

SPECIAL MEETING, WARRENSBURG TOWN BOARD, DECEMBER 6, 2012

A special workshop meeting of the Warrensburg Town Board was held on December 6, 2012 at the Albert Emerson Town Hall at 4:30 p.m. with the following members present:

PRESENT:	Supervisor	Kevin B. Geraghty
	Councilman	John Alexander
	Councilman	Bryan Rounds
	Councilwoman	Linda Baker Marcella
	Councilwoman	Joyce Reed

OTHERS PRESENT: Donna A. Combs, Town Clerk; Kathy Rounds, Deputy Town Clerk; Tom Belden, Water Superintendent; Chip Webster, Water Department; Tom Suozzo, Engineer; Robert Hafner, Town Attorney and several Town Residents.

DISCUSSION – REVIEW WATER CODE FOR AMENDMENTS

Supervisor Geraghty opened discussion telling the Town Board the first item of business was to review the Code.

Suggestions and recommendations were discussed to make proposed amendments to the Water Code. Robert Hafner, Town Attorney will prepare the proposed amendments.

Discussion ensued on the \$5.00 fee to have meters turned on or turned off. Town Clerk Combs told the Town Board she has never charged this fee, most of the turnoffs are for Senior Citizens who go South. Councilwoman Marcella said they are Senior Citizens who can afford to go South. Councilman Alexander said it should be a courtesy thing. It was decided to eliminate the fee for water turn on/turn off from the Code.

Discussion ensued on people who have filled their water tanks from the Town water supply through the fire hydrants. Attorney Hafner told the Town Board some people receive written permission from a town and pay a fee to the Town. An amendment will be added to the Code that clearly states no water can be taken from a fire hydrant without written permission from the Town. The rate will be added to the fee schedule.

An amendment will be added to the Water Code to address frozen meters and the responsibility for the cost. Supervisor Geraghty asked if the homeowners had been notified when the meter was installed and if that was logged somewhere that if the meter was frozen the owner is responsible. Discussion ensued.

DISCUSSION – WATER RATES

Councilwoman Marcella asked why the rate for commercial is more than the rate for residential in the water rates.

Tom Suozzo, Engineer – explained with a commercial rate someone is using the water to make money, it is not where you have a residence for onsite consumption. Mr. Suozzo

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used the car wash for an example explaining they are making a profit from using the water.

Mr. Suozzo said he was sure there are many communities or water districts that just charge one fee, he is sure that when they figured that fee out it is probably an average between the two fees.

Attorney Hafner explained for a lot of communities there is an ad valorem tax that is based on value of property that pays for the capital expenses, the bonds, the pipes, the engineer. Mr. Hafner said with ours, all of the cost is combined into the water rents.

Supervisor Geraghty explained the town has done it both ways, when the fee schedule did not generate enough money for the operation they added a tax on; they would put it on and take it off. Supervisor Geraghty explained the businesses use far more water than most of the residences.

Discussion ensued on the ad valorem tax versus water user fees.

Town Clerk Combs asked what the Town Board wished to set for fees for apartment houses asking if they should be classified as commercial or residential where no owner resides in the building using the Commons, Austin Perry Corners, the apartment house on Fourth Avenue, Hudson Street and the Apartment house on River Street as examples. It was explained the apartments with businesses located in the building have been classified as commercial business. Town Clerk Combs said she also wished to know about apartment houses where the owner does reside.

Councilwoman Reed explained the Town Board needed to clarify for the billing and said that because John Alexander has a funeral home that is a business we bill him for the business and for the apartment behind. Councilwoman Reed said if there is just a house with four apartments, and the owner doesn't live there it is a business, the owner is making money from the apartments and asked if we charge \$390.00 as a business.

Councilman Rounds said that when you rent a building or a residential space to somebody, it becomes theirs, it is being used for a residential use regardless if some landlord is making money on it, it is still a residential unit. Councilman Rounds said it was his thought that like the Commons or the place on Fourth Avenue, if there is only one meter going in and there is x amount of apartments there, it is his thought they should be charged the \$195.00 per apartment.

Supervisor Geraghty explained what was done for the billing for the NAPA store, which has an apartment and a store telling the Town Board the store was going to be \$390.00 and the apartments were going to be \$195.00 each, the fee for the flat cost was determined and then he was going to get 20,000 gallons. Supervisor Geraghty said the bill, when calculated was about eight times more than what they were paying, he said he

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knows the situation with the stores- those apartments are residents, so what was done was the store will pay the business rate and then an up charge for each apartment. Supervisor Geraghty said that is the way he thought they should deal with a multi use. Supervisor Geraghty said the people who are in the apartments will pay the \$3.90 per gallon.

