



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MINUTES PUBLIC HEARING December 8, 2021

To view a recording of the full meeting, please visit Town Hall Streams link below:

https://townhallstreams.com/stream.php?location_id=119&id=41643

The following is a summary of the Town Board Public Hearing as recorded by the Town Clerk.

Call to Order

6:00 PM

Pledge of Allegiance

Town Board Meeting:

Members of Town Board

Present Absent

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Supervisor J. Conway
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilor T. Tierney
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilor H. Kennedy
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilor R. Matters
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilor B. Fritz

Schedule of Meeting:

NOTICE OF PUBLIC HEARING, TO CONSIDER ADOPTION OF LOCAL LAW
NOTICE IS HEREBY GIVEN pursuant to Section 20 of the Municipal Home Rule Law of the State of New York that a public hearing will be held by the Town Board of the Town of East Greenbush on December 8, 2021 at 6:00 p.m. at East Greenbush Town Hall, located at 225 Columbia Turnpike, Rensselaer, New York 12144, for the purpose of considering the adoption of Local Law No. 6 of 2021. If adopted, Local Law No. 6 of 2021 would repeal Chapter 46B in its entirety, Local Law No. 7 of 2004 and Local Law No. 4 of 2021 and replace them with a new Chapter 46B to apply to the Consolidated Water District. The local law, among other provisions, provides that the capital costs of the water district will be established by for each parcel by multiplying the number of Equivalent Dwelling Units (EDU's) for that parcel by a dollar amount determined by the Town Board. The Town Board will establish a schedule of assessment units which will set forth the number of EDU's for each parcel. Operation and maintenance expenses will be determined based upon water use. The rates for both these types of charges will be set by the Town Board, but any resolution setting or amending rates will be subject to a public hearing on at least 7 days' notice. Written comments on Local Law No. 6 of 2021 can be submitted to the

Town Clerk up and through the time of the public hearing. A copy of proposed Local Law No. 6 of 2021 can be obtained at the East Greenbush Town Hall and on the Town's website.

By Orders of the East Greenbush Town Board

Ellen Pangburn, Town Clerk

November 24, 2021

Open Public Privilege:

William F. Ryan, Jr., Esq. – Noted this started 2 ½ years ago when this Town Board consolidated the water districts. Mentioned under the agreement they had the duty of revising, and setting rules and regulations. Pointed out there are some engineering requirements, however, the foundation deals with the costs as outlined by the Supervisor.

Local Law No. 06-2021 – attached.

ADJOURNMENT – 6:04 PM

Motion to adjourn by Supervisor Conway and seconded by Councilor Kennedy and brought to a vote as follows:

Supervisor J. Conway	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: ABSENT

Respectfully submitted by,

Ellen Pangburn, Town Clerk

Chapter 46B

WATER

ARTICLE I Use and Connections

- § 46B-1. Purpose.**
- § 46B-2. Definitions.**
- § 46B-3. Applications for service.**
- § 46B-4. Deposits.**
- § 46B-5. Authorized persons to make installations and requirements.**
- § 46B-6. Public safety.**
- § 46B-7. Ownership.**
- § 46B-8. Maintenance and replacement.**
- § 46B-9. Service line specifications.**
- § 45B-10. Private Fire Protection Service**
- § 46B-11 Service connection specifications and rules.**
- § 46B-12. Underground sprinkler systems.**
- § 46B-13. Car washes.**
- § 46B-14. Swimming pools.**
- § 46B 15. Air-conditioning, refrigeration and heating units.**
- § 46B-16. Installation of meters.**
- § 46B-17. Payment for water service.**
- § 46B-18. General provisions.**
- § 46B-19. Rents, rates, penalties and minimum charges.**

- § 46B-20. New water systems or extensions of water mains.**

- § 46B-21. Hydrants**

- § 46B-22. Penalties for offenses.**

- § 46B-23. Fees.**

- § 46B-24. Severability.**

ARTICLE II Cross-Connection and Backflow Prevention

- § 46B-25 . General policy.**
- § 46B-26. Where protection required; type of protection.**
- § 46B-27. Responsibility.**
- § 46B-28. Inspection; records; cost.**
- § 46B-29. Noncompliance; service to be discontinued; notice; service.**
- § 46B-30. Presently installed devices.**
- § 46B-31 . Restrictive covenant agreements.**
- § 46B-32. Constitutionality; severability.**

ARTICLE III Cost Allocation and Billing Provisions

- § 46B-33. Allocation of Costs**
- § 46B-34. General Billing Provisions**
- § 46B-35. Effective Date**
- § 46B-36. Repealer**

ARTICLE I
Use and Connections

§ 46B-1. Purpose.

