

## **Responses to Resident Questions posed during the Public Hearing (April 14<sup>th</sup> – May 12<sup>th</sup>)**

### Public Comment #1: Joe Messineo

- Q. Please provide an assessment of the number of trees that will be directly destroyed by this project and an estimate of the trees indirectly that will die over a period of years because their root structure will be destroyed by pipeline excavation. Destruction of these trees will impact the bucolic nature of Salt Springs Road.
- A. We are unable to determine the number of trees that could be impacted at this time. The exact water main alignment will be determined during the design phase of the project. Detailed design cannot commence until district formation and environmental review are complete. The proposed water main alignment is intended to be within road right-of-way (ROW) as much as feasible. Trees within the ROW will be avoided and protected to the best of the project's ability during construction.

### Public Comment #2: Joe Messineo

- Q. B&L stated that their fee for this phase of the project is fixed at \$15,000. Given the amount of time and resources they have applied to this proposal I would like to know how many billable hours they have spent on this project to this point. I would like to know what their rates and fees will be for final design and supervision of the project. Their fixed fee of \$15,000 appears to be very low or possibly it is a loss leader. Ken K. was quoted as saying "we are in it to win it." I interpret this jargon to mean that the real financial prize for them is the final design and supervision of this project. If this is the case, I believe that they are inherently biased and there is evidence that they are understating the full cost to home owners to connect to the water main.
- A. Much of this information is confidential. B&L will complete its scope of work in accordance with the contract.

### Public Comment #3: Joe Messineo & Sheila Ben

- Q. The assertion that the connection cost is about \$2,700 is very low. Many homes are set back from the road 100-400 feet with some as far back as 1,000 feet. These facts lead me to believe that \$2,700 is grossly under estimated. In my case, the cost to remove trees, trench, install, and recover the land will be \$30,000 - \$40,000. & Cost if NOT shallow rock? What is cost to connect if deep rock and 250 feet set back? Risk to property if blasting necessary?
- A. The project provides water service to the property line (edge of road right-of-way) for non-vacant properties. Connection to the water service is the responsibility of the property owner. Every property is unique and therefore general estimates and typical scenarios have been presented to assist residents with understanding potential connection costs for their property.

Public Comment #4: Joe Messineo

- Q. Other than the B&L fee of \$15,000, how much has the town of Manlius spent in pursuit of this project. A careful study should be made of all activities and the full cost with overhead should be applied in response to my request. The citizens of the town should know that this money may be coming out of the general fund and it is an economic burden being shifted largely from 29 home owners who live on Horseshoe lane to the entire town.
- A. B&L: \$12,160 services through 01/23/21
  - B. Costello: \$6,106.25 services through 03/31/21

Public Comment #5: Joe Messineo

- Q. Who is going to distribute the required petition? What level of detail will be provided? The message should be carefully crafted to be complete and unbiased. For example, simply asking people if they want public water would be a gross simplification that few would say no to.
- A. Petition distributors have not yet been determined. General project information and costs outlined in the Map, Plan and Report are typically included with the petition. Petitions will be made available at the Town Hall for signature as well as the Map, Plan and Report.

Public Comment #6: Joe Messineo

- Q. I would like a full explanation of why the Town Board opted to use the 202B provision in lieu of the public survey methodology that was used in the previous attempt of a few years ago and as was indicated in earlier in this process.
- A. The NYS Section 202b process is required by NYS Town Law for improvements to an existing district, such as the Skyridge Water District. The Article 12 process is for new district formation only (district formation by petition), such as the proposed Salt Springs Water Districts.

Public Comment #7: Joe Messineo

- Q. Has there been a comparison of the water quality of OCWA water to a small sampling of wells on Salt Springs Road? The contents of the OCWA water are frequently measured and publicly reported. This is an important metric that may alter the frequent comment from supporters of the project that public water is always better than well water. Water hardness is a problem that is easily solved and comparatively inexpensive when compared to the fixed and annual cost of this project. My water has been tested and contains no chlorine, fluoride, nitrates or pharmaceutical waste. This scientific comparison should be conducted.
- A. No, there has not been a comparison as individual well water quality could vary. Public water supplies are regulated by the Environmental Protection Agency under the Safe Drinking Water Act (SDWA). Regulation enforcement is delegated to the NYS Health Department and the Onondaga County Health Department. Refer to OCWA's 2020 Annual Water Quality Report for details regarding OCWA water supply, treatment, quality, etc.
  - B. [2020 Annual Water Quality and Water Supply Statement – OCWA](#)

Public Comment #8: Joe Messineo

Q. The B&L report dated March 2021 refers to evidence of Native American archeological remains and recommends a low level of due diligence relative to the need to investigate the site. What if human remains or other artifacts are found that requires further investigation? Who bears the cost of this possibility? Have local Native American Nations been notified of this possibility? If so, have they opined on the possible disruption of this identified site? What will be the expected delay and impact on project cost?