Tom Suozzo, Engineer – told the Town Board they should make a determination with a hypothetical apartment with a service line by itself that is a rental. Mr. Suozzo asked the Board what they would charge, commercial or residential. Mr. Suozzo told the Town Board that if each of those did have the service line like they should, what should we be getting? Mr. Suozzo told the Town Board after they have determined whether the rate should be residential or business then they can come back into this thing and call it something that should be equable.

Supervisor Geraghty suggested that his fixed fee might be too low. Attorney Hafner told the Town Board it made sense, if they wished to treat this as an apartment that as long as they get one charge for each unit, a residence would be like our residence. Councilman Alexander said that a tenant is not going to pay a water bill, the landlord does. Discussion ensued on the prior billing process versus the new billing process.

Councilman Rounds told the Town Board there should not be any commercial rate for apartment houses, they are each a residence, the same as a single family house. Councilwoman Reed said there is only one meter coming into the apartment building and there are four apartments, if you charge them \$200.00 each, that is \$800.00 a year and then we would only give them 20,000 gallons of water. Supervisor Geraghty explained the gallons are based on the meter not on an EDU.

Attorney Hafner suggested the Town should charge the \$195.00 per unit and give them the 20,000 gallons.

Councilwoman Reed said no, because then the town is right back to counting heads in beds again, how many in each apartment. Councilwoman Reed said that the Board needed to determine that whether it is an apartment building or not, there is no senior rate.

Councilman Alexander asked if they could call it commercial and give the \$390.00 rate and the usage would be everything. Councilwoman Reed asked why they don't go the commercial route and explained the bill goes to the Landlord, they had just figured the bill and if they do it with \$195.00 and they have five units they are going to make \$835.00 on the water bill and they are getting 100,000 gallons, if they are charged the commercial rate at \$390.00 we are going to make \$1390.00.

Discussion ensued on how many gallons they would each receive.

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Mr. Suozzo said he had contacted Queensbury and asked them how many services they have where there is more than one residence and the woman told him one. Mr. Suozzo told the Town Board they should probably leave something in there as incentive to get people to meter individually.

Councilwoman Marcella asked if it was \$390.00 if it is only one meter and then they pay per gallon, that would be an incentive for them to get individual meters and then at which time they would pay \$195.00 and get 20,000 gallons.

Councilman Alexander asked if they still wanted to add the extra \$25.00 per apartment. Councilman Alexander said it would be \$390.00 for the building and \$25.00 per apartment plus usage. Supervisor Geraghty said just one credit and they pay. Councilman Alexander said it was important to raise revenue but it is also important to get the landlord to meter.

Town Clerk Combs explained to the Town Board that there are some things the billing software is not capable of.

Discussion ensued with different scenarios for the residential versus the commercial rate.

Town Clerk Combs asked for clarification saying it was her understanding then that they are classifying apartment houses as commercial and they are going to be \$390.00. Councilwoman Marcella said that was only if there is one meter, if it is a two family or four families and each has its own meter it will stay \$195.00.

Supervisor Geraghty explained if it is a straight forward meter to apartment it is \$195.00, if it is a business and an apartment it is the higher rate, on a multi use you will charge \$390.00, the usage rate still should be credited one 20,000 gallon credit for each meter and if the guy says that is not fair he can get the system broke up and then pay the \$1.95.

Councilwoman Marcella said to use NAPA as an example: he has one meter so he pays \$390.00 plus he pays \$3.90 per gallon for water and if he was to break it up and put two separate meters upstairs he would pay \$390.00 for his store and \$195.00 for each apartment. Councilwoman Marcella told Councilman Alexander he should not be paying \$390.00 for his apartments, they are residential.

Councilman Alexander said that was the analogy in this mornings emails, what are they going to do with this thing, two apartments above a business should not be commercial. Councilwoman Marcella said that was unfair. Supervisor Geraghty said he knew she was saying it was not fair and asked what other way is there to do it. Councilwoman Marcella asked how many meters and was told one meter. Councilwoman Reed said that right now he would be charged for the business and then \$195.00 for each apartment. Supervisor Geraghty said he should be paying \$390.00 for the business and then \$25.00 and \$25.00.

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Councilwoman Reed asked Councilman Rounds what his idea was, if he had four apartments in a building if his idea was \$195.00 each. Councilwoman Reed said that would give them \$195.00 in an apartment and twenty thousand gallons each. Supervisor Geraghty said we are only giving the credit for a meter. Councilwoman Reed explained they would each get the 20,000 gallons if they each had their own meter. Councilman Rounds said for each unit, for \$195.00 they should be allowing 20,000 gallons.

