



Town of Westerlo Water Use Law

A Local Law
Regulating the Construction
And Use of Public and Private
Water Systems and Water Services
and Providing Penalties for Violation
in the Town of Westerlo,
Albany County, New York

Adopted by Town Board
Local Law #1
July 12, 2005

AS REVISED:
By Local Law # 3, 2009

local LAW #2, 2013
local law #1, 2014

ARTICLE I. SHORT TITLE, DEFINITIONS, AND GENERAL RULES

Section 101 Short Title

This local law may be known and cited as the “Town of Westerlo Water Use Law”

Section 102 Authority and Purpose

- A. This local law is enacted pursuant to the Municipal Home Rule of the State of New York.
- B. The purpose of this local law is to provide for the construction, operation, maintenance, extension, repair, and regulation of a water system in the Town of Westerlo for the purpose of supplying Westerlo Water District No. 1 (the “District”) with pure and wholesome water for domestic and commercial purposes and for the protection against fire. Further, the purpose of this local law is to protect the public health, safety, and general welfare.
- C. Provisions of this local law should be administered to ensure orderly planning and development of facilities in the town.

Section 103 Enforcement and Penalties

It shall be the duty of the Enforcement Officer to enforce the provisions of this local law and to bring to the attention of the Town Board any violations or lack of compliance.

Any person who fails to comply with the provisions of this local law, other than those provisions pertaining to the payment of charges for services established herein, shall be guilty of an offense against this local law, and shall be subject to a fine not exceeding one hundred fifty dollars (\$150.00) for each offense. The continuing violation of any provision of any section of this local law, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue.

Section 104 Definitions

Unless the context specifically indicates otherwise, the meaning of words and terms used in this local law shall be as follows:

ASTM shall mean the latest revised standards of the American Society for Testing Materials.

AWWA shall mean the latest revised standards of the American Water Works Association

Builder shall mean any person, firm, or corporation who undertakes to construct any building, either under contract or for resale.

Curb Stop that element of the water distribution system where the service laterals end and the supply line begins

Developer shall mean any person, firm, or corporation, who subdivides lands for the purpose of constructing or causing to be constructed, buildings for which provisions are required to be made for water supply.

Enforcement Officer shall mean that person or persons employed by the Town of Westerlo for the purpose of enforcing its' local laws.

Family shall mean a single District household, consisting of one or more persons who live in a single residence, or who live apart from the other occupants of the same building.

Hydrant shall mean the valved standpipe, connected to the water main, for supplying water for fire protection.

Owner shall mean any person having title to real property.

Person shall mean any individual, firm, company, association, society, corporation, or group.

Property Line shall mean the boundary line of a public highway, street, alley, or easement controlled by the Town of Westerlo or other public entity or body.

Service Lateral shall mean the water distribution line from the main to the curb stop.

Supply Line shall mean a water line on the building side of the curb stop used for the distribution of water to the building.

Town shall mean the Town of Westerlo, Albany County, New York.

Town Board shall mean the duly elected Town Board of the Town of Westerlo.

Town Engineer shall mean a licensed Professional Engineer duly appointed by the Town of Westerlo, New York, or a consulting Professional Engineer retained by the Town of Westerlo.

Water shall mean water collected from any well, spring, stream, pond or lake which is treated and distributed to the public for human consumption.

Water District shall mean an improvement district created and established pursuant to the provisions of Article 12 or Article 12-A of the Town Law for the purposes of providing water to properties located within the boundaries thereof.

Water Line shall mean a pipe or conduit used for transporting water

Water Main shall mean the water distribution line located in any public street or easement of the Town of Westerlo or other public agency or body.

Water Service shall mean the water line from the water main to supply a building.

Water System Operator shall mean the person or persons employed by the Town of Westerlo for the purpose of operating a water system or systems.

