



## Town of Pawling Town Board

Pawling Town Hall  
160 Charles Colman Blvd  
Pawling, NY 12564

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# Regular Meeting of the Town Board

*Meeting will be broadcast live on the  
Town of Pawling Facebook page*

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Wednesday, April 3<sup>rd</sup>, 2024  
6:00PM

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James Schmitt, Supervisor  
James McCarthy, Deputy Supervisor / Councilman  
Martin Mygan, Councilman  
Coleen Snow, Councilwoman  
Corinne Musella-Pitt, Councilwoman

Cathy Giordano, Town Clerk

## **RULES FOR PUBLIC COMMENT:**

1. Each presentation to the Board made by an individual shall be limited to three (3) minutes in duration, unless extended by agreement by the Town Supervisor/ designee
2. Comments should be directed to the Board. Comments should be made in a respectful manner to the Board and from the Board to the community.

The Town Supervisor or designee may:

- a. Interrupt, warn, or terminate an individual's comment when the comment is personally directed, abusive or obscene.
- b. Request that any individual leave the meeting when that individual fails to observe reasonable decorum.
- c. Call for a recess or an adjournment to another time.

### **The intent of these rules are:**

1. To allow members of the public a fair and adequate opportunity to be heard.
2. To assure that the regular agenda of the Town Board is completed; and
3. To recognize the nature of the Board and community's time and to use that time effectively.

# Meeting Agenda

- a) Roll Call of the Town Board
- b) Pledge of Allegiance
- c) Acknowledgment of Minutes
  - a. March 6, 2024
  - b. March 13, 2024
- d) Privilege of the Floor with respect to Agenda Items only
- e) Resolutions
- f) Discussion
- g) Town Board Items for Special Consideration & New Business
- h) Privilege of the Floor with respect to Agenda & Non-Agenda items (3 minutes)
- i) Adjournment

# Resolutions

## **RESOLUTION 2024-058**

### **Payment of Bills for the Town of Pawling**

WHEREAS, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for Town of Pawling and has offered them for review, and

WHEREAS, the vouchers have been approved in accordance with the Town of Pawling policy, and

WHEREAS, the vouchers have been numbered \_\_\_\_\_, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby accepts the vouchers as prepared and on the recommendation of the Bookkeeper and hereby authorizes payment of said vouchers for the Town of Pawling on this date in the amount of \$\_\_\_\_\_.

## **RESOLUTION 2024-059**

### **Authorization of Budget and Inter-Fund Loan**

WHEREAS, the Town Board of the Town of Pawling from time to time authorizes loans from funds to fund the initial cost of a project prior to grant funding being received, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling does hereby authorize the following inter-fund loan:

1. \$20,000 from the General Fund for the West Main Street Culvert Project.
2. This loan shall be paid in full with an interest rate of 3.5%

## **RESOLUTION 2024-060**

### **Authorizing the Provisional Appointment of Full Time Clerk in the Building Department**

WHEREAS, the resignation of Jade McSpedon created a full-time vacancy in the Building Department, and

WHEREAS, permission to hire provisionally was granted by Dutchess County Human Resources, and

WHEREAS, the Town Board of the Town of Pawling would like to fill the full-time position in the Building Department with current part-time employee, Mary Porcaro, and

NOW THEREFORE BE IT RESOLVED, Mary Porcaro shall serve provisionally as full-time Clerk until a Clerk's exam from Dutchess County Civil Service is announced, taken and passed, and

BE IT FURTHER RESOLVED, the Town Board of the Town of Pawling hereby approves the provisional appointment of Mary Porcaro as full-time Clerk in the Building Department at the hourly rate of \$22.60 per hour, effective March 19, 2024.

## **RESOLUTION 2024-061**

### **Correction of Term Length – Planning Board Appointment**

WHEREAS, Resolution 2024-053 passed on March 6, 2024, appointed Jennifer Coleman to the Planning Board, and

WHEREAS, the term specified in Resolution 2024-053 erroneously stated that the term ended on December 31, 2026, and

WHEREAS, the term for this position actually ends on December 31, 2024, and

NOW THEREFORE BE IT RESOLVED, that the term of Jennifer Coleman on the Planning Board shall end on December 31, 2024.