The purpose of this Local Law is:

- A. To protect the public potable water supply of the Town of East Greenbush from the possibility of contamination by isolating within its customer's internal distribution system or its customer's private water system such contaminations or pollutants which could backflow into the public water supply system; and
- B. To comply with the requirements of the New York State Sanitary Code § 5-1.31.

§ 46B-2. Definitions.

- A. For the purpose of this article, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

AIR GAP SEPARATION — A physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, and in no case less than one inch.

APPROVED DOUBLE CHECK VALVE ASSEMBLY — An assembly of at least two independently acting approved single check valves including tightly closing shutoff valves on each side of the check valve assemble and suitable test cocks plus connections available for testing and water tightness of each valve.

APPROVED REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE (RPZ) — A device incorporating two or more single check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between the check valves shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere, thereby providing an air gap in the device. To be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the device will be submerged.

APPROVED SINGLE CHECK VALVE — A check valve that seats readily and completely. It must be carefully machined to have free-moving parts and assured water tightness. The face of the closure element and valve seat must be bronze, composition, or other noncorrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze or other noncorrodible, nonsticking material, machined for easy, dependable operation. The closure element (e.g., clapper) shall be internally

weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

APPROVED WATER SUPPLY — Any water supply approved by, or under the public health supervision of, a public health agency of the State of New York, the County of Rensselaer, or the Town of East Greenbush. In determining what constitutes an approved water supply, the Department of Public Health of the State of New York (herein called "State Health Department") shall have the final judgment as to its safety and potability.

AUXILIARY WATER SUPPLY — Any water supply on or available to the premises other than the Town water supply.

BACKFLOW — A flow condition, induced by a differential in pressure, that causes the flow of water or other liquids and/or gases into the distribution pipes of a public water supply from any source other than its intended source.

CAPITAL COSTS — Those fixed costs which must yearly be borne by the district in making annual payments on indebtedness, which shall include land acquisition, required reserves for repairing or replacement and any other cost which is fixed, recurring and not includable for operation and maintenance.

COMMISSIONER — The Commissioner of Public Works of the Town of East Greenbush, or his authorized representatives.

CONSUMER — Any person to whom water is sold and/or furnished from the Town of East Greenbush.

CONTAMINATION — An impairment of the quality of the Town water supply by the presence of any foreign substance (organic, inorganic, radiological or biological) to a degree which creates a hazard to the public health.

COUNTY HEALTH OFFICER — The Rensselaer County Health Officer, his assistants, or authorized deputies acting as, or any other person appointed as Health Officer of the County of Rensselaer.

CROSS-CONNECTION — Any unprotected connection between any part of the Town water distribution system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome and potable for human consumption.

DISTRICT — The Town of East Greenbush Consolidated Water District or any extension thereto.

EQUIVALENT DWELLING UNIT — A unit of measurement determined by the type of real property classification used within the formula to compute the annual payment of capital costs. The town board may from time to time amend the chart delineating the real property classification and corresponding equivalent dwelling unit.

NONTOXIC SUBSTANCE — Any substance of a nonpoisonous nature that may create a moderate or minor hazard to the water supply system.

OPERATION AND MAINTENANCE COSTS — Those variable charges which the district each year incurs for operation and maintenance. This charge shall include all those costs authorized by the State of New York and is to be yearly approved by the Town Board.

PERSON — Any natural person, firm, association, organization, partnership, trust or

association of persons, joint venture, corporation or company, and includes the United States, the State of New York, the County of Rensselaer, and Special Purpose District, and any officer or agent thereof.

PREMISES — Integrated land area, including improvements thereon, undivided by public thoroughfares or water distribution mains of the Town of East Greenbush and where all parts of the premises are operated under the same management and for the same purpose.

PROTECTIVE DEVICE — Any of the following devices:

- (1) Air gap separation.
- (2) Approved reduced pressure principle backflow prevention device (RPZ).
- (3) Approved double check valve assembly.
- (4) Approved single check valve assembly.

SERVICE CONNECTION — The terminal end of a service connection from the Town water supply at its point of delivery to the consumer. If a meter is installed, "service connection" means the downstream end of the meter. No unprotected takeoffs from the service line ahead of any meter or backflow protective device located at the point of delivery to the consumer shall be permitted.

TOWN — The Town of East Greenbush.

TOWN WATER SUPPLY — An approved water supply sold and delivered to consumers' premises through the water distribution system of the Town of East Greenbush.

