

**TOWN OF JAMESTOWN  
TOWN COUNCIL MEETING  
for  
TOWN, WATER AND SEWER MATTERS**

Monday, March 20, 2006

A regular meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners was called to order at the Jamestown Philomenian Library, Conference Room, 26 North Road at 7:05 PM by Commission President David J. Long.

The following members were present:

Julio DiGiando, Vice-President  
William A. Kelly  
Michael F. Schnack  
Barbara A. Szepatowski

Also present were:

Bruce Keiser, Town Administrator  
Steven J. Goslee, Public Works Director  
Denise Jennings, Water and Sewer Clerk

**PUBLIC HEARING**

7:06 PM: Commission President Long opened the public hearing.

- 1) Proposed draft of the amendment to the Rules and Regulations of the Board of Water Commissioners as follows:

**URBAN WATER DISTRICT**

Subsection I of Section 14A is hereby amended as follows: (As advertised March 9, 2006)

I. Within the Urban Water District requests for water connections to single or two-family residential uses shall be granted by the Commission subject to the payment of a ~~\$2,000~~ \$3,000 connection fee for each unit, or such fee as is established by the Commission from time to time, as well as an installation fee as established by the Commission from time to time. The installation fee shall be \$1,850 for services installed on town roads and \$3,300 for services installed on state highways, or fees as are established by the Commission from time to time. Said connection fee shall be placed in the capital reserve fund for the purpose of making future improvements to the public water system while the installation fee shall be placed in the operating account to cover the actual installation expenses incurred.

Within the Urban Water District requests for water extensions to single or two-family residential uses will be allowed under the following conditions:

- a. That the owner, at his expense, shall extend a municipal water main in a street in accordance with the specifications approved by the Public Works Director. All cost associated with the extension including but not limited to engineering, materials and labor shall be the responsibility of the owner.

b. That the above described extension of water shall be designed and constructed consistent with the improvement of the municipal system and in accordance with generally accepted water and sewer distribution practices and approved by the Public Works Director, and shall be required for the purpose of insuring that the distribution and quality of water delivered to existing customers shall not be impaired.

c. All pipe and materials shall conform to AWWA specifications. The size of the pipe shall be a minimum of eight (8) inches or as outlined in the Fay, Spofford and Thorndike report of fire flows, whichever is greater. No recycled pipe or materials are to be used.

d. Extensions shall be looped and not allow for dead ends if feasible. If no public way is available to loop a line, the line shall be extended to the midpoint of the property requesting the extension.

e. That a performance bond with surety in an amount satisfactory to the Commission shall be required to insure the proper construction and completion of the extension.

f. That any service connection is subject to the payment to the Commission of ~~\$2,000~~ a \$3,000 connection fee or such connection fee as is established by the Commission from time to time, per a dwelling unit or per commercial unit.

g. Applicant shall install or replace existing plumbing fixtures with water efficient fixtures as specified in Rule 15 for new and existing construction and the standards adopted pursuant thereto.

h. Prior to service, all lines shall be chlorinated, flushed, pressure tested and water quality tested.

i. The Jamestown Fire Chief must be consulted as to the necessity of fire hydrants. A hydrant must be placed at the end of any dead-end street.

j. Consistency with system capacity as determined by the Commission.

k. That any service connection is subject to the payment to the Commission of an \$1,850 installation fee for services installed on town roads and a \$3,300 installation fee for services installed on state highways, or such installation fees as are established by the Commission from time to time, per dwelling unit or commercial unit. Said fee shall be placed in the operating account to cover the actual installation expenses incurred.

## SERVICES

20. When an applicant applies for service, except in conjunction with new main extensions, the Commission or its agent will furnish, install, own and maintain such new service connection. The Commission applicant will bear the cost of the service connection pipe and curb stop and their installation but will make a charge to the applicant. The applicant will also be charged for tapping the main, furnishing and installing the corporation cock and curb box, and for the costs of

excavation, backfill and removal and replacement of paving, walks, curbs, etc., necessarily incurred with respect to new services. Such charges shall be assessed in the form of an installation fee, said fee to be \$1,850 for services installed on town roads and \$3,300 for services installed on state highways, or such fees as are established by the Commission from time to time. Said installation fee shall be utilized to cover the actual installation expenses incurred.