Section 105 Requirement for Connection

The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the Town of Westerlo, and included in the geographic boundaries of the District, or any extension district thereof is hereby required at his/her expense to install suitable plumbing facilities therein, and to connect such facilities directly to the water system in accordance with the provisions of this local law and any applicable provisions required by the State of New York/Albany County Health Department, within forty-five (45) days after the date of official notice to do so, provided that said public water main has been installed and is located within one hundred (100) feet of the property line. Such connection to water main must first be approved by the Water System Operator, or an agent approved by the Town Board, after consideration of the existing water capacity. Said facilities shall not be connected to any other water source while connected to, and utilizing the water system. Such properties, however, shall be permitted to use a private water source, such as wells, springs, or cisterns for non-domestic use, provided that said water is not discharged into any public sewer.

Section 106 Cross Connections

No pipe or fixture connected with the water mains of the District shall be cross connected with pipes or fixtures supplied with water from any other source. All water supplied to any fixture or apparatus connected to a sanitary or storm sewer, public or private, shall be supplied through an approved physical break, and must comply with all current Department of Environmental Conservation (DEC) and Albany County and State of New York Department of Health regulations and standards.

Section 107 Restricted Use of Water

At such time as the Town Board deems it in the best interest of any inhabitants of the District, the Water System Operator, on direction of the Town Board, shall shut off or limit the amount of water furnished to consumers within said District. In an emergency, the Water System Operator may direct that the water be shut off in the District or any part thereof, including a specific property within the District, without first obtaining Town Board approval.

However, no water services shall be terminated pursuant to this section within the District, except upon direction and authority of the Town Board.

Section 108 Liability for Damage

The Town, its' agents, representatives, and employees, including the Water System Operator, shall not be liable for damage or loss of any kind to person or property by reason of rust or discoloration of water supplied from or through the District, or by reason of change in pressure or loss of supply, or by reason of shutting off the water supply from all or any part of the District, with or without notice of any person.

Section 109 Use of Water

No owner or tenant of any premises supplied with water by the shall be allowed to supply water to other persons or families, or leave their service pipe, faucet or fixtures in such shape or position that other parties may obtain water therefrom, where such access to the water supply bypasses the metering system.. If found so doing, the supply shall be discontinued and the supply will not thereafter be restored until all sums due for water have been paid and the additional sum of two-hundred fifty dollars (\$250.00) paid as a penalty; and except where special permission is granted by the Town Board, each party must be supplied by an independent service pipe from the main. Where two (2) or more parties are supplied with water from the same service, such as where there are multiple tenants, if either of the said parties fail to pay the water rate when due, or to comply with any rules of the Town Board, the Water System Operator shall turn off the water from such pipe until the water rent is paid and the rules strictly complied with.

Section 110 Access to Premises

The Water System Operator, and any person designated by the Town Board for that purpose, bearing proper identification, must be granted access by the homeowner, at all reasonable hours, for the purpose of inspection and examination of fixtures. In the event the homeowner refuses or fails to grant access to the Water System Operator, the Water System Operator has the option to seek the assistance of law enforcement to gain entry to the premises, and/or shut off the water service to the premises until the Water System Operator is granted access for inspection and examination.

Section 111 Water Shutoff

Any owner or duly authorized agent, wishing to discontinue the water service to his/her property must give written notice thereof at the office of the Town Clerk of the Town of Westerlo, and request the same to be turned off. The property owner shall remain responsible for payment of fixed costs of the District during the time that the water service is discontinued. A charge as set forth by Town Board Resolution shall be made for shutting off, and a similar charge for turning on, water service to cover the cost of both operations.

Section 112 Refrigerators

All electric or other refrigerators connected with any public water system within the District must be equipped with automatic thermal cut-offs to prevent damage to the refrigerators in case the water supply is cut off for any reason.