A. A Phase 1A archaeological survey was anticipated based on previous comments from NYS State Historic Preservation Office (SHPO) to previous projects in the general Salt Springs Road area. However, recent correspondence from SHPO provided an opinion of No Adverse Effect on historic and archaeological resources contingency on a construction protection plan implemented for 8473 and 8142 Salt Springs Road. This will be addressed during the design and construction phases. Any potential archaeological survey and associated costs will included as a project cost. The Oneida Indian Nation was included as an Interest Agency as part of SEQR, and no comments have been received to date.

Public Comment #9: Joe Messineo

Q. Bonding is estimated to be for a tenure of 30 years at a subsidized rate of 2.20%. Who is subsidizing the rate or by what means is the rate adjusted? It is stated that 2.20% is a market rate which in the banking world indicates that it is an indexed rate. What is the exact index being used? What is the spread over the index in Basis Points (Bps) that is being assumed? This should all be viewed in an economic environment where interest rates are historically low and inflation is reportedly increasing which will adversely impact borrowing rates.

A. The NYS Environmental Facilities Corporation (EFC) subsidized rate is two-thirds of market rate at the time of long-term loan closing in accordance with the NYSEFC/DOH 2021 DWSRF Intended Use Plan. A market rate of 3.3% has been assumed at this time.

Public Comment #10: Joe Messineo

Q. Why was the route along Salt Springs Road chosen versus what appears to be a shorter route as follows? a. Connection at Seneca Turnpike and Eagle Village Roads; b. Proceed east along Seneca Turnpike; c. Proceed north on Palmer Road; d. Palmer becomes Gulf Road as it crosses Salt Springs Road; e. At this point the water line would arrive at Horseshoe Lane

A. The water service from Seneca Turnpike via Palmer Road was determined to be unfeasible due to limited capacity and hydraulic concerns.

Public Comment #11: Joe Messineo

Q. It would appear to be far less expensive to drill 29 wells for the folks on Horseshoe Lane than to spend \$9 million for an entire water district. Depending on well depth, the cost could be \$10,000 - \$15,000 per well. If there are lot size restrictions the town could consider approving a variance for this neighborhood.

A. This options is not feasible due to conflicts with existing private septic systems and lot size.

Public Comment #12: Joe Messineo

- Q. One of the main drivers for this water district is the Horseshoe Lane water infrastructure deficiencies. This problem was identified many years ago. When was the last time the people in the Horseshoe Water District increased their annual assessment to begin to address the lack of funds to replace the system? More specifically, if there is no record of the exact timing on an increase, if ever, has there been an increase since the last time this issue came up approximately 4 years ago?
- A. Large capital improvement projects are typically funded through the issuance of municipal bonds that are paid back by benefiting property owners, as is the plan for the proposed project. Town to supplement answer as needed.

Public Comment #13: Joe Messineo

- Q. Why is Clear Path rated at only 3 EDU's. They operate a commercial kitchen/restaurant, a spa, and a dog training facility? It is not unusual for a restaurant to be rated at 20 EDU's. The public should know that the EDU rating is directly proportional to the debt burden carried by Clear Path.
- A. The current equivalent dwelling unit (EDU) assessment lists Clear Path as 2.0 EDUs for the Manlius Salt Springs Water District and 1.5 EDUs for the Sullivan Salt Springs Water District. EDUs for atypical properties are assigned based on water usage equivalent whereas one (1) EDU is equivalent to 160 gallons per day with a minimum of one (1) EDU for a property receiving water service. The EDUs current listed for Clear Path are based on self-reported water usage. The proposed project will require OCWA water meters for all connected users and thus actual water usage will be verified. Joint project EDUs will be reassessed on a yearly basis and the cost will be redistributed accordingly.