**RESOLUTION 2024-062**

**Facilities Use Request**

WHEREAS, the Town of Pawling operates facilities that from time to time will be used by the public for events other than the Town’s own usage, and

WHEREAS, the Recreation Director will periodically receive request for special considerations once all application and insurance requirements are met, and

WHEREAS, the Town Board of the Town of Pawling sets the fees for the use of facilities, and

NOW THEREFORE BE IT RESOLVED, that the following waiver(s) have been authorized by the Town Board: Ruth Dominguez – Alcohol Waiver, Alcohol Control Plan.

**RESOLUTION 2024-063**

**Escrow Release**

WHEREAS, the Planning Board recommends to the Town Board that there are no outstanding bills and that there will be no future bills for review and recommended that these funds be released, pending approval from the Building Department, Code Enforcement Officer, and

NOW THEREFORE BE IT RESOLVED, that the Town of Pawling Planning Board refers to the Town Board releases of the following balances in escrow and authorizes the Bookkeeper to release such funds:

1. Ewelina Watola	Subdivision	\$403.38
2. Brad Fels	Environmental Permit	\$700.00
3. Louis Butroni	Environmental Permit	\$50.00
4. Fausto Villatorori	Environmental Permit	\$25.00
5. Robert Severini	Environmental Permit	\$115.00
6. Getaway LLC	Environmental Permit	\$340.00
7. Eric Nardozzi	Environmental Permit	\$155.00
8. Whaley Lake Property	Environmental Permit	\$170.00
9. Charles Greenwald	Environmental Permit	\$300.00
10. Cash Development of NY	Environmental Permit	\$200.00
11. Billy Colbert	Environmental Permit	\$87.50
12. Trevor Ballard	Environmental Permit	\$25.00
13. Paul Peppaj	Environmental Permit	\$739.70
14. VKS Architects	Environmental Permit	\$175.00
15. Michael Dora	Environmental Permit	\$245.78
16. Malik Ashiru	Environmental Permit	\$200.00
17. Glen Arden Farm	Environmental Permit	\$93.75
18. KAC Realty LLC	Lot Line Adjustment	\$100.00
19. Jennifer Coleman	Special Use Permit	\$189.10
20. Getaway LLC	Lot Line Adjustment	\$650.00

**RESOLUTION 2024-064**

**Authorization of Reimbursement  
of Medicare Part-B for the Tax Collector**

WHEREAS, Barbara Tyson, the elected tax collector of the Town of Pawling, has requested that the town reimburse her for the cost of her Medicare Part B premium, and

WHEREAS, the employee handbook of the Town of Pawling does hereby state that the town board may, at its discretion and in accordance with plan documents, modify or eliminate this reimbursement, and

NOW THEREFORE BE IT RESOLVED, that the town board of the Town of Pawling does hereby authorize the bookkeeper of the Town of Pawling to reimburse Barbara Tyson for \$1,978.80 for her Medicare Part B premium.

**RESOLUTION 2024-065**

**Adoption of Rules and Regulations for  
Pawling Water District No. 2**

WHEREAS, the Town of Pawling desires to establish formal rules for the Town of Pawling Water District No. 2, and

WHEREAS, the Town of Pawling, with assistance from its consultants, drafted the Rules and Regulations for Pawling Water District No. 2, and

WHEREAS, the Town of Pawling, although not required, notified each homeowner within the Water District via Letter dated March 14, 2024, of the Town Board's desire to adopt the Rules at the April 10, 2024, Town Board meeting, and provided a copy of the Rules to each homeowner, and

WHEREAS, under Town Law Section 198(3)(c), the Town Board has the power to adopt, from time to time, ordinances, rules, and regulations for the operation of the Water District and the use of water therein, and

WHEREAS, a copy of the Rules is annexed hereto and incorporated herein by reference.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby authorizes and approves the Rules as annexed hereto, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Pawling hereby authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this Resolution.

**RESOLUTION 2024-066**

**Adoption of Schedule of Fees for Pawling  
Water District No. 2**

WHEREAS, by Resolution 2024-065, the Town Board of the Town of Pawling adopted the Rules and Regulations for Pawling Water District No. 2, and

WHEREAS, as stated in Section 9.1 of the Rules, the Town Board shall establish the Water District No. 2 Schedule of Fees, and

WHEREAS, the Town Board set this Schedule of Fees after discussions with its consultants, and

WHEREAS, a copy of this Schedule of Fees is annexed hereto and incorporated herein by reference.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Pawling hereby authorizes and approves the Schedule of Fees as annexed hereto, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Pawling hereby authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this Resolution.

