

LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board, Town of Poughkeepsie does hereby set **December 20th, 2023 at 7:00pm** as the time, date and place of a public hearing to afford all interested parties an opportunity to be heard and seek public comment, in regard to the following:

Amending Town Code, Chapter 203, entitled “Water” by taking out the fees listed in the code and will be adopting new fees by Resolution also on that date

AND PLEASE ALSO TAKE FURTHER NOTICE that said proposed local law is available in full with Exhibit to preview on our website @ <https://ny-poughkeepsietown.civicplus.com/300/Public-Hearings> or in person @ the Town Clerk’s Office, Monday – Friday, 8AM – 4PM.

Felicia Salvatore, Town Clerk
Town of Poughkeepsie
December 7, 2023

RESOLUTION 12:6 - # 12 OF 2023

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 20th day of December, 2023 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie as and for the time, date and place of a public hearing to amend the Town Code, Chapter 203, entitled "Water", and

BE IT FURTHER RESOLVED, that the proposed amendments are attached hereto as Exhibit A and incorporated herein, with the material to be added underscored and the material to be deleted ~~stricken~~, and the Town Board does hereby waive a verbatim reading of said amendments and does direct that said amendments be spread across the record as if they, in fact, had been read verbatim, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does determine pursuant to 6 NYCRR 617.5(c)(26) that because it involves the ongoing management of Town affairs, with no new programs or major ordering of priorities that might affect the environment, this action is a Type II Action requiring no environmental review; and

BE IT FURTHER RESOLVED, that said local law, if adopted, shall take effect immediately upon filing with the Secretary of State.

Dated: December 6th 2023
 Moved: Michael Cifone
 Seconded: William Carlos

Motion passes/ fails: Ayes 5 Nays 0

JEN/mem
 t-11/28/2023
 m-12/6/2023
PRESENT/ABSENT
PRESENT/ABSENT
PRESENT/ABSENT
PRESENT/ABSENT
PRESENT/ABSENT
PRESENT/ABSENT
PRESENT/ABSENT

	AYE	NAY	ABSTAIN
Councilman Renihan	<u>absent</u>	___	___
Councilman Carlos	<u>✓</u>	___	___
Councilwoman Burger	<u>✓</u>	___	___
Councilman Cifone	<u>✓</u>	___	___
Councilman Krakower	<u>absent</u>	___	___
Councilwoman Shershin	<u>✓</u>	___	___
Supervisor Baisley	<u>✓</u>	___	___

EXHIBIT A

Chapter 203. Water

Article I. Town-Wide Water Improvement Area

[Adopted 2-16-1972 (Part I, Subpart 15, of the 1964 Code); amended in its entirety 3-27-1996 by L.L. No. 4-1996]

§ 203-1. Scope.

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§ 203-5. Connection with mains.

A.

(1)

Ductile iron pipe, Class 52, is the only acceptable pipe to must be used for water mains, but HDPE DR11 may be used after a master meter pit with trace wire for locating purposes. Fittings must be ductile iron with restraining glands or tie rods.

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E.

Copper Type K is the only acceptable pipe for service laterals up to two inches and under 200 feet long. Services one inch and up to two inches over 200 feet long that require a meter pit may be installed using 200 psi PE (polyethylene) plastic pipe between the meter pit and the house. Type K Copper must be used from main to curb box and curb box to pit. The CTS (copper tubing size) poly pipe connects using stainless steel sleeves and compression fittings. Plastic pipe must have five feet of cover and be installed with a tracer wire for locating purposes. Services larger than two inches must be ductile iron pipe. Fittings must be compression type for copper pipe. Nondraining curb boxes only. [Amended 4-23-2003 by L.L. No. 3-2003; 11-18-2009 by L.L. No. 41-2009]

Only Copper Type K and CTS (copper tubing size) 200 psi polyethylene plastic pipe sizes ¾" to 2" may be used for service laterals. CTS poly pipe shall be connected using stainless steel sleeves with compression fittings. CTS plastic pipe shall be installed with

tracer wire from the copper pipe at the curb valve to the first valve inside the residence for locating purposes. Service laterals over 100 feet must be one inch. Service laterals over 200 feet must have a master meter pit at the property line. Type K Copper must be used from the main to the curb valve and the curb valve to the pit. Piping on the Town of Poughkeepsie side of service will continue to be Type K copper. Service lines greater than 2 inches must be ductile iron. Only non-draining curb valves may be installed.

