

Town of St. Armand
Special Board Meeting - Rockledge
Thursday, August 12th, 2021
5:30 PM

These Special Board Meeting Minutes were approved by the St. Armand Town Board on September 14, 2021.

A Special Board Meeting of the Town of St. Armand was held on the above date and time at the Town Highway Garage, 1702 NYS Route 3, Bloomingdale, NY. The meeting was also advertised as a webinar meeting. This meeting was the second Special Board Meeting held to discuss the Rockledge Water districting and Rockledge Sewer lines.

BOARD MEMBERS PRESENT:

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

A quorum of the Board was in attendance.

TOWN EMPLOYEES PRESENT:

Town Clerk Barbara Darrah.

GUESTS: Mary Suzan Conroy, Rohan Estling, Chris Gosling, Jill Jones, Robert Laba, Becky Ladue, Alan Latourelle, Phyllis Magnus, Klaus Meissner, Lisa Meissner, Katie Nehmer, Judy Odell, Chris Rdzanek, David Salamy, Lauri Salamy, Mark Simkins, all representing Rockledge residents.

Public Notice was published in the Adirondack Daily Enterprise regarding the date and time of this meeting, and posted on the Town of St. Armand's website and Facebook page. Emails were sent to the Rockledge Water District users, advising them of the meeting date and time.

Supervisor Winemiller called the meeting to order at 5:30 p.m. Winemiller asked everyone to stand and join in the Pledge of Allegiance.

Winemiller thanked everyone present for attending this meeting. Several maps of the Rockledge properties and water district were on display during the meeting.

Winemiller began the discussion by explaining the confusion in the word "vote" that she used on the meeting notification email. She did not mean an "official vote" and apologized for the connotation that there would be an official vote done at this time.

At the June 30th meeting, issues were discussed with the Rockledge Water districting and Rockledge sewer lines. Winemiller had a handout prepared to give the residents an example of what the repairs might cost.

There were a couple of questions posed to Supervisor Winemiller and she wanted to give clarification on those questions. There are people who live in the Town of North Elba that are actually hooked onto the Rockledge water district tax rate. Once the report came back from MJ Engineering, Winemiller went to the Town of North Elba, and those properties were then incorporated into the Rockledge water district tax rate. No one can tax Town of North Elba residents but the Town of North Elba. The Town of North Elba taxes those residents and then the Town of North Elba cuts a check to the Town of St. Armand.

Winemiller explained the vacant lot charges for debt services in the Town of St. Armand Water and Sewer and stated the Rockledge District would have to discuss that, as well.

Winemiller explained the property tax bill and how it showed the water district tax that is included in that bill. The size of the lot does not matter. There is one tax bill per lot. If there are two lots owned, then there are two tax bills.

Winemiller asked those present which way they might be leaning? A member of the audience stated they were floored when they were notified of this issue because they owned their residence for 22 years and had no idea there was a problem. Winemiller understood that people might be leaning toward repair. Winemiller explained what the residents would know. When the property is purchased, a deed is received. And, the tax bill goes with that property. The tax bill indicates what water district the property falls under.

A resident stated they felt like they were being squeezed between the Village of Saranac Lake and the Town of St. Armand. It feels like we are being asked to solve what is their problem. Winemiller explained that when she received the MJ Engineering report she called the NYS Comptroller's office, stating the usage fees for Rockledge could not be right because it was so high. The comptroller's office representative stated the village can charge whatever they want because they are doing a favor by providing water. No town, no village, no county can expend money on infrastructures that they don't own.

Winemiller asked the residents if they paid for debt service? The response was no. Winemiller explained Debt Service is where the users of the system pay debt service along with usage. Rockledge does not pay debt services; they are paying usage, and that is why the usage rates are higher.

Another question was where the funds came from to pay for the MJ Engineering report? Winemiller responded that there is a line item that is collected on the tax bill, which is used for repairs and improvements. The town has \$38,145 money in the Rockledge Fund that can be put toward the repairs at Rockledge. The engineering report was done in 2018. That was step one. The town actually started addressing this prior to Covid. The Town is here to work together with the Rockledge residents to come up with a solution.

Winemiller informed the audience that a Supervisor's Report is presented at the Monthly Town Board Meeting and the Supervisor's report has a line by line items for the Rockledge District. The Town Board suggested that the Supervisor's Report be posted on the Town website so that it is available to the public.

Another audience member asked if there are any shared services with the Village of Saranac Lake? Winemiller stated that whenever she has called the Village of Saranac Lake for help, they have responded quickly and always assisted in any situation. An audience member asked if the Village of Saranac Lake could shut the water off at any time because the previous agreement with the Town was rescinded. Winemiller responded the Village of Saranac Lake cannot just shut off the water. They have established a precedent of providing a service. Winemiller doesn't want that audience to think the Village is bad. A question in the audience was if the Town could collaborate with the Village of Saranac Lake on the grant? Winemiller explained that we have the Essex County Office of Planning for grant writing and we could try collaborating with the Village.

