

**Town of Henderson
12105 Town Barn Rd.
Henderson, NY 13650
Town Board Meeting/ Public Hearing
February 11, 2025**

A regular meeting of the Town Board of the Town of Henderson, County of Jefferson and the State of New York was held at 12105 Town Barn Rd. at 6:00PM, on the 11th day of February 2025.

PRESENT: Karen Richmond --- Supervisor
 Matthew Owen --- Councilperson
 Torre Parker Lane --- Councilperson
 David Poulin --- Councilperson
 Lindsay Witmer --- Councilperson
 Wendy Flagg --- Town Clerk

ABSENT:

Town Board meeting opened at 6:00PM with Supervisor Richmond leading the Pledge of Allegiance.

Supervisor Richmond opened public hearing at 6:02PM for Local Law Chapter 46A Appointments & Hiring policies.

PUBLIC COMMENTS: Email submitted by Carol Hall

MOTION:

CONTINUE PUBLIC HEARING FOR LOCAL LAW 46A APPOINTMENTS & HIRING POLICIES

On a motion of Councilperson Owen, second by Councilperson Parker Lane the following motion was

ADOPTED Ayes 5 Richmond, Owen, Parker- Lane, Poulin, Witmer
 Nays 0

Motion to continue Public Hearing for Local Water Use Laws

Reopen and continue Public Hearing for Local Water Use Law revisions at 6:08PM

PUBLIC COMMENTS: Mark Jareo, Ginger Cook, David Ondrasek

RESOLUTION# 2025-02-11-033

LOCAL WATER USE LAW REVISIONS

On a motion of Councilperson Witmer, second by Councilperson Parker Lane the following motion was

ADOPTED Ayes 5 Richmond, Owen, Parker- Lane, Poulin, Witmer
Nays 0

Board resolves to accept the Local Water Use Laws as follows:

CHAPTER 4
TOWN OF HENDERSON CODIFICATION
Water District No.1 and No. 2 Rules and Regulations

Revised June 2, 2012 by resolution; Revised September 6, 2012 by resolution to change Water District #2 EDU's & O & M Charges; Revised August 14, 2013; Revised water use rates, NYMIR recommendation, and general upgrade February 11, 2025

1. Establishment of Rules, Definitions

The following rules and regulations are established by the Town Board of the Town of Henderson and every person who shall be supplied or whose property shall be supplied automatically accepts said rules and the same shall constitute a part of the contract between such persons and the Town. The word "consumer" shall be used in these rules and regulations. It shall mean the owner of the property. EDU means "equivalent dwelling unit". A single family house equals one (1) EDU. Other EDU's are assigned according to land use, building use and customer type, see Exhibit A.

2. Issuance of Bills: Quarterly collection

Water bills shall be issued quarterly. Water bills shall be addressed to the tax billing address for the parcel.

3. Current Water and Connection Charges

Water and connection charges may be changed by resolution passed by the Town Board of the Town of Henderson. All obligations of any nature due the water district which remain unpaid as of October 1 of each year may be charged by the Town as special assessments and collected as the same.

4. Permits/Request for New Service

Applications for any new water service, including from the street main to the curb stop (where the shut off valve is located) can be obtained at the town clerk's office. Work shall not commence until it is properly approved by the Zoning Enforcement Officer (ZEO) and meets all DOH requirements.

5. Taps

A separate tap in to the main is to be required for each lot supplied with water. The tap is the responsibility of the consumer and all costs will be borne by the consumer. The District personnel will only oversee and inspect the tap process. Tapping can only be done by an experienced contractor, which shall be verified by District personnel. Completed tapping shall be inspected by District personnel.

6. Cost of Installation

The cost of new installations will be paid entirely by the owner. The meter, touchpad, and MXU must be purchased from the Town of Henderson and will be billed on the first water bill. The cost of these items will be the same cost incurred by the Town of Henderson when such items are purchased.

