

**Board of Trustee Public Hearing
May 11, 2010**

The Board of Trustees for the Village of Cold Spring held a public hearing on Tuesday, May 11, 2010 at 7:00 PM at Village Hall, 85 Main Street, Cold Spring, NY to hear comment on proposed local law #1 entitled: A Local Law to Amend Village Code Chapter 97, "Sewers," By Amending Section 97-3, Definitions and Word Usage and By Repealing Section 97-5, Permitting Composting Toilets.

Attending: Mayor Seth Gallagher and Trustees Bruce Campbell, Charles E. Hustis III, J. Ralph Falloon and Airinhos Serradas

Also: Stephen Gaba, Village Attorney; Michael Armstrong, Chair of the Special Board; Gregory Phillips, Water Superintendent; Donald MacDonald, Chair of the Zoning Board of Appeals; William Bujarski, Building Inspector and Rita Shaheen, Park Planner for Scenic Hudson

Mayor Gallagher read the public hearing notice and proposed local law. He then provided some history on the development of this proposed local law.

Meeting was then opened up for public comment.

Greg Phillips, speaking as a resident of 10 New Street, sees the code as a living document that can be amended but thinks a couple of things should be checked. 1. He thinks the process is anaerobic not aerobic. 2. With regards to 97-5E, installation and inspection fees, at the time this request was made he (as Superintendent) had no issue with looking into this change as an alternative considering the distance from the sewer line, location and elevation changes. However, the issue is that fees allowed in code should be required. Anyone hooking up to the system would have a \$750 hookup fee for water and for sewer. His recommendation as a resident is that the initial hookup fee should be the same as for anyone in the village. The village is amending the code to absolve the party of hooking up to the system. He wants to see \$750 be the minimum fee for installation. Also, the units will be located inside the village limits and will need to have inspections performed on a regular basis. The village should make sure that the toilets meet standards set forth in code and for that, a flat rate fee for each composting toilet (2) should be charged for observation and inspection. If a report needs to be generated, that could be arranged as to the condition of units and complaints logged. This would bring equity to residents that are paying for the systems.

Mayor Gallagher asked if he recommended quarterly inspection. Greg Phillips responded monthly inspections with a quarterly summary. To that end, quarterly flat rate fees should be charged with no consumption charges. If the property is developed and the party hooks into the sewer system, then the village could waive that fee as they have already paid.

S. Gaba commented that the board had envisioned a one-time fee up front. The village can charge operation & maintenance costs for hooking into the system but these facilities are not being hooked up. The village can charge for inspections or any ongoing work but it needs to be tied to inspections if you are charging overtime. The board can make minor modifications to a law without re-noticing. In order to change the fees section could change the words "Prior to" to "Upon" inspection and approval

Rita Shaheen of Scenic Hudson appreciates that this has been brought to the village board and the public and that it is moving forward as a positive alternative for the village. She sees this as an appropriate use and has done a lot of research. The proposed units are environmentally friendly and will have an attractive exterior along with a maintenance plan. She read a section of the specifications that states that the process is distinct from anaerobic...biochemical by aerobic organisms. Scenic Hudson is looking for something that is more sustainable to help the village and is not trying to avoid fees. She understands the hookup but does not understand the quarterly monitoring.

Greg Phillips explained that if the board didn't change the code flat rate fees would be involved. The sewer fund would lose potential for flat rate fees. Other village properties that are not connected to the system but are located within 150 feet of our sewer main are paying flat rates. If a change is made, it opens the door for everyone.

Mayor Gallagher pointed out that the law is limited to parks. Stephen Gaba explained that the fees must be commensurate with the process, inspection or other service provided by the village to the property. The village cannot charge for operation and maintenance as a revenue raising measure. The board can require quarterly fees provided that you are performing inspections.

Greg Phillips suggested an annual permit with a fee attached. Attorney Gaba stated that the board had discussed a yearly special permit use with a fee attached but decided that this was more complicated and they wanted to keep it simple. The village will end up in the same place but it will take more calculation to get to the appropriate fee. If an annual permit fee is used there is more leeway in terms of setting it as opposed to inspection fees.

Rita Shaheen asked if we have looked at other municipalities to see how they handle this. Mr. Gaba added that they either charge no fees or a fee upfront.

Trustee Campbell asked about the maintenance plan. Ms. Shaheen will provide additional information on this. Scenic Hudson is exploring a maintenance plan with the company that will be providing the units.

Trustee Falloon commented that he agrees that fees should be kept more in line with what everyone else pays in the village. With the facility being remote, he thinks the units should be inspected once a month and he supports inspection fees that would be the same as everyone else that is within 150 feet of the sewer line.

Greg Phillips proposed a short form assessment to ensure the units are acceptable to minimum standards. If incidents occur, there are homes close to this location.

Ms. Shaheen inquired as to the timing of establishing fees. In response, Mr. Gaba added that after the law is adopted and filed, the board will have a resolution that will set terms and amounts.

Liz Armstrong of the PCN & R asked if fees are charged will it set a precedent and then the village will need to charge for ball fields and if these organizations balk then it will create a different problem with people going into the woods. Mayor Gallagher responded that the fee will not be set at an excessive level.

Trustee Serradas asked for description of unit and Ms. Shaheen provided a drawing. He commented that it is not inappropriate to ask for a monitoring fee. He wanted equity for residents and wanted to avoid selective enforcement. Furthermore, he would consider having a bond in the event that the unit fails. He requested additional information such as

comparisons with other municipalities, the opinions of the ZBA, Planning and Historic District Review Boards and the Board of Health. He added that the board depends upon the expertise of other boards and is in a better stance with their input.

Bill Bujarski inquired about the obligation to file with the Building Department. Attorney Gaba advised that the applicant would need to apply if they are putting up a structure.

These applications will primarily come up with site plan approval.

Michael Armstrong asked if the board could waive the inspection fee based upon a report from the owner based upon a maintenance agreement and subject to random inspection by the village. If an inspection detects a problem then waiving the fee would be forfeited. The village will not be burdened but will have control. He sees this alternative as less of a burden on the village and minimizing expense to the owner.

In summary, Mayor Gallagher pointed out that one change had been made by changing the words "prior to" to "upon". The other village boards will be asked for any comments. Trustee Hustis moved to hold open the public hearing until next month and seconded by Trustee Serradas and unanimously approved.

Trustee Campbell asked if the liaison would seek input. Mayor Gallagher recommended sending an official request to all boards and to let them know of our deadline.

Respectfully submitted,

Mary Saari, Village Clerk