

RESOLUTION APPROVING RETURN FROM TOWN WATER, SEWER AND STORMWATER COMMITTEE (WSSC) AND EFFECTING FORMAL CHARGES TO AND RULES FOR SUCH COMMITTEE UNDER TOWN CODE CHAPTER 7

RESOLUTION 25-

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WHEREAS, in November 2024, the Town Board issued a referral and charges to WSSC to outline new rules, protocols, policies, and forms for the committee, and the committee met informally in December and formally in January and developed responses and updated forms, all of which have been formally referred back to the Town Board for review, amendment or update, and eventual approval; and

WHEREAS, the documents and forms submitted include the following:

1. WSSC 2025 Response to Town Board and Organizational Recommendations;
2. WSSC 2025 Policy and Procedure Updates;
3. Outside User Instructions for 2025;
4. FORM EASEMENT, 2025 - Water, Stormwater & Sewer Easement;
5. FORM EASEMENT, 2025 - Waterline and Curbbox Easement for Outside User; and
6. Model 2025 Outside User Agreement; and

WHEREAS, The Town Board has reviewed and generally approved each of such submissions, and upon deliberation thereupon, it was **RESOLVED** as follows:

1. The Outside User Instructions for 2025, the 2025 Outside User Agreement, and the form easements for 2025 be and hereby are approved as general forms, each to be adjusted or adjustable, or amended or amendable, to accommodate the specific project then under review. In all cases, easements and contracts are not valid or effective until approved by the Town Board.
2. The WSSC policies and procedures outlined in the WSSC 2025 update referenced above are hereby approved.
3. The following charges, rules, and standards shall apply to the WSSC, effective immediately, with each to remain in effect until further amended, repealed, or superseded by resolution of the Town Board:

Committee Structure and Organization:

- a. The committee shall be comprised of 5 people appointed by the Town Board: The Town Engineer, the DPW Director, the Attorney for the Town, a representative from Bolton Point, and a member of the planning board appointed by the Town Board. The current

membership is thus hereby confirmed as David Herrick, Mike Moseley, Guy Krogh, Gregg Weatherby, and Johnathan Licitra.

- b. The Town Board shall appoint the Chairperson of the committee from time to time and in its discretion. Mike Moseley is hereby appointed as Chairperson of the WSSC.
- c. Committee members and the Chairperson are permanent appointees, each to serve until they resign or are removed and replaced by the Town Board. The Town Board may amend the composition, appointees to, or number of committee members at any time and in its discretion.
- d. The Town Supervisor shall be the official liaison to the WSSC. The liaison is not a member of the committee and does not carry a vote upon the committee.
- e. The WSSC shall have no subcommittees or working groups except upon the express approval thereof by the Town Board.
- f. Subject to the requirements below, the WSSC may develop its own internal rules of procedure for scheduling and conducting its meetings, which shall be periodically approved by the Town Board when adopted or thereafter updated. Absent creating such rules, the WSSC shall operate under the same rules and exceptions as apply to Town Board procedures respecting Robert's Rules of Order.
- g. The spending authority of the WSSC shall be limited to small general appropriations approved by the Town Board for needed office supplies or administrative assistance.

Committee Operations and Review Standards:

- a. The WSSC shall meet monthly at 11:00 am on the first Tuesday of each month. Such time and date may be changed by the Chair for good cause for any one or all meetings. The WSSC may invite other people, public officers, or employees to meetings as they shall elect, whenever input, experience, or expertise is desired respecting any agenda item or matter.
- b. The WSSC shall keep minutes of all meetings and shall supply the same no less than quarterly to the Town Clerk's Office and the Town Supervisor.
- c. The WSSC shall consider matters and issue advisory opinions or guidance whenever any matter is referred to it by the Town Board, the DPW Director, or the Director of Planning. Matters referred to the WSSC for input or advisory opinions shall be responded to in a timely manner in writing, addressed to the person or body that submitted the request, with a copy of all recommendations and responses to also be supplied to the Town Clerk and the Town Supervisor.
- d. The WSSC shall issue an annual report to the Town Board of its key operational reviews and recommendations, and shall annually make recommendations to the Town Board

respecting any needed or desirable changes or updates to the Town Code and policies respecting water, sewer, and stormwater, special district formation, district improvements, outside user policies and procedures, the forms of easements and other instruments used for special districts and the provision of public utilities, and district extensions and policies.