Discussion ensued. Councilwoman Reed said for apartments with one meter, if she has four meters and does not live there and there is no business located there, it would be \$195.00 per apartment, 20,000 total gallons.

Town Clerk Combs said in her mind, one meter buys 20,000 gallons. If you have one meter and four apartments you are getting 20,000 gallons of water for either \$195.00 or \$390.00.

Discussion ensued on the different scenarios the individual town board members and the Supervisor proposed. Councilwoman Reed said she did not feel that someone with a business down front should be the same as a guy who owns an apartment house, if they are commercial or residential and if they are residential than each apartment should pay their fair share.

Attorney Hafner said he had understood the Supervisor to say if you have a separate meter for each apartment you will get \$195.00, if you only have one meter to one building it is \$390.00 and you pay the \$3.90 rate, that is the incentive to change over to separate meters.

Supervisor Geraghty explained if it was a two unit residential with one meter, he would charge them \$390.00 and \$25.00, which would be \$415.00 and then \$3.90 a gallon so if he used 100,000 gallons a year it would be \$390.00, that would be \$805.00. Supervisor Geraghty said if he had separate units he would be \$195.00, \$195.00, then he would get 50,000 gallons, say he used 120,000, that bill would be \$580.00. Councilwoman Reed said if the owner does not live there it is a business. Attorney Hafner explained it was about the number of meters.

Councilman Rounds said he was proposing they allow for the first 80,000 gallons of water for \$195.00 and then after that charge the residential rate. Councilman Rounds said he was looking for a way for a landlord to break it down. Supervisor Geraghty said under that scenario with 400,000 gallons for the apartments, an owner would pay \$1404.00. Supervisor Geraghty said under his scenario the owner would pay a cheaper flat fee, saving \$325.00 flat fee but the usage fee would be doubled. Supervisor Geraghty said when you get into a building that has eight apartments and you charge \$195.00 times the eight he was not sure.

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Discussion ensued on the billing system and what the software can do. Mr. Suozzo told the Town Board that it is one EDU for 320 gallons typically for a three bedroom home, when you get into apartments a lot of communities actually drop to three quarters of an EDU because there is less usage and a trailer sometimes drops to a half of an EDU.

Town Clerk asked for the consensus of the Board saying she wanted to know if it was \$390.00 or \$195.00. Supervisor Geraghty said it should be \$390.00 with one credit. Discussion ensued on what constituted a residence. Councilwoman Baker Marcella said to have two living units, a duplex, is no different than having two single family homes side by side. Attorney Hafner said that would be correct if each side has its own meter. Town Clerk said no, some of them only have one meter, they are all one service. Discussion ensued on commercial rate or residential rate for an apartment.

Attorney Hafner said if it is one meter for multipliable use what ever it is, it does not matter if it is a senior or if it is your home and someone else lives there. Supervisor Geraghty said people may approach us and argue that you are charging them the \$3.90 gallon rate and we can go back to them and say split your house off. Councilwoman Reed said this is the way we are going to do it: commercial, a business is \$390.00, a commercial with two apartments, mixed use, residential/commercial will be mixed use. Councilwoman Reed said to use John Alexander as an example, John would pay \$390.00 plus \$25.00 for each apartment because he has one meter. Councilwoman Reed asked if there was a business in town that has apartments that are separate metered. Councilwoman Reed explained what they are saying now is every dwelling that is more than a single unit, not necessarily with a business. Tom Belden said Trappasso's up by school does have a business with an apartment with their own meters. Councilwoman Reed explained for an apartment building with four apartments, which are considered a commercial unit which gives you one apartment at \$390.00 and \$25.00 for your other apartments, and you get 20,000 gallons; if they do incentive to put their own meters in then they would go to the residential which is \$195.00. Councilwoman Reed asked if they will really have the incentive to go and get meters for those other units, no, so they are going to stay at \$390.00.

Town Clerk Combs asked for clarification and asked if any apartment house is going to be commercial and it is \$25.00 for each additional apartment, they get 20,000 gallons of water and anything over for their usage is \$3.90 per thousand gallon, duplexes, anything. Discussion ensued on how to charge the rates, this will occur in the billing system.

