

The second regular meeting of the Kingsbury Town Board was conducted on November 23, 2015 at the Kingsbury Town Hall, 210 Main Street, Hudson Falls, New York.

MEMBERS PRESENT: James T. Lindsay, Supervisor
Richard Doyle, Councilman
Henry Freebern, Councilman

ABSENT: Paul Bromley, Councilman
William Collins, Councilman

OTHERS PRESENT: Jeffrey Meyer, Attorney for the Town
Dana Hogan, Supervisor Elect
Ross Cortese, Code Enforcement Officer
James Chase, Water Superintendent

The meeting was called to order by Supervisor Lindsay at 7 p.m. and opened for the order of business with the Flag Salute led by Councilman Freebern.

The minutes of the November 9, 2015 meeting were accepted as submitted by the Town Clerk.

Supervisor Lindsay requested the Town Clerk read the notice of public hearing as follows:

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Kingsbury on Monday, November 23, 2015 at 7:05 pm at the Offices of the Town of Kingsbury, 210 Main Street, Hudson Falls, NY, to discuss the proposed local law amending the Kingsbury Water District Regulations contained in Chapter 270 of the Code of the Town of Kingsbury; an opportunity to be heard in regard thereto will be given to any party wishing to be heard.

By Order of the Kingsbury Town Board,
Cynthia A. Bardin, Town Clerk

Supervisor Lindsay opened the public hearing at 7:05; there being no public comment Supervisor closed the public hearing.

A **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 3 ayes to adopt the following:

**TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK
LOCAL LAW 2 of 2015**

**A LOCAL LAW AMENDING CHAPTER 270 WATER
OF THE CODE OF THE TOWN OF KINGSBURY**

Be it enacted by the Town Board of the Town of Kingsbury, as follows:

SECTION 1. **SHORT TITLE AND APPLICABILITY.**

This Local Law shall apply to Chapter 270 of the Code of the Town of Kingsbury, entitled “Water” regulating the water supply systems and use of water in the Town of Kingsbury.

SECTION 2. **DECLARATION OF POLICY.**

The Town Board of the Town of Kingsbury, following a review of the current chapter entitled “Water” of the Town Code of the Town of Kingsbury, believes that numerous amendments to the existing chapter are required in order to bring the Local Law into compliance with current NYS regulations. After due deliberation, the Town Board further believes standard regulations should be adopted to regulate the construction, use, operation and maintenance of water supply systems, including more uniform billing practices.

SECTION 3. **AMENDMENT.**

Chapter 270 of the code of the Town of Kingsbury shall be deleted in its entirety and replace with the following:

Section 270-1. **Purpose.**

This chapter shall regulate the construction, use, operation and maintenance of water supply systems in the Town of Kingsbury and shall include the regulation of service connections and to grant to the Town Board of the Town of Kingsbury the power to establish rents, rates, penalties and minimum charges.

Section 270-2. **Application for Service.**

- A. All applications for the use of water in the Town of Kingsbury (hereafter referred to as the "Town"), must be made, in writing, on a form provided by the Water Department (hereafter referred to as the "Department"). On acceptance by the Department, the application shall constitute a contract between the Town and the applicant obligating the applicant to pay the Town its established rates and to comply with the rules and regulations.

- B. Applications of contractors, builders and others for temporary service will be accepted, written permits will be issued and temporary water service will be supplied providing it does not interfere with use of water for general purposes, and that the use of water from any hydrant shall be strictly enforced in accordance with this Chapter. Customers requiring temporary service shall reimburse the Department for its expense in connection with providing the necessary temporary service connection, and a deposit specified by the Department may be required.

- C. No agreement will be entered into by the Department with any applicant for water service until all charges due from the applicant for water or services at any premises now or heretofore owned or occupied by him which are in arrears shall have been paid.
- D. Acceptance and/or approval of the water service application of any new applicant, or the providing of increased service to any existing water user: requiring water for other than normal domestic purposes; requiring daily quantities of water which, in the opinion of the Department, are excessive as to total daily quantity or rate of use during any portion of the day; whose requirements for water, in the opinion of the Department, will in any way limit the ability of the particular water supply and distribution system to provide satisfactory water service to all then-existing water users, shall be subject to the review and approval of the Department. Where necessary, in the opinion of the Department, the applicant shall provide at his own expense such water conservation, storage or flow-limiting facilities or such other devices necessary to obtain the approval of the Department. The Department reserves the right to refuse or limit service to any new applicant or existing water user if the foregoing requirements are not met to the Department's satisfaction.

Section 270-3. Installation of Services.

- A. Who can make installations and requirements.
 - 1. No person shall make any attachment with the mains of the Town nor may make any repairs, additional to or alterations with the service waterlines unless authorized by the Department.
 - 2. A separate service line shall be required for each dwelling or commercial building as specified under Subsection E. In cases of multiple occupancy, the size and number of separate service lines required shall be at the sole discretion of the Department.
 - 3. Any existing consumer in violation of these requirements may be notified on 30 days' written notice from the Department to conform to this regulation.
- B. Openings in public ways.
 - 1. Whenever a property owner, contractor or subdivision developer has to open a trench on any Town road, he must obtain from the Town Highway Superintendent a road-cutting permit.
 - 2. Public safety. Whenever any street or public grounds shall be opened for the purpose of making a connection with the mains or for laying any waterlines or fixtures, the public safety and convenience shall be duly regarded and the street or public place shall be restored to its original condition as soon as possible; and whenever a trench is opened, bridges for the safety and convenience of the public shall be provided and, if left open at night, such excavations and bridges shall be guarded with barricades, and lights shall be displayed to warn and protect the

public. The application must contain from the Highway Department the required permit and display the same in the Town of Kingsbury.