TOXIC SUBSTANCE — Any substance (liquid, solid or gaseous), including raw sewage and lethal substances, that when introduced into the water supply system creates or may create a danger to the health and well-being of the consumer.

B. Word usage. "Shall" is mandatory; "may" is permissive.

§ 46B-3. Applications for service.

- A. All applications for the use of water in the Town of East Greenbush (hereafter referred to as the "Town") must be made in writing on a form provided by the Department of Water and Sewer (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, provided that it does not interfere with the use of water for general purposes, and that use of water from any hydrant shall be strictly in accordance with § 46B-15B of this article. 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 or requiring daily quantities of water which, in the opinion of the Commissioner of Public Works, are excessive as to total daily quantity or rate of use during any portion of the day or whose requirements for water, in the opinion of the Commissioner of Public Works, 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 Commissioner of Public Works. Where necessary in the opinion of the Commissioner, 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 Commissioner. 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 Commissioner's satisfaction.

§ 46B-4. Deposits.

- A. As security for payment of bills, the Department may require of any applicant or any customer to whom it may be supplying water a deposit approximately equal to 1 1/2 times the estimated average bill for the billing period. In case the billing period is changed and/or the estimate of the amount of the bill is found substantially incorrect, an adjustment shall be made in the deposit to suit the condition. Deposits of applicants will be payable at the time of application and deposits of customers upon demand.
- B. When service is discontinued and final bills are paid or when the customer has established satisfactory credit, in the judgment of the Department, the deposit will be refunded to the depositor.

§ 46B-5. Authorized persons to make installations and requirements.

- A. No person shall make any attachment with the mains of the Town or may make any repairs, additions to or alterations with the service water lines unless he is authorized by the Department.
- B. A separate service line shall be required for each dwelling or commercial building as specified under § 46B-7 of this article. In case of multiple occupancy, the size and number of separate service lines required shall be at the sole discretion of the Department.
- C. Any existing consumer in violation of these requirements may be notified on 30 days' written notice from the Department to conform to this regulation.

§ 46B-6. 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 water lines or fixtures, 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 East Greenbush. All conditions specified on

the Town of East Greenbush Utility Permit will be strictly complied with.

§ 46B-7. Ownership.

- A. At his 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 stop cock of an approved type at the property or easement line and be provided with an iron curb box and cover. This stop cock 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.
- B. 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 foundation.
- C. Commercial properties containing more than one business (e.g. strip malls, apartment buildings) shall install a master meter vault in the Town's Right of Way with an approved Department of Public Works design. The owner will be responsible for all expenses associated with the proper housing including the meter bypass. Alternatively, if the buildings in the commercial property are adjoined, the meter may be housed in the building closest to the Town Right of Way with approval by the Commissioner of Public Works.

§ 46B-8. Maintenance and replacement.

- A. The customer, at his own expense, will maintain and protect from freezing and, when necessary, replace such service line and service connections, specifications for which are contained in § 46B-7.
- B. Should a leak occur in a service line, the owner shall forthwith cause the same to be repaired at his 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.

§ 46B-9. Service line specifications.

- A. All service lines shall have a minimum cover of 60 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.
- B. All service lines shall not be less in size than 3/4 inch inside diameter and shall be United States Government Specification Type K soft-tempered copper tubing with only mechanical joints underground; for over 100 feet, one inch minimum in size is required. For services two inches in diameter or larger, C900 pipe shall be used. C900 shall meet the specifications of ASTM D1784 with a cell classification of 12454. C900 shall meet all the dimensional, chemical and physical requirements as outlined in AWWA. Joints shall meet the requirements of ASTM 3139 and shall be formed using Rieber Technology. Gaskets shall meet the requirements of ASTM F477. Minimum operating pressure shall be 165 psi. C905 pipe shall be used in mains larger than 12" diameter. A tracer wire shall be installed directly above, and for the length of, the service line when using C900 or C905. The Department reserves the right in all cases to stipulate the size and type of service lines to be used.

§ 46B-10. Service connection specifications and rules.

