

**MAY 18TH, 2009 TOWN BOARD MINUTES
WORKSHOP ON VANDENBURGH COVE**

At 6:50 Supervisor Traudt convened this meeting with Councilmember's Dod Crane, Ellen Silverstein, Dan Staley, Bruce Washburn and Counsel Scott Volkman and Engineer Ray Jurkowski present.

Tom Traudt explained this is an informational meeting regarding the Vanderburgh Cove Sewer District collection and treatment plant. The Town Board has been in communication with the Homeowners Association, the EFC of the D.E.C., Dutchess County Sanitation & Wastewater Corporation to try and find a solution to this situation. Everyone wants to solve the current problems. The Town has also applied for a Stimulus grant of \$25,000.

Scott Volkman gave some background; the current sand filter system was built in 1960 and rehabbed in the 1980's. The Town has been discussing a settlement with the homeowners and one of the major issues is the advancement of funds to pay for a new system. We are not ready to vote on any proposal tonight. Several years ago the Homeowners sued the Town and the judgment was in favor of the Town. Litigation followed and the homeowners appealed and now the Town has been negotiating with the HOA counsel. The main issue is that the Town will carry \$267,458 on the books and would forgive half of that amount, \$133,728.50. The debt service would be on the homeowner's tax bill; this will not include the yearly maintenance costs. There has been some consideration to the nature of the approvals. The State Comptroller is not willing to address this in a written manner; they always refer us back to the earlier decision since they are comfortable that the court case will be settled. The Town is trying to get funds from the federal government; it is shovel ready. We are always exploring new options. We are waiting on a determination for short term financing through the Environmental Facility Corporation. The DEC is watching us very closely and threatens fines of \$37,500 per day if we are not in compliance.

Engineer Ray Jurkowski explained the two existing sand filters are undersized. The Bio Clere system is a packaged plant and very compact in nature. This unit has been approved by both the Department of Health and DEC. The total budget is \$1.75 million; \$825,000 for the treatment system and \$925,000 for the collection system. The current treatment system is more problematic and the DEC could fine the town if there is an overflow. The useful life of a sand filter is 10-15 years and this subdivision was built in the 1960's. There is no emergency back up generator. When it rains these fields are overloaded. In 2008 two Bio Clere units were approved but we could not move forward due to the litigation brought against the Town by the HOA. We need the ability to keep the old system running while construction is done. We are now trying to resolve the litigation issue and look forward.

Dod is concerned about the fact that not all 40 residents are part of the HOA. Don't we need everyone in the association. The draft agreement assumes the legal entity is the HOA. Scott replied that the HOA is the organization that started the litigation. Scott said only 3-5 households are not in the HOA. Dod would feel more comfortable if Hyde Park reviewed this agreement and having a written statement from legal counsel that we can settle with the HOA even though there is not 100% membership. Mr. Volkman stated the Town Board is trying to keep the public informed and at this point opened up the meeting to public comments. This meeting was duly posted and noticed.

Sam Emelson, prospective home buyer, would like to hear a summary of costs. Mr. Jurkowski said the operational amount would be the same. The Bio Clere units usually last at least 20 years; some components might need to be replaced. The DEC routinely looks at all systems.

Mario Sausto feels the system has not been maintained properly. Why can't the Board realize there are open manholes in our neighborhood. The home run by the County has a manhole that constantly overflows.

Igon Oloffson pointed out that Millbrook has had the same problem and they fixed it. The development is being abused by the Town. The manholes need to be fixed before a new system is discussed.

Vincent DeBiase feels there are 2 issues before us; the procedure of agreement for the settlement and the type of repair. We need to resolve the litigation. We are at a point where the Town is willing to contribute. He is in favor of an agreement where the Town and Vanderburgh split the \$267,458.

Rose Ann Boyle wants to know if the DEC looks at the storm runoff problems. It seems we are just pumping water sometimes. She also wondered if there will ever be representation from Hyde Park. Mr. Volkman replied that Hyde Park Town Board has delegated Rhinebeck to operate the system. Dutchess County Waste Water could run this system and then Rhinebeck would be eliminated. She still doesn't understand why people in Hyde Park are not a part of this. Scott said it is simply not set up that way.

Susan Sausto asked what the cost of the new units will be and Ray said it will be \$1.75 million for the replacement of the collection and treatment systems. It will be a capital improvement. Mario Sausto said we never get budgets and Ray explained that there is always a budget public hearing each year where the budget is explained.

Kim Baker asked if the lawsuit is resolved and things move forward, what the timeline will be. Scott Volkman said in theory construction could begin this year. We are hoping for good news from the State for EFC financing. Short term financing is necessary during the construction phase. A BAN would be required after construction is complete. Scott pointed out that we still have the DEC and DOH knocking on our doors. Ray figures the construction would take about 5 months. When it is put out to bid a budget will be produced, this is a complete process.

Dan Adams feels there has been anger and disappointment over the years. This Town Board has been very responsive to our concerns. The homeowners have lost the lawsuit and yes we can appeal but it is time to move forward, this is a fair settlement. He asked the Board if there is anything the homeowners can do or people we can contact

to help with our funding. Let's start directing a positive energy for this project. Tom Traudt said it could not hurt to write your Senator and Congressman.

Irene Winnie, a 40 year resident, said the Town has offered the homeowners a fair deal, we should move forward. She wants to encourage her fellow residents to accept this agreement. This current Town Board is diligently trying to help solve our problem. She appreciates the Boards effort. Please speed this along.

Mike Del Monaco thanked the Town Board for all their efforts. We are trying to discuss the settlement tonight. The HOA should accept this settlement amount. Then the homeowners can help decide which system is chosen.

Hilton Weiss has met with Kevin Cahill and he has expressed an interest in possible funding. He asked the Board to contact his office.

Mark Scott asked the estimated annual cost to the homeowner will and Ray replied he will get that figure to the Board as soon as possible.

Sharon Zandt has lived here for 31 years and wants to also encourage everyone in this room to move and settle this stalemate. I am one of the Hyde Park residents and have always felt that Rhinebeck has taken care of us.

Mr. Sausto asked if there would a vote tonight and Tom explained we are holding this meeting to try and keep the public informed of our progress. There will be no vote tonight. Scott Volkman will provide a draft to Mr. DeBiase and then the Town Board will put on an agenda.

Rose Ann Boyle agrees that this is the first Board that has really paid attention to our concerns. She thanked the Supervisor for actually coming down and walking the site. We need to compare the sand filter and the Bio Clere. Help us make an informed decision. The costs are exorbitant

Dod is concerned if we negotiate with the homeowners and not all them are signed on, are they required to be on the system. Scott replied that all 40 lots are in the district, there is no opting out. Rose Ann Boyle asked counsel if he could cite the law why we can't opt out and Mr. Volkman said Article 12 of municipal law specifies the district requirements.

Judy Weiss pointed out that she couldn't get her own septic system through the county and even if she could she was told she would still have to pay the costs of the district. Sharon Zant stated the residents are frustrated. We all need the facts. We are becoming a divided community and we all need to reconcile and move forward. Michael Del Monaco said no one will be able to get approval for an individual septic system.

At 8:25 on motion from Dan and second from Ellen this meeting was unanimously adjourned.

Respectfully submitted,

Barbara Cunningham
Town Clerk