3. Insurance. Before any work may occur on any street or public grounds, the applicant shall provide the Department with a certificate of insurance naming the Town of Kingsbury and the Department as additional insureds. The Town shall have the right to review and approve liability insurance coverage in their sole discretion.

C. Ownership.

1. At their own expense, the applicant shall install from the curb box to the meter on the premises a service line and service connections, all to be approved by the Department. Every service line must have a stopcock of an approved type at the property or easement line and be provided with an iron curb box and cover. This stopcock may not be used by the customer for turning on or shutting off the water supply but is for the exclusive use of the Department.
2. The service line and service connections from the curb box to the meter shall at all times remain the sole property of the applicant, in whom title thereto shall vest. All service lines installed shall have no sweat joint between the curb box and the meter.

D. Maintenance and replacement.

1. The customer, at his/her own expense, will maintain and protect from freezing and when necessary replace such service line and service connections, specifications for which are contained in Subsection [E](#).
2. Should a leak occur in a service line, the owner shall forthwith cause the same to be repaired at his/her own expense. Should the owner fail to effect such repair after two days' written notice from the Department, the district will cause the water service to be discontinued until such repair has been made.

E. Service line specifications.

1. All service lines shall have a minimum cover of 72 inches below the surface of the ground, and in no case will any waterline be allowed to be laid in any sewer or drain trench, nor will any drainage into a waterline trench be permitted.
2. All service lines shall not be less in size than three-quarter-inch inside diameter and shall be United States Government Specification Type K soft-tempered copper tubing, High Density PolyEthylene pressure rated at no less than 200 psi, or C900 or equivalent water pipe, where approved by the Department with only mechanical joints underground; over 100 feet: one inch minimum in size is required. For service three inches in diameter, or larger, ductile iron double cement lined class 52 pipe of quality equal to American Water Works Association or federal specifications, and of weight suitable for service under a pressure equivalent to at least 350 pounds per square inch are required. The Department

reserves the right in all cases to stipulate the size and type of service lines to be used.

F. Service connection specifications and rules.

1. All tapping shall be performed under the supervision of the Department. No tapping will be done after November 1 and before April 1 unless weather permits at the sole discretion of the Department.
2. The curb stop and box will be placed at the easement or property line.
3. No outlet through which water can be taken between the meter and the district's main in the street will be permitted.
4. No red or white lead will be permitted to be used on joints between the meter and the main.
5. No one shall leave the stopcock open nor allow the water to run on the premises after making any new connection with the street main or after making any new extension or attachment in unoccupied premises, but in cases where the work is a simple extension or additional attachments on consumer's side of the meter, in places where the water is then in use, the installer may leave the water on.
6. Except on the pipes on the consumer's side of the meter, no additions or alterations whatsoever in or about public or private water pipes shall be made by any person until application therefor has been made to the Department and a written permit given therefor.
7. When the supply of water to any premises has been turned off by the direction of the Department, service shall only be returned by and with the authority of the Department.
8. If any building is razed, moved or abandoned, it will be the responsibility of the owner or authority which requires such razing, moving, abandonment or other modification by virtue of public improvement to notify the Water Department to remove the meter. The owner shall discontinue the water service line by physically removing the service line connection at the corporation valve and replacing it with a brass plug or other approved method, under the supervision of the Water Department and/or agent.

Section 270-4. Installation of meters; specifications; fees.

- A. An individual meter shall be required for each separate service line to a premises. The users of water shall at no time tamper with the meter. Any tampering with the water meter shall constitute a violation of this Chapter.

- B. All water meters will be purchased from the Department, except as set forth hereafter. All meters will be purchased at the owner's expense. The water district will be responsible for installation, removal, maintenance and testing of said water meters, and all water meters will become water district property.
- C. Submetering will not be permitted.
- D. Meters larger than two inches shall be furnished by the Water Department at the owner's expense and shall be set at or near the property line or in a place designated by the Department, and all expense in connection with its proper housing, including a bypass for testing, shall be borne by the customer. Such meters shall be maintained and repaired at the expense of the owner.
- E. The Department reserves the right to remove, test and repair any meter at any time.
- F. Vacation of premises; fee.
 - 1. If any premises is vacated, the consumer may, on written notification to the Department, request that the water meter be removed and stored with the water being shut off at the curb. A service fee for water meter removal and storage shall be due and payable prior to service and set by resolution of the Town Board.
 - 2. During the period the meter is out of service, consumer shall be billed as unmetered property.
 - 3. When service is again requested, the district will reestablish service for a fee as set by resolution of the Town Board from time to time.
- G. Meters will at all times be protected from freezing. In the event that the meter is damaged by freezing or other external cause, the Department will repair or replace the meter at the expense of the consumer for the cost of repairs. The owner shall be responsible for applicable charges associated with any water lost as a result of freezing or other external causes
- H. The district will maintain, repair and test, when necessary, all meters. The Department reserves the right to remove and test the meters as required. In case of a disputed account involving the accuracy of a meter, the Department will test the meter upon the request of the owner. A fee as set by resolution of the Town Board from time to time is required. In the event that the meter is found to over-register in excess of 2% at any flow rate within normal test flow limits, the fee will not be charged to the owner; otherwise it will be retained by the District as a charge and included on the next water bill.

