

SPECIAL MEETING OF THE LOUISVILLE TOWN BOARD  
TOWN OF LOUISVILLE, NEW YORK  
JANUARY 31, 2018; 6:30PM

BOARD MEMBERS PRESENT: LARRY LEGAULT, SUPERVISOR  
GAIL SCHNEIDER, COUNCILWOMAN  
SHAWN THOMPSON, COUNCILMAN  
PATRICK CARROLL, COUNCILMAN

BOARD MEMBER ABSENT: DAVID MOULTON, COUNCILMAN

HIGHWAY SUPERINTENDENT ABSENT: VERN FENLONG

Supervisor Legault called the meeting to order at 6:57pm.

Before the meeting was called to order Assessor Pearson was talking with some of the Board and stated that if property owners want to combine their lots, they must do it thru a deed change. He will not combine tax map numbers. About 3 years ago the practice was changed when it was challenged in court elsewhere in NYS. Assessor Pearson will follow past practice during a water district expansion (if the Board requests) and allow the property owners in the expansion to combine adjacent properties thru the assessor's office.

Clerk Orosz and Clerk Cameron discussed multiple issues that need to be addressed for the water law and individual cases:

1. Easement paperwork: The Clerks feel that easement paperwork should be added to all new tap applications. Supervisor Legault stated that he spoke to the Town Attorney and that we do not need to. The Town Attorney will be asked again.
2. \$25.00 fee for the tap application: The clerks feel that there should be an application fee. The current water law states a fee but does not assign a dollar amount.
3. Carl Grant property on Patterson Road: We have an issue with a lateral that was installed on the wrong property. The two properties use to be owned by one person – so all was well- but that is not the case anymore. Carl Grant owned two properties. There were residences on both properties that were using water. After one of the properties was sold- it was discovered that the laterals were both on one property- even though they served separate tax maps. Currently the new property owner is paying for two laterals (2 Edu charges). We think that an easement needs to be signed by the new property owner so the billing can be corrected. To further complicate matters- the residence that was being served by the lateral from the adjacent property, has been removed. So- two properties with two laterals have been paying three debt repays. One lot without a curb stop – with a building pays a full debt repay. One lot with two curb stops is paying two debt repays. The Board discussed removing the lateral and relocating the curb stop. Moved by Supervisor Legault, seconded by Councilman Thompson and duly carried to credit Ellen Mills (tax map #8.004-3-18) for an Edu charge since she purchased the property at the SLC tax auction. No easements will be obtained through the lawyer.
4. Combining of Lots: Our local law does not explain how charges will be handled when lots are combined that have buildings and curb stops. The Clerks reviewed the different cases and recommend the following be added to the water law:
  - Combining of lots that have curb stops with one of the lots being empty the Edu charges will be:
    - 1.5 Edu charge if the curb stop is left functional. The bill adjustment will be made when the combining of the lots is recorded with the SLC Clerk
    - 1.0 Edu charge if curb stop is removed by the Water Department. The bill adjustment will be made when the deed is recorded with SLC Clerk. The Town will remove the curb stop and the property owner will pay all costs of the removal. An example of this is William Shirley property.
  - Combining of lots that have curb stops with buildings on both lots, the charges will be:

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2.0 Edu charge if the curb stop is left functional. There would be no adjustment to the bill.

1.0 Edu charge if the deed to combine the lots is recorded at the SLC Clerk's Office and the curb stop is removed by the water department. The bill adjustment will not be made until the new deed is recorded. All costs for the removal of the curb stop will be paid by the property owner. Water Maintenance Worker Beattie stated that it should take about a half a day's work to remove the water service.

The Clerks feel that this update to the water law is in keeping with the fact that during the project if a landowner wanted a curb stop for a vacant property, they were required to sign a statement that they were aware of the full Edu charge and the curb stop would be paid for by the project. Vacant lots without curb stops are billed at 0.5 Edu's per the Water Law.