Section 113 Standpipes

Stand pipes and pipes for automatic suppression of fires in buildings, which fixtures are intended only for such use, will be permitted to be attached to a public water supply system, and no charge will be made for the use of water for such purposes. All such pipes must be provided with a suitable valve outside of the building and which shall be under the exclusive control of the Town of Westerlo. Also, in the case of standpipes, a valve must be provided and place at the bottom of the standpipe and at each hose opening, which valve shall be sealed by the Town of Westerlo. In case such seals shall be broken for the extinguishment of any fire, the party breaking the seal shall immediately thereafter notify the Water System Operator and the valve shall be resealed by the Water System Operator.

Section 114 Automatic Fire Suppression Systems.

- A. Approval to install a fire suppression system, such as a sprinkler system, shall be obtained from the Town Building Inspector prior to installation of the system. Such system shall be designed in accordance with standards developed by the New York Board of Fire Underwriters, the National Fire Protection Association or other nationally recognized approval organization as determined by the Town Building Inspector. The system shall meet all standards of installation and operation as prescribed by such approval bodies and the manufacturer of the system. Any such installation and the operation thereof shall be also subject to the approval of the Town of Westerlo Building Inspector.
- B. The Building Inspector shall determine the necessity of a sprinkler system, as required under the NYS Building Code.

ARTICLE II. WATER MAINS/EXTENSIONS

Section 201 Approvals Required

- A. No water mains, or extensions shall be laid within any subdivision in the Town of Westerlo except after final subdivision approval thereof has been granted by the Planning Board of the Town of Westerlo pursuant to Local Law # 1 of 1989, known as the “Town of Westerlo Zoning Law” and amendments thereto, and the Town of Westerlo Land Subdivision Regulations dated July 5, 1977.
- B. No water mains, or extensions thereof shall be laid within any water district in the Town of Westerlo except in strict conformity with Article 12 or Article 12-A of the Town Law.

- C. No water mains, or extension thereof shall be conveyed to or accepted by the Town of Westerlo or any water improvement district therein without:
1. Formal application having been made to the Town of Westerlo and all fees paid as set forth by Resolution of the Town Board.
 2. Approval of plans and inspection of facilities as required by the State of New York/Albany County Health Department.
 3. Periodic inspection during construction by the Town Engineer, or a licensed professional engineer appointed by the Town Board.
 4. Written certification by said Engineer that the facilities have been installed in accordance with said approved plans;
 5. Filing by the contractor of adequate proof that there are no unpaid subcontractors or materialmen and that there are no related unpaid liens therefor;
 6. Filing by the contractor of "as-built" plans for the entire installation with the Town Clerk;
 7. The filing and maintenance bond by the contractor guaranteeing the performance and function of the system without defects or deficiencies for a period of two (2) years;
 8. Execution by the contractor of a bill of sale in form and content approved by the Town Attorney conveying the system as built to the Town of Westerlo or to a water improvement district therein; and
 9. The adoption by the Town Board, of a resolution accepting the system as built for future operation and maintenance by the Town and/or said Water District.

Section 202 Escrow Required

Any entity, individual or otherwise, seeking to lay water mains or extensions in the Town of Westerlo under this Article shall be required, prior to commencing any work associated with the extension or obtaining access to the water district facilities, to enter into an Escrow Agreement with the Town of Westerlo, as designed by the Town Attorney and approved by the Town Board, and put on deposit with the Town of Westerlo a sum, as designated by the Town Board, representing the cost of completion of the district extension. The escrow agreement shall state, among other things:

1. The physical location of the district extension.
2. The scope of services, and completion date for the installation.
3. The amount of the escrow deposit.
4. The terms of use by the Town of the escrow deposit, in the event of default by the party to the Agreement.
5. The terms for release of the escrow deposit
6. One year guarantee of workmanship, materials and installation from acceptance by the Town Board.
7. Imposition of a service charge in favor of the escrow agent, to be deducted from the interest accrued on the escrow deposit.
8. Insurance requirements for the party to the agreement

9. And other items, as deemed from time to time, necessary to ensure the timely completion of the water district extension in compliance with the provision of this law.