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Commissioner Kelly stated that the proposed amendment was designed to increase the service connection from \$2,000 to \$3,000, per a dwelling unit or commercial unit and to also implement an additional impact fee as follows: That any service connection will be subject to the payment of an \$1,850 installation fee for services installed on town roads and a \$3,300 installation fee for services installed on state highways.

Commissioner Schnack expressed his concerns regarding the proposed installation fees and stated that all costs should be charged back to customer. Commissioner Schnack further stated that each situation is different and that some installations have more problems and some have less. Discussion followed. Administrator Keiser stated that he thought that the installation fee should also be based on time and materials. Commissioner Kelly suggested that the proposed fees be based upon actual time and materials and the proposed charges of \$1,850 and \$3,300 be set as the minimum. Commissioner Schnack agreed.

Commission President Long stated that if the Commission could come to an agreement on this simple change, he would like to open the hearing up for public comment and vote on this amendment tonight. Commissioner Kelly stated that the Town wants to encourage affordable housing and suggested adding an amendment to allow the Commission to waive the fees. Commission President Long stated that he was reluctant to do this. Discussion ensued regarding affordable housing and non-profit organizations.

Commission President Long suggested that the proposed amendment with the suggestions as discussed this evening be forwarded to Solicitor Parks to be redrafted and to continue the public hearing to the next Water and Sewer meeting on 04/17/06.

7:20 PM: Following no additional questions from the Commission, Commission President Long opened the public hearing to the public.

Valorie Malloy of 70 Columbia Avenue expressed her concerns regarding waiving the fees to affordable housing and non-profit organizations. Ms. Malloy stated that this matter could become a very sticky situation. Administrator Keiser stated that he will ask Solicitor Parks to review this matter.

7:25 PM: There being no further questions from the Commission or the public, Commission President Long closed the public hearing.

Motion was made by Commissioner President Long, seconded by Commissioner Schnack to ask the Administrator to forward the proposed amendment to Solicitor Parks to redraft the amendment as discussed this evening and to continue the said hearing to the next Water and Sewer meeting on 04/17/06. So unanimously voted.

## **AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS**

(None scheduled)

### READING AND APPROVAL OF MINUTES

1) 02/21/06 (regular meeting):

Motion was made by Commissioner Schnack, seconded by Commission President Long to accept the 02/21/06 minutes. Motion so voted, 3 in favor; Commissioners Kelly and Szepatowski abstained. Commissioners Kelly and Szepatowski were not present at said meeting.

### OPEN FORUM

1) Scheduled requests to address:

(None scheduled)

2) Non-Scheduled requests to address:

(No requests)

### REPORT OF TOWN OFFICIALS

1) **Pumping Report:**

- Pumping was down slightly compared to last year. This is due to the toilet retrofit program and leak detection.
- Rainfall was down for the month of February.
- North Reservoir is @ capacity-usable storage, 60MG
- South Pond is @ capacity-usable storage, 7MG.

2) **Town project reports:** (See Project Update Report dated February 2006)

3) Report from Michael Gray, Deputy Public Works Director/Town Engineer re: Copy of Memorandum from Commissioner Schnack to the Commission dated 01/17/06-Muir application

Commission consensus: To accept the report from Michael Gray, Deputy Public Works Director/Town Engineer re: Copy of Memorandum from Commissioner Schnack to the Commission dated 01/17/06-Muir application.

The Commission asked for clarification on a few items as reported by the Public Works Director.

### LETTERS AND COMMUNICATIONS

(None scheduled)

### UNFINISHED BUSINESS

1) **Effluent filter at the golf course** (cont. from 02/21/06)

Administrator Keiser reported that the Public Works Director and Solicitor Parks have met with the Mistowski's regarding this matter. Administrator Keiser further reported that he will be meeting with the Mistowski's this week to discuss the capital project. Commission consensus: To continue this matter to the next Water and Sewer meeting on 4/17/06. Discussion followed regarding the pipe route to deliver the water to the Lawn Avenue baseball field.

2) Application of Donald Muir (Plat 7, Lot 73; 44 East Shore Road) for **water service**

**extension** (cont. from 2/21/06)

a) Copy of Memorandum from Commissioner Schnack to the Commission dated 01/17/06  
(cont. from 02/21/06)

Commissioner Szepatowski stated that in the past she has taken care of Mr. Muir's cat and that her company designed his septic system. Commissioner DiGiando asked if this was a fiduciary issue. Commissioner Szepatowski stated that she has not taken care of the cat in approximately 6 months.

Commissioner DiGiando referred to the report submitted by Michael Gray, Deputy Public Works Director/Town Engineer re: Copy of Memorandum from Commissioner Schnack to the Commission dated 01/17/06-Muir application and stated that it appears as though there may be a septic system and water problem. Discussion ensued regarding the following:

- Relocation of the septic system (ISDS) and the expiration of the applicants permit
- Relocation and a variance for a new well
- Coastal and setback restraints
- The applicant exhausting all options regarding the Commission's requirement to drill a well
- Washing machines and offsetting the annual average of 37,000 gallons

Christopher Kehoe, Esq. stated that he was present this evening to represent the application of Donald Muir (Plat 7, Lot 73; 44 East Shore Road) for water service extension. Attorney Kehoe distributed a binder with exhibits to the Commission and the Town Administrator and briefly described the contents.

Attorney Kehoe stated that upon his review of the Rules and Regulations of the Board of Water and Sewer Commissioners, it is his opinion there is no difference between the extensions and the connections and that as far as he can see no other applicant has been put through this test. Attorney Kehoe referred to the applications of Ronald Wilkie and Suzanne Bricker Sullivan for water service extensions and stated that in the case of Wilkie it was stated in the minutes that it was unfair to enforce an unwritten policy. Attorney Kehoe further stated that in the application of Sullivan the Commission did not require the applicant to drill a well and that these applications were granted by the Commission. Attorney Kehoe stated that his opinion, his client has exhausted all options and the Commission is placing an unfair burden on the applicant and that his client is willing to work with the Commission to offset usage by purchasing washing machines as discussed at a previous meeting. The Commission briefly discussed the information submitted and the comments made by Attorney Kehoe.

Commission President Long stated that the Commission is trying to be fair and suggested that the Commission digest the information submitted by Attorney Kehoe and that the Commission get an opinion from Solicitor Parks regarding Attorney Kehoe's comments.

Commission Schnack stated that he feels that the Commission does not need to discuss this application any further and should deny the application tonight. Commissioner Kelly stated that he would like to get an opinion from the Solicitor.

Motion was made by Commissioner DiGiando, seconded by Commissioner Szepatowski to ask the Solicitor for an opinion and continue the application of Donald Muir (Plat 7, Lot 73; 44 East Shore Road) for water service extension to the next Water and Sewer meeting on 04/17/06. Motion so voted, 4 in favor; Commissioner Schnack opposed.

**NEW BUSINESS**

(None scheduled)

**BILLS AND PAYROLL**

Motion was made by Commissioner Schnack, seconded by Commissioner DiGiando to approve the Water Bills and Payroll. So unanimously voted. Motion was made by Commissioner DiGiando, seconded by Commissioner Schnack to approve the Sewer Bills and Payroll. So unanimously voted.

Commissioner Kelley asked for clarification on a few items as listed in the Water and Sewer Bills and Payroll. Administrator Keiser stated that he would discuss these items with the Finance Director and report back to the Commission.

**TOWN BUSINESS**

(None scheduled)

**ADJOURNMENT**

There being no further business before the Commission, motion was made by Commissioner Schnack, seconded by Commissioner DiGiando to adjourn the meeting at 8:26 PM. So unanimously voted.

Attest:

Denise Jennings  
Water and Sewer Clerk

xc: Commission Members (5)  
Town Administrator  
Town Solicitor  
Public Works Director  
Town Clerk