states, "You will be estimated until you notify the Water and Sewer Clerk that the issue has been repaired."

Fuller: Which is what we just ran into.

Darrah: Yes. Right.

Winemiller: We should have that in here (Regulations), too. It is the homeowner's responsibility to notify the Water and Sewer Clerk that their meter or reader has been repaired so that an initial reading can be done.

Amell: Repaired or installed.

Winemiller: Right. Whatever the case is. Once they get it working, so she can contact Jeff and ask him to do an initial reading so we do not have to estimate the whole quarter.

Amell: OK, I was working through my example here. So, it (meter or reader) was broken, I got notified, I got hit with this single rate, I get my billing. My meter is still broken but I make arrangements to get it fixed, whatever the case may be. A month has gone by, my meter is broken for a month so it can't be read. Now it gets fixed and it's working, but my meter reading is only for two months out of three. So, I'm going to be billed at

Darrah: You would be estimated for the part it wasn't working and then the initial reading that Jeff gets and the end reading that Chris Spicer would get for the remainder of that period.

Amell: That hinges on me telling you that I got it fixed on the 15th. If I don't, then I will be estimated at the double rates. There is good incentive there.

Winemiller: It does give people time. It does take time to get a plumber.

Amell: Yes, I see Barb's point.

The rest of the Board agreed.

Winemiller: Yes, I see Barb's point, too. I like it. She has a good pulse on what people need.

Cotter: So on item G, you are going to leave the upper 100 gallons per person, the initial notification their meter is broken, and it's going to stay 100 and then at the bottom of that paragraph they did not fix it by the next quarter, then it's going to say 200 gallons per person per day.

Winemiller: So, in items F or G, somewhere in there, we will add that double figure for that circumstance.

Winemiller: I think that item 12 is still the way to go with the freezing temperatures. Jeff Cotter knows which properties are shallow and at risk for freezing. How do you feel about that Barb?

Darrah: Definitely. We worked on that last year. That was a great solution.

Cotter: That customer put a pick line in their basement, so the water does not run full flow. It prevents the water from freezing but doesn't run full flow.

Winemiller: So, once we have the meters mandated and get through this first winter with that, we will probably have a better idea of the people who are having trouble with that. I think the pool fill section is still good.

Do you still want to do the \$25 charge on water turn on and turn off on page 8?

Darrah: Yes, I think it's consistent. You should ask Jeff that, he's the one that has to go do it. Does he have to dig trenches to shut it off?

Winemiller: Do you think \$25 is appropriate, Jeff, or do you think it should be a higher fee?

Amell: Where are we, now?

Winemiller: Page 8.

Cotter: If it works properly, it's not a big deal (laughed). Probably 75% of them in town don't work properly.

Winemiller: I did the first draft of the water ordinance. I gave you a copy of that and there are sections of that I really would like you to study pretty hard. There was definitely some question in my mind of the language there. And, that has not gone to our attorney or anything. It is just a first draft for everybody to take a look at so that we can be in compliance.

Amell: Do you see any change in there Jeff with the turn on, turn off?

Cotter: I guess \$25 is fair for the most part.

Amell: Should it be a rate? Per hour rate?

Fuller: That's what I was thinking.

Cotter: That's where you get to a point where if it's broken.... Even though they own it technically. A lot of them may not fix it. A lot of times I'll dig it up and try to straighten it out and fix it so I can turn it on and off. Other ones, you just can't. They are all the way down you have to excavate. They don't turn. If that's the case, you have to replace the line all the way back to the main. That's a whole different ball game. I know sometimes I have been ordered to turn the water off and I can't. It has happened where several residents where I can't shut it off. They kind of know that. I've had people put concrete down them years ago, so you can't turn them on or off. How do you force them?

Winemiller: Is this something where grants could be used for our water infrastructure? Seeking Grant funds to have all of this done. Maybe we should own the curb stops, so that we can turn the water on and off. Now, they are ours to take care of. Just a thought.

Cotter: I am thinking over half don't work.

Winemiller: But, that is a problem. Especially if you have a break somewhere and need to isolate, that's a problem for the whole town, not just for a homeowner. Or a whole street, or all the way down River Road. It's something to think about.