ARTICLE III. WATER SERVICES

Section 301 Connections (Applications and Approval Required)

- A. No connection to the District mains, extensions, or laterals shall be made except after written application therefor has been made to the Town Board, approval of said application has been granted by the Town Board and a permit has been issued, and the connection fee as set forth by Town Board Resolution therefor has been paid by the applicant. All actual connections to the main shall be made by the applicant's contractor, under the direct observation of the Water System Operator, after all appropriate fees pertaining to such connection have been paid.
- B. The owner or his agent shall make application on a special form furnished by the Town Board. The permit shall be supplemented by all other necessary permits, including but not limited to highway permits, and any plans, specification, or other information considered pertinent in the judgment of the Water System Operator. A permit, service connection, meter and inspection fee as adopted by Town Board Resolution will be paid to the District, or its agent, at the time the application is filed. A schedule of fees is available from the Town of Westerlo Town Clerk.

Section 302 Material Required

The Town Board shall adopt by Resolution, and revise from time to time as necessary, standards for the District. These standards shall include, but not be limited to, such items as the size of pipe, type of pipe and any and all appurtenances considered necessary to the District.

Section 303 Service Size (Minimum for New Construction)

The Town Board shall adopt by Resolution the minimum service size for all new construction.

Section 304 Installation of Services

The Town Board shall adopt by Resolution the specifications and requirements for the installation of water services.

Section 305 Maintenance of Service

The water service between the curb stop and the meter shall be the responsibility of the property owner to maintain and keep free from leaks. The property owner shall maintain due diligence in

repairing any known leaks in a timely manner. In the event a property owner fails to or is unable to repair a known leak within a reasonable period of time, the Town and its agents, including the Water System Operator reserves the right to shut off the water service.

ARTICLE IV. INSPECTIONS

Section 401 Inspection

The installation, testing and sterilization of all water mains and services to be connected to any public water system within the District must be witnessed and approved by the Town Engineer or the Water System Operator and where required, by the State of New York, Albany County Health Department. It should be noted that all service connections are subject to those standards which are set forth in the current New York State Uniform Fire Prevention and Building Code.

ARTICLE V. FIRE HYDRANTS

Section 501 Design and Placement

The Town Board shall adopt by Resolution the specifications and requirements for all fire hydrants installed within the District, including the design and type of the hydrant, and the placement thereof.

ARTICLE VI. METERS

Section 601 Furnishing Meters

Each property owner shall purchase the meter, including the pressure reducing valve ("meter assembly parts") for his/her water services connected to a public water system within the District from the Town of Westerlo. The cost of the meter assembly parts shall be borne by the owner, and shall be paid to the District at the time of purchase. All water meter assemblies remain the property of the District.

Section 602 Meter Testing

- A. Meters will be tested periodically as experience dictates within the District.
- B. If the property owner feels that a meter is not reading correctly, he may request, in writing, that the meter be tested by the Water System Operator, at a cost set forth by Resolution of the Town Board. If the meter is found to be more than 1.5% slow, the water bills for the preceding two billing periods will be adjusted in favor of the Town. If the meter is found to be more than 1.5% fast, the water bills for the preceding two billing periods will be adjusted in favor of the property owner. Any meter assembly, or any part thereof, found to be defective through no fault of the homeowner, shall be replaced by the District at its sole expense.

Section 603 Maintenance of Meters

No person, except an employee of the Town of Westerlo or its agent, shall remove a meter from a water line, break a meter seal, remove a register or change a meter setting. Any person, other than an employee of the Town of Westerlo performing an official function who engages in such activity shall be subject to prosecution, both civil and criminal. All property owners shall be required to protect the water meter from damage, including but not limited to freezing.