Public Comment #14: Joe Messineo

- Q. Most excavation contracts include what is known as a "Rock Clause." In the event that the contractor encounters subsurface conditions that prove to be more difficult and expensive to remove what are the financial consequences to the Towns and the Water District members? Is it possible or legal for the assessment to exceed the Comptroller's legal limit?
- A. The Town of Sullivan and the Town of Manlius have both conducted multiple preliminary subsurface investigations along the Salt Springs Road. Additional subsurface investigations and geotechnical evaluation will be completed the design phase of the joint water project. In the current cost estimate we have a line item of \$1.5M for rock excavation costs. Prospective construction bidders will be supplied with the soil boring information to base water main installation costs.

Public Comment #15: John Belton

- Q. Will the new proposed water district require any zoning changes?
- A. No, zoning changes are not required.

Public Comment #16: Joe Dodd

Q. The residents in the Town of Sullivan on Skyridge Rd. will benefit from the proposed Salt Springs Water District, why are they not included in the proposed district?

A. The proposed water main corridor in the Town of Sullivan only includes properties that front Salt Springs Road.

Public Comment #17: Barb Wilson

Q. Is there a chance that the remaining funds Horseshoe Lane has paid annually, could be given to others in the new District who are unable to foot their bill for connecting?

A. No, NYS Town Law would preclude such a transfer of funds.

Public Comment #18: Barb Wilson

Q. Will it cost Horseshoe Lane residents money when OCWA has to bring in water if our wells fail?

A. Yes, Skyridge Water District residents would be responsible for such a cost as part of their existing operation and maintenance agreement with OCWA.

Public Comment #19: Faith Binder

Q. Horseshoe Ln residents were told by the Town in 2011 that our water tank needed either painting or replacing. It is 2021. We were told that the pipes from the tank to houses were not necessarily sound or useable over more time- in fact there was no information known about the material or fitness of those connections. Has any of this been updated.

A. The booster pump station located on Horseshoe Lane was built in 1997. The existing water tank was constructed in 1962 and was recoated in 1992. The condition of the underground chlorine contact tank was installed in 1962 is unknown. The existing galvanized steel main was installed in 1962. The majority of the existing infrastructure in the Skyridge water district has outlived its useful life.

B. [Documents – Salt Springs Water District Project \(saltspringswaterproject.com\)](https://www.saltspringswaterproject.com)

Public Comment #20: Barb Wilson

Q. Will there be more aggressive efforts on the part of the board to seek funds from Onondaga County and/or the State or Federal level to help bring costs down between now and the final vote?

A. Yes, potential grant funds will be sought for this project as described in the financing plan. In order to apply for funding the project needs to complete district formation, environmental review, bond resolutions, and execute intermunicipal agreements.

Public Comment #21: Deborah Tooker

Q. What are the commercial interests?

A. Private commercial interests are unknown. Any future development would be needed to comply with Town zoning and planning requirements.

Public Comment #22: Barb Wilson

- Q. There is a misperception that Skyridge Water District has been irresponsible in its fiscal management of our water system and should have saved enough money to be able to repair or is this true in the opinion of the Board? Could someone on the Board comment on the positive impact on all those who live in the proposed district, including Clear Path for Veterans?
- A. The Skyridge Water District has not been irresponsible in its fiscal management. Large capital improvement projects are typically funded through the issuance of municipal bonds that are paid back by benefiting property owners, as is the plan for the proposed project. Positive impacts include access to a reliable source of regulated drinking water, fire protection, and being part of the larger OCWA system to help offset costs of O&M.

Public Comment #23: Sheila Ben

- Q. Has property been purchased or to be purchased, cost?
- A. Property will need to be purchased or easements secured for the proposed tank and booster pump station. This step cannot be progressed until the design phase of the project.

Public Comment #24: Barb Wilson

- Q. How about a tax break for everyone in the district the duration of the debt?
- A. NYS Town Law would preclude tax breaks for water district debt.

Public Comment #25: Susan Button

- Q. Do you know that the Horseshoe Lane Association includes residents on Salt Springs Road?
- A. Yes, the existing Skyridge Water District includes three (3) properties that front Salt Springs Road.

Public Comment #26: Stephen Benson

- Q. Are there any tribal legal aspects associated with this project?
- A. The Oneida Indian Nation was included as an Interest Agency as part of the environmental review process (SEQR).

