

**ORANGE COUNTY SEWER DISTRICT NO. 1 ADVISORY COMMITTEE  
MINUTES**

**WEDNESDAY, MARCH 11, 2020  
1:30 P.M.**

PRESENT: Peter Tuohy, Chairman,  
Michael Amo, Katie Bonelli, Laurie Tautel, John Vero

ALSO

PRESENT: Leigh J. Benton, Legislator  
Thomas Faggione, Legislator  
Joseph Mahoney, Senior Assistant County Attorney  
Erik Denega, Commissioner, Department of Public Works  
Robert Gray, Deputy Commissioner, Department of Public Works/EF&S  
Mary Beth Bianconi, Partner/Senior Project Manager, Delaware Engineering, D.P.C.  
Frank Palermo, Supervisor, Town of Woodbury  
Anthony Cardone, Supervisor, Town of Monroe  
Stephen H. Welle, Mayor, Village of Harriman  
Gedalye Szegedin, Administrator, Clerk, Village of Kiryas Joel/Town of Palm Tree  
Neil Dwyer, Mayor, Village of Monroe  
Robert Courtenay, Councilman, Town of Chester  
Thomas Becker, Councilman, Town of Chester

Mr. Tuohy called the meeting to order at 1:35 p.m. and asked everyone to stand for the Pledge of Allegiance to the Flag. All committee members were present with the exception of Legislator Cheney who was excused and participated via teleconference.

Mr. Mahoney addressed the revisions to the local law establishing a limited reservation of treatment capacity at the Harriman WWTP. He referred to page one and two which now had additional footnotes, numbers one through six. He worked with Ms. Reed on this and the added footnotes identifies the sourcing of the information. They wanted to make it very clear that the agreement does not constitute a guarantee. They also added a requirement for sanitary sewer standards and other minor changes to clean up the language. They want to stress that there is no guarantee, so within the law, the developer acknowledges that the execution of the RTC Agreement or this local law guarantee the existence or availability of treatment capacity to the landfill development project.

Mr. Amo stated that it would seem fair if a person invested \$2 million to do something, they would have the right to distribute that cost throughout the units they are building. He asked what will happen if that amount goes above the market value. The next development that did not need to put up the \$2 million would set comparable prices for condominiums lower.

Mr. Mahoney stressed that the intent was not to focus on what the cost might be for each unit. If a unit is sold for \$50,000, and the unit is not sold because of this local law because that developer may have access to treatment capacity, that unit is not going to be sold at \$75,000 because of this local law. That needs to be evaluated on an individual basis. He wants to ensure that the \$50,000 unit does not get sold for \$75,000 because of this local law.

Mr. Tuohy mentioned that it is his understanding that it can be a reasonable cost, but not an excessive cost.

Mr. Mahoney confirmed Mr. Tuohy's comment. He added that the sale price of a home is going to consider the costs. That would include the purchase of the property, development, design, easements and construction. If an issue comes up where a unit is sold for \$75,000, that will be reviewed very closely because if the sale price should be \$50,000 and it is being sold for \$75,000, that is unacceptable. They do not want to inflate sale price because of this local law.

Ms. Bonelli commented that she had this conversation with Mr. Mahoney and Mr. Chapman previously. She clarified that they did not want to give an unfair advantage for this unit versus this unit because something was attached to it, because in the end, they may not even be able to accommodate.

Mr. Benton asked if they should specify the appraisals and state that someone should have the appropriate licenser. He suggested that the Director of Real Property could look at the appraisals.

Mr. Amo agreed and stated that he would like to have language to that affect in the law also.

Ms. Bonelli suggested they add, "any such appraisals conducted by a licensed appraiser."

Mr. Denega mentioned that as the Administrative Head, he would reach out the real property professionals within the county.

Ms. Bianconi questioned if price gouging did take place, what would happen. Would the RTC Agreement go away, will there be a penalty for violating the law.

Mr. Mahoney stated that they would be in violation of the law and the RTC Agreement would no longer be in effect.

Ms. Tautel stated that she was happy the concerns from the last meeting were addressed and added to the local law. She believed that enacting a local law such as this would lead them to dangerous territory. She wanted to make sure that the supervisors and mayors within the sewer district would have input on this.

