

**PRESENT: ERNEST W. MARTIN, MAYOR; TRUSTEES – ELLEN VOMACKA, JOHN BASILE, JUDY WOOD-SHAW, KEITH COLLINS**

**ALSO PRESENT: ATTORNEY JAMES PELUSO**

Mayor Martin called the meeting to order at 7pm and led the pledge to the flag.

Trustee Basile announced no public hearing to override the tax cap is necessary because they're charging rents.

**VILLAGE OF STILLWATER  
BOARD OF TRUSTEES**

**RESOLUTION**

**WHEREAS** the Village of Stillwater operates a water system for which the regulation and payment of water rents is established by the Village Board of Trustees pursuant to Local Law No. 3 of 1999, and

**WHEREAS**, in order to ensure the proper operation, maintenance and financing of said water system, including the debt obligation of the new water pipeline connecting the Village's water distribution system to the Saratoga County Water Authority which the Village has financed in part through an amortized loan of \$3,887,000 over 38 years at an annual interest rate not to exceed 3.25 percent, the Village wishes to establish revised water rents to meet the increased indebtedness and costs necessary to operate and maintain the water system; and

**WHEREAS**, the average water usage of single family homes by inside and outside users of the Village water system is approximately 166 gallons per day; and

**WHEREAS**, the Village Board of Trustees has duly considered, among other things, the water usage of residential and commercial users; the benefit of the water system to vacant parcels serviceable thereby; and the manner in which the cost associated with the new debt obligation should be borne by the Village's water users—in assessing the propriety of any revised water rents; and

**NOW THEREFORE**, it is hereby resolved that the Village's water regulations and rents shall be amended and provided for as follows:

1. **Inside Users.** The annual charges to inside users shall consist of:
  - (a) An annual charge of \$230.00 per Equivalent Dwelling Unit (EDU). The EDU assigned to each inside water user are based on the real property classification listing on file with the assessor's office and the Table of Equivalent Dwelling Units contained with the Village Water Regulations and Rates;
  - (b) A water rent rate of \$4.12 per 1,000 gallons; and
  - (c) All other applicable rates, charges and penalties set forth in the Village's Water Regulations and Rates, which are attached to this resolution.
2. **Outside Users.** The annual charges to outside water users (those persons or entities with whom the Village does not have a contract) shall consist of:
  - (a) A water rent rate equal to the contract rate with the Town of Stillwater;
  - (b) All other applicable rates, charges and penalties set forth in the Village Water Regulations and Rates, which are attached to this resolution.

**IT IS FURTHER** hereby resolved that the annual EDU charge for inside users shall be billed on June 1, 2012 and payable within thirty (30) calendar days.

**IT IS FURTHER** hereby resolved that the June 1, 2012 water bill sent to inside users shall identify the number of EDUs assigned by the Village and include a copy of the Village Water Regulations and Rates. Should an insider water user wish to challenge the number of EDUs assigned by the Village, they they must notify the Village Clerk's Office in writing of their objection and the basis thereof within five (5) business days

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of their receipt of the June 1, 2012 bill. Thereafter, inside water users shall be responsible for notifying the Village Clerk's Office in writing of any change in the use of their property that would affect the number of EDUs assigned by the Village at least thirty (30) days prior to June 1<sup>st</sup> of each year.

WATER REGULATIONS AND RATES  
EFFECTIVE JUNE 1, 2012



- 9) Each professional office building shall be assigned one EDU for each office.
- 10) Each marina shall be assigned one EDU.
- 11) The SCSD and the Stillwater Community Center shall be assigned the number of EDUs equivalent to their usage divided by 166 gallons per day.
- 12) The Stillwater Ambulance Fund, Inc. shall be assigned one EDU.
- 13) Each buildable lot shall be assigned 0.5 EDUs.
- 14) Each vacant property that cannot be built upon shall be assigned zero EDUs.
- C. The annual EDU charge shall be \$230. per EDU. The EDU charge will be billed on June 1<sup>st</sup> of each year. Village property owners are responsible for notifying the Village Clerk's Office in writing of any change in the use or classification of their property that would affect the number of EDUs assigned by the Village at least thirty (30) days prior to June 1<sup>st</sup> of each year.
- D. The water usage rate within the Village shall be Four and 12/100 (\$4.12) dollars per 1,000 gallons metered. There shall be a six-month minimum rate within the Village of \$36.60.
- E. All metered water outside the Village limits will be charged at the contract rate with the Town of Stillwater (\$6.00 per 1,000 gallons). The minimum rate will be based on 10,000 gallons. Minimum semi-annual rates for larger meters may be obtained by application to the Board of Trustees.
- F. The rates quoted herein shall be effective June 1, 2012 until further notice. The Village reserves the right to amend or revise any of the foregoing rates and make changes as it may deem necessary. The Village will bill for water usage on a six-month cycle. All bills for service are due and payable within thirty (30) days from the date of mailing or presentation. The Village will impose a 5% late fee to each water bill with an outstanding balance each month that it is in arrears. The amount of the total unpaid water bills and the accumulated late fees at May 1<sup>st</sup> shall be added to the owner's Village property tax.