## **RULES AND REGULATIONS FOR PAWLING WATER DISTRICT NO. 2**

### **ARTICLE I Title and Administration**

#### **Section 1.1. Title.**

These provisions shall be called the “Rules and Regulations for Pawling Water District No. 2” (hereinafter, the “Rules”).

#### **Section 1.2. Purpose.**

A. It is the intent of the Town of Pawling to Continue to furnish an adequate supply of potable water to the residences in the Town of Pawling’s Water District No. 2.

B. These Rules are therefore enacted to make sure that Town of Pawling’s Water District No. 2 is properly maintained, improved, funded by, and extended primarily for the benefit of the water Owners and taxpayers within Town limits.

#### **Section 1.3. Applicability.**

Each and every party taking and/or using water furnished for Pawling Water District No. 2 or making any connections with any mains incorporated within any of the water systems serving such District, shall comply with these Rules.

#### **Section 1.4. Consent.**

By using the water supplied by the Town of Pawling within Water District No. 2, all property owners within Water District No. 2 are bound by these Rules.

#### **Section 1.5. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**AUTHORIZED REPRESENTATIVE** — Authorized representative shall include but is not limited to the Town Supervisor, members of the Town Board as designated by said Board, the Town Engineer, the designated Water System's Operator, and/or the Town's attorney.

**CODE ENFORCEMENT OFFICER** — The Town of Pawling Code Enforcement Officer and Building Inspector, as duly appointed by and serving at the pleasure of the Town Board.

**DISTRICT or WATER DISTRICT** — The Town of Pawling Water District No. 2. It is the network of Water Mains, Service Lines, and related appurtenances located solely within the corporate limits of the Town of Pawling, through which the Town of Pawling supplies water to the premises of the Owners within the Water District.

**DISTRICT MAIN or MAIN or WATER MAIN** — The pipes of the water district systems conveying water along the streets of such District.

**ENGINEER, TOWN ENGINEER, or WATER DISTRICT ENGINEER** — The Engineer for the District, or his or her authorized deputy, agent, or representative.

**OWNER(S)** — A person or entity that is the owner of premises located within the limits of the Town of Pawling Water District No. 2.

**RULES** — Rules and Regulations for Pawling Water District No. 2

**SERVICE LINE or SERVICE PIPE** — The pipe and attachments of every kind and nature thereto connecting the District Main with the house piping. The Service Pipe or Service Line from the water main up to and including the curb stop is owned and maintained by the District. The Owner owns and maintains from the curb stop to the structure.

**TOWN BOARD** — The Town Board of the Town of Pawling, New York.

**TOWN OF PAWLING or TOWN** — The Town of Pawling, a municipal corporation located in the Town of Pawling, Dutchess County, New York.

**WATER DISTRICT CLERK** — The designated Water District Clerk of the Town of Pawling, New York. Currently, the Water District Clerk is the Town Clerk of Pawling.

### **Section 1.6. Administration and enforcement.**

The Town Board and its Authorized Representatives shall administer, implement, and enforce the provisions of these Rules. In addition, these Rules shall be enforced by any official authorized to issue and serve appearance tickets under Chapter 5, Appearance Tickets, of the Code of the Town of Pawling or the Laws of the State of New York.

## **ARTICLE II Applications and Work Performed**

### **Section 2.1. Permits.**

The Owner shall obtain such permits as are necessary for the opening of streets, building permits, and such others as are required by local law for the purpose of making a connection with Mains or for the laying of any Service Pipers or fixtures. These shall be obtained prior to the start of construction and at no cost to the Water District. The Owner shall be responsible for payment of all fees required by such local laws.

### **Section 2.2. Notice of construction.**



The Code Enforcement Officer shall be notified at least seven (7) working days in advance of the start of construction.

**Section 2.3. Installation of Water District Mains and extensions.**

A. The Owner will furnish, place, and construct, at their own expense, all Water District Mains and Service Pipes and service any street, avenue, road, or way that is for any highway purpose under the jurisdiction of the Town Board or other public place open to the general public for highway purposes. All necessary easements and Water District mains must be conveyed without cost to the Water District upon inspection and acceptance by the Water District.

B. That portion of the Service Line beyond a street, avenue, road, way, or easement area shall be provided, placed, constructed, and maintained by the Owner.

C. Whenever an individual Owner of any property abutting on any street, avenue, road, or other public place in which there is no Water District Main to said property makes a written application for service, the Water District has authority to render service to said applicant, and the Water District will extend its system so as to serve said property.