- A. All tapping shall be performed under the supervision of the Department. No tapping will be done after November 1 or before April 1 unless weather permits, at the discretion of the Department.
- B. The curb stop and box will be placed at the easement or property line. No curb stop and box shall be placed in driveways or sidewalks. The Commissioner reserves the right to select a location suitable to the Town.
- C. No outlet through which water can be taken between the meter and the district's main in the street will be permitted.
- D. No red or white lead will be permitted to be used on joints between the meter and the main.
- E. No one shall leave the stopcock open or 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 the consumer's side of the meter, in places where the water is then in use, the installer may leave the water on.
- F. Except on the pipes on the consumer's side of the meter, no additions or alterations whatever, 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.
- G. When the supply of water to any premises has been turned off at the direction of the Department, service shall only be returned by and with the authority of the Department.
- H. If any building is razed, moved or abandoned, it will be the responsibility of the owner or the authority which requires such razing, moving or abandonment by virtue of public improvement to notify the Water Department to remove the water meter. The owner shall discontinue the water service line at the curb box by physically removing the service line connection at the curb box, under the supervision of the Water Department.

§ 46B-11. Underground sprinkler systems.

Underground sprinkler systems attached to the municipal supply may be installed but must be connected after the meter.

§ 46B-12. Private fire protection service.

- (1) Sprinkler-head fire protection service.

- (a) Any and all sprinkler systems installed in residences, multiple dwellings and commercial buildings (i.e., any and all buildings) shall meet the requirements of the following:

[1] The New York State Uniform Fire Prevention and Building Code (Uniform Code) adopted December 6, 2019.

- (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 outline 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:
 - [1] International Fire Code
 - [2] NFPA [National Fire Protection Association] 24—Standard for the Installation of Private Fire Service Mains and Their Appurtenances
 - (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 to build shall be issued and to inspect 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 ordinance to be brought up to the standards referred to at any time.
- B. Contractors, builders and other commercial users (§ 46B-1B) will apply for a commercial water permit before using a Town owned or private hydrant. A hydrant meter will be issued to the permit holder for their exclusive use. At the conclusion of the job, the meter will be returned to the Water and Sewer Billing Office and a final bill will be generated. For a long term construction project over three months, a photo of the meter reading will be submitted to the Water and Sewer Billing Office on March 31, June 30th, September 30th and December 31st, and a bill will be generated accordingly. Commercial users of the hydrant at the DPW Garage on Gilligan Road must record their water usage on the log sheet provided at the DPW Garage. Failure to follow these procedures will result in the cancellation of the commercial water use permit.
- C. Builders and contractors, who need access to water on site, will obtain a water permit prior to connecting to the town-installed curb stop at the building location. They will be billed for estimated usage 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 ordinance and the Department may cancel such permit.

§ 46B-13. Car washes.

Commercially operated car washes attached to the municipal water supply are permitted. Water conservation and recycling systems will be utilized to the maximum extent possible and will be approved by the Commissioner of Public Works.

§ 46B-14. Swimming pools.

- A. Regulations for the use of municipal water in swimming pools shall be established by the Department as the restriction needs dictate.
- B. Any swimming pool utilizing over 1,000 gallons of water, whether located above or below ground, in any of the public water districts of the Town shall have an adequate filtration and recirculation system.
- C. Before a pool of 1,000 gallons' or more capacity located within any or all public water districts of the Town of East Greenbush shall be filled with water from the public supply, a permit for this purpose shall be requested from the Department, which shall stipulate on what date and between what hours such filling shall take place. Such date and times are to be determined by the Department, and such determination shall be made on the basis of when such use of the water will constitute the least strain on the water supply system. When, in the opinion of the Commissioner, such restriction is unnecessary, the filling permit may be waived.

§ 46B-15. Air-conditioning, refrigeration and heating units.

- A. All air-conditioning, refrigeration and heating units connected to the public water supply must be of an enclosed fully recirculating pressure type.
- B. Existing units or installations heretofore installed and not of an enclosed fully recirculating type shall be converted to conform to this ordinance within five years from the effective date of this ordinance.

§ 46B-16. Installation of meters.

- A. An individual meter shall be required for each separate service line to a premises, except in such areas designated by the Commissioner or Town Board. The users of water shall at no time tamper with the meter. Any tampering with the water meter shall constitute a violation of this ordinance.
- B. The meter shall be supplied by the Department and shall remain the property of the Water District in which installation shall be made. Installation of the meter will be made by the Department or by authorized individuals as permitted by the Commissioner of Public Works.
- C. Submetering will not be permitted.
- D. Meters larger than two inches shall be compound meters and furnished and installed by the customer, at the owner's expense, and shall be placed in an area 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 customers. A diagram of the pit and proper piping shall be approved by the Department.
- E. The Department reserved the right to remove, test and repair any meter at any time.
- F. If any premises is vacated, the consumer may, on written notification to the Department, request that the water meter be removed and stored. During the period the meter is out of service, no charge for water service will be made. When service is again requested, the district will reestablish service for a minimum fee as specified in the fee schedule.
- 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 replace the meter and a bill will be rendered to the consumer for the cost of repairs including labor costs.