- e. The WSSC shall act as the Water Advisory Committee as referenced in Town Code § 253-7. The WSSC shall not be authorized to undertake to conduct public meetings or public hearings, it shall not receive petitions for services or district formation, and it shall not make or amend town policies or undertake any legislative recommendations or approvals respecting town operations, policies, or codes without, in each case, a charge or referral to the committee made in accordance with these rules.
- f. When required or implicated, the WSSC shall provide guidance respecting lateral extensions of utilities in Agricultural Districts (see Town Code § 253-8; lateral extension agreements between the Town and NYSDAM), service extensions to outside users or backlot extensions (see Code § 253-9; and other current Town Policies), guidance on rates, fees, EDU tables, district formation, and district improvements arising in connection with water, sewer, stormwater, and special district matters as arise under Town Law Articles 12, 12-A, 12-C, 14, and 15.
- g. The extension of utilities shall be guided by the feasibility rules for water districts listed in the Town Code (engineering, planning, and financial feasibility), district extension and creation laws, and applying the guidance provided by the Town's Comprehensive Plan. These standards shall apply to all water, sewer, stormwater, and other special districts, all utility or infrastructure improvements, and all outside user extensions relating to any of the foregoing.
- h. Any request to extend services into an agricultural district shall be carefully reviewed, with priority given to protect agricultural needs and operations and the preservation of farmland and important soils. The committee shall determine whether a lateral extension condition or restrictions exists respecting any current or past agreements between the Town and the NYS Department of Agriculture and Markets and whether, if such a restriction or limitation does exist, an application should be made for permission or a waiver or variance of such lateral restrictions or other limitations. If any land in an agricultural district is included in any improvement or benefit district or area, the committee shall recommend such agreements or conditions as are appropriate for the Town to consider, as well as generally recommend the removal of such land and parcels from the agricultural district immediately or upon the next review by the county and state.
- i. No outside user agreements or connections, and no backlot access or approvals, shall be permitted or allowed for any town sewer districts or stormwater districts.
- j. Whenever multiple meters for utility services are needed upon one parcel, such parcel shall either be rationally subdivided, or the town shall impose a master metering requirement in congruence with any policies of Bolton Point or any municipality providing transportation or treatment of wastewater and septage.

- k. No special district or benefit/improvement area shall be reviewed or approved unless: (i) an informal petition is submitted to all landowners in the proposed service area that discloses the hook-up fees, preliminary estimated annual debt service, and first year's cost (calculated using the general rules of the NYS Comptroller); and (ii) at least 75% of the landowners sign such petition indicating that they would approve forming such district at such estimated cost; and (iii) such estimated cost shall in no case exceed or approach 200% of the State Comptroller's published thresholds for district review, or exceed a per lot average of \$500 per year (or reasonable equivalent) for any district or benefit area that is not a water or sewer provider (or for which the State Comptroller does not list thresholds). For good cause shown and explained in any report or recommendations, the WSSC may waive or recommend waiving any such standard, but it shall not be required to do so.
 - l. Outside Users shall be required to submit system designs and locations by survey unless the committee shall for good cause waive the formal surveying requirement. Applicants shall be responsible for all costs of, and to obtain, any needed surveys, information, curatives, title reports, easements, rights of way, or licensing to install improvements and maintain them. All such rights shall be written in a manner as allows the Town access to the infrastructure along such easements or lands, including for emergency purposes. Applicants are responsible for all costs of construction and shall sign an Outside User Agreement in a form that is approved by the Town Board. All tap-in connections and all meter pits and curb boxes shall be clearly shown upon the survey or other mapping for the site, and a seal or written approval of the DPW Director for each such location shall be required for all Town, Bolton Point, and other permits and approvals.
4. The Town Board hereby refers the following matters to the WSSC for consideration and recommendations, with a request that recommendations be submitted on or before August 31, 2025:
- a. Consider clarifications to the existing Town Code to help differentiate between capital costs and operational and general maintenance costs, particularly when addressing revenues for debt repayment for capital construction costs, and water or sewer rates or rents for operational and general maintenance costs.
 - b. Consider updates to and formalization of standard EDU-based formulas for water and sewer charges, including for district and extension purposes.
 - c. The WSSC should draft initial proposals to amend the Town Code to mirror, as applicable, the feasibility review standards for water systems, to apply them to (i) sewer districts and their extensions and improvements, and (ii) drainage districts and their extensions and improvements.