D. The Water District shall hereafter be solely responsible for the maintenance and replacement of all Water District Mains and facilities within a street, avenue, road, or easement area used by the Water District for supplying water to its Owners, and if adequate maintenance requires the reconstruction or replacement of such Water District Mains and facilities, said mains and facilities shall be reconstructed or replaced by the Water District, as hereinbefore provided.

**Section 2.4. Tapping and making connections.**

All tapping and making of connections with the Water District Mains shall be made by the applicant's qualified contractor as defined in New York State Sanitary Code Chapter 1, Subpart 5-4, and under the supervision of the Town Board and/or Town Engineer. Extension of the Water District to any property not already served by the Water District, irrespective of the location of the Water District Mains or other piping, will only be done at a cost borne by the Owner of the property. All fees, as set forth in the fee schedule, will be applicable.

**Section 2.5. Persons to perform work.**

All work connecting the Owner's premises with the Water District must be done by a qualified contractor, as defined in New York State Sanitary Code Chapter 1, Subpart 5-4, under the direction of the Town Board, its Authorized representative, and/or the Town Engineer.

**Section 2.6. Inspections, approval and acceptance by the district.**

A. All material and workmanship shall be subject to inspection, examination, and testing by the Engineer or other Authorized Water District Representative. The contractor shall submit manufacturer's certifications, standards, fabrications, and working drawings as required. Requests for changes in types of materials and specifications must be submitted to the Engineer, in writing.

B. During the probationary period of one (1) year, the contractor is to remedy, at his expense, all defects in the work as may become evident or as may be required by the Water District Engineer. One (1) year after the completion of construction, the Water District Engineer must perform an inspection of the facilities to determine whether the facilities comply with these Rules and, if they do not, the contractor is to remedy, at its expense, all defects.

### **ARTICLE III**

#### **Meters**

#### **Section 3.1. Meters required.**

Water shall be obtained from the Water District Mains only through a metered service.

#### **Section 3.2. Furnishing of meters and ownership of meters.**

- A. Meters will be furnished by and remain the property of the Town.
- B. No person other than an Authorized Representative, or agent thereof, shall install, remove, repair or interfere or tamper with any meters, remote reading devices, or dials thereof.
- C. In the event an Owner requests to move a meter, there shall be a charge, as set forth in the fee schedule, for the removal and reinstallation of the meter, even in the event the reinstalled meter is an upgraded model.
- D. No more than one (1) meter shall be furnished for each Service Line. Any exceptions or requests for additional meters must be approved by the Town Board.

#### **Section 3.3. Location of meters.**

- A. Meters shall be located inside the building, while the meter readers shall be located outside the building, unless otherwise required or agreed to by the Town Board or its Authorized Representative.
- B. The meter must be accessible at all times. Upon reasonable notice, except in the event of an emergency, the employees and agents of the Town may enter the premises of the Owner at any reasonable time to examine the pipes and fixtures, the quantity of water used, and the manner of its use. For the purpose of this Article, the hours from 9:00 a.m. to 5:00 p.m. shall be considered reasonable.

#### **Section 3.4. Maintenance of meters.**

- A. Meters shall be read quarterly by the Town's Authorized Representative. When this is not possible, the Town Board will leave a notice to gain access and the Owner must comply within two (2) weeks.
- B. The Town Board reserves the right to remove and test any meter at any time and substitute another meter in its place.

C. Any meter damaged by frost, by freezing, by hot water backing onto the meter, or in any other way due to the negligence of the Owner shall be repaired by the Water District at the expense of the Owner, who shall pay for said repairs within thirty (30) days after presentation of the bill therefor.

(1) The charge for such repairs shall include the cost of removing, repairing, and replacing said meter consistent with any fee schedule in place.

(2) Any meters removed by individuals other than employees or Authorized Representatives of the Town Board or Water District will be replaced by the Water District, but at the expense of the Owner.

**Section 3.5. Testing of meter at Owner's request.**

A. An Owner may request up to two (2) additional meter readings per year. In such case, the Owner shall be responsible for the cost thereof in accordance with the fee schedule on file with the Water District Clerk. In addition to the above:

B. If the meter is not registering properly or there is a dispute of the accuracy of the meter, the Owner may file a complaint with the Town, whereupon the meter will be removed and tested by the Town Board or its Authorized Representative.