7. Pipe Specifications

The pipe from the curb stop to the consumer meter shall be 3/4" Type K copper, 3/4" 150 PSI HDPE or other approved material with compression fittings. All new services utilizing non-metallic pipe will be required to have a tracer wire buried with the pipe with one end ending at the water meter and the other end wrapped around the top of the curb stop. The tracer wire will be #10 solid copper with blue coating.

The Town Board may hereafter revise such pipe specifications.

8. Laying of Service Pipes & Notification to the District

Service pipes shall be laid not less than sixty (60") inches below the surface of the earth unless equivalent frost protection is provided which is acceptable to the District. This applies to the established grade where it has been fixed. No trench shall be backfilled in any manner before a representative of the District makes inspection for leaks and clearances. Approval of as-built configuration needs to be documented on the building permit.

9. Trench Openings and Backfilling

The trench opening by the owner or contractor for tapping onto the service shutoff for the installation of the water line shall be of sufficient size and have the proper safety precaution to accommodate the work to be accomplished. The owner or pre-approved contractor shall make alterations to the opening as instructed only by the District representative. The backfilling of the trench shall be made by the owner or the contractor. The material used shall be sand in the immediate area around the pipe to a depth of one (1) foot. The remainder of the trench will be original material, tamped every eight (8) inches until the trench is backfilled to original grade.

10. Maintenance of Service Pipes

The district will maintain all the service piping from the main to each structure as long as the property is within the District or if installation was inspected when installed after the close of construction in that district. The owner within the District is only responsible for what is inside their building. Outside District users

are responsible for maintenance on all piping. Only District personnel are allowed to service, shut off/on at curb stop. All requests for turn on/off of water supply will be by submitting Exhibit C form, see paragraph 33

11. Backflow Preventers

Where required by the New York State Department of Health Sanitary Code, Part 5, or local ordinance, a backflow preventer of a suitable type that is currently approved by the Health Department must be installed and periodically tested.

A. Well Separation Inspection: Should the records indicate that at the time of connection to the public water supply a choice is made to retain the existing well on a property, the NYS Department of Health requires an inspection of the operation of both water supplies which is required to verify that the well is still in operation and remains separate from the public water supply. An inactive well must be abandoned per NYS Department of Health regulations. There is no charge for the first inspection and a fee of \$40 is due for each subsequent inspection. If there is maintenance of an active well, an access easement shall be granted by owner to the District to permit entrance to inspect the well and to make future owners aware of the easement associated with a private well. New York State Sanitary Code, Part 5 ensures the safety of public water through the enforcement of the said code. An inspection shall be done every three (3) years and shall be logged in records by the district representative. An inspection shall also occur whenever ownership of such premises changes and logged. Town representatives will need to recheck for inspection.

12. Cross-connection Control

No consumer is allowed any cross-connection from any other source of water under the rules and regulations, Part 5, of the NYS Department of Health. When such cross-connections are found, the water from the District water system shall be turned off immediately to prevent contamination of the district water system. The consumer shall be requested to provide a cross-connection control device as required by District upon discovery.

13. Operation of Curb Stop Water Shutoff

No curb stop shall be operated by anyone other than a representative of the District.

14. Operation of Fire Hydrants

No fire hydrant shall be operated by anyone other than a representative of the District. The fire department may however, use the hydrants for the purpose of fighting fires, announced fire fighter training exercises or to assist the District. Fire Department non-emergency use shall be approved by District personnel. District employees should inventory all of their fire hydrants and document the date of flushing or testing to serve as proof of the activity and to ensure that no hydrants are overlooked. Documentation of this flushing should include

information on a form similar to Exhibit B. (Do not revise without referencing NYMIR report to Town of Henderson dated August 19, 2024)

15. Meters

A. All water services except those used exclusively for fire purposes shall be metered. Meters shall be obtained from the District and all repairs and testing must be made by the District.

B. All meters at the time of initial construction of the water system shall be provided by and maintained by the District at no cost to the consumer. Damage to the meter not caused by the District is the responsibility of the owner, including all cost for its removal,

C. Meters shall be as specified by the District. The consumer is responsible for the costs of any meters required after the initial construction of the system.