Cotter: So the grant would what?

Winemiller: We would apply for a grant, specifically lateral grant, usually CDBG funds to own from the main to the curb stop and the curb stop. The homeowner would own from the curb stop to the house. It wouldn't be on you to do all this. We would farm this out to make sure all the curb stops are 100% functional. That would be the purpose of that grant. Now the town owns the curb stop and we have a fully functioning water shut-off system.

Amell: Right off the bat, my complaint would be: You are saying the water district. Now, there is absolutely nothing wrong with mine, but Joe's needs to be repaired. Not that cost is going to be spread across the whole district.

Winemiller: He just said that more than half of them are not functioning correctly.

Amell: Mine is not one of them.

Winemiller: OK. But, is it in your best interest if there was a water break somewhere that your street could be isolated?

Amell: You know the argument.

Winemiller: I understand the argument.

Amell: That's my point. The more the district takes on, the rates of course..... The battle rally is to get rates down. A suggestion like that I see rates going up. If it's not the individual homeowner's responsibility and something was wrong, that price gets spread across the subscribers. The rates just went up.

Winemiller: You can look at it both ways, Don.

Amell: I'm just saying food for thought. There's some work to do.

Winemiller: That's definitely something to think about and talk about.

Cotter: As an example. There was a gentleman on Union. He was exercising his shut off and it broke. He took it on himself and he paid Snickles to replace it. If they don't work, do you hold them liable if there is an emergency?

Winemiller: We could sit here and play devil's advocate all day long.

Bates: So, once the water district owns all the curb stops, is Jeff going to be mandated to go around and test them all? Is that something that is going to be needed to be done? How are we going to know if they are broken again?

Amell: We are going to get a grant to get them fixed, we should find out if they are broken?

Cotter: It is quite a job.

Bates: And it's going to steamroll.

Winemiller: It could. I was just throwing it out there. I'm not saying that's what we should do. But it is important, I think, to be able to isolate certain streets in case of an emergency. That is important for everyone, not just the one street.

Bates: I am not disagreeing.

Cotter: From what I have seen a lot, it is not just the curb stops, a lot of the service lines right into the main. If the curb stop is bad, usually the line coming off of the corp from the main, is bad. Then you have to not just replace the curb stop, but you have to do the entire service line and then possibly remove the corp on the main and install a new corp on the main. It's the whole system from the main out to the house. A lot of these lines are just old, like the curb stops.

Winemiller: From my research, a lot of these lines are from the sixties. Food for thought. I apologize. Let's move on.

Winemiller: Does anyone see anything else that we need to amend regarding the mandated meters? There was one thing I wanted to talk about. The homeowner and/or the landlord is responsible for installing the meters and the readers, correct? Say, I'm renting my house from Don. I am paying the water and sewer bill. This mandate comes out and Don refuses to put a water meter in. And I am just renting that house. Now, I am going to get charged the double price for two people because my landlord refuses to install a meter? I don't think that is fair to the tenant. If the landlord refuses to install a meter and reader, then I believe they should get the bill.

Bates: Put them in as property owner is mandated to replace the meter.

Winemiller: Okay, does that mean that the property owner will be billed? I don't think it is the tenant's fault.

Amell: Be very careful. Think of it along the lines of the regular rates. Are we saying the same thing there?

Winemiller: Yes. Why?

Amell: If one of the trailer court people can't pay their bill, we are not turning the bill over to the trailer court owner. That is what you are suggesting.

Winemiller: No, I'm saying if a landlord refuses to install a meter and a reader, the tenant should not be responsible for that double bill. If the landlord refuses.

Amell: I'm putting aside the reason the bill went up. In both cases, the bill went up. It's not paid. That's what it comes down to. Who is responsible for the bill if it's not paid? In any of these scenarios. If that's the case, we have to rethink how we are charging water and sewer. Landlords and tenants.

Winemiller: So, leave it as it is and if the tenant doesn't pay it, then it falls back on the landlord.

Darrah: If the renter does not pay the bill, it does end up being the landowner's responsibility at the end in the relevy.