Mr. Tuohy confirmed that they would address that later in the meeting.

Ms. Tautel further stated that within the law it states, "limited reservation of treatment capacity at the Harriman WWTP." She is a little upset because at the last meeting and meetings prior to that, although throughout the document it states there is no guarantee, it was all about the capacity in that pipe, the capacity in the main that the developer is investing in, but what she sees in the document is putting a reservation on the limited capacity at our sewer plant. She feels Mr. Chapman misled them at the previous meeting and she was angry about that.

Mr. Mahoney addressed Ms. Tautel's concern stating that no one was misled. The need for this local law is because of hydraulic demand capacity combined with treatment capacity, both issues need to be evaluated at the same time and that is why the law is so important. The reservation is so there will not be lateral permits issued to the developments upstream for treatment capacity at Harriman WWTP by signing the RTC Agreement.

Mr. Denega stated that they would not be discussing this if it was not for the lack of treatment capacity. It is all about treatment capacity. If it was conveyance capacity in the pipe, there would be no need for this local law. The developers behind them would be waiting for a pipe to get built and he would not care if they tied into it if there was an abundance of treatment capacity left downstream. It is all about the lack of treatment capacity that they are about to hit, which ties into the conveyance capacity in the pipe. Mr. Chapman did not intend to mislead anyone.

Ms. Tautel asked if the reservation would put them ahead in case, for example if Woodbury had a large development and they need additional treatment capacity and sewer, is there a difference.

Mr. Mahoney explained that this prevents the administrative head or staff to issue a lateral permit, the RTC Agreement, to any development that is upstream of the land development project. He showed Ms. Tautel where that was stated within the law.

Ms. Tautel had further questions regarding the language, "a schedule agreed upon with the Administrative Head," and Mr. Denega explained that the developer cannot stall and not be proactive and hold up everyone, therefore there will be a reasonable schedule in place.

Mr. Tuohy stated that about ten days ago he sent an email to the municipal leaders asking them for their projected growth, he only heard back from two or three. He was hopeful they would be at the meeting today, but they were not. Mayor Welle from the Village of Harriman estimated about 50,000 gallons, Supervisor Cardone from the Town of Monroe responded roughly 140,000-150,000 gallons, Mayor Eagan from the Village of Woodbury said about 250,000 gallons. The mayors and supervisors received the revisions to the local law and he felt that if did not hear any response from them and they were unable to attend the meeting today, he would like to proceed. He pointed out that they been meeting twice a month for almost a year. He would like to continue the discussion on the projected use. He wanted to reach out again to the municipal leaders to get those figures on growth and perhaps have a work session.

Mr. Amo pointed out that although it is very important to get the feedback from the municipalities, all local laws are subject to a public hearing with the County Executive so if they were unable to voice an opinion prior to this, they can at that point.

Ms. Tautel agreed but felt they should have the input now, opposed to having them come to a public hearing.

Mr. Vero stated that from what he heard at meetings in his area, Chester is most likely going to be at least six figures.

Ms. Bonelli stated that they were at the point where they have discussed the local law at least on three occasions, and it was done in a public forum. They had good input unlike years before with the municipalities. They need to have further discussions with these municipalities, and they need to move forward because government moves slowly. She felt they have exhausted their input as an advisory committee and if the municipal leaders that were present today who had a copy of the draft local law with the revisions are more than welcome to share with their attorneys and submit something in writing.

Ms. Bonelli made the motion to send the revised draft local law establishing a limited reservation to the Rules, Enactments and Intergovernmental Relations and Physical Services Committees with the revision "any such appraisals conducted by a licensed appraiser." seconded by Mr. Amo.

Motion carried. All in favor with the exception of Ms. Tautel who voted no.

Mr. Tuohy asked Mr. Gray for a status update on the meters bid.

Mr. Gray stated they expect the bids to go out this week, but they have been dealing with COVID-19. There were about ten contractors who bid on this last time and he was hopeful for a dozen more.

Mr. Tuohy scheduled the next meeting for March 31<sup>st</sup> at 1:30 p.m.

On the motion of Ms. Tautel, seconded by Mr. Vero, the meeting adjourned at 2:57 p.m.