- 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 the case of a disputed account involving the accuracy of a meter, the Department will test the meter upon the request of a customer. A one-time exemption may be granted by the Town Supervisor if a meter reading is extremely high compared to normal readings. If it is found that the water usage was not due to a leak or faulty fixture in the residence, the adjusted bill will be based on average usage for a previous quarterly bill during the same time of the year.
- I. If a meter is not able to be read by the Department, the Department will initiate a request for appointment to access the meter and perform repairs. If the customer does not allow for access to the meter, or fails to respond, a second request will be initiated by certified mail. A service fee in an amount to be set by the Town Board shall be applied to the account. If the customer fails to respond, a third and final request will be initiated by certified mail. If the customer fails to respond, a service fee in an amount to be set by the Town Board shall be applied and the water service to the premises may be discontinued until the Department is able to access the meter.

§ 46B-17. Payment for water service.

- 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 prorated according to the number of days remaining to complete the billing period after the service has been made available.
- B. Meters will be read and billed quarterly, with the exception of industrial accounts, which will be read and billed monthly.
- 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 the new meter, whichever method is representative, in the Department's opinion, of the conditions existing during the period in question.
- D. All bills are due and payable without penalty 30 days after date thereof. A penalty of 10% of the amount of the bill shall be added to the bill for late payment. Any balances outstanding as of September 30 annually, shall be a re-levy to the following year's property taxes. If such charges are not paid within 30 days from the date due the water supply may be discontinued until such charges are paid.
- E. There shall be filed annually, with the Town Board, a statement showing the unpaid water charges and penalties payable to the Department, with a brief description of the property upon which the water was used, the names of the persons or corporations liable to pay for the same and the amount chargeable to each, for the purpose of having such sums levied as tax against the property liable.

46B-18. General provisions.

- 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 tampering with 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 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 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
- H. 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 60 inches as required, the Department reserves the right to require it to be so relocated before service is resumed.
- I. The Department shall have the right in periods of drought or emergency to restrict the use of water for sprinkling, pools or other outside use or to prohibit such use entirely. Notice of such restriction shall be published by the Commissioner of Public Works in the official Town newspaper.

§ 46B-19. Rents, rates, penalties and minimum charges.

- A. Bills for water used or services performed by the Department shall be paid to the Receiver of Taxes.
- B. Water rents, rates, penalties and charges are as may be established by Town Board resolution.
- C. No bill will be rendered or payment accepted for less than the minimum charge for each billing period.

§ 46B-20. New water systems or extensions of water mains.

The procedures to be followed by owners of developments in the Town of East Greenbush 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 subsections:

- A. The owner or his engineer shall furnish the Commissioner of Public Works with two prints, and one electronic copy [PDF] of the proposed overall development plan on which are indicated the required water mains appurtenances. The Commissioner 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 Commissioner, 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 Commissioner, for his 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 Commissioner of Public Works or his representative; and, upon completion, two

record plans of the completed installation shall be furnished to the Department by the owner, in paper form and one electronic copy [PDF] in a form acceptable to the Commissioner of Public Works. All expenses of installation and supervision of new water mains and appurtenances shall be borne by the owner of the development.

- 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 they 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 the Rensselaer County Clerk's office, with a satisfactory title company certificate showing 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 subsections, the Department will then advise the New York Property Insurance Underwriting accordingly.

§ 46B-21. Hydrants (Specifications of Fire Hydrants to be used on the Water System)

All hydrants that are connected to the Town Water System whether publicly owned and installed or privately owned and installed shall conform to the specifications as listed below. These specifications establish a standard hydrant throughout Town and allow the Town to stock parts necessary for efficient repairs in the event of traffic damage or normal wear and tear.

- A. Hydrant shall be Eddy Model F-2640 or equivalent as approved by the Water Department.
- B. Hydrant shall be center stem type and in accordance with AWWA Standard C-502-85.
- C. Hydrant shall be compression type with the main valve opening with the water pressure and have a rising stem to positively indicate open or closed position.
- D. Hydrant shall be furnished with frangible break flange and break coupling at the ground line.
- E. Bronze stem threads shall be located below the main valve to eliminate necessity of lubrication and in case of damage to hydrant; main valve will remain mechanically closed.
- F. Hydrant shall have minimum valve opening of either 4 1/2" and shoe inlet of 6".
- G. Hydrant shall be designed to permit removal of all working parts without special tools or wrenches.
- H. Hydrant shall have automatic drain, independent of main valve, to provide removal or adjustment without shutting off water and can be cleaned without digging.