D. Meters removed for seasonal purposes will be billed at a minimal of \$90.00 per hour at the time of removal and charge shall however include both the time incurred for the removal and re-connection process. Additional charges may also be incurred which may be, but not limited to: requested turn on and/or turn off at curb or in home; service, repair and/or replacement of meters and/or parts; and inspections necessary for new and/or old installations. All requests for turn on/off of water supply will be by submitting Exhibit C form, see paragraph 33. This will be done by District personnel only.

16. Testing and Repair of Meters

The District shall conduct periodic tests on all meters so as to maintain the meter in proper working condition. The District will pay all costs for routine testing, maintenance, repairs and replacements. The District will have all meters larger than two (2) inches in size tested every four (4) years or as needed.

17. Location of Meters

All water meters shall be placed in an accessible part of the building or basement so that they may be read or removed. When placed in a pit such a pit shall comply with specifications established by the District. Just inside of the basement or pit wall into which the service pipe extends, a shutoff valve shall be placed ahead of the meter. On all water meters two (2) inches and larger, a backflow preventer shall be installed when connecting equipment to a building which has a potential of back feeding contaminants into the system as determined under the District specifications. (All new, repaired, or replaced services, two inches (2") or larger shall have a Department of Health approved backflow prevention device after the water meters.) All water meters not in a heated environment or meter pit shall be removed annually to eliminate freezing. All new pits will be approved by the District.

18. Breaking of Seals

All water meters, when set, shall be sealed to prevent tampering. No person other than an authorized employee of the District shall break said seals or remove said meter. Seasonal removal or installation of Meters MUST be done

by the District. All requests for turn on/off of water supply will be by submitting Exhibit C form, see paragraph 33. Homeowners shall be responsible and liable for any unauthorized tampering of meters. Homeowners, as well as other persons, involved in unauthorized tampering, shall be subject to penalties, costs, and restitution, as defined in paragraph 26.

19. Inspections

Any employee of the District, upon proper identification, shall have the right to enter any premises where municipal water is being supplied for the purpose of inspecting, installing, removing or reading a meter, plumbing and fixtures of the water service and all work in connection with the service.

20. Liability

In the event of an emergency, including but not limited to breaks in a water main, the District shall not be liable for any damages which may result to any person or premises from the shutting off of the water from any main or service for any purpose whatsoever, even in cases where notification is not given.

21. Fire Prevention Services (Sprinkler Systems)

Where on-premises fire prevention services are permitted, the entire cost of materials, installation and maintenance of the service from the main to the premises and within the limits of the premises shall be borne by the consumer. The consumer shall pay a connection charge as listed. Failure to make proper repairs of the system, after due notice, shall result in the water service being turned off. When the consumer desires to conduct flow tests or to make repairs to the fire service system, except in emergencies, the consumer or the representative of the consumer shall give the District forty-eight (48) hours advance notice before commencing such testing or repairs. The charges per billing are as follows:

A. SCHEDULE OF QUARTERLY FEES FOR SPRINKLER SYSTEMS

Size of System (by inches)

1 1/2 and 2	\$ 6.00
4	\$11.00
6	\$16.00
8	\$21.00
10	\$26.00

B. SPRINKLER SYSTEM MALFUNCTIONS

Any time a malfunction occurs in a sprinkler system, and any Town of Henderson Water District employee has to be on premises for turn off/turn on, repairs, replacements, etc., the owner shall be billed at the rate of \$45.00 per hour for any and all services as well as the cost of any and all parts required to fix the system.

C. SPRINKLER SYSTEM WATER USAGE

When a sprinkler system malfunctions, and unmetered water is discharged, the Water District Operator will provide the Water Clerk with an "estimated usage figure" which will determine the fee to be charged the customer based on a cost of \$5.00 per 1,000 gallons of water consumed.

22. Abandonment of Services

When a building is torn down and water service is no longer required, the owner of the property shall contact the District to terminate the water service.

23. Estimated Use

If a meter fails to accurately record the amount of water used, or the meter cannot be read, the consumer shall be charged at the average daily consumption of the last 4 quarters.

24. Responsibility For Water Rents

The owner of any premises which is supplied with district water shall be liable for charges of the water used or other expenses in connection with such water service as provided herein. When there are two (2) or more tenants occupying a property equipped with only one (1) meter, the water rent shall be billed and collected directly from the property owner and in no case from the tenant.

25. Buildings With Multiple Meters

In any building with multiple meters, there shall be a main water shutoff just inside the wall and individual shutoffs for each meter in the building. It shall be the responsibility of the owner to provide access to read meters.

26. Penalties For Offenses

Any persons or person, firm or corporation violating any of the provisions of these rules, regulations and ordinances hereby enacted, shall be guilty of a violation. Conviction of this violation, carries a Sentence of a minimum of two hundred and fifty dollars (\$250) and a maximum of five hundred dollars (\$500) or imprisoned in the county jail for not more than fifteen (15) days, or be both so fined and imprisoned. These rules and regulations and any ordinances pertaining thereto may also be enforced by injunction or by any other remedy permitted by law. Violators shall be prosecuted to the fullest extent of the law. Full restitution for repair, costs, labor, legal enforcement of these "Water District Rules" shall be sought in both Criminal and possibly Civil Courts.

27: Enlargement of Service

When an owner or tenant requires more water than the existing water pipe can deliver the property owner shall pay the cost of the enlargement, modification or replacement of said waterline from the water main to the building. This will be approved and inspected by the District before and after commencing.

28: Repair and Maintenance of Lines

No person or entity, other than Water District authorized personnel, shall attempt to dig up or repair any waterline at any time. Inspection will be done by District personnel. Pre-approved contractors will be used after notification to the District.

29: Filling of Swimming Pools

No swimming pools shall be filled from any hydrant within the water district.

30: Water Shortage Measures

In the event of a major break in a water main or drought condition that depletes the district water levels, the Town of Henderson Town Board may in its discretion order a declaration of water conservation. The Town Board shall establish times for restrictions on the use of water and may among other restrictions prohibit the use of water to wash cars, driveways, homes or to water gardens, shrubs, and flowers or restrict the filling of swimming pools, etc. The Town may for proper cause issue a "boil water" advisory through the media which "boil water" advisory may stay in effect until such time as the County/State Department of Health has declared the water safe to use.

31: Schedule of Charges

In addition to any and all other fees and charges, every person who shall be supplied or whose property shall be supplied water by the District shall pay water rent for the water supplied. The water rents shall be as listed in "Exhibit A".

A. Outside District rates shall be the same as Inside District Rates.

B. Water bills which remain unpaid for thirty (30) days after the billing date shall have an additional 10% interest charge assessed on the balance due for the current quarter. Bills that remain unpaid as of October 1 of each year may be charged by the Town as special assessments and collected as same.

C. Where meters are removed and service terminated at request of owner, no re-installation of meter and/or restoration of service shall be made until all unpaid water bills or charges, which have not been levied as a special assessment pursuant to Sub-section (B) above, have been paid in full to the Town.

32: Lease Agreements and Truck Fill Station

Per Resolution 2012-05-02-53 ... Water District #1 and Water District #2 shall share equally any revenue obtained from renting space on the water tower and any revenue obtained from the truck station.

33: Non-emergency service turn off/on

Water service turn off/on request shall be on a form similar to Exhibit C submitted to the District. (Do not revise without referencing NYMIR report to Town of Henderson dated August 19, 2024)

34. Repealer

These Rules and Regulations shall supersede all prior Local Laws, Ordinances, Rules, and Regulations relative to the Town of Henderson Water District Regulations, and they shall be upon the effectiveness of this Rules and Regulations, null and void.

35. Severability

If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any of the remaining article or provision of this Chapter.

EXHIBIT A
Town of Henderson
Water District 1 and 2

This page was modified on June 15, 2010, September 6, 2012, February 11, 2025
Water rates are based on one (1) Equivalent Dwelling Unit.

