

**TOWN OF NORTH HARMONY  
JOINT MEETING WITH TOWN OF CHAUTAUQUA  
AND SOUTH AND CENTER CHAUTAUQUA LAKE SEWER DISTRICT (SCSD)  
NORTH HARMONY SENIOR CITIZENS BUILDING  
MONDAY 6/1/09 7:00 PM**

**PRESENT TOWN OF NORTH HARMONY:** Sally P. Carlson, Frank Stow, Art Thomas, Ralph Whitney, Dave Stapleton, Louis Reig, Rex Tolman, Nancy Thomas

**PRESENT TOWN OF CHAUTAUQUA:** Ken Burnett, Jim Kurtz, Don Emhart, Joel Seachrist, Tom Carlson, Dave Ward, Sheila Hammond

**PRESENT SOUTH AND CENTER SEWER DISTRICT:** Jim Murphy, Christine Humphry, Jay Gould, Wally Huckno, Neil Robinson, Greg Yaw

**The meeting was brought to order at 7:00 PM.**

**Mr. Murphy** said the purpose of the meeting is to discuss moving forward with consideration of a sewer feasibility study for the southwest side of Chautauqua Lake and in advance of that a permissive referendum must be held.

**Ms. Humphry** said this means the residents have the opportunity to petition for a public referendum if they choose.

**Mr. Yaw** said this would mean each of the town councils would need to pass a resolution to fund the map plan and report and that resolution is subject to permissive referendum. He said that each town would need to post legal notice of this and the public has 30 days to respond. If a certain number of residents sign the petition, then a public referendum is held.

**Mrs. Carlson** asked if a town can hold a public referendum without a petition on its own volition.

**Mr. Robinson** said Town Law prohibits advisory referendum and public referendum requires a petition signed by 5% of the voting population of the last election.

**Mr. Stapleton** said he understood that the Town of North Harmony was going to approve this and go forward with Mr. Tolman's work subject to the permissive referendum.

**Mr. Carlson** said many of the property owners involved in this action are non-residents and have no voting power. She asked if non-residents can circulate petitions.

**Mr. Yaw** said under Article 12 of County Law anyone can circulate petitions, but he is not sure if they can vote.

**Mr. Stapleton** said the default would be registered voters with a determination of voting status based on state law.

**Mr. Tolman** said it appears that a hybrid style operation will be done because a map plan and report has specific requirements and what we are looking at is an RD, Rural Development style preliminary report. He said they are really different reports.

**Mr. Stapleton** said we don't have a specific project, so Mr. Tolman cannot give dollar amounts.

**Mr. Murphy** said that will be a part of the study which will include looking at alternatives and pricing each one to come up with the most cost effective solution.

**Mr. Stapleton** said he understood we would be developing a maintenance district with no specific figures because there is no specific project at this time. He said he thought we would form the potential benefit district as a plain vanilla type report much as the water district had been formed. He said then if there is a project we would get into a more expanded map plan and report.

**Mr. Yaw** said we would be trying to anticipate costs to fulfill the criteria of the Comptroller for approval.

**Mr. Murphy** said the environmental data from the SEQR would be incorporated into the map plan and report.

**MINUTES**  
**6/1/09 (Pg. 2)**

**Mr. Tolman** said we use the RD format because it is the most detailed of any of the grant agencies and if you cover RD you cover everybody.

**Mr. Murphy** said RD requirements will have to be met if you are looking for capital project funding. He said he presumed that the towns do not want to be in the sewer business and would look to the sewer district to take this over. He said the towns could contract with the sewer district for operations.

**Mr. Robinson** asked if the second step towns needed to take is to form their own districts or do they need to go to the county legislator if money is available and if both towns decide to extend the sewer line and ask that the county extend the SCSD to cover the towns.

**Mr. Murphy** said that the towns can form districts much faster than the SCSD can extend districts. He said once the towns form districts they can contract with the SCSD for operation, etc. of the systems or the SCSD can expand its boundaries.

**Mr. Stapleton** asked if you have to contend with the comptrollers cap on repayments from the local population.

**Mr. Yaw** said the procedure does require comptroller approval but doesn't involve permissive referendum. He said it requires multiple steps and authority by the county legislature and depending on the circumstances a limit on what the cost is in increased fee to the average household (about \$17.00). It then has to have comptroller approval and is a long drawn out process.

**Mr. Ward** asked if there was a consensus from the sewer board that they would take this over.

**Mr. Robinson** said the sewer board would like to see the lake sewered for many reasons including environmental ones and they certainly have the capacity to handle the expansion.

**Mr. Kurtz** said if the two boards decide to go ahead with the plan will there be problems with that application and taking it over from the towns depending on how it is designed.

**Mr. Murphy** said the facilities would have to be constructed in accordance with Local Law 694 which governs the construction and operation of all sewer districts in towns.

**Mr. Carlson** said he would prefer to see the SCSD expand without the town's involvement because this would just add another layer of government and confusion.

**Mr. Yaw** said this would prohibit moving quickly, but provisions could be made by Town Law to shift to a county expansion district level after the map plan and report.

**Mr. Seachrist** asked how far you would have to go into the process before the county could take it over.

**Mr. Yaw** said you would have to have the map plan and report first and that would be logical stage for the county to come in.

**Mr. Seachrist** asked if there is provision for reimbursement for the map plan and report through the county.

**Mr. Yaw** said yes.

*There was further general discussion of what is needed to proceed.*

**Mr. Tolman** said what we want to do is a district formation, preliminary engineering report and map plan and report all in one document.

**Mr. Stapleton** asked if the excess of the cost of installing this system beyond any grant funds received would have to be paid by the town residents who benefit.

**Mr. Huckno** said the two boards would have to pay Mr. Tolman's bill and asked what it would be.

**Mr. Tolman** said it is hard to define scope when you don't know what you are doing. He said they have flown the area and there is a cost to reduce that data to the 200 scale format. He said he has done a previous report for the Town of North Harmony on the Bootey Bay Project so some of the basic work is done. He said the engineering study for North Harmony could be done as a "not to exceed" \$30,000.00 cost and the Town of Chautauqua \$10,000.00. He said if you add up the complete reduction in data with the engineering report it would be approximately \$17,000.00 for Chautauqua and \$53,000.00 for North Harmony and that can probably be reduced some. He said Rural Development has a technical planning grant which

**MINUTES**  
**6/1/09 (Pg. 3)**

would pay for 50% of that cost (reimbursed after expenditure). He said we would have a very high chance of receiving that grant.

**Mr. Murphy** said with the map development would be another \$15,000 and with the 50% grant it would be approximately \$22,500 for North Harmony and about \$9,000.00 for Chautauqua. The grant would be reimbursement of money spent and could include money already spent with Kucera.

**Mrs. Carlson** asked if the resolution should be for a sum by North Harmony not to exceed \$60,000.

**Mr. Murphy** said Rural Development has a threshold of 10,000 people as a cut off. He said the sewer district currently is slightly below 10,000 and he thinks they would not help if the action were headed by the sewer district because it puts them over that threshold. He said they don't care who takes it over eventually and inter-municipal points would go away also. He said maybe the towns should ask the sewer board to pass a resolution to take over the sewer system.

**Mr. Yaw** said that would not be enforceable.

**Mr. Kurtz** asked how many properties would be serviced in North Harmony and Chautauqua.

**Mr. Murphy** said approximately 770 homes and they currently serve about 5,050 (including some commercial and industrial). There is no cost to those not using services.

**Mr. Carlson** asked if Whitney Bay could be included in the district.

*There was further general discussion.*

It was determined that Mr. Tolman will provide a scope of service and cost for both towns and the respective attorney's for North Harmony and Chautauqua will provide a prepared resolution for the expenditure of monies and expansion of the sewer district by Monday 6/8/09. It was determined that no contract can be signed until the 30 day permissive referendum period has expired.

**The meeting was adjourned at 8:15 PM.**

*Nancy Thomas*  
*Town Clerk*