Section 270-5. Payment for water service; reading of meters.

- A. All bills are payable in accordance with the terms of the applicable service classification. For new services installed at any time during the billing period, the minimum charge and the amount of water allowed thereunder will be billed.
- B. Reading of meters shall occur as follows:
 - a. Residential Property will be read and billed quarterly March 31, June 30, September 30, and December 31.
 - b. Commercial Property will be read and billed at the end of every month.
- C. The quantity recorded by the meter shall be considered the amount of water passing through the meter, which amount shall be conclusive on both the customer and the Department, except when the meter has been found to be registering inaccurately, or has ceased to register. In such cases, the quantity may be determined by the average registration of new meter, or the average registration of the old meter based on the average monthly use during the preceding six months prior to the inaccurate reading, or adjusted based on the tested percent of over registration, whichever method is representative, in the Department's opinion, of the conditions existing during the period in question.
- D. Any consumer finding an overcharge or undercharge in his statement is requested to report the error before paying the bill so that it may be corrected.
- E. All bills are due and payable without penalty 20 days after date thereof. All water charges by the Department shall be in lien upon which or in connection with which such water is used. If such charges are not received within 20 days from date due, a penalty of 10% of the amount of their bill shall be added to the bill for late payment.
- F. If any water account remains unpaid 90 days after the bill for the same has been rendered, the Accounting Office shall serve a notice upon the delinquent property owner, and if such account remains unpaid for 10 days thereafter, the premises may be deprived of water until all arrearages are paid in full.
- G. If at the end of November there are any amounts still due and owing on said water account, said amount will be forwarded to the Washington County Treasurer's office and added to the following year's Town/County property taxes.
- H. All water rents must be paid by the owners and will be billed to them only.

Section 270-6. Rules and regulations for water service, fire hydrants and service lines; restrictions on water use; violations.

- A. Water service may be discontinued by the Department for any one of the following reasons:
 - 1. For use of water other than as represented in customers' applications or through branch connections on the street side of the meter or place reserved therefor.

2. For willful waste by use of water through improper and imperfect pipes, or by any other means.
 3. For molesting any service line, seal or meter.
 4. For nonpayment of bills for water or services rendered by the Department in accordance with these rules and regulations.
 5. For cross-connecting pipes carrying water supplied by the Department with any other source of supply or with any apparatus which may endanger the quality of the Department's water supply.
 6. For refusal of reasonable access to the property for the purpose of reading, repairing, testing or removing meters or inspecting water piping and other fixtures.
 7. For violation of the rules of the Department as set forth in its rules and regulations.
 8. For failure to repair leaky service lines after two days' notice.
- B. No person shall open or interfere with the fire hydrants or draw water therefrom without permission from the Department or, in case of fire, by the chiefs of the fire departments or their assistants.
- C. In the interest of public health, the Department will not permit its mains or service lines to be connected in any way to any piping, tank, vat or other apparatus which contains liquids, chemicals or any matter which may flow back into the Department's service lines or mains and consequently endanger the water supply.
- D. Upon receipt of an application for a new service or for the reinstatement of an existing service, the Department will assume that the piping and fixtures which the service will supply are in proper order to receive the same, and the Department will not be liable in any event for any accident, breaks or leakage arising in any connection with the supply of water or failure to supply the same.
- E. Any person who damages any street hydrant shall be liable for the actual damages sustained to the hydrant as well as the loss of water wasted before the hydrant can be shut off.
- F. The Department undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to customers, but reserves the right, at any time without notice, to shut off the water in its mains for the purposes of making repairs or extensions or for other purposes, and it is expressly agreed that the Department shall not be liable for a deficiency or failure in the supply of water or the pressure thereof for any

cause whatsoever, nor for any damage thereby or by the bursting or breaking of any main or service line or any attachment to the Department's property. All applicants having boilers upon their premises depending upon the pressure in the Department's pipes to keep them supplied are cautioned against danger of collapse, and all such damage shall be borne exclusively by the applicant.

- G. In those cases where a customer-owned service line is frozen, the thawing shall be done at the expense of the customer. To avoid a recurrence of freezing, the Department may order an examination of the customer's service line and, if the same is not at a depth of 72 inches as required, the Department reserves the right to require it to be so relocated before service is resumed.

Section 270-7. Establishment of rents, penalties and minimum charges.

- A. Payment. Bills for water used or services performed by the Department shall be paid to the Receiver of Taxes and/or the Town Clerk.
- B. Establishment of rents.
1. Property within the district shall be divided into two classifications
 - a. Residential Property - shall be defined as property used for human habitation containing less than four dwelling units as classified by NYS Office of Real Property Services classification code in the 200-Residential category; and low volume businesses where the total water consumption by the property owner shall be less than 40,000 gallons annually. All property owners shall be evaluated annually to determine residential occupancy and total water usage to determine "low volume business" classification.
 - b. Commercial Property shall be defined as all other property containing four or more residential dwelling units and all business and commercial property that does not meet the low volume business classification.
 2. Water rents, rates, penalties and charges are as may be established by Town Board resolution.
- C. Minimum charge. No bill will be rendered or payment accepted for less than the minimum charge for each billing period.
- D. Private fire-protection service. Large connections for fire protection by means of automatic sprinklers or standpipes shall be considered for approval upon special application to the Town.
1. Sprinkler head fire protection.