§ 46B-22. Penalties for offenses.

The violation of any provision of this ordinance shall be an offense of the ordinance, which will be punished by a fine not to exceed \$10,000 and possible loss of permit

§ 46B-23. Fees,

Water fees for installation of new service, residential and commercial, shall be set by the Commissioner of Public Works upon approval of the Town Board.

§ 46B-24. Severability.

If any clause, sentence, section, paragraph or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance, but shall be confined in its operation to the clause, sentence, section, paragraph or provision directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE II
Cross-Connection and Backflow Prevention

§ 46B-25. General policy.

The East Greenbush Water Department may at any reasonable time inspect any facility in order to determine if a hazard exists due to an actual or potential cross-connection between the water system and any potential source of contamination. In any case where the Commissioner deems such hazard to exist, he may require the property owner to install an approved backflow prevention device in every water service line to the facility for which a potential hazard exists. Such devices shall be installed at or as near the service connection as may be required by the Commissioner. Such backflow preventer shall be designed and installed in accordance with all regulations of Part 5, 1.31 of the New York State Sanitary Code, and must be approved by the Commissioner and the New York State Health Department prior to installations. All costs of installation and maintenance shall be borne by the property owner.

§ 46B-26. Where protection required; type of protection.

The following is a partial list of facilities that are especially likely to have cross-connection hazards:

- A. Auxiliary water supply. Each service connection from the Town water supply for furnishing water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the Town water supply.

- (1) If the auxiliary water supply is handled in a separate piping system with no known cross-connections, the Town water supply shall be protected by an approved double check valve assembly installed at the service connection to the premises.

When the auxiliary water supply may be contaminated, the Commissioner may order the Town water supply protected by an air gap separation or an approved RPZ installed at the service connection.

- (2) If the auxiliary water supply is handled in a separate piping system and cross-connections are known to exist between the Town water supply and the auxiliary water supply which cannot presently be eliminated, the Town water supply shall be protected by an approved RPZ installed at the service connection to the premises. When the auxiliary water supply may be contaminated, the Commissioner may order the Town water supply protected by an air gap separation installed at the service connection.

- B. Toxic or hazardous substances under pressure. At the service connection to any premises on which any material dangerous to health or toxic substance in toxic concentration is or may be handled under pressure, the Town water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter, and all piping between the water meter and receiving tank shall be entirely visible. If these conditions cannot reasonably be met, the Town water supply shall be protected with an approved RPZ, which is acceptable to both the Commissioner and the County Health Officer.
- C. Toxic or hazardous substances not under pressure. At the service connection to any

premises on which any material dangerous to health or toxic substance in toxic concentration is not handled under pressure but is otherwise handled in such a manner as to constitute a cross-connection, the Town water supply shall be protected by an approved RPZ unless such cross-connection is abated to the satisfaction of the Commissioner and approved by the County Health Officer.

- D. Nonhazardous substances. At the service connection to any premises on which substance that would be objectionable (but not necessarily hazardous to health) if introduced into the Town water supply is handled in such a manner as to constitute a cross-connection, the Town water supply shall be protected by an approved double check valve assembly.
- E. Sewage and storm drain treatment plants and pumping stations. At the service connection to any sewage treatment plant or sewage pumping station, the Town water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the service connection, and all piping between the service connection and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the Town water supply shall be protected with an approved RPZ, providing this alternative is acceptable to both the Commissioner and the County Health Officer. A final decision in this matter shall be made by the State Health Department.
- F. Fire systems. At the service connection to any premises in which a fire protection system is installed, the Town water supply shall be protected based on the water source and arrangement of supplies in accordance with the following classifications:
- (1) CLASS 1. Direct connection from public water mains only; no pumps, tanks or reservoirs; no physical connections from auxiliary water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells, or other safe outlets. Protection: None other than the check valve required by the National Fire Code.
 - (2) CLASS 2. Same as Class I, except booster pumps may be installed in the connections from the street mains. Protection: None other than the check valve required by the National Fire Code.
 - (3) CLASS 3. Direct connection from public water supply main plus one or more of the following: elevated storage tanks; fire pumps taking suction from aboveground covered reservoirs or tanks; and pressure tanks. Protection: Double check valve assembly.
 - (4) CLASS 4. Directly supplied from public mains similar to Classes 1 and 2, and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within 1,700 feet of the pumper connection. Protection: air gap or RPZ.
 - (5) Class 5. Directly supplied from public mains, and interconnected with auxiliary supply, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other additives are used. Protection: air gap or R P Z .
 - (6) Class 6. Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks. Protection: determined