C. If it is found to register against the Owner by more than five percent (5%), there will be no charge for removing, repairing, and resetting the meter. If, however, the meter is not found to register against the Owner by more than five percent (5%), a minimum charge, as set forth in the fee schedule, will be made for the test.

**Section 3.6. Meter failing to register.**

During the time period when a meter is temporarily out of order and/or fails to register, the Owner will be charged at the highest consumption as shown by the meter.

**Section 3.7. Removal or interference with meter; penalty.**

All persons are hereby forbidden to tamper with, to interfere with, or to remove a water meter from any service after it has been attached; otherwise, they shall be subject to the schedule of fees and penalty provisions found in Article VIII.

**ARTICLE IV  
Water Rents and Payments**

**Section 4.1. Water rents.**

The Town Board shall establish and may amend from time to time by resolution following a duly noticed public hearing, a schedule of water rents. The water rents will be on file with the Water District Clerk.

**Section 4.2. Payment for water service.**

A. All Owners connected to the Water District are obligated to pay for water service.

B. The reading of a duly installed meter showing the amount of water consumed shall be used for all metered billing purposes, except where it appears that the meter has ceased to register or has registered inaccurately.

C. All water rents are payable to the Town of Pawling and are to be deposited by the Water District Clerk, to the credit of the water fund, in a bank designated by the Town Board. By February 15<sup>th</sup> of each year, the Water District Clerk will give the Town Board an annual report which provides the yearly totals, noting any exceptions that may have impacted collections for the year.

D. All water rents are the responsibility of the Owner of the premises, even where the Owner leases such premises to one or more tenants.

#### **Section 4.3. Billing dates.**

Water bills shall be billed on a quarterly basis. Bills shall become due and payable within the month indicated on the bill without penalty, and such payment shall be made to the Water District Clerk.

#### **Section 4.4. Reading of meters.**

The Town will endeavor to read each meter quarterly. No estimated bills will be altered. The Town reserves the right to alter said billing periods in the interest of economy and efficiency.

#### **Section 4.5. Unpaid water rents.**

Unpaid water rents shall be a lien on real property. The Town shall be able to enforce its collection procedures.

#### **Section 4.6. Penalty for delinquent payments.**

There shall be charged a penalty on past due water rents at the rate of ten percent (10%) thereof for the first month after the same shall become due, and an additional charge of one percent (1%) for each month or fraction thereof thereafter until paid or included in the annual Town tax levy.

### **ARTICLE V RESTRICTIONS ON USE OF WATER**

#### **Section 5.1. Unauthorized connections.**

A. No connections of any kind shall be made to the Service Line between the District Main and the meter.

B. If connections are made on any private line before the meter, without the permission of the Town Board, the Town Board may, at its option, and upon ten (10) days' written notice to the Owner of the premises connected to the private line, either terminate service or suspend service until such permission is granted (if such permission is warranted).

(1) Whenever any service is so suspended, a charge for the actual cost, to be paid to the Water District Clerk, will be made for restoration of service by the Owner, based on the existing fee schedule.

## **Section 5.2. Interference with the Water District.**

- A. It shall be unlawful for any person, other than the Town Board or its Authorized Representatives, to:
- (1) Willfully waste or use water through improper and imperfect pipes, or by any other means;
  - (2) Tamper with any Service Line, seal, meter, or other equipment or appurtenances owned by the Town;
  - (3) Cross-connect pipes carrying water supplied by the Water District with any other source of supply or with any apparatus which may endanger the quality of the water supply;
  - (4) Open or close any valve or gate in the District Main, or tamper or interfere with same in any manner;
  - (5) Cover or conceal, with earth, sidewalk material, or any substance, any curb box on laterals from the District Main to any premises;
  - (6) Refuse reasonable access to the property at any reasonable hour during the day for the purposes of inspecting fixtures or piping or for reading, repairing, testing, or removing meters;
  - (7) Redistribute, sub-meter, or resell water, inside or outside the Water District, unless specifically authorized by these Rules or by the Town Board; and
  - (8) Cover any pipes until said repairs, additions, or alterations have been inspected and approved by a representative of the Town of Pawling.

## **Section 5.3. Limits on water usage.**

A. The Town reserves the right to shut off the water in the District Mains at any time for the purpose of making repairs or extensions or for other necessary purposes and will, where possible, give due notice, except in cases of breaks and for emergencies. The Water District will not be responsible for any damages resulting directly or indirectly from any interruption of the water supply.