- a. Any and all sprinkler systems installed in residences, multiple dwellings and commercial buildings (i.e., any and all building) shall meet the requirements of the following:
 - i. New York State Department of Health State Sanitary Code, revised as of January 6, 1993, and as it may subsequently be amended.
 - ii. National Fire Protection Association Standards for Installation of Sprinkler System, latest revisions.
 - iii. According to Article II, Cross-Connections, of this Chapter.
- b. The Department reserves the right to require the furnishing of detailed drawings showing the proposed installation and to approve or disapprove the type of valving to be installed on such a system and to inspect by its own forces or duly authorized representatives any such installation, past, present or future, and to require that the standards outlined in Subsection D(1)(a) be met.

2. Private water distribution system, hydrant protection.

- a. Any and all private water supply distribution systems installed within the Town, equipped with hydrants for fire protection, shall conform to the requirements of the following:
 - i. New York State Water Resources Commission Rules and Regulations Governing Water Supply Applications, dated 1966, as the same may be amended and adopted.
 - ii. New York Fire Insurance Rating Organization.
- b. Detailed plans and drawings of any and all such installations shall be furnished for the approval of the Department before any permit to make such installation or build shall be issued and to inspect the same during construction to guarantee compliance.
- c. The Department reserves the right to require any sprinkler system installation or any hydrant system installation installed prior to the date of this chapter to be brought up to the standards referred to at any time.

E. Water for construction. Water for contractors, builders and other temporary purposes (§ 272-2B) will be billed from \$30 upward for such privilege, according to the estimated amount of water to be used or metered at the discretion of the Department. The willful waste of water under temporary permits shall constitute a violation of this chapter, and the Department may cancel such permit.

Section 270-8. New water systems or extensions of water mains.

The procedures to be followed by owners of developments in the Town of Kingsbury who propose to install new water mains shall be in accordance with the rules and regulations of the Department and as enumerated in the following sections:

- A. The owner or his engineer shall furnish the Department with two prints of the proposed overall development plan on which are indicated the required water mains and appurtenances. The Department shall also furnish to the owner the Department's requirements regarding materials of construction and specifications for pipe, fittings, valves, hydrants and appurtenances. After this plan has been approved by the Department, one copy will be filed with said Department. Maps shall be 24 inches by 36 inches in size, drawn to the scale of one inch equals 50 feet.
- B. Before the owner is ready to file his map with the Department of Health, he shall furnish the Department, for its approval, with a copy of the proposed map, on which will be indicated the size of the water mains and appurtenances along with construction specifications, in writing, which should be consistent with the requirements of the Department furnished under Subsection [A](#) above.
- C. The water mains will be installed under the supervision of the Town-designated engineer and the Department, and upon completion, one Mylar of as-built plans of the completed installation shall be furnished to the Department by the owner.
- D. Upon completion of construction, the entire water system must be turned over to the Town. However, before the Town will undertake to take over such water system so installed in private developments, the developer must transfer its right, title, interest and ownership to the Town for the normal consideration of \$1 before it will undertake to keep it in operation and repair. The Town must be furnished satisfactory proof that either the streets in which the water mains are laid have been dedicated and accepted by proper public authority or instruments granting easements to the Town in a form to be recorded in Washington County Clerk's office with a satisfactory title company certificate showing the same to be executed by all owners and mortgagees or other lienors, and that all valve boxes have been located and placed at the right levels.
- E. Upon satisfactory completion of the above sections, the Department will then advise the New York Fire Insurance Rating Organization accordingly.

Section 270-9. Penalties for offenses.

- A. The Town Board of the Town of Kingsbury may discontinue water service and shut off the supply from any premises, the owner or occupant of which has failed to comply with the provisions of this article or any rules and regulations relating to the character and construction and maintenance of pipes and connections and the use of the water. Such service will not be resumed until the cause for such discontinuance is removed and the expense of shutting off and turning on the water is paid. This remedy may be used alone or in conjunction with any other remedies set forth herein.

- B. In addition to the remedies set forth herein, the Town Board of the Town of Kingsbury may also forward overdue and unpaid water bills to the County of Washington and request that the same be made a lien on the property and billed for payment as part of the real property tax assessments. This remedy may be used alone or in conjunction with any other remedies set forth herein.
- C. In addition to all other remedies set forth herein, noncompliance or violation of any of the provisions of this article by any person, persons, corporation or corporations, company or companies, partnership or partnerships shall be considered a violation, punishable by a maximum fine not to exceed \$250 or by imprisonment for not more than 15 days, or both. This remedy may be used alone or in conjunction with any other remedies set forth herein.
- D. In addition to all other remedies set forth herein:
1. Any person convicted of tampering with, opening or breaking the seal of a water meter located within a private residence or any person taking water from the District that has not passed through a water meter within residential property may be fined up to \$250 and incarcerated for up to 15 days, or both.
 2. Any person convicted of tampering with, opening or breaking the seal of a water meter located within a commercial property or any person taking water from the District that has not passed through a water meter within a commercial establishment may be fined up to \$500 and incarcerated for up to 30 days, or both.
 3. Any person convicted of taking water from the District where there is no water meter may be fined \$500 and incarcerated for up to 30 days, or both.

