

09/05/12 Town Board Minutes

A regular meeting of the Elma Town Board was held on Wednesday, September 5, 2012 at 7:00PM, Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor Dennis Powers
Councilman Thomas Fallon
Councilman James Malczewski
Councilman Michael Nolan
Councilman Tracy Petrocy

Also: Building Inspector Joseph Colern-Absent
Highway Superintendent Wayne Clark-Absent
Water Superintendent Eugene Stevenson
Town Attorney Phyllis Todoro
Town Engineer James Wyzykiewicz

Approximately 14 people attended the meeting.

The meeting was opened with the reciting of the Pledge of Allegiance.

Councilman Malczewski made the motion and Councilman Nolan seconded the motion to approve the minutes from the August 15, 2012 meeting.
Ayes-5. Noes-0. Carried.

Department Reports:

Water Superintendent Eugene Stevenson noted that the Elderberry and Geyer water line project is in progress. The storm drain in front of the Water Department on Seneca is being replaced. Seasonal Landscaping and CarMaster water lines are being installed, Moog is complete. Also locating the water lines in Cragburn.

Town Attorney Phyllis Todoro is working on a policy for the residents

of Sylvia's Place to use the Transfer Station.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve the Leak Adjustment Policy (Service Line) as follows:

I. Purpose: The Purpose of this policy is to provide a credit adjustment to the water account of a customer who has experienced an emergency situation involving the loss of metered water. The excess metered water will have occurred as a result of conditions beyond normal and reasonable control of the customer or other parties responsible for the use, care and maintenance of fixtures and devices that are part of the customer's water service system. Exceptions of this policy shall be approved by the Water Superintendent and the Town Supervisor. II. Definitions, Abbreviations, And Acronyms: Leak: An unintentional water loss caused by broken service lines between meter pit and the house entry. III. Roles and Responsibilities: The customer is solely responsible for the water delivered beyond the Town's meter. It is the customer's responsibility to promptly discover, stop and report the loss of water. In additions, the customer is responsible for making arrangements to repair or have repaired the fixture of device causing the water loss. Although there is no obligation for the Town of Elma to adjust accounts when the water has been properly metered, it is the desire of the Town to encourage customers to make prompt and permanent repairs and to show consideration for the unusual circumstances by sharing the cost of the excessive billing charges. IV. Process A. Leak must be verified and repairs inspected by the water department. B. The customer must request the adjustment in writing by completing the Leak Request Form located online at the Elma Water Department: www.elmawater@roadrunner.com Required information shall include: 1. Name, service address where leak occurred and account number; 2. Description of leak and date repaired; 3. Copy of repair bill or material receipt; 4. Signature of customer. C. The adjusted consumer's bill shall be calculated as follows: 1. The Town may credit the customer's account per Policy for the excess use subject to the following conditions: a. The meter was operating accurately; and not off an estimated reading. b. There was no evidence

that the excessive use was due to an intentional or negligent act;
c. The house and/or service line is over (1) year old; d. The customer has a good payment history.

e. Customer will be responsible for all past due balances; f. After being notified by the Town via billing, letter, door hanger, or by any other means, the customer took prompt and reasonable action to ascertain the cause of the excessive use and correct it; g. The customer took corrective action immediately (within 24 hours), upon discovering or being notified of a leak and provided the town with proof of repair within thirty (30) days from the billing date for the period in which the water loss occurred; h. No allowance shall apply to customers taking water for resale. 2. The amount of water loss shall be determined by the Town. The average measured quantity delivered during the same billing period or periods in the preceding two (2) years will be used when available and representative of the customer's normal use to determine adjusted usage. If no history is available for comparison, the Town will obtain readings to project normal usage. If a projection is not possible, the Town will use class average to bill the account. 3. No adjustment shall be made for a charge or a surcharge which is not based on the quantity of water delivered. 4. Water loss adjustments will be limited to a one time adjustment, per owner. 5. Granting of an allowance adjustment shall be the sole discretion of the Town. 6. A fee for administrative expenses may be deducted from the adjustment allowance. 7. The Town shall recoup the cost of the water billed to the Town from the Erie County Water Authority and/or assigns, before it allows any adjustments allowance to the customer. 8. The Town is not responsible for the maintenance and repair of the pipe and fixtures beyond the water meter. 9. No adjustments will be made for water loss through a sprinkler or irrigation system, due to water powered sump pump or appliances that malfunction and go to drain such as an ice maker, ice machine or humidifier. Ayes-5. Noes-0. Carried.

Councilman Petrocy made the motion and Councilman Nolan seconded the motion to approve the following resolution regarding the Leak

Adjustment Policy: WHEREAS, the Town Board of the Town of Elma wishes to offer fair and equitable billing practices and the Water Department has on occasion had requests to amend Water Bills due to unforeseen emergency circumstances and conflict with actual usage of metered water; and WHEREAS, Town Supervisor has solicited model policies from other municipalities and utilities in an effort to identify a process to respond to requests for adjustment to a water bill; and WHEREAS, the attached Town of Elma Water Department Leak Adjustment Policy has been developed to provide a process to make a credit adjustment to water and/or sewer accounts for customers who have experienced an emergency situation involving the loss of metered water as a result of conditions beyond normal and reasonable control of the customer of other parties in a position of responsibility for the use, care, maintenance of fixtures and devices that are a part of the customer's water system; and WHEREAS, the Town Board has reviewed and approved the document to establish the Town of Elma's Policy regarding Water Department Leak Adjustment; NOW, THEREFORE, BE IT RESOLVED, that, after approval and recommendation by the Town Attorney, said Policy is hereby approved and shall be incorporated into The Town's Water Department Ordinance to be strictly adhered to by the Town and enforced as stated therein; and it is further RESOLVED, that said policy is to take effect upon the adoption of this Resolution and copies of said Policy be distributed accordingly to the Town Clerk, the Water Department and Bookkeeper. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Fallon seconded the motion to approve Kandace Wittmeyer to attend the Assessor Conference in Lake Placid; October 2012 at the cost of \$950 this will be reimbursed by the State. Ayes-5. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Malczewski seconded the motion to appoint Peter Natalzia as a part time Crossing Guard at \$11.41 per hour. Ayes-5. Noes-0. Carried.

All have received the Planning, Zoning, Conservation Boards agenda and minutes that apply.

Supervisor Powers noted the next Town Board Work Session will be at 6:00PM on September 12, 2012.

Councilman Nolan made the motion and Councilman Fallon seconded the Motion to adjourn in Honor of Fay Lexo whom passed her husband Bill Lexo was Town Supervisor for 23 years. All in favor.

Meeting adjourned at 7:30PM. All in favor.

Respectfully submitted,

Patricia King,
Town Clerk