Discussion ensued regarding the extension of service to Stevenson Lane and Moody Pond. Winemiller stated she has a meeting with Dustin and Shawn (Village of Saranac Lake) on Tuesday, August 17, 2021 at 11:30 am to discuss the hydrant issue and the Rockledge water. The looping of the end is a part of the discussion.

Winemiller reiterated unless everyone involved wants to install their own well, the water service cannot be disbanded. The sewer belongs to the homeowners. There is no sewer district. The homeowners (12) own the sewer lines. An audience member suggested maybe another engineering report might need to be done to further investigate where the sewer lines are. Winemiller explained that by law, the Town of St. Armand cannot expend money on an engineering report for the sewer lines because the Town of St. Armand does not own the sewer lines. Winemiller gave a brief background of the original infrastructure back in the 60's.

An audience member asked how a representative from Rockledge could be on the Town Board? Winemiller stated they would have to run for public office. Winemiller continued to state there could be a Rockledge Association Task Force formed. The same audience member asked how they could be informed as to what discussions takes place by the Board and decisions that are made for Rockledge. Winemiller replied that the Town Board meets the 2nd Tuesday of every month and all are welcome to attend. Continuing, Winemiller stated that every Board Meeting has meeting minutes which are posted on the Town's website and the Town Boards discussions and decisions are in those minutes.

An audience member asked if the twelve homeowners who owned the sewer lines, if they agreed, could give the lines to the Town of St. Armand? Winemiller explained that what could happen is the twelve homeowners could petition the Town of St. Armand Board to establish a Rockledge sewer district. The Town of St. Armand Board could say, "We received your petition and we understand your concerns. Before the Town of St. Armand can take over the lines, here what is needed: They need to be up to spec and code. Once the Rockledge sewer district has brought the lines up to code and the Code inspector has stated they meet the 2021 Codes, then the Town could possibly take over the lines".

Discussion ensued as to how the twelve owners are expected to be responsible for repairing the sewer lines. A suggestions was made that one of the points made to Shawn and Dustin's meeting should be regarding the fire hydrant water pressure problems.

A question was posed from the virtual audience: Could the town or the village act as a pass-through for a grant from SEQR? Winemiller explained that SEQR was a classification, not a grant. Any water grants that we get now, they have to be 51% or greater low to moderate income in order to qualify for grants. The Rockledge area would probably not qualify for a grant, but they might qualify for a low or no interest loan. Discussion ensued as to doing nothing and/or do the most urgent repairs and seek funding for other repairs. A savings account was also discussed.

Winemiller explained that the lines might have been adequate for the 1960's, but not for now. An audience member asked how would a person know if they were buying or building a house in the Rockledge area recently that there was this issue with the lines, if they were tapping into the lines? Who is responsible for notifying a potential purchaser, as a "buyer beware".

Audience comment: Due to the size of some of our lots, some of us can't install new septic systems.

Audience question: If the village allowed us to build a house and allowed us to tie into the sewer, somebody took responsibility and stamped it "we as a Town or Village stamp it approved". Who can we seek restitution from for allowing us to build? Winemiller responded it is a user-funded system; the owners of the lines are responsible for the lines.

Audience question: Frank Cashier was not the initial developer. In 1911, it was the Rockledge Company. A portion of the sewer line was installed by the initial developer. Was that owned by Rockledge or was it something owned by the

Village? Winemiller replied the records show as follows:

Rockledge Park Subdivision began April 17, 1911 by the Rockledge Company. It appears the water and sewer lines were established circa 1914 with the Village of Saranac Lake providing water and transporting sewer without establishing any type of district or written agreement. On November 18, 1963 Frank Cashier purchased the Rockledge Park subdivision from the Rockledge Company. Frank Cashier made numerous upgrades and improvements to the Rockledge water infrastructure in the 1960's and into the 1970's.

May 1968: Report on Rockledge Park Water system prepared by H. Bartlett Howe, PE, submitted to the Village of Saranac Lake.

November 26, 1968: Village of Saranac Lake agreed to provide water to the Rockledge Park Subdivision.

November 30, 1972: Frank Cashier began the process of obtaining permits from the Town of North Elba to build Town Houses in the Rockledge area.

June 10, 1974: New York State Department of Health approved water distribution facilities at Rockledge Park.

July 26, 1974: Village of Saranac Lake received approval for an 1800-foot extension.

November 27, 1978: Letter from David W. Magurk, PE, water lines meet standards submitted to Village of Saranac Lake. After years of attempting to gain approvals, Mr. Cashier abandoned the idea of building Town Houses around 1985 and sold lots to build single family homes instead.

