

**SCHUYLERVILLE / VICTORY  
BOARD OF WATER MANAGEMENT**  
Monday August 20<sup>th</sup>, 2018 at 7:00 pm  
Village of Victory

PRESENT:

Daniel Baker – Village of Schuylerville, Chairman  
Michael Hughes-Village of Schuylerville, Commissioner  
Leslie Dennison- Village of Victory, Commissioner

ABSENT:

Gary Wilder- Village of Schuylerville, Alternate Commissioner  
Timothy Healy-Village of Victory, Commissioner

BOARD ANNOUNCEMENTS:

Our next meeting will be on September 17<sup>th</sup> at the Village Meeting Hall at Victory unless the hall at Schuylerville is available.

BOARD CORRESPONDENCE:

Paul Nichols of Blackbird 1 LLC of 22 Church Street, a ten-unit apartment building, sent a letter to the board stating that he felt that the rates for water at his apartment building was, “exceptionally high.” Chairman Baker asked Treasurer Heyman to send him a reply stating that if he wanted to protest the billing amount that he should attend a board meeting to present his case.

MINUTES:

Chairman Baker stated that the minutes from the July 16<sup>th</sup> meeting were available for review and that he had sent out the previous meeting’s minutes to the members of the board to review. Chairman Baker asked if there were any questions, there were none. Commissioner Dennison made the motion to approve the minutes, Commissioner Hughes seconded the motion, all in favor.

TREASURER’S REPORT:

Bank Balances:	
Operating Account	\$ 274,310.56
Filter Account	\$ 122,200.50
Meter/Capital Reserve Savings Account	\$ 250,890.85
Water Tank Savings	\$43,755.14

## DCK PLANT OPERATIONS:

### ***Project Management***

#### *Tasks Completed in July 2018-*

- On the 21<sup>st</sup> the Victory plant Bray valve failed and needed to be replaced. The plant remained out of service through the end of the month as we waited for the shipment and installation. The new valve was installed on the 31<sup>st</sup>. The plant is now up and running as it should be.
- Batteries in the auto flushers were changed out. In the process the chain of one of the units snapped and we were unable to retrieve the unit. Currently we have four in the system, with the one on Church St. being OOS, we would ask the board to approve the purchase of two new units, one for replacement and one for the shelf, along with new chain for all five units. Chairman Baker noted that he would request quotes for that.
- Quarterly iron, thallium, manganese entry point samples collected on the 26<sup>th</sup> and transported to JH Consulting.
- Required monthly total coliform samples were collected and transported on the 30<sup>th</sup>.
- The lead and copper sample bottles along with instructions will be dropped at the approved DOH locations
- Cemetery/pond road project supplies ordered and full briefing on these under separate cover (weekly updates)

## OLD BUSINESS:

Water service replacement Pond and Cemetery. Lussier's will be replacing the last gate valve cover tomorrow. At 160 cemetery they were unable to locate the service line to the main in spite of the fact that they have exposed over 50 feet of main. Lussier's has asked the board for permission to do some exploratory digging on the property owner's land to find the line from the building to the curbstop. Billy Lloyd told Chairman Baker that the homeowners said that they were fine with Lussier's coming onto their property to find the line. Chairman Baker asked the board if they were okay with Lussier's going forward with this, all agreed, Chairman Baker made the motion, Commissioner Hughes seconded, all in favor

Broad Street and Ranger road repairs. Both locations developed a leak at the same time. Ranger road was determined to be a higher priority, as the residents on Broad Street still had water, just low pressure. Ranger road leak was a break in a 2-inch galvanized line which was serving as the main to the entire street. Parts were not on hand for this, as most mains in the villages are 6 to 12-inch iron. The Ranger Road repair went into the next day, as the leak presented itself on a Sunday and the DPW was unable to obtain the part needed to repair the line. A temporary repair was made using a wrap, and the repair was completed the next day.

The Broad Street repair was addressed at an emergency meeting which was held on Monday August 6<sup>th</sup> at the Village Hall at Victory. It was determined that the repair job was beyond the scope of the work that the DPW could manage and the board agreed to hire Lussier's to make the repair, as Lussier's was already local, doing the Pond and Cemetery replacements, and were able to mobilize quickly on this repair. They agreed to do the paving at the Broad Street repair site as

well as the Ranger Road site while they are seeding and paving at the cemetery and pond sites. Chairman Baker commended the Schuylerville DPW on the job. He also noted that the majority of the Schuylerville DPW were also fireman and had been out on a fire until 4am that morning. Class D license for DPW crew. Commissioner Dennison said that she had the requirements from the department of health, the application they would need to fill out and the certified courses they would need to take. Chairman Baker stated that Don Coalts was a member of NYS Rural water and that he could get reduced rates for the expenses related to these courses, and that Don Coalts would be looking into this when the Pond and Cemetery project was completed.