Councilman Alexander asked about the scenario where the owner lives in the building, there is one meter, an owner owned and residing apartment. Councilwoman Marcella asked what difference it made if the owner lived there, it is one meter. Councilman Alexander said that usually it is a senior citizen that has divided her house because she is broke. Supervisor Geraghty said he would say she should pay \$390.00 plus \$25.00 for the apartment and pay the \$3.90 rate. Supervisor Geraghty said she will not have to pay anymore, she probably will not use 20,000 gallons in 365 days.

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Councilwoman Marcella said her other option would be to put in another meter and pay \$195.00 each. Town Clerk Combs asked if where there is a senior citizen living in the building, getting the senior citizen rate right now of \$48.75.....Supervisor Geraghty said we are not changing the senior citizen rate, he has promised those people, and, we are not changing that rate. Town Clerk Combs asked about a senior citizen who owns the building, lives downstairs and rents to a family upstairs. Attorney Hafner said that is commercial, Town Clerk Combs said to her it should be residential. Councilwoman Reed said they had just said all apartments were commercial so to go ahead with the commercial, you are not going to give the senior citizen rate because it is not residential. Supervisor Geraghty asked how many cases of that there are in the town. Town Clerk said at least 5. Several different scenarios were discussed. It was decided on a rate of \$48.75 for the senior, \$195.00 for the family and \$1.95 per thousand. Supervisor Geraghty said if she is the owner of the building and she lives there she will pay the \$48.75 for herself and the other place will be \$195.00 if it is just one apartment. Supervisor Geraghty said that they would do this rate for the Senior's for one year.

Discussion ensued. It was determined where there is one service and two structures it will be \$390.00 each. One single metered service with multiple uses will be commercial. It was explained that where Todd Davis has two structures on one parcel and the front structure feeds the second structure and because the water can not be turned off in the vacant down stairs apartment, the Supervisor said to charge him \$195.00 and \$195.00.

Town Clerk Combs asked about the residents who have their water turned off for half a year, if she should charge for the whole year of \$195.00 or a half year of \$97.50. Councilwoman Baker Marcella asked if the senior rate applied for a half year rate and it was determined it does not.

Discussion ensued on trailer parks. A trailer park will pay the \$390.00 commercial flat rate fee, each site will be \$25.00 and the rate per thousand will be \$3.90 per thousand. Attorney Hafner said the Town will require over the next five years that meters be installed in apartment houses and mobile home parks, by the end of 2017. Attorney Hafner suggested to the Town Board that if they do not comply by 2017 then the rate would become double the rate.

Town Clerk Combs asked about churches and halls, what the Board wished the rates to be for that category. Discussion ensued on the Senior Citizen rate; it is to stay a flat rate of \$48.75 with no usage fee. Discussion continued about travel trailer parks.

Tom Suozzo, Engineer- asked if the churches would trip the 20,000 gallon usage fee. Discussion ensued with the Town Attorney recommending the Town Board use the \$195.00 rate with the \$1.95 per thousand, and, said the churches will not get over that amount. Discussion ensued on what the Churches are currently paying and if the Churches have their own meters, and, their rectories. It was determined a Church will be \$195.00 plus \$1.95 per thousand for usage. Halls like VFW, American Legion and others

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will be \$195.00 plus \$1.95 per thousand for usage; cemeteries will be \$195.00 each with no usage fee.

Tom Suozzo asked the Town Clerk what she meant by municipal owned properties, it was explained any thing that is municipal will be \$195.00 plus \$1.95 per thousand for usage. Discussion ensued on organizations such as Home front Development, Warren Washington Association, that kind of thing. Supervisor Geraghty said they are subsidized housing, if they only have one meter going in they will pay \$390.00 plus \$3.90 per gallon. It was asked if that would be for the Commons as well. Councilwoman Marcella said they are individual apartments. It was determined that the Commons and the ARC and similar uses will be \$195.00 and \$1.95 per thousand for over 20,000 gallons.

Town Clerk Combs asked what the Board wished to set as a fee for non-metered residences, the people who refused to install meters and said the Town has charged them \$500.00. Councilwoman Reed said she thought it had been discussed previously that it would be \$500.00 every billing period. It was determined to make the billing for people who refuse to have a meter \$250.00 a quarter.

Councilwoman Baker Marcella said she wished to reduce the rate for someone who has torn a building down. It was explained the meter will come out when a building is removed. Attorney Hafner said everyone should have a minimum fee if they are in the district. Supervisor Geraghty explained that it was the same as the people being charged who are in the sewer district; we are supposed to have a rate for these parcels that have no service. Supervisor Geraghty asked the rate for a buildable lot in the sewer and said to keep the rate, \$75.00 consistent with the sewer.

