

Questions for Town Board Proposed Water District 5

1. Questions with answers to the creation of a municipal water district for use as a municipal water system for a single water district and as backup water supply system to the Village of New Paltz and its associated water districts.

- a. If the petition fails to get the necessary support for the creation of a Water District, what happens next? Can the Town and the DEP use the water on 101 Plains Rd. anyway?

The Petition has been signed by a majority of the residents of the Plains Road community who would be included in Proposed Water District No. 5. The Town Board will formally accept this Petition and continue the legal process necessary to consider the formation of the proposed water district.

- b. If the petition meets the 51% assessment requirement and all signatures are deemed valid, what other criteria must be met before the petition is accepted and the water district project moves forward?

No other criteria must be met. The Petition must be accepted by the Town Board and a Public hearing on the matter is then set for consideration of the Town Board to establish the water district.

- c. Has the Town received a petition in favor of establishing WD #5? If so, when was it received; and when, and by whom, will the evaluation of that petition be completed. If the Town has not yet received a petition, has a deadline been set for its submission?

The Petition for the water district is was received by the Town Board at its regular meeting held on November 19, 2015.

.Is the Town Board aware that by providing TIMELY answers to our questions IN WRITING, it will enable residents to make an informed decision regarding WD #5, and as a result more residents may be inclined to sign the petition.

- d. It has been stated by the petitioners that the DEP will put water bladders on the lawns of 22 homes during the shutdowns, and will not mitigate any water problems for the remaining homes within the Plains Road community? Is this true, and if so, which 22 homes have been designated, and how were they chosen? In what document is this limited

mitigation stated and explained? Why has this information not been shared with the Plains Rd. community?

Based on a review of data collected during the July well pump testing, a review of the information contained in the Phase II investigation's 2014 Final Report and in consultation with the Water projects Engineer and Project's Hydrogeologist, it was projected that up to 22 homeowner wells might require temporary water supplies to insure that water service was available to all homeowners during the 10 week maintenance shutdown period when the 101 Plains Road wells were pumped at this 400 gallons per minute maximum pumping rate. This temporary water supply to homes would not be necessary when public water service is available through an established water district.

- e. What is the status of the negotiations for the sale of land on 101 Plains Rd. to the Town. It is still unclear as to whether the entire parcel will be purchased by the Town, or merely the acreage necessary for the well field, pump-house and treatment structure.

The well field property is in negotiations and our Attorney is currently working with the land owner's attorney on the property.

- f. Is the Town, as purchaser, or David Roehrs, as the seller, responsible for obtaining the conservation easement on the 101 Plains Road property?

The Town does not own the property at this time so no plans can be made for privately held land. In the case of conservation easements the legal requirement with any Easement is that the easement and landowner are separate. Land owned by the Town of New Paltz would have the easement held by another responsible party, ie. an environmental protection group/association.

2. According to the IGA's *Exhibit B – Milestones* (p. 31 of IGA) completion dates have been set for the various milestones for the Ground Water Systems “project.” Are these dates firm or are they given as suggested/ preferred dates? Can the DEP impose penalties on the Town or claim “default” on the part of the Town, thus nullifying the IGA? (i.e., SEQRA – complete by 10/18/15; Establishment of WD#5 – complete by 11/27/17; Negotiation of Construction IGA – complete by 11/27/15....). Is each milestone a prerequisite for the subsequent milestone shown on the schedule?

Milestones in the IGA were based on the Effective Date of registration of the IGA by the DEP, the registration allowed for reimbursement of expended funds by Town from the NYCDEP. These dates were set at the time of the IGA and the DEP has the right to default the Agreement if they

believe missed key dates jeopardize the implementation of the project so that it would not be beneficial to its purpose of providing a backup water supply. The DEP acknowledges that early phases of the project activities are requiring more time than initially scheduled when the IGA was developed in early spring.

3. What is the current status of SEQRA? When will the public input requirement of the SEQRA process take place?

The SEQRA review process has begun. Field data collection has been completed. An environmental report must be developed before the information will be available for public review and comment.

4. Have some answers to the 40 questions document changed, and if so, which ones? Why has not a corrected copy been put out?

The 40 Q&A document has not been changed since the updated September 14, 2015 document that is published on both the Town and Village websites. The Town Board encourages additional questions be submitted by members of the community to continue the open dialogue as the project proceeds.

5. If a water district is created, for how long will residents receive no water bills?

A \$125,000 contribution from the NYC DEP has been negotiated by the Town with the NYC DEP to pay water costs to the proposed Water District No. 5 customers. This contribution will apply to the first 6,000 gallons of water usage per month (which has been accepted by the Town as average water use of a single-family 3-bedroom home). The contribution will only be used to pay for water use up to 6,000 gallons per month per water district customer – usage above this 6,000 gallons per month will be billed to and payable by the water district customer. Based on that 6,000 gallons per month average water use and an estimated water rate of \$3.00 per 1,000 gallons of water used, it is estimated that these monies will pay water rates of the users for 5 to 6 years.

6. If someone opts out of municipal water, will they still have to contribute to water district costs from “day one,” or will those costs, if any, be incurred only after the DEP subsidy period has expired?

Those homeowners that opt out of being supplied with public water service will not receive a water bill until the time that they connect to the public water service. From the time of a future connection, the new water district customer will pay for the water used (less any funds that may still apply) in the same manner as all previous water customers. If the water rate contribution from DEP is still available, it will apply to a new (i.e., opted in) water customer. If the water contribution has been exhausted, the new water customer will pay for the water used similar to all other water district customers.

7. If someone chooses to opt-in after the initial offer, will they be entitled to the DEP subsidy or any prorated portion thereof? For example, in the case of a 6-year subsidy, if an “opt-out” chooses to “opt-in” after one year, will he/she be entitled to the remaining 5 years of subsidy?

The contribution period will only extend in time until the contribution (i.e., the \$125,000 contribution by the DEP for this purpose) has been exhausted. The time it will take to exhaust this fund is dependent on the number of water users that are receiving the benefit of this fund and water rates that may be adjusted over time as necessary to provide for the water district operation and routine maintenance costs.

All water customers will be entitled to of the cost of water for 6,000 gallons per month of average usage during which funds remain available from the DEP contribution.

8. Has the “maintenance agreement” addendum to the original IMA been accepted and approved by both the Village and Town? When will the executed document be posted to the Town’s website?

Yes. The IMAs were recently approved by both the Town and the Village Boards and will be placed on the municipal websites.

9. What compensation, if any, can a Plains Road community resident expect from the DEP or Town, under the conditions that (a) WD# 5 has been approved, but (b) the construction has not yet been completed, if their well pump or other well-related equipment fails and needs to be replaced?

Each homeowner will be responsible for maintaining their individual water systems until such time that the public water supply is available to their home.