5. Freezing of Pipes: There was discussion as to whether there will be a charge for turning on and off the service so property owners can fix frozen pipes. The decision was – no there will not be a charge for turning on or off water to fix broken lines but there will be a fee to unthaw the lateral. Water Maintenance Worker Beattie stated it is usually about an hour time to unthaw laterals. The labor rate for the water department will be stated at the organizational meeting in January of each year.
6. Water Usage: In Massena and Norfolk when a property owner shuts off the water for the season or forever, they no longer have to pay water usage (O&M and Reserve). Our law has states that once the water is turned on at a property, the owner will always pay at least minimum usage- for whatever reason (seasonal or forever- removal of the building). The only way to discontinue the water usage billing is to have the curb stop removed. And only after the Town removes the curb stop will bill be adjusted. This poses one issue: When a property is sold the new owner inherits these fees, but he could correct this by having the curb stop removed. An example is the Fiacco property that is now owned by Jack McDonald and the Hurlbut property. Currently they should be paying for water usage because there was once water flowing to that property and there is nothing in the water law that allows us to stop that charge. The Board agreed to keep billing for usage unless the owner removes the curb stop. The property owner will be responsible for the cost- time and materials.
7. NYS DOT property: The rest area on SH 37 is being charged a half of an Edu per the Town Water Law. NYSDOT has paid it in the past but stopped in 2014. Per Town Attorney Gustafson, they are responsible for the bill but wondered if the Board wanted him to pursue it. Supervisor Legault questioned that if NYSDOT is responsible for their property within the district what about NYPA and NYSDEC.
8. Boyce property on SH 56: The old Boyce farm has never been charged a debt repayment fee because it is active vacant farmland in the Ag and Markets District. Now, Jim and John Boyce have inherited the farm land on SH 56, and it has been split into two properties which SLC Real Property reclassified as vacant with improvements. The water clerks think that each of the properties should be billed half of an Edu because both are vacant. The Board agrees and stated that when the property class identifiers changes then the billing of the Edu's will be adjusted to be consistent with the local law. The camper that John Boyce has on his property was discussed, but it is not a building therefore there is no charge for that. When Jim Boyce builds a building on his property, whether he connects to the water system or not, he will then be charged a full Edu.
9. Daggett property: Daggett's have purchased the motel previously owned by the Adelaide Crowe Estate at 9662 SH 56). Their initial intensions were to live on the property themselves and convert the rooms into apartments. After the purchase they learned that the Louisville Water Law required them to pay an Edu for every three doors of a motel/hotel plus one for the owner's living quarters. They sent a

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letter requesting that the charges be reviewed for this property because it is inhabitable. As per the Daggett's letter the motel is not fit to be a residence or rental property at this time or any time in the near future. The Board decided that it be buyer beware- they will be charged per the Water Law until the property is reclassified by the Assessor with the help of the code officer.

10. Al McGrath needs a meter installed for the garage. Per Supervisor Legault- it will be completed this Spring.
11. Page 7 of the water law 290-8 Damage to meter- the Clerk's believe that the wording should include meter and meter reading units (transmitters). The law will read: Inoperable meters, meter reading units (transmitters) shall be repaired by the Water Department at the expense of the consumer, except when it becomes inoperable by ordinary wear and tear. Batteries are included as ordinary wear and tear.
12. Parts: The Clerks explained that although the Water law states that property owners will pay for repairs to the line past the curb stop, very few have actually been charged and it has been discovered that the service lateral easements that were signed during the building of each of the projects state: "The Town of Louisville and/or the Water District will be responsible to maintain the service lateral for the next X (life of loan) years. At the end of the x period (life of loan), the property owner will then be responsible for maintenance of the service lateral from the property line to the building. The cost of any such repair shall be governed by local law." Per Supervisor Legault this means that the local law overrides the statement and the property owner must pay for repairs. Attorney Gustafson agrees but Attorney Fountain does not. Also, various other people from the engineer's office and Town offices have read the statement. All agree that the homeowner is not responsible for repairs until the loan is paid. When researching this statement, the Clerks learned that RD requires that as long as there is a loan – the Water District is paying for it so they must own and maintain it. People recall that the project was explained to them as such. The Board would like Attorney Gustafson to review this again and report to them ASAP. Clerk Cameron is concerned about who gets charged for repairs and how those decisions are made. The Board stressed that they want to be consistent.

Councilman Thompson informed the Board about a Class D license for water distribution. This class can be taken for about \$325.00. He was wondering if Water Maintenance Worker Beattie would be interested in attending. Mr. Beattie will review the paperwork. Supervisor Legault stated that he is Class D certified.

Moved by Councilman Carroll, seconded by Councilwoman Schneider and duly carried to adjourn the meeting at 8:40pm.

Respectfully submitted,

Joanne Cameron  
Town Clerk