DISCUSSION – OUT OF DISTRICT SEWER AND WATER FOR PRICE CHOPPER PROJECT

Attorney Hafner said he had drafted out of district contracts for sewer and water for the Price Chopper Project to give to the Town Board for their review. He handed them out. Attorney Hafner said they did have a meeting with Price Chopper and the developer; they have told them they need to finalize the documents by Monday. Attorney Hafner told the Town Board he needed to know what day to deliver the contracts. It was determined the Town Board will get back to the Supervisor with the date.

DISCUSSION – EMS CONTRACT

Attorney Hafner said he had been told that Councilwoman Baker Marcella wanted a draft copy of the EMS agreement, he has sent that. Councilwoman Baker Marcella asked if this was Queensbury's. Attorney Hafner said no, he drafted Queensbury and it is very complicated. Councilwoman Baker Marcella said she wanted Queensbury's because she saw in the paper last week that they wanted to change some debt service and they had to come to the Town Board to get approval, so she asked how ours is different, and, said she wanted to see what their contract says, why they have to go to their town board to get any approval or change any funding and we do not, she wants to see how they function

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different. Attorney Hafner told Mrs. Baker Marcella he drafted that proposal and the proposal is in the Town of Warrensburg's as well.

Councilwoman Baker Marcella asked Attorney Hafner who does the billing for Queensbury EMS. Attorney Hafner responded to her question, and, said that Barbara Tierney is involved.

DISCUSSION – RIVERWALK PROPERTY

Supervisor Geraghty opened discussion telling the Town Board that Dick Emerson, who owns River Walk property located off Emerson Avenue has offered the property back to the Town to develop a park. Supervisor Geraghty said he is inclined to say no because the property is on the tax rolls and he does not wish to take it back off the tax rolls to do a park, he does not see any funding coming from the State, everything is being held up because of Hurricane Sandy, he feels the property would sit there for years undeveloped because the town lacks funds.

Councilwoman Baker Marcella told the Supervisor she received a call from the Historical Society last night, they had met with Mr. Emerson and they voted to accept the property. Supervisor Geraghty asked the Town Attorney if the Town could charge them tax on the property. Attorney Hafner explained the Historical Society is a not for profit, if they own it and use it for their purposes they can apply for an exemption from the tax, they would have to pay special district taxes. Attorney Hafner said the Assessor would make that determination. Councilwoman Baker Marcella said she was told they took for resale.

DISCUSSION – EMS CONTRACT

Supervisor Geraghty explained that Steve Emerson, who represents Warrensburg EMS was present and that he has requested the Town Board keep the contract with Warrensburg EMS at \$30,000.00 for the upcoming year and then work on the terms of the new contract for 2014.

Councilwoman Baker Marcella said she wished to thank Steve, he has given her a lot of time, she asked a lot of personal information and; she has not been told no yet. Councilwoman Baker Marcella told the Town Board they really needed to talk as a town board in regards to how they want to proceed with the squad and how they wish it to function.

Discussion ensued regarding the Town of Thurman and the Warrensburg EMS ambulance runs. Councilwoman Baker Marcella said it is the Town of Warrensburg tax payers who are paying for the ambulance service in Thurman and if the doors close it is us who are going to suffer.

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RESOLUTION #202-12

AUTHORIZE EMS CONTRACT FOR 2013

On motion of Councilman Alexander, seconded by Councilman Rounds, the following resolution was ADOPTED – VOTE – AYES 5 NAYS 0

IT IS RESOLVED, to authorize the Supervisor to enter into a contract with Warrensburg EMS for the year 2013 for the Town of Warrensburg for the amount of \$30,000.00 with a pay date to be set for not before February 15th.

DISCUSSION – STREET LIGHT FOR DINU DRIVE

Supervisor Geraghty explained he has had a request for a street light to be installed at 5 Dinu Drive, and, the funding for street lights has reached a point where the Town can afford to do this.

RESOLUTION #203-12

AUTHORIZE STREET LIGHT

On motion of Councilwoman Reed, seconded by Councilwoman Baker Marcella the following resolution was ADOPTED – VOTE AYES 5 NAYS 0

IT IS RESOLVED, to authorize National Grid to install a street light at 5 Dinu Drive in the Town of Warrensburg.

DISCUSSION – NEW WELL PROPERTY

Attorney Hafner explained he has had conversation with Janet Fallon about the property the Town is trying to purchase for the new well on Schroon River Road. Attorney Hafner said that although there is no value yet attached to the property which is the most important thing in the contract, the town's appraisal.

On motion of Councilwoman Baker Marcella, seconded by Councilwoman Reed, the meeting was adjourned at 7:07 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk

