

Town of Olive
County of Ulster
State of New York
Monday, April 4, 2022

Minutes of the Public Hearing on Local Law #3 of 2022 amending the Sewer Use Law, held Monday April 4, 2022 7 pm at the Town Hall, Bostock Road, Shokan

Members Present: Jim Sofranko, Supervisor
Drew Boggess, Board Member
Scott Kelder, Board Member
David Edinger, Board Member

Not Present: Victoria Read, Board Member

Recording Secretary: Dawn Giuditta, Town Clerk

Others Present: Gene Sorbellini, Recreation & Facilities Director; John Mathiesen, CWC Environmental Engineering Specialists; Nicholas Warner, Lamont Engineering Project Engineer; Allison Phillips, Young/Sommer LLC; Amanda Winne, Deputy Town Clerk

Supervisor Sofranko opened the Public Hearing on Local Law #3 of 2022 amending the Sewer Use Law meeting at 7:08 pm by thanking everyone for attending. He stated that tonight there were two public hearings on proposed laws. The first one is a public hearing on the Sewer Use Law and the second is on the formation of the Shokan Sewer District. He advised that the format for the public hearings is a legal requirement when a town proposes a local law and the purpose of the public hearing is for the Town Board to listen to the public and take in the comments that you have on these two laws. Then the Town Board can make decisions going forward based on those comments. A question and answer public information meeting was held on March 22, 2022 that we received a lot of information from. This process is going to take several months to unfold, it is the Supervisors impression after doing an informal poll of the Town Board members that this will likely be put out for referendum at some point. He informed the public that the time frame will take a minimum of 3 months to do, so there won't be a vote on this until maybe late summer. He stated that this is called a public hearing for the Town Board to hear you, it's not a back and forth question and answer, but he did ask the representatives from Lamont Engineering, Catskill Watershed Corporation and Young/Sommer LLC to be present to listen to your comments. These representatives will be available after the public hearings to informally answer any questions. Supervisor Sofranko stated if anyone would like to stay and speak with them directly, please do so. He asked that comments be kept to about two minutes so everyone can get a chance to speak, to state their full name and address for the record. Supervisor Sofranko stated he wanted to make a comment on something that came up at the last meeting. He said that when people hear about this they figure that the septic program is going away, the immediate reaction is that it is blackmail. He wanted to make a point that there are nuances that people should understand. In 2016 when the NYSDOH responded to NYC's report on the state of Shokan and invalidated that report, and asked them to come up with an alternative program other than the septic program administered by the CWC; that was the end of the septic program. It isn't because of any decision you make; you vote, yes; you vote no

or you opt out, you don't opt out, whatever you do. There is no septic program once we get to a certain point in this process. Supervisor Sofranko wanted to make that clear, it's not something being held over your head as a decision you made. It's something that inevitably is going to happen here.

Supervisor Sofranko asked Dawn Giuditta, the Town Clerk to read the public hearing notice which was placed in the Kingston Daily Freeman on March 25, 2022.

Richard Henning- 135 Mountain Road, Shokan. Mr. Henning stated he will be on the system if it's built and he is in favor of it. He thinks it will enhance their property values, it will leave them free of headaches with their septic systems in the future, and it will protect their wells. He stated this is a good thing and he is looking forward to supporting it in the future. The Sewer Use Law he looked that over as well. He stated he has some educational background with masters in both computer science and environmental science. He likes that there is no discharging anything hazardous in the system. He thinks it's a good procedure and overall he likes what he sees. The technology is very good as well, much better than the plants he visited many years ago. Only 5mg of ammonia instead of 18 or so that's very good.

Dawn Naccarato- 2 Shokan Park Road. I wanted to say that I'm not in favor of the sewer system, and I am also not in favor of the Town Board deciding this, and thinking it was their right to keep us in the dark as long as they have considering how long this project has been going on. The people of this town should have had more information and more voice prior to today. The residents put you where you are that doesn't mean that you get the right to decided huge changes to the town without checking with the people who put you here. I feel like we were kept in the dark because it just feels easier and more efficient without having us informed to make this process go through quicker. I wanted to go over some topics that were discussed at the last meeting for clarification. There will be 100 plus easements needed in order to do this project, and if those easements are not allowed by the homeowners because of where they are through their property then that property will be taken by eminent domain. The homeowners will be responsible for electrical costs as well as maintenance to the pump and any lines on their property. When there needs to be repairs to the infrastructure and /or maintenance of the pipe lines above the already annual fees the residents will have to carry the burden and incur additional costs. So, besides the annual \$100 plus the \$50 or \$60 fee and the possible \$2000 fee for the grinder pumps each person, there are going to be other fees that are going to be put upon the residents through any maintenance that needs to be done to the infrastructure and pipes. Some of the reading that she is getting and she stated she could be misinterpreting it is based on the discretion of the Town Board. The Town Board aren't going to be here 15 to 20 years from now, the discretion is going to be based on who is sitting on the Board then, which is going to be completely different. She believes things need to be a little clearer than just at the discretion of. I am not really seeing the win here for the individuals that have a working functioning system. If my system is not leeching into my neighbors well it's not going to leeching into the reservoir. I don't see the benefits. I don't see where the benefits outweigh the damage that's going to be done to the roadways, yards, and the amount of trees to be removed, the animals that will be displaced and the years of noise and construction that will happen with this project. It was also stated that you could have some say as to where the pipes go through or within your property and if it's still not suitable we get to opt out, but with that we lose the opportunity of having assistance. The thing is NYC is legally responsible to ensure that clean water to the city is required. They're legally responsible. The systems they want to put in place are about \$26,000, a normal system can be put in for a lot less than that. So, if they're not going to help and something

happens to my system I'm going to be using one that is more efficient for me as long as it's not leeching into my neighbors it shouldn't be an issue. They were fine without the interference and the reason it seems more like it is happening because the Town Board wants to bring in businesses into Shokan. I am not for the sewer system and I am not for more businesses. I don't want to be Phoenicia, I don't want to be Woodstock. I love the fact that I live in a small country town, I don't want to see that change. I'm sure that there are other people here that feel the same way. I have lived here for 22 years and I don't want to be Woodstock, I don't want to be Phoenicia. If I wanted to live in a city I would have moved to one. I signed the petition for the referendum and it sounds like we are going to get that.

Susan Jaworski- 90 Red Maple Road Shokan- I was unable to join the last meeting and she understands the questions a lot of people have brought forward and their concerns about the sewage system in Shokan. I wanted to start with the base line from what I read is that NYS has stated that we cannot maintain clean water and I'm assuming that's both for the city and our town in Shokan. We can no longer maintain clean water with the current septic systems that are in or above ground. That's what I read that NYSDOH says. So, although I would love not to have disruption and big change to the community. I trust NYSDOH to make a reasonable judgement on whether, and I think they used lot size, the level of the water table and the soil to say that Shokan cannot sustain the current system that NYC planned for it and maintain our drinking water and the city drinking water. So, given that I am pleased that NYC is being made to foot the bill for a different solution. I am here today because I heard through the grape vine, and Jim just said that our elected Board Members are choosing to not go forward with this when NYS said my water will not be protected if we all choose to stick with our septic systems above ground and some people talk about the trees being taken down. If anyone knows someone who has had one of the new septic systems put in that meets current standards they have lost their whole backyards forest of trees. My particular property, I was told has no secondary location, no options for my beautiful little forest being taken down. It's not even big enough to meet the new standards for my 4 bedroom house. So, it is really surprising to me that any of you would say let's put this up for a vote and potentially have this community decide that NYS Public Health is not working in our best interest to keep clean water. Trees, roads and having to give up a few easements so my home can have clean water. People are mentioning how many years they live here, I've lived here 37 years but think clean water is a very important item for our home.

Charles Groeters- Church St Shokan- Last week I asked about the pump station in Boiceville and the pressurized line coming up to Shokan and you said that we could hook up to it. You said everybody would have to have a pump to over pressurize the line to allow their septic system to pump into the line. What, except for a check valve, is stopping that from failing, and the yard and house from filling up with septic water? Why can't we run a line behind the houses on Church St to VanSteenburgh Lane, nobody would need pumps, there would be no pump stations on Church Street, just a thought. To the Town Board first I'm in favor of this project it will improve water quality and allow for growth in Shokan. I'm not in favor of the design. Why build a brand new building in Shokan. The CWC is hell bent on destroying half of Boiceville. You need to tell the CWC and engineering firm to come up with an alternative design. A plan that doesn't involve decommissioning the Boiceville Plant, but expanding it to accommodate the sewer water from Shokan. Run your non-pressurized line from Shokan to Boiceville that people can hook up to without pumps, and worrying that their property may be flooded at any given time. Keep the proposed plant wooded and not an eye sore that we have to look at forever. Their plan needs to be looked at to allow water to run naturally through piping without the use of pumps to move the water. Like I suggested on Church Street. It will save on maintenance, repair and electrical.

I'm sure everybody here is highly educated, professionally responsible to do the right thing. The only thing is we need a little more common sense. For where I stand this is a one and done project vote for or reject it, lose it forever. You on the Town Board need to do your due diligence and get this right. Although I am in favor of the project I will vote no for it as it is currently presented.

Allison Irwin- Shokan Park Rd- Allison had several questions in her comments on the Sewer Use Law, which Jim informed her she could go over with the representatives at the end of the public hearing.

Suzanne Downie- Shokan Park Road- When I came two weeks ago for the question and answer I can honestly say that I was neutral. I didn't know, I'll check it out, could be good, and could not be good. Could be good for some people and not good for others, and after the meeting I honestly didn't know if I should feel insulted by you guys or embarrassed for you. We had so many people asking on point questions, smart people, and we got a lot of I don't know, I don't know, I don't know. So, a couple of those questions were, whose going to get the grinder pumps, the other was where are the 8 substations going to be, 100 residents will have to get easements and if they don't the lawyer did say eminent domain. So, I feel like things were sprung on us and we're still not getting answers to our questions. I talked to Nick afterwards and I gave him my phone number. He said he really needed to talk to me. I still haven't gotten a call. Looking ahead I'm thinking so far it doesn't seem so good, I don't know maybe it will be great. The other thing that really bothered me was the gentleman from the CWC and Mr. Sofranko both phrased this idea, think about the person that has a small lot and can't add on to their home, and I want to say to people or to you guys, what about the people that have to sign away property rights, and to who? I don't know if I'm one of the people, I don't know. Who are we signing it over to? I think it will behoove whoever is going to be signing these to talk to an attorney. It's another thing for people to do, attorney fees now. So, this whole think about the other residents. Its like trying to pit the residents against the residents and please don't do that. I don't even know if I'm in favor or not, it could be beneficial for me. I think everybody should vote how they feel, if it's good for you or not. Don't start with this thinking about other people. I do know that it will be good for businesses, bigger businesses that want to come in. This is where we want to live. You guys have to do a way better job of giving us some answers before we vote on this. I think it should absolutely go to vote. I know we are pushing back the future but at least we'd have a say.

Craig Grazier- Parker Lane, Shokan- I'd like to back up what Susanne said, a lack of information. I came to the first meeting and I think you are short sighted by not going to the town line for the whole commercial district. If this was the people's republic of Woodstock it wouldn't be standing. They'd cover the whole commercial district. I think a lot of questions have been raised that should have been addressed before these public hearings and they may be answered later on, but I concur with statements previously made that there are more questions than answers. So, in general I'm in favor of it only because of the increase in property value, but then again, a lot of questions have been raised, and no answers. So, maybe you better get jiggy with it.

Bill Mahon- Shokan Park Road- So the timeline that this thing has been brought to the people's attention is pretty much the biggest issue you guys have. There are a lot of issues that I, just from my knowledge that I explained to people that have asked me questions about grinder pumps and stations that, honestly that's your guy's job. You should be 2 years prior to this moment explaining these things to people, you would have a significantly better backing. You got to make people feel comfortable with the project your doing, you need to make people realize it is beneficial to them. Without all the risks that

are going to be incurred with this project. There is too many variables in this thing that just can't be seen with outside eyes. There are a lot of people here that are bringing things up that take common sense to figure out. There's a lot of good old school knowledge in this area. There are a lot of engineers, excavation companies, there are a lot of guys that have been here 70 years. The fact that you guys want to dismantle the Boiceville Plant and turn it into a pump station and exceed 200 feet of elevation head pressure to pump to a plant uphill, anything I've ever explained or done in business is to let gravity and mother nature do the majority of the work. You got to run generators; you got to run pumps last I checked gravity has always worked well. You guys have tried to execute this thing in a forced manner, using ways that are just irrational, its silly, its foolish. Who pays the electric bill on the pump stations? Who pays the electric on the plant? You don't need those massive bills for all these big head pumps, and if you haven't noticed the cost and price of everything is going up. People speak of the raise in property value. Raising your property value also raises your taxes. You have older residents that will have their property value go up, they're on a fixed income. You have to think about the residents. I understand there are a lot of businesses that want to come to this area, but if you bring in big businesses, you're going to ruin this area.

Suzanne Downie- Shokan Park Road, Shokan- Think about the people this will negatively effect. Think about the people who will sign away their property rights forever.

Mike Jaworski- 90 Red Maple Drive Shokan- Asked Supervisor Sofranko to clarify some things he said in the beginning of the meeting Supervisor Sofranko stated that he would not be answering any questions at this time. This is a public hearing to listen to comments that the public wants to make, but he said he would speak with him informally after the public hearing.

Erin- Park Drive, Olivebridge- I agree with a lot that has already been said, but I Just wanted to add and emphasize that I think there's practical reasons this project should move into the construction phase, however; what worries me the most is there is additional compacity built in to the system for growth. I don't feel comfortable that the Town of Olive has a plan for smart sustainable development. Just seeing what's happened in the last couple of years, that's my main comment. If this project moves forward, I would like to see some more intentional plan concerning the growth that the system has additional compacity for.

Nancy Harian- Red Maple Road, Shokan- I did speak two weeks ago when we had a meeting, but I just wanted to add two things. One, is that I completely agree with everything that Dawn has said, so its not necessary to bring some of these things up. But I would like to say that we have had two incidents in the last few years where next door neighbors have either done some digging or had a septic system put in and it has greatly affected our well and I am afraid that sewers going to do the same thing. It effected it to the point that the last time something was done a couple of months ago we had to drink bottled water. So, this is just something to consider how much will whatever's done to put in sewers effects people's wells.

On a **Bogges/Edinger** motion, the Town Board closed the Public Hearing on Local Law #3 of 2022 at 7:47 pm.

Aye: Bogges, Kelder, Edinger, Read and Sofranko **Nay:**

_____, Dawn Giuditta, Town Clerk

Town of Olive
County of Ulster
State of New York
Monday, April 4, 2022

Minutes of the Public Hearing on the formation of the Shokan Sewer District, held Monday April 4, 2022
7 pm at the Town Hall, Bostock Road, Shokan.

Members Present: Jim Sofranko, Supervisor
Drew Boggess, Board Member
Scott Kelder, Board Member
David Edinger, Board Member
Not Present: Victoria Read, Board Member

Recording Secretary: Dawn Giuditta, Town Clerk

Others Present: Gene Sorbellini, Recreation & Facilities Director; John Mathiesen, CWC Environmental Engineering Specialists; Nicholas Warner, Lamont Engineering Project Engineer; Allison Phillips, Young/Sommer LLC; Amanda Winne, Deputy Town Clerk

Supervisor Sofranko called the public hearing on the formation of the Shokan Sewer District meeting to order at 7:48 pm.

Supervisor Sofranko asked Dawn Giuditta, the Town Clerk to read the public hearing notice which was placed in the Kingston Daily Freeman on March 25, 2022.

Allison Irwin- 26 Shokan Park Road, Shokan- I have talked to a few people, and they have said they were in favor of it, and that it would increase their property value, but they really don't understand why its so complicated, it seems that it's set up that there are so many ways it could fail. Isn't there a better way to do it, is there a smaller way to do it. Then along the same lines some people have said why can't we just use the Boiceville one, and then when I look at the engineers report I see there are some issues with the Boiceville one, it talks about the ammonia removal, which I don't know what ammonia removal issue is. It also said flooding, wherever they put this thing before it has flooding and it has ammonia issues. So maybe that's why they don't want to do it, they want Shokan to be bigger with more businesses, short term rentals, so I thought they can't do that because the Boiceville has flooding and ammonia issues, so why don't we make the Shokan thing, and have everybody go to the Shokan thing, because we can't justify having two of them. So, I feel like all of this was kind of like a justification for bigger Shokan or something. I mean I said it last week, but this is the official thing, this is the largest project that they have ever done. I looked online and most of them are 130 people this one is like 530 plus the 120 from Boiceville. That's what there going to be working with. It just seems like it's going to happen so quickly. Again, about the 100 easements. Its \$32,000 for a septic you could make a 1000 septic systems for what you're going to do this for \$48 million. You already made and paid for all these septic systems, some have only had them changed 3 years ago. I said something about the indemnity issues before, what happens if the pipe bursts and everything floods and my building is now damaged. I

thought Kevin had said we would pay for it, so what I was thinking is really what he is saying is we would pay for it, because once they build it, we're responsible for damages. Are we going to be paying for anytime something goes wrong? It says if there is a problem the town would pay, are they going to raise the money through us? It sounds like that law talks about the sewer charges, residential something fees, I'm thinking what the \$100 fee is and what is the surcharge thing? It also says that the town can at any point make it more. So, that seems so open ended. The environmental impact statement, why are we not doing the full environmental impact statement? Its not really clear about the opting out, what happens with that. What are the benefits to residents that already have working septic systems? If the focus is businesses and growth in Shokan, why don't they run the line along 28 and put it on the Boiceville Sewer System?