B. The District may, in times of water shortage or emergency, limit the amount of public water supply to each Owner or building, as explained below in Article VIII.

- B. The Water District and the Town make no guaranty as to the amount or consistency of pressure or volume of the water it furnishes and will not under any circumstances be responsible for any loss or damage from excess, deficiency, or variation in the pressure, volume, or supply of water, or for loss or damage caused by water escaping from or obstructions in a Service Line due to frost or any other cause or for any loss or damage as a result of water escaping from laterals, fixtures, appliances, or pipes owned by Owners.

## **ARTICLE VI**

## **RESPONSIBILITIES AND LIABILITIES OF THE TOWN, THE WATER DISTRICT, AND THE OWNER**

## **Section 6.1. Facilities controlled by the Town.**

- A. The Town reserves, to itself, the control of all taps, District Mains, curb boxes, and meters.
- B. The Town also reserves the right, whenever it deems it proper or whenever there is a violation of these Rules, to take charge of and control the curb stop and Service Lines.
- C. The Town will not be accountable for any breaks or obstructions caused by frost or otherwise, or from any damage arising by leakage from Service Lines, Pipes, or fixtures, not owned by the Town.
- D. The Town shall be responsible for the operation and maintenance of the facilities from the well field to the individual curb boxes.
- E. The Town shall be responsible for the operation and maintenance of the district wells, Water District Mains, and street mains.
- F. If repairs to the Service Main or its appurtenances and fixtures become necessary, the repair and the cost of such repair will be made at the expense of the Water District if the defect is located between the street main and the curb stop. If the defect is between the curb stop and the building, the repair and full cost of the repair shall be the responsibility of the Owner.

## **Section 6.2. Responsibility for maintenance by the Owner.**

- A. The Owner shall be responsible for the operation and maintenance of the Service Lines and fixtures in good repair from the curb box to the property and all facilities located within the property boundaries, at his own risk and expense, and prevent all unnecessary waste of water, and shall be liable for all such repairs as shall be deemed necessary to prevent water waste.
- B. All Service Lines between the curb box and meter shall be maintained in good condition by the property Owner. Should a leak develop, it shall be repaired immediately. In the event of the failure of the Owner to repair such leak, the Town Board may, at its option, either terminate service at the curb box until repairs are made or enter upon the property and make the necessary repairs, charging the cost of the same to the Owner. Whenever any service is so terminated, a charge of the actual cost, to be paid to the Water District Clerk, will be made for restoration of service.
- C. Upon failure to comply with this Section, the Town may repair the same and bill the Owner. In the event that any such charge for work done or materials furnished shall remain unpaid, the Town Board may charge the Owner subject to the Penalties provisions found within Article VIII of these Rules and/or as set forth in the fee schedule. This section shall not limit any other remedies available to the Town at law or equity.
- D. The Owner shall notify the Town promptly of any leak, defect, or damage affecting the Service Pipe between the property line and the point where metered. Water leaks must be repaired within twelve (12) hours at the Owner's expense, at which point the Town can repair the water leak, which would then be billed to the Owner.

E. The Owner shall have the responsibility of duly paying any water rents or other fees and charges established and assessed by the Water District. Continued provision of water to premises is specifically conditioned upon prompt payment of these duly imposed charges.

F. Whenever repair services are performed by the Water District and determined to be the responsibility of an Owner, a bill for the expense thereof shall be remitted to the Owner. Such repair bill shall be payable within thirty (30) days of the date of issuance.

G. Any necessary changes in piping, valves, or connections to increase the water supply or efficiency must be made by the Owner at his own expense.

### **Section 6.3. Town and Water District's liability for damages.**

A. The Town shall not be liable for any personal injury or damages which may result to an Owner's pipes or personal property from the operation of the Water District, or resulting from broken Water District Mains, broken Service Lines, or from variations in water pressure or volume.

B. The District shall not be liable for any damages which may result to Owner's pipes, appliances, or other property from the shutting off of Water District Mains or Service Lines for any purpose whatever, whether previous notice has been given or not.

C. In cases where boilers are directly supplied with water, a suitable valve or other device should be applied at the Owner's cost to prevent collapse or explosion in case the water is shut off in the street mains.