ARTICLE II. **CROSS CONNECTION CONTROL PROGRAM**

Section 270-20. **Authority.**

This Local Law is adopted in accordance with the Municipal Home Rule Law of the State of New York, and the Town Law of the State of New York. Furthermore, it is enacted in accordance with the Federal Safe Drinking Water Act of 1974, and the statutes of the State of New York, and those certain terms, conditions and provisions of the New York State Sanitary Code, Part 5, Section 5- 1.31.

Section 270-21. **Purpose.**

The purpose of this Local Law is to safeguard potable water supplies from potential contamination by preventing backflow from a water user's system into the public water system. It is the intent of this Local Law to recognize that there are varying degrees of hazard and to apply the principal that the degrees of protection should be commensurate with the degrees of hazard. Further, it is the intent of the Town of Kingsbury, New York, to comply with the requirements of New York State Sanitary Code, Part 5, Section 5- 1.31, which section mandates that the supplier of water protect their water system in accordance with procedures acceptable to

the Commissioner of Health. These mandated requirements are set forth in the Cross Connection Control Manual published by the New York State Department of Health (NYSDOH), and to that extent, the terms, conditions and provisions of the New York State Sanitary Code, Part 5, Section 5-1.31, and the Cross Connection Control Manual are incorporated in this Local Law by reference as if more fully stated.

Section 270-22. Responsibility.

The Water Superintendent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Water Superintendent, an approved backflow device is required at the Town's water service connection to any customer's premises, the Water Superintendent, or his delegated agent, shall give notice in writing to said customer to install an approved backflow prevention device at each service connection to his premises. The customer shall, within 90 days, install such approved device, or devices, at his own expense, and failure or refusal, or inability on the part of the customer to install said device or devices within ninety (90) days, shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

Section 270-23. Definitions.

- A. APPROVED - Accepted by the Water Superintendent as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use. Devices must be approved by the New York State Department of Health as a complete assembly and must be installed so that the device is readily accessible for maintenance and testing, and in a location where no part of the valve will be submerged.
- B. AUXILIARY WATER SUPPLY - Any water supply, on or available, to the premises other than the approved municipal public potable water supply.
- C. BACKFLOW - The flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.
- D. BACKFLOW PREVENTER - A device or means designed to prevent backflow or backsiphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bibb vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.
 - 1. AIR GAP - A physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system. Physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one (1) inch.

2. **ATMOSPHERIC VACUUM BREAKER** - A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.
 3. **BAROMETRIC LOOP** - A fabricated piping arrangement rising at least thirty five (35) feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage.
 4. **DOUBLE CHECK VALVE ASSEMBLY** - An assembly of two (2) independently operating spring loaded check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.
 5. **DOUBLE CHECK VALVE WITH INTERMEDIATE ATMOSPHERIC VENT** - A device having two (2) spring loaded check valves separated by an atmospheric vent chamber.
 6. **HOSE BIBB VACUUM BREAKER** - A device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.
 7. **PRESSURE VACUUM BREAKER** - A device containing one or two independently operated spring loaded check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check or checks. Device includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).
 8. **REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER** - An assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.
 9. **RESIDENTIAL DUAL CHECK** - An assembly of two (2) spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.
- E. **BACKPRESSURE** - A condition in which the owners system pressure is greater than the suppliers system pressure.
- F. **BACKSIPHONAGE** - The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

- G. COMMISSION - The State of New York Department of Health Control Commission.
- H. CONTAINMENT - A method of backflow prevention which requires a backflow preventer at the water service entrance
- I. CONTAMINANT - A substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.
- J. CROSS CONNECTION - Any actual or potential connection between the public potable water supply and a source of contamination or pollution
- K. DEPARTMENT – Town of Kingsbury Water Department.
- L. FIXTURE ISOLATION - A method of backflow prevention in which a backflow preventer is located to correct a cross connection at an in-plant location rather than at a water service entrance.
- M. OWNER - Any person who has legal title to, or license to operate or inhabit in, a property upon which a cross connection inspection is to be made or upon which a cross connection is present.
- N. PERSON - Any individual, partnership, company, public or private corporation, political subdivision or agency of the State, agency or instrumentality or the United States or any other legal entity
- O. PERMIT - A document issued by the Department which allows the use of a backflow preventer.
- P. POLLUTANT - A foreign substance, that if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably effect such water for domestic use.
- Q. WATER SERVICE ENTRANCE - That point in the Owner's water system beyond the sanitary control of the District; generally considered to be the outlet end of the water meter and always before any unprotected branch.
- R. RESPONSIBLE MUNICIPAL OFFICIAL – the Water Superintendent, or his delegated representative, is invested with the authority and responsibility for the implementation of a cross connection control program and for the enforcement of the provisions of the Local Law.

Section 270-24.

Administration.

- A. The Department will operate a cross connection control program, to include the keeping of necessary records, which fulfills the requirements of the Commission's Cross Connection Regulations and is approved by the Commission.
- B. The Owner shall allow his property to be inspected for possible cross connections and shall follow the provisions of the Department's program and the Commission's Regulations if a cross connection is permitted.
- C. If the Department requires that the public supply be protected by containment, the Owner shall be responsible for water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose. He may utilize public health officials, or personnel from the Department, or their delegated representatives, to assist him in the survey of his facilities and to assist him in the selection of proper fixture outlet devices, and the proper installation of these devices.

Section 270-25. Requirements.