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§ 203-6. Meters; civil penalties.

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B.

Separate water service lines designed and installed exclusively for fire-fighting purposes (i.e., sprinkler systems, etc.) and from which there are no connections or tees or taps from which water may be drawn and used for purposes other than fire fighting and protection need not be metered; but are subject to an annual fee as shown on the Fee Schedule maintained by the Town Clerk.-

C.

All water meters of one inch size or less must be procured from the Water Department and shall be the property of the Town-Wide Water Improvement Area. Larger meters shall be provided by and at the expense of the owner of the premises requiring the meter and shall be of the size and type acceptable to the Water Department. They shall be set at the expense of the property owner in such location, position and manner as to be readily accessible for reading and repair and kept free from obstruction and shall be fully protected from freezing and damage at the property owner's expense. Remote reading heads and accessory meters will be installed by the owner for all water meters over one inch, at a time to be determined (by the Town of Poughkeepsie Water Department) upon order of the Town of Poughkeepsie Water Department, at the owner's sole cost and expense and in compliance with the Town Code and specifications as determined by the Water Department. At the time said meters are installed the owner shall install backflow preventors approved by the Town of Poughkeepsie Water Department as determined by the Water Department at the time of installation. Cables and/or wires connecting such heads with the meters shall be protected from damage by the property owner. A civil penalty/penalties in the amount(s) specified in the Fee Schedule maintained by the Town Clerk of \$150 will be imposed on the property owner when a meter is damaged by freezing or other negligence on the part of the owner of the premises and/or when a remote reading cable and/or head is damaged by the property owner's negligence. Such penalty shall be a lien against the property. All meters, cables, remote reading heads and all other equipment accessory to the meters shall be under the exclusive control of the Water Department and subject to inspection at all times by the Water Department, Plumbing

Inspector and other agents authorized by the Town Board. Any penalty imposed hereunder may be appealed to the Town Board in writing received by the Town Clerk, with a copy to the Water Department, within 30 days of the bill date.

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E.

No person shall interfere or tamper in any way with the meter or meter accessories or the valves and fittings connected thereto. No person shall use unmetered water. Any person violating this subsection shall be subject to a civil ~~penalty/penalties~~ ~~fine in the sum of \$1,000 as determined and imposed by the~~ in the amount(s) specified in the Fee Schedule maintained by the Town Clerk ~~person charged with the enforcement of this chapter or by agreement of the parties.~~ In addition, any person violating this subsection shall be required to make restitution and payment to the Water Department in an amount ~~to be determined by the Water Department~~ Superintendent or his or her designee to reimburse the Water Department for service provided but not paid for by any person violating this subsection for a period of up to three years immediately preceding the discovery of the violation, and to further reimburse the Water Department for any and all damages sustained to the meter or meter accessories or the valves and fittings connected thereto. Any penalties, restitution and payment, or reimbursement charges imposed hereunder may be appealed to the Town Board in writing received by the Town Clerk, with a copy to the Water Department, within 30 days of the bill date. The Town's remedies here provided are not exclusive.

[Amended 6-3-2009 by L.L. No. 22-2009]

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G.

Residential three-quarter-inch and one-inch water meters that are over 20 years old, not compatible with Town reading equipment, or not functioning properly shall be replaced at Town expense. Affected property owners shall be sent a thirty-day mandatory upgrade notice letter. If a consent to replace is not timely received, or if replacement is not allowed, a second thirty-day notice letter shall be sent. If after the second notice letter is sent no consent to replace is received, or if replacement is not allowed, the Town will send a final thirty-day notice letter via Certified Mail. If a consent to replace is not then timely received, or if replacement is not allowed, a ~~\$100~~ charge will be assessed in the amount specified in the Fee Schedule maintained by the Town Clerk on each quarterly water bill thereafter until the replacement has been acceptably completed, with the Town reserving to itself all other rights and remedies.