D. No deductions from water bills will be made for periods when the service is shut off due to accidents or repairs.

E. The Water District shall not be held liable for any damage sustained by reason of its failure to supply water to any Owner at any time or for any cause and reserves the right to control the amount of water supplied in the event that the supply becomes short for any reason.

F. The Water District does not guarantee service from District Main to house or through any piping, valves, or connections therein. Faulty service or inadequate supply is frequently due to corroding or stopping of pipes and fixtures. Any necessary changes in piping, valves, or connections to increase the water supply or its efficiency must be made by the Owner at his own expense.

G. The Town Board reserves the right, whenever the Board deems it proper or whenever there is a violation of the Rules, to take charge of and control the Service Pipes.

H. The Water District will not be accountable for any breaks or obstructions caused by frost or otherwise; or from any damage arising by leakage from Service Pipes, fixtures, or pipes owned by individuals. The District will not thaw out or pay for the thawing out of frozen Service Lines.

### **Section 6.4. Liability of Owner.**

A. The Owner must keep the curb box, the Service Lines from the curb box to the building, and plumbing fixtures in good repair and at the Owner's own expense and liability. The Owner is liable for any accidents due to curb boxes protruding above grade.

B. The Owner must prevent all unnecessary waste of water. He shall be liable for such repairs as may be deemed necessary to prevent water waste and shall be subject to the penalties found within Article VIII of these Rules and/or the schedule of fees.

C. Owners are warned that high pressures are maintained in some parts of the systems and the installation of a pressure-reducing valve may be advisable.

## **ARTICLE VII Emergency Water Regulations**

### **Section 7.1. Title.**

This Article may be referred to as the “Emergency Water Regulations.”

### **Section 7.2. Declaration of emergency.**

A. The Town Board may determine and declare whether an emergency exists affecting the supply or use of water.

B. An “emergency” is defined as the following: A temporary or permanent inability of the Water District from obtaining and/or providing an adequate, safe water supply to the Owners within the Water District. This can occur due to various reasons, including, but not limited to, a contamination of the water supply, a catastrophic failure of the Water District’s water distribution system, earthquake, or drought.

C. The Town Board may promulgate such regulations as deemed necessary, at any time, and likewise to terminate such emergency.

D. Any such determination and regulations shall be in writing, signed by the Supervisor, and shall be filed in the office of the Water District Clerk. Public Notice will be in accordance with New York State Public Health Law requirements as set forth in § 225, Part 5. Publication of a copy of such determination and regulations in the official newspaper of the Town and posting of a copy thereof on the signboard at the Town Hall shall constitute sufficient notice.

### **Section 7.3. Emergency restrictions enumerated.**

A. During the period of a drought emergency or a declared emergency, the following uses of water from the Water District Mains shall be prohibited:

- (1) The washing of motor vehicles;
- (2) The cleaning or washing of the outside of buildings or other structures by the use of water or steam;
- (3) The filling of swimming pools, except swimming pools designed and used exclusively for medical treatment;
- (4) The watering of lawns and private gardens;



(5) The operation of ornamental ponds, pools (portable and otherwise), and fountains, with the exception of recirculating systems; and

(6) Any other uses as specified in the drought emergency rules and regulations, established by resolution of the Town Board, and as may be amended from time to time.

## **ARTICLE VIII**

### **Penalties for Offenses**

#### **Section 8.1. Penalties for offenses.**

A. Any person violating any of the provisions of these Rules shall be guilty of a violation and, upon conviction thereof, shall be punishable by a penalty not greater than \$250 and/or not more than fifteen (15) days in jail.

B. Notwithstanding the foregoing, a person who violates these Rules after having been convicted of a violation of this chapter within the preceding three (3) years shall be punishable by a penalty not greater than \$500 and/or not more than fifteen (15) days in jail.

C. Notwithstanding the foregoing, a person who violates these Rules after having been convicted two (2) or more times of a violation of these Rules within the preceding three (3) years shall be punishable by a penalty not greater than \$1,000 and/or not more than fifteen (15) days in jail.

D. Each day that a violation shall continue shall constitute a separate offense.

E. The Owner shall be responsible for actual costs and administrative fees for disconnection and reconnection of water service, as applicable, in an amount to be established by resolution of the Town Board from time to time.

#### **Section 8.2. Remedies not exclusive.**

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of any authorized enforcement agency to seek cumulative remedies.

## **ARTICLE IX**

### **Additional Rules and Regulations of the Water District**

#### **Section 9.1. Establishment of schedule.**

The Town Board shall establish a schedule of rates and charges by resolution, which it may amend from time to time, by resolution.