A. Department

1. On new installations, the Department will provide onsite evaluation and/or inspection of plans in order to approve the backflow preventer, if any, that will be required, and will issue permit. The Owner shall submit proof of installation and testing results verifying that the backflow preventer was installed properly and is functioning. In any case, a minimum of a dual check valve will be required in any new construction.
2. For premises existing prior to the start of this program, the Department will perform evaluations and inspections of plans and/or premises and inform the Owner by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, ninety (90) days will be allowed, however, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s) in question.
3. The Department will not allow any cross connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation.
4. The Department shall inform the Owner by letter, of any failure to comply, by the time of the first re-inspection. The Department will allow an additional fifteen (15) days for the correction. In the event the Owner fails to comply with the necessary correction by the time of the second re-inspection, the Department will inform the Owner by letter, that the water service to the Owner's premises will be terminated within a period not to exceed five (5) days. In the event that the Owner informs the Department of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Department but in no case will exceed an additional thirty (30) days.

5. If the Department determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.
6. The Department shall have on file, a list of Private Contractors who are certified backflow device testers. All charges for these tests will be paid by the Owner of the building or property.
7. The Department will begin initial premise inspections to determine the nature of existing or potential hazards, following the approval of this program by the Commission, during the calendar year. The initial focus will be on high hazard industries and commercial premises.

B. Owner

1. The Owner shall be responsible for the elimination or protection of all cross connections on his premises.
2. The Owner, after having been informed by a letter from the Department, shall at his expense, install, maintain, and test, or have tested, any and all backflow preventers on his premises.
3. The Owner shall correct any malfunction of the backflow preventer which is revealed by periodic testing.
4. The Owner shall inform the Department of any proposed or modified cross connections and also any existing cross connections of which the Owner is aware but has not been found by the Department.
5. The Owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.
6. The Owner shall install backflow preventers in a manner approved by the Department.
7. The Owner shall install only backflow preventers approved by the Department or the Commission.
8. Any Owner having a private well or other private water source, must have a permit if the well or source is cross connected to the Department's system. Permission to cross connect may be denied by the Department. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross connected to the Department's system.

9. In the event the Owner installs plumbing to provide potable water for domestic purposes which is on the Department's side of the backflow preventer, such plumbing must have its own backflow preventer installed.
10. The Owner shall be responsible for the payment of all fees for permits, annual device testing, retesting in the case that the device fails to operate correctly, and second re-inspections for non-compliance with Department or Commission requirements.

Section 270-26. **Degree of Hazard.**

The Department recognizes the threat to the public water system arising from cross connections. All threats will be classified by degree of hazard and will require the installation of approved reduced pressure principle backflow prevention devices or double check valves.

Section 270-27. **Permits.**

The Department shall not permit a cross connection within the public water supply system unless it is considered necessary and that it cannot be eliminated.

- A. Cross connection permits that are required for each backflow prevention device are obtained from the Department. The Testing Fee, as provided for in this Chapter, will be charged for the initial permit and Re-testing Fee, as provided for in this Chapter, will be charged for the renewal of each permit.
- B. Permits shall be renewed every five years and are non-transferable. Permits are subject to revocation and become immediately revoked if the Owner should so change the type of cross connection or degree of hazard associated with the service.
- C. A permit is not required when fixture isolation is achieved with the utilization of a non-testable backflow preventer.

Section 270-28. **Existing in-use backflow prevention devices.**

Any existing backflow preventer shall be allowed by the Department to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer, or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to an Approved device.

Section 270-29. **Periodic Testing.**

- A. All backflow preventers shall be tested and inspected at least annually.

- B. Periodic testing shall be performed by a certified tester. This testing will be done at the Owner's expense.
- C. Any backflow preventer which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair the device will be re-tested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date will be established. The Owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two (2) devices is an effective means of the Owner insuring that uninterrupted water service during testing or repair of devices and is strongly recommended when the Owner desires such continuity.
- D. Backflow prevention devices will be tested more frequently than specified in A. above, in cases where there is a history of test failures and the Department feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the Owner.

Section 270-30. Records and Reports.

- A. Records. The Department will initiate and maintain the following:
 - 1. Master files on customer cross connection tests and/or inspections.
 - 2. Master files on cross connection permits.
 - 3. Copies of permits and permit applications.
 - 4. Copies of lists and summaries supplied to the Commission.
- B. Reports. The Department will submit the following to the Commission:
 - 1. Initial listing of low hazard cross connections to the State.
 - 2. Initial listing of high hazard cross connections to the State.
 - 3. Annual update lists of items 1 and 2 above.
 - 4. Annual summary of cross connection tests and/or inspections to the State.

Section 270-31. Fees and Charges.

The Town Board shall, by resolution thereof, establish and amended from time to time all fees required by this Chapter. Upon resolution by the Town Board, the Department will publish a list of fees or charges for the following services or permits:

- A. Testing fees
- B. Re-testing fees
- C. Fee for re-inspection
- D. Charges for after-hours inspections or tests.

Section 270-32. Violations and Penalties.

A. Noncompliance; Discontinuance of Service

1. Delivery of water to the premises of any Owner may be discontinued by the Department if any preventative device required by this Local Law has not been installed, inspected, tested and maintained or is defective or has been removed or bypassed.
2. Emergency Discontinuance. Delivery of water shall be discontinued immediately and without notice to the Owner if the Department or Commission determines that:
 - a. The Town water supply is being contaminated or is in immediate danger of contamination;
 - b. A preventative device required by this Local Law has not been installed or is defective or has been removed or bypassed; and
 - c. The Owner cannot be immediately located.
3. Delivery of water shall not be resumed until any preventative device required by this Local Law and approved by the Department has been properly installed or until conditions at the consumer's premises causing the contamination danger or contamination have been abated or corrected to the satisfaction of the Department.

B. Notice.

1. All notices sent in accordance with this Local Law shall state the following:
 - a. The conditions or defects which must be corrected;
 - b. The manner in which the stated conditions or defects are to be corrected; and
 - c. The date on or after which delivery of water will be discontinued and which shall not be fewer than fifteen (15) days nor more than ninety (90) days following the date of delivery of mailing of the notice. The Department may grant the Owner an extension of an additional period not to exceed ninety (90) days if he determines the Owner has exercised

due diligence, but has been unable to comply with all of the requirements contained in the notice within the time originally allowed.

2. The notice shall be given by delivering the same to the Owner, the manager or agent thereof or to any person in charge of or employed in the place of business of the owner; or, if the consumer has no place of business, then at the place of residence of the Owner, if known, or by leaving the notice at either the place of business or the property. If the Owner cannot be located, service of the notice shall be mailed, postage paid, addressed to the owner at the place of business or address set for in the application of owner for water service in the records of the Town.
- C. If any facility served by a water system denies the Department access to their premises for the purposes of determining if protection of the public water system is necessary, then the maximum protection condition shall be imposed with the requirement that the number of devices shall equal the number of service lines.
- D. The following penalties shall be applicable for a violation of this Local Law:
1. Failure to install the appropriate backflow prevention device within a prescribed timeframe after first notice: \$250.00
 2. Failure to install the appropriate backflow prevention device within prescribed timeframes after second notice: Termination of service
 3. Failure to at least annually test the backflow prevention device: \$300.00 and/or termination of water service
 4. Failure to replace or repair a backflow prevention device as required: \$1,000.00 and/or termination of water service

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 5. EFFECTIVE DATE.

This Local Law shall take effect upon filing with the New York State Department of State.

**TOWN BOARD OF THE TOWN OF KINGSBURY
COUNTY OF WASHINGTON, STATE OF NEW YORK**

Resolution No. 11 of 2015

Adopted November 23, 2015

Introduced by Councilman Doyle

who moved its adoption

Seconded by Councilman Freebern

RESOLUTION ADOPTING PROPOSED LOCAL LAW

AMENDING CHAPTER 270, WATER, OF

THE CODE OF THE TOWN OF KINGSBURY

WHEREAS, pursuant to Section 10 of Municipal Home Rule Law the Town Board of the Town of Kingsbury (the "Town") has the authority to adopt local laws amending the Local Law governing water of the Town of Kingsbury and the Code of the Town of Kingsbury; and

WHEREAS, the Town Board having consulted with the Water Department and after due deliberation, finds and determines that it is imperative to update and completely revise the regulations governing water connections and the water supply systems of the residents of the Town of Kingsbury; and

WHEREAS, in order to accomplish said intent, found it necessary to amend certain sections of the Water Local Law of the Town of Kingsbury contained in Chapter 270 of the Code of the Town of Kingsbury as it applies to regulating the water supply systems as necessary and appropriate; and

WHEREAS, the Town Board scheduled a public hearing to be held before the Town Board on November 23, 2015 at 7:05 p.m. at the Offices of the Town of Kingsbury, 210 Main Street, Hudson Falls, New York, to hear all interested parties regarding the adoption of a proposed Local Law regulating water district regulations contained in Chapter 270 of the Code of the Town of Kingsbury; and

WHEREAS, notice of said public hearing was duly posted and then published in *The Post Star*, the official newspaper of the Town, on November 16, 2015 pursuant to and in conformance with Section 20 of the Municipal Home Rule Law; and

WHEREAS, said public hearing was duly held and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the proposed Local Law; and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), as codified under 6 NYCRR Part 617 et. seq., the adoption of the proposed Local Law is a Type II action, whereby no further environmental review of the action is required.

NOW, THEREFORE BE IT

RESOLVED, the Board, upon due deliberation of the proposed Local Law and the comments presented at the public hearing, finds that the adoption of the same shall be in the best interests of the Town and protects the public health, safety and welfare. The proposed Local Law is designed to regulate the construction, use, operation and maintenance of water supply systems in the Town of Kingsbury; and be it further

RESOLVED, the proposed Local Law is hereby adopted, copies of which are attached hereto and made a part hereof; and be it further

RESOLVED, the Clerk is hereby instructed to file a certified copy of the Local Law in the Office of the Secretary of State; and be it further

RESOLVED, the Law shall take effect upon its filing with the Office of the Secretary of State; and be it further

RESOLVED, this resolution shall take effect immediately.

PRESENT:

James T. Lindsay, Supervisor

Henry C. Freebern, Councilman

Richard J. Doyle, Councilman

ABSENT:

William Collins, Councilman

Paul Bromley, Councilman

{Seal}

AYES: 3

NAYES: 0

ABSENT: 2

Cynthia A. Bardin, Town Clerk

Town of Kingsbury

FEE SCHEDULE AS ESTABLISHED BY RESOLUTION

Rates

Residential -
 0-10,000 Gallons Per Quarter \$50.00 minimum, plus \$2.75 for each 1,000 gallons.

Commercial -
 0-10,000 Gallons Per Month \$62.50 minimum, plus \$2.75 for each 1,000 gallons.
 Apartment buildings and multiple dwelling residential units having and more than 4 residential units owners shall be billed an additional \$7.25 per residential unit.