[Added 9-29-2021 by L.L. No. 10-2021]

H.

Except as provided below, one-and-one-quarter-inch, one-and-one-half-inch, and two-inch commercial water meters that are over 20 years old, not compatible with Town reading equipment, or not functioning properly shall be replaced at the property owner's

expense. Owners will be sent a thirty-day mandatory upgrade letter. If a consent to replace is not timely received, or if a replacement is not allowed, a second thirty-day notice letter shall be sent. If after the second notice letter is sent no consent to replace is timely received, or if replacement is not allowed, the Town will send a final thirty-day notice letter via Certified Mail. If consent to replace is not timely received, or if replacement is not allowed, a \$500 charge will be assessed in the amount specified in the Fee Schedule maintained by the Town Clerk on each quarterly water bill thereafter until after the replacement has been acceptably completed; provided however, that if a commercial property owner can prove that its meter is compatible, functioning properly, and although over 20 years old, is accurate to within 2% plus or minus by a certified meter testing company, the \$500 charge will be waived. The Town reserves to itself all other rights and remedies.

[Added 9-29-2021 by L.L. No. 10-2021]

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§ 203-8. Rates, charges and billing.

A.

~~Effective August 13, 2018, the minimum rent per quarter, which includes rental of meter, if any, shall be \$18.75.~~

~~[Amended 12-16-1998 by L.L. No. 17-1998; 7-11-2018 by L.L. No. 6-2018]~~

B.

~~Effective billing August 13, 2018, all water shall be billed at the rate of \$2.50 per 100 cubic feet.^[1]~~

~~[Amended 12-16-1998 by L.L. No. 17-1998; 10-20-2004 by L.L. No. 22-2004; 7-11-2018 by L.L. No. 6-2018]~~

[1]

~~*Editor's Note: Pursuant to L.L. 13-2021, adopted 11-3-2021, effective 1-1-2022, all fees will be in a Fee Schedule maintained in the Town offices, which fees may be amended from time to time by resolution.*~~

A. Effective January 1, 2024 all water rent, rates, tap fees, non-payment and other penalties, user fees, installation fees, infrastructure unit fees for water and sewer appurtenances, and all other water related fees and charges, except as specifically provided otherwise, shall be as reflected in the Fee Schedule adopted by Town Board resolution and maintained by the Town Clerk, which Fee Schedule may be amended from time to time by resolution by the Town Board.

C.-B.

The fee for permission to open streets, lanes, walkways and other public grounds for the purpose of installing mains, services and other appurtenances shall be subject to permission and fee as set down by the Superintendent of Highways.

D.

Tap charges. ^[2]

[Amended 11-18-2009 by L.L. No. 41-2009]

(1)

~~The charge for taps of three fourths inch and one inch size shall be \$150 and \$185, respectively. Materials to be supplied by others.~~

(2)

~~The charge for taps from one and one quarter inch to two inch size shall be \$275. Materials to be supplied by others.~~

(3)

~~The fee of \$750 for a standard large tap and \$950 for twenty inch or larger tap shall be charged. Materials to be supplied by others.~~

[2]

Editor's Note: Pursuant to L.L. 13-2021, adopted 11-3-2021, effective 1-1-2022, all fees will be in a Fee Schedule maintained in the Town offices, which fees may be amended from time to time by resolution.

E.C.

All unpaid water rents, charges and penalties which are in arrears for 30 days or longer shall be subject to a penalty in ~~of~~ 10% of the amount due specified in the Fee Schedule maintained by the Town Clerk.

F.D.

If all such water rents, charges and penalties shall not be paid within 60 days after the date due, the Town Clerk shall mail to the owner a notice of arrearage, containing the total amount then due with notice that, unless paid within five days after date of mailing such notice, service will be discontinued unless such bill and the whole thereof shall be paid within said five days or the next business day after the expiration of said five-day period, and such service shall not be restored until all charges and penalties shall have been paid, ~~and the further sum of \$20 shall have been paid for the restoration of service.~~ [Amended 11-2-2011 by L.L. No. 28-2011]

G.E.