#### **Section 9.2. Records and reports.**

A. Records.

- (1) The Code Enforcement Officer will maintain the following:
  - (a) Master files on Owner inspection and test results;
  - (b) Copies of all building permits and building permit applications; and
  - (c) Copies of lists and summaries supplied to the Dutchess County Department of Health.

B. The Code Enforcement Officer shall submit monthly reports to the Town Board, including the number and type of permits issued.

### **Section 9.3. Failure in Supply**

The District undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure, but reserves the right, at any time, after due notice (unless an emergency occurs) to shut off the water in its mains for the purpose of making repairs and extensions.

### **Section 9.4. Devices required on boilers.**

In cases where boilers are supplied with water, a suitable valve or other device must be applied to prevent collapse or explosion in case the water is shut off in the street mains.

### **Section 9.5. Pressure reducing valve.**

If a water-pressure reducing valve in the Owner's opinion is necessary, or is desired by the Owner to safeguard the plumbing, it should be purchased by the Owner and installed between the inlet and the meter at the cost of the Owner. If a stop valve is used, it is advisable also to install a suitable pressure-relief valve.

### **Section 9.6. Service of notice.**

Service of any notice authorized or directed by or on behalf of the Town Board may be served upon the Owner personally or by posting the same in a prominent place at the premises where water is supplied, or by sending the same by mail to such party at the last address furnished to the Water District Clerk. Notice shall be deemed delivered on the date it is posted on the property, personally delivered to the Owner, or placed in the mail. It is the responsibility of the Owner to notify the Town of any change of address within ten (10) days thereof.

### **Section 9.7. Violations deemed public nuisance.**

In addition to the enforcement processes and penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this law is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the Town or other Owner's within the District.

### **Section 9.8. Reservation.**

The Town Board reserves the right to change, modify, supplement, or amend these Rules from time to time. The right is also reserved to make such additional rules and regulations which the Town Board deems best to regulate the water supply and the proper and efficient administration of the Water District.

### **Water District No. 2 Schedule of Fees**

Meter reading at Request of Owner	\$	250.00 <sup>1</sup>
Meter Tampering Surcharge	\$	250.00 per day
Owner Fails to Provide Access to Meter or Meter Reader Upon Town's Lawful Request	\$	250.00 per day
Property Transfer Charge – Buyer	\$	100.00 <sup>2</sup>
Property Transfer Charge – Seller	\$	100.00 <sup>3</sup>
Replacement Meter for Lost/Broken/Frozen/Damaged Meter	\$	650.00 <sup>4</sup>
Requested movement of meter by Owner	\$	450.00
Service Disconnection Charge	\$	150.00
Service Restoration Charge	\$	150.00
Tapping Fee	\$	250.00

Notwithstanding the foregoing, the Code Enforcement Officer may double any of the above referenced fees if said person was convicted of a violation of the Rules within the preceding three (3) years. Additionally, notwithstanding the foregoing, the Code Enforcement Officer may triple any of the above referenced fees if said person was convicted of two (2) or more violations of the Rules within the preceding three (3) years.

Payment on all Water Bills is due thirty (30) days after the invoice date. There shall be charged a penalty on past due water rents at the rate of ten percent (10%) thereof for the first month after the same shall become due, and an additional charge of one percent (1%) for each month or fraction thereof thereafter until paid or included in the annual Town tax levy.

In September or October of each year all accounts in arrears will be referred to the property tax collector for inclusion on the following year's January tax bill.

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<sup>1</sup> If it is found to register against the Owner by more than five percent (5%), there will be no charge for removing, repairing, and resetting the meter. If, however, the meter is not found to register against the Owner by more than five percent (5%), the minimum charge listed above will apply.

<sup>2</sup> There will be a charge assessed each time title to a property changes or transfers. The charge will appear on the next scheduled billing of the new property owner. This fee will cover the cost of establishing a new customer account along with preparing pro-rated bills as needed for both the new and former owner.

<sup>3</sup> There will be a charge assessed to the current owner each time title to a property changes or transfers. The charge will appear on the final bill due on account and presented at closing of the property. This fee will cover operational and administrative costs incurred during the processing of account closeout.

<sup>4</sup> The meter will be provided by the Town and this fee will only be charged to the Owner if the replacement was necessary due to tampering, neglect, or fault of the Owner.