Section 604 Meter Reading

- A. The meters in the District will be read and the customer billed in accordance with schedules established by the Town Board.
- B. Each property owner must provide access to the water meter for the purposes of inspecting, reading and maintaining said water meters.
- C. If, for any reason, the meter reader cannot get in to read the meter during any reading period, the amount of the water consumption for billing purposes will be estimated on the basis of previous readings, or shall be set as the minimum amount set forth by the Town Board .
- D. Water consumption will only be estimated for one billing period and the meter must be read the next billing period. Any adjustment will be made in the next billing period.
- E. In cases where no one is home during regular hours for meter reading (9:00 a.m. to 5:00 p.m. Monday through Friday), the Town Board may, in its discretion, have a remote meter reading register installed at the property owners expense or have the water shut off, after due notice, until arrangement for reading the meter regularly can be made.
- F. Special meter readings will be made upon written request or whenever the ownership or tenant occupancy of a property is changing hands at no charge to the property owner. Any other special reading requested by a property owner will be charged at a rate established by the Town Board by Resolution.

ARTICLE VII. WATER RENTS AND CHARGES

Section 701 Water Rents to Be Paid

All persons having, or occupying lots, parcels or tracts of land situated within the District shall pay, to the receiver of Water Charges, at the times provided by the Town Board, rents and charges as may be established by Town Board Resolution, from time to time, and based on their criteria set forth in the following sections.

Section 702 Authority to Combine

The source of the revenues for retiring debt service, capital expenditures, operation and maintenance of the District, shall be a combination of unit basis and a Water Use Charge assigned to owners of property located within the Water District.

Section 703 Collection of Unpaid Water Rents and Charges

Each Water Use Charge levied pursuant to this local law is hereby made a lien on the premises which it relates, and if the same is not paid within thirty (30) days after it shall be due and payable, it shall be certified to the fiscal officer of the Town of Westerlo, who shall place the same on the real property tax bill for that year, with interest and penalties allowed by law, and thereafter collected as other Town taxes are collected.

Those water customers, who thirty (30) days after bills have been rendered for the services described herein, and at the rate prescribed herein, have not paid their bill, shall be deemed to be delinquent, and the services to their premises may be disconnected at the order of the Town Board.

ARTICLE VIII. GENERAL

Section 801 Town Board Authority to Act by Resolution

The Town Board is hereby authorized to set, by Resolution, a schedule for each water district, all water districts, or any combination of water districts, setting forth a specific unit charge, a rate per unit, a charge per unit for debt service and capital improvement, or any combination thereof, to give effect to the provisions of this law. The Town Board is authorized to specify by Resolution any standard or regulatory activity authorized in principal but not specified in detail in this local law.

Section 802 Annual Meetings

The Town Board shall conduct no less than two meetings per year for the sole purpose of reviewing and discussing the operations (including maintenance and billing) of the Water District. The meetings shall be held at least three months apart, and both meetings must fall within the Town's fiscal year (January 1 through December 31). The meeting shall be scheduled no less than two weeks and no more than four weeks in advance of its intended date. Notice of said meeting shall be placed in the official newspaper of the town, on public display at the Town Hall, and, whenever possible, shall be announced at the normally scheduled Town Board meeting immediately preceding the intended date of the Water District Meeting.

The Town Board shall permit reports to be made at the above-referenced meeting by the Water System Operator, the water system billing clerk, the town financial consultant, and/or any other individual, as deemed necessary by the Town Board.

Section 803 Grievance and Appeal Process

The Town Board recognizes the need to provide a mechanism by which registered property owners of the Water District can dispute current water rates, including operation and maintenance rates and well as usage rates, the maintenance of the water system, and other matters directly related to operation of the water system. The Town Board, or its designee/agent, shall serve as a review board, and shall be charged with the responsibility of reviewing, investigating and determining the merit of any grievance filed by a registered property owner within the district contesting the validity or amount of the water charge which has been levied against that property owner, or contesting or challenging the maintenance and operation of the system.