All water rents and other lawful charges in connection with the water system shall be a lien upon the real estate where such water is supplied. All penalties for the violation of any rules and regulations hereafter adopted, if not paid when imposed, shall constitute a lien upon the real property and premises in like manner as unpaid water rents.

H.F.

All water rents, penalties and other lawful charges remaining due and unpaid at the time the annual tax roll of the water improvement area is made up shall be included therein and levied against the real property on which the water shall have been used and shall be collected with and in the same manner as other Town taxes with the additional fees, charges and penalties incident to the collection of such taxes.

I.G.

Water shall not be turned on or off except by the Water Department. There will be no charge for the first turning on of the water but, should the Town Board or its agent turn it off because of any delinquency on the part of the consumer, the water will not be turned on again until all the charges have and a fee of \$20 has been paid by the delinquent. When water is turned off or on at the request of a consumer, no charge will be made, ~~for turning off, but a charge of \$10 will be made for again turning on the supply.~~^[3] While so shut off at the curb box, no minimum charge will be made.

~~[3]~~

~~Editor's Note: Pursuant to L.L. 13-2021, adopted 11-3-2021, effective 1-1-2022, all fees will be in a Fee Schedule maintained in the Town offices, which fees may be amended from time to time by resolution.~~

~~J.-H.~~

The Town Board reserves the right to suspend or discontinue, when the public interest shall require it, the use of any water service, including street mains, and also to shut off the water for repairs or alterations of the street mains or service mains or for other purposes and to keep it shut off as long as may be necessary.

~~K.-I.~~

Neither the Town or any of its officers or agents or the Town-Wide Water Improvement Area shall be held responsible or be responsible to consumers for any damages which may result from or be caused by shutting off the water, even when no notice is given, and no deduction from water bills will be in consequence thereof. No claim shall be made against the Town of Poughkeepsie or the ~~il~~Improvement ~~a~~Area for any damages arising from the bursting or breaking of any street main or service pipe or any fixture or attachment thereto, wherever situated, or from the failure or diminution of the water supply, whatever the cause thereof may be.

~~L.~~

~~Various fees.~~^[4]

~~[Added 11-18-2009 by L.L. No. 40-2009]~~

~~(1)~~

~~Three-fourths inch meter installation: \$300.~~

~~(2)~~

~~One-inch meter installation: \$350.~~

~~(3)~~

~~Water service fee: \$35.~~

~~(4)~~

~~Sewer service fee: \$35.~~

~~[4]~~

~~Editor's Note: Pursuant to L.L. 13-2021, adopted 11-3-2021, effective 1-1-2022, all fees will be in a Fee Schedule maintained in the Town offices, which fees may be amended from time to time by resolution.~~

~~M.~~

~~Unit fees for infrastructure permits.~~^[5]

[Added 11-18-2009 by L.L. No. 40-2009]

~~(1)~~

~~Water: appurtenances (meter pits, water mains, backflow devices, fire hydrants, and miscellaneous appurtenances): \$35 each.~~

~~(2)~~

~~Sewer: appurtenances (manhole, grease traps, sewer mains, laterals, and miscellaneous appurtenances): \$35.~~

~~[5]~~

~~Editor's Note: Pursuant to L.L. 13-2021, adopted 11-3-2021, effective 1-1-2022, all fees will be in a Fee Schedule maintained in the Town offices, which fees may be amended from time to time by resolution.~~

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§ 203-14. Enforcement; penalties for offenses; additional remedies.

Pursuant to § 135 of the Town Law, a violation of these ordinances, rules and regulations is hereby declared to be a violation, punishable by a fine for each violation not exceeding ~~\$250~~\$750 or imprisonment for a period not to exceed 15 days, or both, and each day said violation continues shall constitute a separate violation. The proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceeding to prevent unlawful violation of these ordinances, rules and regulations and to retrain, correct to abate such violation or to prevent any illegal action, conduct or use in or about said water improvement area.