Public Comment #27: Faith Binder

- Q. Is there any connection between Property Value and the 'weight' of that vote in this case?
- A. NYS Town Law Article 12 requires petition signatures of at least 51% of the total assessed value of the proposed district for the Town Board to consider formation of the district.

Public Comment #28: Barb Wilson

Q. From Horseshoe Lane's perspective, we have been dealing with this issue for 10 years because that was when OCWA told us we had to repaint our tank, replace our tank, or look into tying into OCWA's public system. Our involvement started when Clear Path and the Town of Sullivan got the go ahead for grants to pay for their share (their cost at the time), And Horseshoe Lane proposed that the Town look into the possibility to extend what was already planned into our neighborhood. Is that accurate?

A. Generally yes. The current Joint Salt Springs Water Project is the latest iteration of those efforts. District formation is needed to proceed.

Public Comment #29: Roni Morgen

Q. The number of houses are expanding in the area and there is only so much water in the land... the water level seems to be slowly lowering. There may be more people who want this than those that don't want it?

A. Public interest has been gauged thru numerous interest surveys and outreach efforts. The proposed project corridor is based on that feedback.

Public Comment #30: Faith Binder

Q. Can you explain why the residents are responsible for the cost of this project? If a water problem erupts at the High School or in Academy Hill do they bear the cost? Is it different?

A. NYS Town Law dictate district formation requirements and cost bearing responsibilities for benefiting properties.

Public Comment #31: David Sheridan

Q. I am extremely opposed to this project. I have two wells that need to be connected, roughly 1000 feet of excavation...you saw Taylor's cost estimates. Also, I'm confused that my property is not shaded as part of the water district.

A. Vacant Agricultural District properties are excluded from the proposed district given they cannot be assessed an EDU and to comply with NYS Smart Growth guidance.

Public Comment #32: David & Andrea Scamehorn

Q. We are not listed in the most recently published engineering document as an owner (see addendum for Manlius-Proposed Salt Springs Water District EDU's), the former owner of our home is listed. We checked online, and indeed we are listed in the Onondaga County Property tax system, and we have paid taxes. Since this list is inaccurate, who will assure that each property impacted will have up to date owner information listed so when the actual petition is circulated, it doesn't disenfranchise actual owners? There are a few homes that have also recently sold near us, and it is important that those impacted are the ones actually voting on this issue.

A. Project reports include 2019 tax parcel data given project development in 2020. Article 12 petitions will be certified by the Town assessor who will have current tax parcel data.

Public Comment #33: David & Andrea Scamehorn

- Q. At the last meeting there was discussion regarding the estimated costs that were published for hooking up to the system. There was a point made about the area actually having a large amount of deep rock, which is difficult to excavate, more expensive and necessary blasting could then potentially damage foundations. The whole project was estimated to be \$9.2 million, but if the preliminary engineering did not accurately reflect the deep rock deposits that are along this route, and the depth needed for this pipe (at least 5 feet to ensure it doesn't freeze) could it actually be substantially more expensive? Were the initial soil survey tests drilled to this depth (5 feet) to assess the rock along the route? If the estimate is wrong, and a decision is based on this, who bears that additional expense?
- A. The Town of Sullivan and the Town of Manlius have both conducted preliminary subsurface investigations using test pits along Salt Springs Road to determine rock depth. Additional subsurface investigations will be completed with soil borings and geotechnical evaluation during the design phase to further verify rock depth and type. The project cost estimate includes 1.485M for rock excavation based on the preliminary subsurface investigations. Prospective construction bidders will be provided with this information to estimate water main installation costs.

Public Comment #34: David & Andrea Scamehorn

- Q. In the FAQ sheet on the website, there's a question regarding the cost of the project. The response states there's a range, but only provides one number (\$9.2M). What could the high end be? If it is more than 9.2 million, who pays for the excess, is it then part of the bond and all homeowners will pay a larger amount per year to cover the bond?
- A. The cost range that was stated in the FAQ was regarding project previous alternatives including MacClenthen, Strawberry Lane, North Eagle Village Road, and Duguid Road. Interest survey results resulted in those alternatives being excluded from the proposed project. The \$9.2M costs is for the proposed project – Salt Springs Road and the Skyridge Water District.