I. Grievance Procedure:

- a. **BILLING:** Pursuant to this section, all registered property owners within the district shall be permitted to file with the Town Clerk, within 30 days from the date of the most recently issued water district bill, a written request for a hearing, which shall be separate from the regularly scheduled Town Board meeting and the Water District meetings as set forth in Section 802 above. The written request must contain a statement of the specific nature of the dispute and any and all grounds supporting the requested change. Said hearing must be scheduled within 30 (thirty) days from the date of the written request, and shall be held by the Town Board at the Town Hall. The hearing shall be open to the public, and shall be publicly noticed in the official newspaper of the town, but only the registered property owner and/or his/her legal representative shall be permitted to speak thereat

- b. **WATER SYSTEM OPERATIONS:** Pursuant to this section, all registered property owners within the district shall be permitted to file with the Town Clerk a written request for a hearing, which shall be separate from the regularly scheduled Town Board meeting and the Water District meetings as set forth in Section 802 above. The written request must contain a statement of the specific nature of the dispute and any and all grounds supporting the requested change. Said hearing must be scheduled within 30 (thirty) days from the date of the written request, and shall be held by the Town Board at the Town Hall. The hearing scheduled to hear the grievance shall be open to the public, and shall be publicly noticed in the official newspaper of the town, but only the registered property owner and/or his/her legal representative shall be permitted to speak thereat

In no event shall a registered property owner use this process to dispute the annual bond repayment figure, unless the same is combined with the user rate, and therefore the bond repayment rate cannot be evaluated separately from the user rate.

With respect to subsections a and b above, within fifteen days after the close of the hearing, the Town Board shall make its written decision, file a copy with the Town Clerk and forward a copy to the registered property owner by first class mail.

II. Appeal Procedure

Any registered property owner aggrieved by a decision of the Review Board shall have the right to appeal his or her decision to a auditing firm selected by the Review Board.. An application for appeal shall be in written form, verified by the applicant and shall set forth the grounds therefore, the alleged errors in the decision of the Review Board and the amount sought for any adjustment to the charges set forth in the disputed bill.. The application for appeal must be received by the Town Clerk within thirty days from the date of the decision of the Review Board. Within fifteen days from the date on which the Town Clerk received the completed application for appeal, the Review Board must forward the completed package to the selected auditing firm for review and evaluation. The auditing firm shall review and evaluate the claim and the decision, and issue a written decision either upholding the Review Board's decision, reversing the Review Board's decision or modifying the Review Board's decision within thirty (30) days of receiving the complete packaged from the Review Board. The decision of the auditing firm shall be considered a final decision of the Town of Westerlo

All fees associated with the grievance and appeal process shall be borne by the Westerlo Water District No. 1. In the event that it is determined by the Review Board that a grievance and/or appeal has been brought under frivolous or fraudulent grounds, or pursuant to blatant misrepresentation regarding the validity of the claim, the Westerlo Water District No. 1 may seek to recover the cost of the fees associated with the grievance and appeal from the party who brought said claim.

III. Applicability of Determinations

Any determinations made pursuant to this section will not take effect until the following year.

Section 804 Severability and Savings Clause

The various provisions of this local law are hereby made severable. The invalidity of any section, clause, sentence or provision of this local law shall not affect the validity of any other part of this local law, which can be given effect without such invalid part or parts.

Section 805 Effective Date

This local law shall take effect upon filing with the Secretary of State.

ARTICLE VII. WATER RENTS AND CHARGES

Section 701 Water Rents to Be Paid

All persons having, or occupying lots, parcels or tracts of land situated within the District shall pay, to the receiver of Water Charges, at the times provided by the Town Board, rents and charges as may be established by Town Board Resolution, from time to time, and based on their criteria set forth in the following sections. Nothing, however, shall prevent the Town Board from collecting the rents and charges pursuant to different mechanisms and at different times, as may be established by Town Board Resolution.