#### NEW BUSINESS:

Wendy Lukas FOIL request asking for a listing of all water users names, addresses and units. Upon referring to our attorney, we were advised that we could provide the addresses and units, but that it would be an invasion of the resident's privacy to provide both names and addresses together. We adhered to the advice and provided the FOIL request with names redacted well within the required time period.

27 Gates Avenue water leak issue (old church corner of Burgoyne.) Water service was turned off at this address as there is a leak between this property and the house behind it at 29 Burgoyne Street owned by Trish and James Bodnar. 29 Burgoyne Street has been experiencing water problems in their basement which has been determined to be a result of the unresolved issue at 27 Gates. Water service will be restored when the leak is repaired.

Chairman Baker addressed the persons who were attending the audience regarding the issue. Chairman Baker stated that when the leak was originally discovered, and Miles Lopez was informed of it, his statement was that he could not afford to make the repair to the line. Since then the leak has been determined to be a public nuisance and needed to be turned off.

Chairman Baker stated that as this was a private water line that the water board could not make any repairs that were beyond the curbstop.

The property owned by the Bodnar's was at one time the rectory for the church. Currently the Bodnar home has its own curb stop and its own line to the home, and the line which runs from the church to the Bodnar property is no longer in use. It has been determined that the line that runs from the church to the former rectory has developed a leak. This water has been leaking into the basement at 29 Burgoyne (Bodnar's) for several months and has escalated dramatically, and currently is causing issues with the sewer line from the Bodnar home, causing the sewer line to break and water is now coming up the sewer lines into the Bodnar home. The Bodnar's have been forced to leave their home and are currently staying in a hotel. At this point the water at 27 Gates was turned off.

Miles Lopez introduced himself. He questioned whether any of the board members were related to any of the Bodnar's. He questioned whether Bodnar worked for the Village of Schuylerville, and was informed that Bodnar worked for the City of Saratoga.

He went on to explain that there were restrictions written into his deed pertaining to the water and electricity lines that ran from the church to the other buildings that were at one time part of the church property.

He asked if there could be some sort of limit as to how long his water would be off.

He expresses concern that if the Bodnar's were to come onto his property to make repairs that they might damage his water or gas pipes or electricity lines. He feels that he should not be responsible.

He stated that he was under the impression that Mr. Bodnar was going to be working on the lines immediately. He stated that he felt that the problem was on Bodnar's property, and that he felt that the repair was Bodnar's problem.

At this point things became quite heated and Chairman Baker called them to order, reiterating that this was a water board meeting and that the issue at hand was a private dispute between the owners of the properties in question, as the water board is only responsible for leaks that are between the main and the curbstop. We as a water board have an issue if there is an exposed water line, pouring water out from our system and potentially contaminating the public water supply. We do not get involved in personal property disputes.

Lopez disagreed, stating that the issue was on the Bodnar's property and that he should not be expected to repair the line. Commissioner Dennison pointed out that when the line was turned off the leak stopped. Chairman Baker reiterated that this dispute is between private property owners. Any leak that was on any person's property would result in the water department shutting off the water until the leak was repaired.

Chairman Baker told the persons at the meeting that they needed to come to an equitable agreement amongst themselves, and that it was not our responsibility to dictate how they would rectify the situation.

The third resident, who did not introduce himself, expressed concern that if the water lines on the church property were dug up that he might have issues with his lines. He asked the board if there was a map of the water lines that he could access. Chairman Baker stated that there was a water map, which predated his time on the water board, but that it only showed the main lines, not private water lines and was somewhat unreliable.

Chairman Baker recommended hiring a professional contractor to correct this issue.

James Bodnar spoke. He stated that he had conferred with Lopez at the time when the water was first turned on and the leak developed in Bodnar's home. He stated that Lopez said, "not my problem" which Lopez denies.

The leak continued to worsen over time, culminating in the water backing up through the sewer line at a rate equal to a garden hose. This caused there to be sewage in the home, on the floor of his basement in his home. Billy Lloyd came to turn the water off, and the water stopped coming in and receded back into the sewer line. He addressed the issue with Lopez and Lopez showed him where the line was thought to "T" off. Bodnar offered to dig up the line on Lopez's property and Lopez declined.

It is at this point that Bodnar came to the water board to ask to have the water turned off.