## 7. ESTIMATED WATER READINGS

- A. If the DPW is unable to obtain a meter reading and the property owner fails to call in the reading within 3 days, the Village will estimate the reading based on prior documented reading, if no documented reading is available then 36,000 gallons will be billed unless we have written notification that the premises is empty. If the Water Department does not have access to read a meter for the use during a period after an estimated reading, the property owner will make the premises available so the DPW can install a new remote read meter. In the event a reading is obtained after billing and

the estimates are found to be high, there will be no adjustments or refunds on either the water or sewer billed by estimate. However, should the Village underestimate the amount of water used the property owner will be liable for the full cost of the actual water delivered and corresponding costs for sewer rents.

## 8. DECLARATION OF A "STATE OF EMERGENCY"

- A. The Village reserves the right to declare a "State of Emergency" and to order the discontinuance of the use of sprinkling devices or the use of hoses for any purpose other than the extinguishing of fires. The Village may continue this "State of Emergency" for such periods as it may deem necessary. In the event that any consumer does not immediately comply with such declaration and order, the Village may shut off the supply of water to such consumer without further notice.
- B. Consumers must not permit water to run to waste or supply it to others.

The Mayor opened the floor to public comment after advising the Board has tried to be fair, that everyone wanted a new water source and now we have to pay for it. There will be a .67 per thousand increase in the water rate and a fixed charge of \$230 for debt.

Bonnie M. asked if the Board received a significant number of challenges, the rate could change and would a new bill be issued? Trustee Basile responded he expected few successful challenges.

The Clerk asked if her office would be expected to bill two months at the old rates and four months at the new rates, no real response was given.

Discussion was held on Trustee Basile's decision to treat properties with five or more units differently than others. The consensus was using consumption for the school was acceptable but all apartments should be treated the same.

Once again, lengthy discussion took place on why all users of the system were not being charged. Mayor Martin responded if he could charge the Town of Stillwater debt, he would but according to NYS Law, Village taxpayers are solely responsible for the debt and Trustee Basile stated the Village owns the line and the Village has to pay for it.

Several specific properties were discussed resulting in changing the original EDU assignment.

**MOTION** to close the floor to public comment made by Trustee Basile, seconded by Trustee Vomacka  
Motion carried 4-0

**MOTION** to approve the Resolution and Water Regulations as presented made by Trustee Basile, seconded by Trustee Wood-Shaw

Discussion:

The current effective date is June 1, 2012, the Clerk advised she is unable to generate water bills at the existing rate on 5/31/2012, the rate should change October 1.

Change 6, B, 1 to read "Each single family residence is assigned 1 EDU, each 2 family 2 EDUs, each 3 family 3 EDUs, each 4 family 4 EDUs, each multi family is assigned EDUs equal to the number of living units, and manufactured homes are 1 EDU each."

Change 6, B, 11 to read "The SCSD and Stillwater Community Center shall be assigned the number of EDUs equivalent to their usage divided by 166 gallons per day."

Trustee Collins proposed \$220.00 as EDU rate.

**MOTION** to amend the effective date to 4/24/2012, assign an EDU charge of \$220, change 6, B, 1 & 11, revise 6 C to read \$220 and revise 6 F to read April 24, 2012 made by Trustee Basile, seconded by Trustee Vomacka Discussion: The EDUs will be billed on the June 1 Village Tax Bills  
Motion carried 4-0

**MOTION** to adjourn to executive session at 8:45 pm for a personnel matter made by Trustee Basile, seconded by Trustee Vomacka

Clerk was excused at 8:45pm.