Water District 1

Beginning March 15, 2010 – Quarterly

- 1) Metered services
 - \$92.00 – Loan Charge (1 EDU)
 - \$38.00 – Operation and Management Charge (O & M)
 - \$130.00 - Total for up to 12,500 gallons of water
 - If exceed 12,500 gallons of water, additional charge is \$6.00 per 1,000 gallons
- 2) Unmetered parcels
 - \$92.00 – Loan Charge (1 EDU)
- 3) Vacant
 - \$46.00 – Loan Charge (50% of an EDU)

Water District 2

Beginning September 6, 2012 – Quarterly Charges

- 1) Metered services
 - \$107.00 - Loan Charge (1 EDU)
 - \$48.00– Operation and Management Charge (O & M)
 - \$155.00- Total for up to 12,500 gallons of water
 - If exceed 12,500 gallons of water, additional charge is \$6.00 per 1,000 gallons
- 2) Unmetered parcels
 - \$107.00 - Loan Charge (1 EDU)
- 3) Vacant and Boat Houses
 - \$53.50 – Loan Charge (50% of an EDU)
- 4) Boat Slips
 - \$35.31 – Loan Charge (33.3% of an EDU)

Any changes in EDU's or Charges must be made by resolution of the Town Board of the Town of Henderson

Exhibit C

Town of Henderson Request for On/Off Service

Date: _____

Property Owner: _____

Property Address:

I hereby request that a representative of the Town of Henderson turn my water service **OFF/ON** at the curb stop on (date) _____ at (time)_____.

I hereby certify that I am the property owner or his/her representative and have authority to request this service.

I also agree to hold harmless the Town of Henderson for any resulting problems or damage due to this request.

Signature

It is required that the property owner or representative be present when water is to be turned on.

(Do not revise without referencing NYMIR report to Town of Henderson dated August 19, 2024)

Exhibit D
Water Dispenser Rates

The large water dispenser located at the Town Office shall have the rate set at \$0.50 per 55 gallons.

(Resolution 2014-06-25-069 set rate at \$0.25 per 5 gallons for small water dispenser)

The small water dispenser located at the Town Office shall have the rate set at \$0.25 per 5 gallons.

Old Business Public Comments: Ginger Cook

MOTION

MINUTES

On a motion of Councilperson Owen, second by Councilperson Parker Lane following motion was.

ADOPTED Ayes 3 Owen, Parker Lane, Poulin
 Nays 0
 Abstains Richmond, Witmer

Motion to approve minutes from January 14, 2025 Town Board Meeting/ Public Hearing.

MOTION

AUDIT OF CLAIM

On a motion by Councilperson Witmer, seconded by Councilperson Parker Lane, the following motion was

ADOPTED Ayes 5 Richmond, Owen, Parker- Lane, Poulin, Witmer
 Nays 0

Motion to authorize payment of abstract #2 include vouchers 25-00054– 25-00135 for a total amount of \$625,560.87.

Summary by Payable Account

<u>Payable Acct</u>	<u>Total Amount</u>
General	\$66,014.17
Highway	\$62,057.47
Water Dist. 1	\$5,216.03
Water Dist. 2	\$5,216.00
Henderson Library	\$50,000.00
Henderson Fire District	\$365,498.52
Special Lighting Dist.	\$693.47
Smithville Fire District	\$95,588.45
Trust & Agency	\$1,207.26
Sewer Capital Fund	\$1,069.50

MOTION

SUPERVISOR REPORT

On a motion by Councilperson Witmer, second by Councilperson Parker Lane the following motion was

ADOPTED Ayes 5 Richmond, Owen, Parker- Lane, Poulin, Witmer
 Nays 0

Motion to accept January Supervisor’s report as presented by Supervisor Richmond.

Town Board members were provided with a copy of the monthly revenues and appropriations report.