- G. Lawn sprinkling systems. At the service connection to any permanently installed, below-grade lawn sprinkling system, the Town water, supply shall be protected by an approved RPZ assembly.
- H. Others. Examples of other facilities which require cross-connection control include, but are not limited to:
 - (1) Beverage bottling plants.
 - (2) Breweries.
 - (3) Food processing plants.
 - (4) Chemical plants and plating facilities.
 - (5) Film laboratories.
 - (6) Hospitals, medical buildings, sanitariums, morgues and mortuaries.
 - (7) Irrigation systems.
 - (8) Laundries and dye works.
 - (9) Meat packing plants.
 - (10) Metal manufacturing, cleaning and fabricating plants.
 - (11) Radioactive materials production or research plants.
 - (12) Restricted, classified or other facilities closed to inspection.
 - (13) Sewage and storm drain facilities.
 - (14) Buildings heated by boilers where treatment chemicals are used.
 - (15) Buildings with certain types of air conditioning systems.
 - (16) Swimming pools.
 - (17) Printing operations.
 - (18) Furniture stripping.

§ 46B-27. Responsibility.

- A. Consumer responsibility. It shall be the responsibility of each consumer at his own expense to furnish, install, and keep in good working order and safe condition any and all protective devices required by this article. The Town shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of, or interfering with, any protective device by any consumer or any other person.
- B. Conflicts. Whenever two or more conditions exist on any premises for the correction of which different protective devices are required in this article, the consumer shall be required only to install the protective device which, in the opinion of the Commissioner and County Health Officer, affords the maximum protection to the Town water supply.

§ 46B-28. Inspection; records; cost.

The consumer on whose premises any protective device is installed shall have each such device inspected and tested annually. Inspections and test shall be performed under the supervision of a tester certified by the Department of Health. If successive inspections disclose repeated failures in the operation of any device, the Commissioner may require more frequent inspections. Each device shall be repaired, overhauled or replaced at the expense of the consumer whenever it is found to be defective. Records of such tests, repairs and overhauls shall be kept, and a copy of such record forwarded to the Commissioner on an annual basis. The Commissioner shall have the duty of determining that the inspections required herein are performed properly. If following demand therefor, the consumer fails to have any of the inspections made as required herein or to make the above described records available, the Commissioner shall have the right to inspect the device and the consumer shall pay the cost thereof. The cost of any inspection made by the Commissioner shall be billed to the consumer.

§ 46B-29. Noncompliance; service to be discontinued; notice; service.

- A. Delivery of water shall be discontinued immediately and without notice to the consumer if the Commissioner or County Health Officer determines that the Town water supply is being contaminated or is in immediate danger of contamination. Delivery of water shall not be resumed until any protective device required by this article and approved by the Commissioner has been properly installed, or until conditions at the consumer's premises causing the contamination or danger of contamination have been abated or corrected to the satisfaction of the Commissioner and County Health Officer.
- B. No water service connection shall be installed on the premises of any consumer unless the Town water supply is protected as required by this article.
- C. Delivery of water to the premises of any consumer may be discontinued or a fine may be imposed on the consumer if the Commissioner or County Health Officer determines that:
 - (1) A protective device required by this article has not been installed, or is defective, or has been removed, or by-passed;
 - (2) The consumer cannot immediately be located;
 - (3) Records of inspection are not submitted in a timely manner.
- D. Delivery of water shall not be discontinued or a fine imposed until written notice thereof has been given to the consumer.
 - (1) The notice shall state:
 - (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 shall be discontinued or a fine imposed, and which shall not be less than 15 nor more than 90 days following the date of delivery or mailing of the notice. The Commissioner may grant the consumer an extension of an additional period not to exceed 90 days if he determines the consumer has exercised due diligence but has been unable to comply with the notice within the time originally allowed.

(d)

- (2) The notice shall be given by delivery of same to the consumer, the manager or agent thereof, or to any person in charge of or employed in the place of business of the consumer; or if the consumer has no place of business, then at the place of residence of the consumer, if known. If the consumer cannot be found, service of the notice shall be mailed, postage fully prepaid, addressed to the consumer at the place of business or residence set forth in the application of the consumer for water service in the records of the Town.
 - (3) Once discontinued, delivery of water shall not be resumed until any protection devices required by this article and approved by the Commissioner have been properly installed, or until the conditions at the consumer's premises creating the need for a protective device have been abated or corrected to the satisfaction of the Commissioner and the County Health Officer.
 - (4) If a fine has been imposed, it shall be in the amount of \$100/day, and it shall accumulate daily until any protective device required by this article and approved by the Commissioner has been properly installed, or until the conditions at the consumer's premises creating the need for a protective device have been abated or corrected to the satisfaction of the Commissioner and the County Health Officer.
- E. For the purpose of making any inspections or discharging the duties imposed by this article, the Commissioner and County Health Officer shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the Town water supply, shall be considered as having stated his consent to the entry upon his premises of the Commissioner and County Health Officer for the purposes stated herein.