October 21, 1988: Frank Casier sold 29 lots to Properties of America – Adirondacks, Inc. Properties of America. Adirondacks, Inc. filed bankruptcy and dissolved by October 1989. Frank Casier took back 26 lots from them, as well as the in-common held property. This put Mr. Casier as the owner of 42 lots.

The Town of St. Armand Board approved the establishment of the Rockledge Water District on November 12, 1991. It was filed with Essex County on February 20, 1992.

July 28th, 1992: The Village of Saranac Lake (William Madden, III, Mayor) and the Town of St. Armand (Joyce Morency, Supervisor) signed "The Rockledge Water District Agreement". This agreement was for the Village of Saranac Lake to supply water to the Rockledge users. Prior to this, the Village of Saranac Lake provided water to the Rockledge users without any specific agreement at rates established by the Village of Saranac Lake. This agreement stated that the Village of Saranac Lake recognized the Rockledge Water District and had agreed to charge them "at a preferential rate". The agreement was for five years, with clauses to renew every five years. The Village of Saranac Lake has since terminated this agreement and have been billing Rockledge users at a higher rate for many years.

The Town of St. Armand Board resolved to contract with MJ Engineering to provide an updated survey and proposal of the water lines on May 14, 2019. MJ Engineering provided the final Rockledge Water District Engineers Report in July 2019. This report outlines the needed upgrades and repairs to the water infrastructure.

An official Rockledge Sewer District has never been formed. The current homeowners own the Sewer mains and the Village of Saranac Lake provides the collection of the wastewater. The Town of St. Armand has never had ownership of the Sewer Mains in the Rockledge Park. The water and sewer mains were installed by the Rockledge Corporation originally circa 1914. Frank Casier made upgrades, improvements and extensions when he held ownership of the Rockledge Subdivision in the 1960's.

The Town of St. Armand took over the Water Mains when it established the Rockledge Water District in 1992, but the sewer mains remain the property of the Rockledge homeowners. The Village of Saranac Lake has been providing Water and Sewer services to those homes that are connected to the water and sewer mains since their inception.

The above information was derived from the minute books and documents in the Town of St. Armand files.

Discussion ensued regarding what happened to the infrastructure part? Winemiller reported the sewer users were supposed to form a homeowners' association and contribute an annual amount for the infrastructure and it didn't happen.

Audience question: The sewer situation seems to be a whole separate thing. Shouldn't that be a meeting of the twelve people who are connected to the system? I have a septic tank. Why is everyone involved or responsibility for someone else's sewer system? This is about water. Shouldn't we concentrate on one subject matter?

Discussion ensued regarding planning it out over several years: We are going to impact each other. Some lines are too close to the surface and might break and if we don't know where the sewer lines are that could possibly affect them; that could be a big problem.

Audience question: What happens if something breaks, what happens then?

Winemiller replied that the contractor will move the water line rather than touch the sewer line. Sewer lines and water lines can now run together, if they have the right specs.

Discussion ensued that repairs do need to be made. The engineering report puts certain areas as a priority. Winemiller reported she did speak with Brendon Keough, Saranac Lake Fire Chief, if the water pressure at Rockledge pressure situation at Rockledge affects their ability to fight a fire? Brendon Keough responded that it does not. Winemiller continued that Brendon reported they have multiple trucks. When they arrive to a fire, the trucks are full. There is not a truck there that does not have water. They can still get water from the hydrants. When the repairs are done, the hydrants will be addressed.

Audience question: Is there a limit to what we have in the Trust Fund? Winemiller replied that the Comptroller does have a limit to how much money can be collected and not spent. The money should be set aside for emergencies. Unless we are doing a Capital Project, and then we can save that amount of money. If we don't maintain our assets, we won't

have assets to maintain. Winemiller asked someone in the audience to email a copy of their water bill to her so she could review it.

The next Rockledge Meeting date will be determined at our September 14, 2021 Regular Town Board Meeting.

QUESTIONS OR CONCERNS:

Winemiller asked those present if anyone had any more comments, questions, or concerns.

An audience member thanked Winemiller for the initial letter informing them of the problem and inviting them to the meeting.

Winemiller reminded everyone that information is available on the Town of St. Armand website, such as Monthly Board Meeting Minutes, the annual budget and the Monthly Supervisor's reports. She then asked if there were any more comments or questions. There were none.

MOTION TO ADJOURN:

Deputy Supervisor D. Joseph Bates made a Motion to Adjourn the Special Board Meeting. The Motion was seconded by Councilperson Jennifer Fuller and the Special Board Meeting adjourned at 7:28 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 Special Board Meeting minutes held on the above-referenced date.

Barbara J. Darrah
St. Armand Town Clerk

Dated: August 12, 2021