Section 702 Authority to Combine

The source of the revenues for retiring debt service, capital expenditures, operation and maintenance of the District, shall be a combination of unit basis and a Water Use Charge assigned to owners of property located within the Water District.

Section 703 Collection of Unpaid Water Rents and Charges

Each Water Use Charge levied pursuant to this local law is hereby made a lien on the premises which it relates, and if the same is not paid within thirty (30) days after it shall be due and payable, it shall be certified to the fiscal officer of the Town of Westerlo, who shall place the same on the real property tax bill for that year, with interest and penalties allowed by law, and thereafter collected as other Town taxes are collected.

Those water customers, who thirty (30) days after bills have been rendered for the services described herein, and at the rate prescribed herein, have not paid their bill, shall be deemed to be delinquent, and the services to their premises may be disconnected at the order of the Town Board.

Further, and in accordance with Albany County Resolution 465(1) of 2014 regarding termination of water services of those residents with consistent water relevies on unpaid property tax bills, the Westerlo Water Board is authorized to terminate water services to Water District residents who:

1. Have not paid their water district bills for two consecutive annual fiscal periods; and
2. Have not paid their annual property tax bills for that same two consecutive year period, resulting in a repetitive re-levy of water charges onto the following year's property tax bill.

Services shall be terminated no later than April 30th of the second consecutive fiscal year as set forth above

Local Law No. 2 of 2013

A local law to amend Local Law No. 1 of 2005, the "Town of Westerlo Water Use Law" by adding new section 804, "Water Board"

Local Law No. 1 of 2005, the "Town of Westerlo Water Use Law" of 2009 is hereby amended as follows:

A new **Section 804 - Water Board**, shall be added, to read as follows:

1. Creation of Water Board

The Town Board shall have the authority to create a Water Board (hereinafter referred to as the "WB"), which shall act as the Town's designee/agent with respect to interpreting, enforcing and assisting water district members with the System Operating Procedures, as set forth herein. The WB shall administer the Water Use Law, establish annual budgets and make annual recommendations to the Town Board concerning rate schedules to assist the Town Board in setting the Water District rate schedule under Section 801 herein. The WB shall also schedule and conduct the Annual Meetings, as the same are required under Section 802 herein, and shall serve as the review board for grievances and appeals under Section 803 herein.

2. Membership

The WB shall be composed of three voting members. Each voting member shall be a property owner in the water district over the age of eighteen (18), who shall be current on property taxes and water district bills, and whose system hookup shall be in compliance with the construction and connection requirements set forth herein.

Members shall be appointed by the Town Board at a public meeting and shall serve for two years. Members may be reappointed for additional terms, and there shall be no term limit. Members shall not receive compensation for their service on the WB. The Town Board shall also select one of the appointed members to serve as chairman of the board. An appointment to fill a vacancy shall be made for the remainder of the affected term in the same manner as the original appointment was made. Such appointment shall be made within sixty days of the date the position becomes vacant.

The designation or appointment of any person to the WB shall be considered terminated if, in the course of any one-year period commencing from the date of their designation or appointment, such person shall have accrued two unexcused absences from meetings of the board. Excuses for absences are to be accepted at the discretion of the chairman. In the event of such termination, the resulting vacancy shall be filled by the Town Board.

3. Duties of the Board.

The WB shall have the following powers and duties:

To review the costs and expenditures associated with operation of the Water District, in comparison with the revenues generated through collection of water usage fees, and make recommendations regarding changes to the existing water usage rates.

To make reports and release information from time to time, as it deems necessary, to the Town Board regarding the operation of the Water District.

To consult with the Water District subscribers and render reports to the Town Board on the needs of the subscribers and how such needs can be met.

To adopt, promulgate, amend or rescind suitable procedural rules with respect to the composition, internal organization and functioning of the board; and such other rules, regulations and procedures as may be necessary or desirable to effectuate the purposes of this section.