§ 46B-30. Presently installed devices.

All presently installed prevention devices which do not meet the requirements of this section but were approved devices for the purposes described therein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements under § 46B-26, be excluded from the requirements of these rules so long as the Commissioner is assured that they will satisfactorily protect the Town's water supply. Whenever the existing device is moved from the present location or requires more than minimum maintenance, which constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this article.

§ 46B-31. Restrictive covenant agreements.

The Water Department is authorized to enter into restrictive covenant agreements with various commercial, industrial and residential facilities regarding the installation of backflow prevention devices on their real property. These agreements shall allow backflow prevention devices to be installed in the main building with a meter at the property line as long as there are no taps between the meter and the main building, while requiring that if a tap is installed between the meter and the main building, then backflow prevention devices must be removed to the property line. These agreements shall be binding on all successors to the property and may be dischargeable by the Water Department whenever such backflow prevention devices are no longer required by law or ordinance for said property. The agreements shall contain such additional terms and conditions as the Water Department deems to be appropriate.

§ 46B-32 . Constitutionality; severability.

- A. If any section, subsection, sentence, clause or phrase of this article is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this article.
- B. The Town Board of the Town of East Greenbush declares that it would have passed this article and every section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsection, sentence, clauses or phrases be declared unconstitutional.

ARTICLE III
Cost Allocation and Billing Provisions

§46B-33. Allocation of costs.

- A. An equivalent dwelling unit is defined as a unit of measurement determined by the type of real property classification used within the formula to compute the annual payment of capital costs. Capital costs shall be determined based upon a dollar amount calculated from the annual budgeted capital expenses for the Consolidated Water District multiplied by the number of equivalent dwelling units assigned to a parcel type. The Town Board shall amend, if necessary, the dollar amount and the Schedule of Equivalent Dwelling Units annually during the budget process.
- B. Operation and maintenance expenses shall be determined based upon consumption from metered water use.
- C. The Town Board shall adopt a resolution whenever necessary establishing or amending the water rates for the Town. Such resolution shall remain in full force and effect until such time as it is repealed or superseded by a subsequent resolution of the Town Board adopted pursuant to this Local Law. No such resolution establishing water rates or amending the water rates duly established shall be adopted until a public hearing has been held on such resolution on at least seven (7) days public notice. Such notice shall be accomplished by publication in a newspaper of general circulation in the Town and shall include a brief description of the rates to be established.
- D. In any such resolution establishing or amending water rates the Town Board may establish an equitable classification of users and establish different rates for the different classifications. Such classification may include separate charges for users who are located outside of the corporate limits of the Town.
- E. Connection fees are contained on a fee schedule to be approved by the Town Board.

§46B-34. General billing provisions.

- A. All bills for operation and maintenance expenses as determined in §37-33B hereof will be issued in February, May, August and November of each year and are due and payable without penalty 30 days after the date thereof. The Town Board may alter billing dates when necessary. All charges by the Department for operation and maintenance shall be a lien upon the real property upon which or in connection with which such water is used. If such charges are not paid within 30 days from the date due, the Town Board shall enforce any and all remedies contained in § 46B-14 hereof.
- B. Bills for capital charges as determined in §46B-32 shall be billed on January 1 of each year. All charges by the Department for capital charges shall be a lien upon the real property upon which or in connection with which such water is used. All real property located within the consolidated water district shall be charged capital costs.
- C. There shall be filed annually, with the Town Board, a statement showing the unpaid water charges and penalties payable, with a brief description of the owner's property.
- D. Bills for capital charges and operation and maintenance expenses shall be paid to the Receiver of Taxes.
- E. No payment will be accepted for less than the amount stated on the bill.

§46B-35. Effective Date.

This Local Law shall take effect immediately upon being filed in the Office of the Secretary of State in accordance with the provisions of Section 27 of the Municipal Home Rule Law.

§ 46B-36. Repealer.

Chapter 46B of the Code of the Town of East Greenbush adopted on August 3, 1983; Local Law No. 7 of 2004 adopted on August 11, 2004; and Local Law No. 4 of 2021 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed and replaced by this Local Law.