Monthly report presented by Highway Department, Highway Superintendent Corey Bolton. 284 Agreement presented to Board

MOTION

On a motion of Councilperson Witmer, second by Councilperson Parker Lane the following motion was

ADOPTED Ayes 5 Richmond, Owen, Parker Lane, Poulin, Witmer
 Nays 0

Motion to allocate \$10,000.00 in ARPA Funds to walking trail and \$3,500.00 to Tennis Courts.

Town of Henderson Pledge for NY Climate Smart Certification read by David Poulin

RESOLUTION # 2025-02-11-034

On a motion of Councilperson Owen, second by Councilperson Parker Lane the following motion was

ADOPTED Ayes 5 Richmond, Owen, Parker Lane, Poulin, Witmer
 Nays 0

Resolved to accept and approve Town of Henderson Pledge NY Climate Smart Community as follows:

WHEREAS, the Town of Henderson, NY (hereinafter “local government”) believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that Town of Henderson, in order to reduce greenhouse gas emissions and adapt to a changing climate, *adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:*

- 1) **Build a climate-smart community.**
- 2) **Inventory emissions, set goals, and plan for climate action.**
- 3) **Decrease energy use.**
- 4) **Shift to clean, renewable energy.**
- 5) **Use climate-smart materials management.**
- 6) **Implement climate-smart land use.**
- 7) **Enhance community resilience to climate change.**
- 8) **Support a green innovation economy.**
- 9) **Inform and inspire the public.**
- 10) **Engage in an evolving process of climate action.**

The foregoing Resolution was offered by Board Member, Owen, and seconded by Board Member, Parker Lane, and upon roll call vote of the Board was duly adopted as follows:

YES NO

Karen Richmond, Supervisor ____ X ____

Matthew Owen ____ X ____

Torre Parker-Lane ____ X ____

David Poulin ____ X ____

Lindsay Witmer ____ X ____

Asset management Plan for Town of Henderson provided by DANC

RESOLUTION # 2025-02-11-035

On a motion of Councilperson Owen, second by Councilperson Parker Lane the following motion was

ADOPTED Ayes 5 Richmond, Owen, Parker Lane, Poulin, Witmer
 Nays 0

Resolved to approve and allow Supervisor Richmond to enter into agreement with DANC to perform an asset management contract plan for the Town of Henderson at a cost of \$15,000.00.

Sewer District #1 project update provided by DANC as to where project is at and provided different avenues that project could take to move forward.

PUBLIC COMMENTS: Doug Pekins, Ginger Cook, Mark Jareo, Claude Curley, Michael Yonkovig

MOTION

ENTER INTO EXECUTIVE SESSION

On a motion by Councilperson Witmer, second by Councilperson Parker Lane the following motion was

ADOPTED Ayes 5 Richmond, Owen, Parker- Lane, Poulin, Witmer
 Nays 0

Motion to enter into executive session to discuss current litigation and personnel.

MOTION

EXIT EXECUTIVE SESSION

On a motion by Councilperson Witmer, second by Councilperson Parker Lane the following motion was

ADOPTED Ayes 5 Richmond, Owen, Parker- Lane, Poulin, Witmer
 Nays 0

Motion to exit out of executive session.

Meeting to adjourn by Councilperson Witmer second by Councilperson Parker Lane the meeting was adjourned. Carried unanimously.

Respectfully submitted,
Wendy Flagg / Town Clerk/Collector

All Town meetings held at
12105 Town Barn Rd., Henderson, NY 13650

Feb 19	(Wednesday)	Zoning Board Appeals Meeting	6:00PM
March 04	(Tuesday)	Planning Board Meeting	5:00PM
March 11	(Tuesday)	Town Board Meeting	6:00PM
March 19	(Wednesday)	Zoning Board Appeals Meeting	6:00PM
March 20	(Thursday)	Recreation Commission	6:00PM
April 02	(Wednesday)	Planning Board Meeting	5:00PM
April 08	(Tuesday)	Town Board Meeting	6:00PM
April 16	(Wednesday)	Zoning board of Appeals Meeting	6:00PM
April 17	(Wednesday)	Recreation Commission Meeting	6:00PM