His feeling is that when a person purchases property they assume responsibility to make repairs to issues that may affect the neighbors.

Baker suggested abandoning the old line and installing a new line to the main for the church.

Chairman Baker suggested maybe the three property owners could split the expenses, and stated that the board would move on to other business.

There was a proposed resolution to move money from the tank savings account, as the tank project was complete and there were still funds remaining in the account, to the operating account to pay for the Pond and Cemetery Road connection replacements.

Whereas a resolution is needed to create a journal entry to credit account number J.0960.000, Appropriations, in the amount of \$35,000.00 for the expenditure on the Pond and Cemetery

connection project and a debit to account number J.0599.000 Appropriated Fund Balance. Another journal entry will credit J.0203.000 Tank Repair in the amount of \$35,000.00 and debit J.0200.00 Cash for \$35,000.00. A transfer will be made by the Clerk-Treasurer from the tank savings account to the operating account in the amount of \$35,000.00, to be completed on August 20<sup>th</sup>, 2018.

Chairman Baker made the motion to approve the resolution. Commissioner Dennison seconded, vote was 3-0 motion passed.

#### PUBLIC COMMENT:

Wendy Lukas stated that she was appealing the denial of access by Cory Heyman, account clerk on the advice of the water board attorney, regarding her FOIL request, which was made on July 18<sup>th</sup>, 2018. She had requested one copy of the names, addresses and units for all Village of Schuylerville, Village of Victory and all outside users billed for water rents for 2016, 2017 and 2018. The names on the records were denied by the reference to NYS Public officer's law Section 87(2) and 89(2). She felt that her request should not have been denied. She provided the board with a document stating her reason for her position on the matter of the denial.

Chairman Baker stated that he would bring this to the water board's attorney's attention.

She also asked if the person whose water was off (Lopez) was being charged, Baker said that the water would be prorated.

She asked what the status was on obtaining water meters. She stated that she felt the system for billing was unfair.

Chairman Baker stated that the board had been given a presentation by a salesman on radio frequency meters. The projected cost to install meters in all homes and businesses was between \$700,000.00 and one million.

He also mentioned that the board was considering working with CT Male in regards to hiring them to work on obtaining a grant for meters.

Chairman Baker went on to say that the use of meters would for most people cause water bills to be higher, as the cost of installing the meters (\$700,000.00 to \$1,000,000.00) would be in addition to the current bills, which currently are based on cost to produce divided by units.

Chairman Baker also stated that the board was proceeding carefully, as this would be something that would not be reversible.

She also asked about the visitor's center, and if they were paying for water service. Chairman Baker stated that they were being charged when they were using the water.

She also asked about the reduction at Jason Young's property at 1 Ferry Street.

She felt that the Yacht Basin should be charged more, as she felt that the RV's were using more than they pay for. Chairman Baker assured her that the water board had done a full assessment of this property. She felt that the property should be reassessed.

Wendy Lukas said that the reduction had been done before the restaurant was completed, but Commissioner Dennison corrected her and stated that she had the minutes from the June meeting at which the reduction was made. The reduction was made after inspection by Gilman Albert (Village of Schuylerville building inspector) showed that the four-apartment building had changed to a restaurant (2 units) and one apartment, reducing that building to 3 units from the original 4.

Wendy Lukas asked if the water board had municipal e-mails. Chairman Baker stated that the e-mail for the water board was the address she had for Treasurer Heyman.

Wendy Lukas asked if Cory Heyman was directly hired by the water board. Chairman Baker said no, that Heyman was still hired through the employment agency. She questioned the retirement line on the budget, Chairman Baker informed her that that was from Commissioner Sullivan, and that he was now officially retired. She asked about the workman's comp expense, and Chairman Baker clarified that that was from the Theodore Derby claim, which was from the prior administration, and reminded Ms. Lukas that she was on the board at the time of the Derby claim, which was awarded because no board member was present at the hearing for his case, enabling him to get 100 percent of the claim awarded. Currently our premium is at \$23,901.94, entirely due to the Derby claim.

Wendy Lukas stated that she thought that Mr. Derby might have a business, and that she would send information regarding this, as, if he was employed or owned a business, he would no longer be eligible for workman's compensation.

EXECUTIVE SESSION;

None

AUDIT AND APPROVAL OF CLAIMS;

Chairman Baker made the motion to approve abstract 3 for \$83,006.96 Commissioner Dennison seconded, all in favor

ADJOURNEMENT;

Chairman Baker made the motion to adjourn, Commissioner Dennison seconded, all in favor, Meeting adjourned.

Respectfully submitted,

*Cory J Heyman*