Amell: So, I'm the tenant, and I don't pay the bill, end of year comes around and it's not paid it goes on the landowner's. In which case, the landowner does have to deal with the tenant. So, in a way, it goes back to them anyway.

Winemiller: So, if a landlord refuses to install the meter, and make sure the lines don't freeze, then the amount falls on the landowner at the end of the year and they will have the incentive to install the meter.

Warrene McCarthy: Am I to understand that Overlook doesn't have individual meters?

Winemiller: They do have meters. It goes by building. Barb, can you explain?

Darrah: There is one meter in each building, except for the large building which has 12 meters in it. So they pay six bills with the individual meters and one bill for the large building with the 12 meters.

Winemiller: Is there anything else we want to look at in the draft at this time? Does anyone have any question, comment or concern?

Amell: Can we, before the next meeting, spend a minute or two on that resolution that we postponed until the next meeting, number #28.

Winemiller: Please stop. Can we take a moment, because I, today, got some new news. I have some very exciting news. And it changes what we are looking at.

The Board asked if Davina was going to present it at the next meeting? She said she was. The Board asked her to please wait on this until the next meeting.

Kevin Shea: What is the current water rate per thousand gallons of usage?

Darrah: \$6.50.

Winemiller: Any other questions?

Cotter: There is a water leak on Roosevelt Lane. I did get dresser couplings and repair parts. I did contact Fuller today because the biggest problem I have is I am going to need extra manpower.

Winemiller: I talked to Doug about that, and the entire Highway crew can assist you.

Cotter: I talked to Doug Haselton from Fuller's. He has two laborers that are available next week. We do not need any excavation machine. We are not looking at \$10,000. I could run the machine, but we would need to pay their daily rate.

Winemiller: If you want to get me the figures, I can email the Board and get their approval.

Cotter: You are looking at a fraction of the cost if I can get their help, rather than calling Fuller's to repair it. I figure if I can do it, it will save costs.

Kevin Shea: For the installation costs of the meter, you mentioned \$1,000. Is that just to install it?

Winemiller: A new meter is approximately \$350 and a new meter reader is approximately \$65. Then you would have the cost of the plumber, and if you need insulation, heat tape, and sheeting around the bottom if you had a mobile home.

Shea: The grant you mentioned, who would that be available to?

Winemiller: It would be available to income eligible individuals. Right now we are in the planning stages of the grant. I am working with Bruce Misarski, from HAPEC, UNITED WAY and Alan Jones. We are working together and have another meeting on June 3, 2019. It is specifically for St. Armand residents.

Shea: About how many households are using flat rate?

Winemiller: Approximately 50 at this time.

Shea: And you said most or a good amount would be eligible for this grant?

Winemiller: I believe so. Does anyone else have any questions?

Warrene McCarthy: Keith Bordeau has worked for this town 100 years. I was just wondering if the town was going to do anything to recognize how many years he has worked?

Winemiller: Absolutely. Most certainly, Warrene.

Winemiller: He is retiring as of July 31, 2019. But his is going to stay on as a part time winter driver, per diem. We are very fortunate that we have such a hardworking guy that knows the roads and is willing to help us out.

There were no other questions or concerns.

MOTION FOR EXECUTIVE SESSION:

Supervisor Winemiller made a Motion to move into Executive Session for the purpose of discussing personnel matters. The Motion was seconded by Councilperson Jennifer Fuller and the Executive session began at 7:36 pm.

MOTION TO END EXECUTIVE SESSION:

Deputy Supervisor D. Joseph Bates made a Motion to end the Executive Session. The Motion was seconded by Supervisor Winemiller and the Executive session ended at 8:00 pm.

MOTION TO ADJOURN:

Deputy Supervisor D. Joseph Bates made a Motion to Adjourn the Regular Board Meeting. The Motion was seconded by Councilperson Donald Amell and the Regular Board Meeting adjourned at 8:02 pm.

I, Barbara J. Darrah, Town Clerk for the Town of St. Armand, do hereby certify that the above is a true and correct transcript of the Regular Board Meeting minutes held on the above-referenced date.

Barbara J. Darrah
St. Armand Town Clerk

Dated: May 30, 2019