Bill Mahon- Shokan Park Road, Shokan- So a couple of simple things that I didn't get in the last time. Seeing how this is a little ridiculous seeing how this project has been going on for so long and this is the first chance people have to get to speak. I understand you don't want this thing going on forever, but people have some valid concerns.

Supervisor Sofranko stated that letters and comments can be sent to the Board or myself. If you write them and send them in, they'll be on the record.

Bill Mayhon- So, we're finding out now that Boiceville Plant is not really working, while it has ammonia issues and all that stuff that's not so good. I'm sure everyone is concerned on how well we are going to do building this new plant, and if the plant that they built down there is already starting to incur issues. This is basically the sewer plant, end game beneficially for the city. Everything in term is beneficial for the city, yes, we benefit but realistically if we have working systems, there is only a handful of true offenders we can retrofit them with presby systems. So, there's ways to mitigate the handful of problems, real problem people. If they are the ones incurring the majority of the benefit of this, why don't they up the ante and allow us to use some of their land. A lot of the head pressure issues they have you could achieve by running the pipeline through the rail trail, which they have already dug up, there happy to dig up their property when it benefits them. There's a lot of things in this project that are just not well thought out, and I think that's the majority of the concern. I do see the benefit of a sewer plant, I do see it for businesses, so I understand why Boiceville and Shokan need the sewer plant. I think a lot more people would be on board if you guys just pump the brakes, even if it's for a year and came up with a second version.

Susan Jaworski- Red Maple Road, Shokan- I didn't attend the last meeting and I'm listening to folks come up here, and what really concerns me is people make statements at this podium and there is an assumption that their investigation is complete and real, because I hear other people responding to it. The fact is, the design is being worked on. I'm going to take one example that you were slow in getting us this information. I have been having conversations with Board Members since I was notified of this sewer plan, and I understand that certain data is not available because designs have to be done. Designs have to be reviewed; designs have to be altered based on public comments like this. So, there is a lot of information and I'm just using this as one example, something I heard said at this podium, there is a lot, I just want to share, there is a lot of data going into this and moving forward on the schedule to insure we meet NYS Health requirements for clean water for our water and the city water. The statement that NYC is the biggest benefactor of this is a historical thing only. It is not a statement today that I just heard at this podium. The benefit of this is NYC is required to meet NYS new clean water

health guidelines. We are the benefactor of it, and so people are coming up to this podium and just making statements and there not necessarily the fact and that concerns me. I think Craig said it well there is a lot of information that needs to go out, I actually have been asking so I know a lot of the information isn't available yet, it is important. I have property here; I'm very concerned about trees being taken down all the same concerns of other people. I just wanted to make that statement, that because something is said at this podium does not make it fact. We have to work with these teams , use real data so we all get the best system with the least disruption to our homes.

Richard Henning- Mountain Road, Shokan- I just want to say that a lot of people here are concerned about these grinder pumps. I don't think they are a problem especially if your house is not below the grade level of the street you're on. You're probably not going to have a grinder pump as far as the other pumping stations go they're required. I've been through this before when I was a little kid. I was living in New Jersey we had sewers installed in our neighborhood. We had a pumping station at the end of our street, nobody had a grinder pump everything flowed. The pumping station at the end of the street didn't bother anybody and didn't cause any problems. So, this is not as complicated as it sounds. If there are pumping stations around, they don't really make much noise, they aren't going to bother you. These grinder pumps are rare I'd be surprised 5 or 10 houses in the whole place ends up with one.

Allison Irwin- Shokan Park Road, Shokan- I wrote letters, emails, you very nicely gave me a little bit of information since August. Is there a repository for all these letters if we send emails are they somewhere in a file where concern people have regarding this? If there is no repository, where are they going?

On a **Sofranko/Boggess** motion, the Town Board closed the Public Hearing on at 8:05 pm.

Aye: Boggess, Kelder, Edinger, Read and Sofranko **Nay:**

Dawn Giuditta, Town Clerk