Public Comment #35: David & Andrea Scamehorn

- Q. The Project Engineer for B&L, stated in the April 14 meeting "we are in it to win it." What does that statement actually mean? Are we getting an accurate, unbiased review of all of the costs associated with the project and the actual need for it? Or, is the data skewed to a decision that benefits a company that is awarded the contract for construction? Can B&L or an affiliate of theirs bid on the project, if it is approved?
- A. All cost estimates and information presented are based on unbiased, factual information. B&L is a consulting engineering firm and does not provide construction contractor services.

Public Comment #36: David & Andrea Scamehorn

- Q. If you look at the section in the report that outlines financing for a proposed bond of the project, there is something called the 50% rule. (Page 12) Does this mean that the amount homeowners would pay for the bond would increase over the life of the 30 year bond? Can anyone on the Town Board explain what these financing terms are or what they mean? It seems the assessment will escalate every 10 years and not be a flat amount for the 30 year term of the loan and residents along the entire route will pay more than just \$803/year minimum. (Page 15)
- A. The 50% rule is defined in Section 6.2.3 of the Skyridge Water District Improvements Preliminary Engineering Report and Map & Plan and is applied to reduce initial burden, account for monetary inflation and potential additional EDUs. The "50% Rule" is accepted by NYSEFC and applies 80% of the annual debt cost to payback years 1 thru 10, 100% for years 11 thru 20, and 120% for years 21 thru 30 for a 30 year loan.

Public Comment #37: David & Andrea Scamehorn

- Q. Can you provide more reliable data relating to the importance of fire hydrants? Do you have actual data and numbers about what savings in insurance rates or increase in value to homes that they will definitely have? If you make that claim, you should provide verifiable data that shows this and not just an assumption. Home value increases are only realized when a home is sold. That depends on the market.
- A. Fire protection is provided via hydrants with a minimum fire flow of 500 gallons per minute at 20 psi. Potential home insurance savings cannot be quantified as private insurance carriers vary. Home values generally increase with available utility service but there are too many variables with every property to specifically quantify.

Public Comment #38: David & Andrea Scamehorn

- Q. For the 29 homes in the Skyridge district, exactly what other options were considered in the past? There were comments at the April 14 meeting that several options were previously considered. What exactly were they? An additional well to replace the 3rd one that was shut off as part of the district several years ago? A larger tank? Better pumps? Costs/impacts? There was a letter in the Engineering document dated June 4, 2013 from OCWA to the Town of Manlius Supervisor and copying the Skyridge District representative Philip D. Berrigan. It clearly states that they should start putting aside funds in capital reserve to fix their aging system. In the 8 years since the letter was received, has that district set aside any funds or increased their own fees to help save for and mitigate this? If not, why not? If yes, how much? What are the current additional fees do they pay for maintenance of their system? Also, if grants are available for proposed new projects, are any grants available for districts like the Skyridge District to update their systems?
- A. The Skyridge Water District Preliminary Engineering Report and Map & Plan evaluated a "replace in-kind" alternative. This alternative was not cost effective when compared to the project Joint Water Project. Large capital improvement projects are typically funded through the issuance of municipal bonds that are paid back by benefiting property owners, as is the plan for the proposed project. State and federal grant funding is anticipated for this project but cannot be applied for until district formation, bond resolution, environmental review, and intermunicipal agreements are completed.

Public Comment #39: David & Andrea Scamehorn

Q. Who is interfacing and working with this issue with the Town of Sullivan? Is it B&L or a member of the Manlius Town Board? A couple of the Town Councilors stated it was important to work with neighboring towns – this is a benefit of a project like this. But if the Town of Sullivan has scheduled no action at all, and is not working actively on this issue, why are we doing this?

A. A Joint Project Committee including representatives from both Town of Manlius and Sullivan Boards, OCWA, B&L, and the project attorney meet monthly. The Town of Sullivan has been an active participant in the Joint Water Project. It is anticipated they will proceed with Article 12 district formation of the Sullivan Salt Springs Water District in May/June 2021 in accordance with the project schedule.

Public Comment #40: Joe Messineo

Q. Since the project was converted to an expansion of the existing Skyridge Water District why is the Town paying for all the legal, engineering, and miscellaneous expenses from the Town's general fund? These expenses should be charged to the Skyridge Water District and not to all the citizens of the Town of Manlius. The primary beneficiary and initiator of this proposed project is the Skyridge Water District.

A. Project costs including planning can be assessed to the Joint Water Project districts, should district formation be completed.