Tapping Fee Schedule

Size	Fee with Meter	Fee Meter Only
¾ inch Short	\$770	\$250
¾ inch Long	\$1,230	\$250
1 inch Short	\$910	\$385
1 inch Long	\$1,380	\$385
1 ½ inch Short	\$1,150	\$550
1 ½ inch Long	\$1,800	\$550
2 inch Short	\$1,575	\$675
2 inch Long	\$2,200	\$675

Service Fees

Service turn-off \$25.00
 Service turn-on \$25.00
 Meter testing \$25.00

Cross-Connection Service Fees

Testing fees
 Re-testing fee
 Fee for re-inspection
 Charges for after-hours inspections or tests.

Supervisor Lindsay and Code Enforcement Officer Ross Cortese met with Village Mayor John Barton to discuss services the Washington County Planning Department could provide for the

Town and Village. After discussion Supervisor Lindsay stated we should have more information by the next Board meeting.

Supervisor Lindsay reported Judge Mike Keenan is working on a plan for a single judge for the Town and the Village. As of April 1, 2016 the Village will no longer have a Court, the Town will handle all Court cases.

Supervisor Lindsay stated Councilman Bromley was not in attendance of tonight's meeting because he was working at 6 Michigan Street. He also stated that Councilman Bromley is spending a lot of time on the renovation and construction of the New Town Hall. Supervisor Lindsay reported the blacktopping is complete and the trim on the exterior of the building is complete. The windows will be installed and hopefully with decent weather the exterior work will be complete and work can continue inside. The outside door on the cellar will be installed today. Supervisor hopes we can start moving records into the basement by mid – December; with completion of the Town Hall by the end of January.

Town Clerk expressed her concern with the upcoming County/Town Tax Collection. The bills will be addressed for payment at 6 Michigan Street. It is possible the New Town Hall will not be complete by January 4, 2016; the first day of the tax collection. After discussion the Town Clerk has agreed to contact Washington County Real Property to request the tax bills not be sealed. If necessary the Town can include an enclosure with the bill with information for the taxpayers.

Councilman Doyle asked Code Enforcement Ross Cortes if East Side was still operating. Cortes reported they are still operating. Attorney Meyer reported he had received a notice that the Workman's Compensation had lapsed at East Side. During a discussion it was determined that it is possible there are no employees at East Side, if so no Workman's Compensation would be necessary. Attorney Meyer commented the Liability Insurance is up to date; he has not received notification otherwise.

Supervisor Lindsay reported Dog Control is going well.

Supervisor Lindsay reported that Highway Superintendent Michael Graham has blacktopped the parking lots at the New Town Hall and the Town Line Road project has been completed.

Supervisor Lindsay reported that Wheelabrator has applied for a modification in their permitting. Wheelabrator would like to burn sludge from the Glens Falls Sewer Treatment Plant. Supervisor commented it should be no problem; even the DEC does not view it as a problem.

Supervisor Lindsay reported a representative from NYS will come to review our Tax Cap Capulation. The State makes sure everything is correct. Attorney Meyer commented we should speak to them about the Dix Avenue Drive-In property.

Supervisor Lindsay announced on December 14, 2015 at 9 a.m. there will be a meeting discussing non-point pollution with Beth Gillis of the Lake Champlain Regional Planning at the Kingsbury Town Hall. Supervisor Lindsay would like Michael Graham, Superintendent of Highways, Code Enforcement Ross Cortese and Supervisor Elect Dana Hogan to attend.

Supervisor Lindsay received a letter from Newmark Grubb Knight Frank. They are interested in a long-term lease to create a solar development on property owned by the Town on Burgoyne Avenue.

Supervisor Lindsay received a letter from the Greater Glens Falls Transit addressing future financial concerns. We contract with and pay them approximately \$3,900.00 per year for bus service. The possible loss of the 5340 element of the Federal Transportation Bill program would not affect operating budget but it could affect capital purchases in the future; such as new buses.

Supervisor Lindsay received a letter of resignation from Recreation Commissioner Knox Brown. Mr. Brown is resigning due to health and family issues.

Supervisor Lindsay reported the 2016 County Budget had been passed with a 1.54% increase to the tax levy.

The County Board of Supervisors voted to give \$2 million dollars to SUNY Adirondack over a 10-year period towards a \$20 million dollar stem project, for a complete re-build of the Science Building.

A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 3 ayes to accept reports of certain officers for the month of October:

Dog Control Officer: Complaints/Calls 36; Seizures 5; Unlicensed Dogs 6; Euthanasia 0; Summons Issued 0; Bites Investigated 0; Mileage 511, with 126 charged to Fort Edward & 242 charged to Fort Ann

Town Clerk: Paid to EnCon \$4,601.42; Paid to Supervisor \$4,587.50; Paid to NYS Dept. of Health \$90.00; Paid to Ag & Markets for Population Control \$119.00

Town Comptroller: Receipts \$68,985.89; Disbursements \$432,212.63

Town Justice: Fees Collected: \$8,76.75

A **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 3 ayes to enter into executive session to discuss employment matters at 7:45 p.m.

At 8:35 p.m. a **motion** by Councilman Freebern seconded by Councilman Doyle and carried by a vote of 3 ayes to exit the executive session.

There being no further business before the Board a **motion** by Councilman Doyle seconded by Councilman Freebern and carried by a vote of 3 ayes to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk

<http://www.kingsburyny.gov>