

CHARTER

**SHERRILL-KENWOOD
WATER DISTRICT**

INDEX BY SECTION

<u>Section</u>	<u>Subject</u>
1	Water District Created; Territory
2	Commissioners of Water District; Organization
3	Election of Commissioners
4	Undertaking; Filling Vacancies
5	Meetings of the Commission
6	General Powers of the Commission
7	Water Rates
8	Rules & Regulations
9	Adoption of Plans
10	Referendum on Authorization of the Issuance of Obligations
11	Eligibility of Voters
12	Ballots and Tally Sheets
13	Election; How Conducted
14	Votes Canvassed by Commission
15	Bonds
16	Bank Deposits
17	Certificates of Indebtedness
18	Letting of Contracts; Construction Work
19	Revenue; Disposition of
20	Books and Accounts to be Kept
21	Audits and Payments
22	Deficiency in Revenue to be Paid by Taxes
23	Assessment Roll
24	Secretary to Extend Assessments
25	Secretary to Collect Taxes
26	Tax Notice
27	Delinquent Taxes and Rents
28	Evidence of Validity of Tax Roll
29	Certain Acts a Misdemeanor
30	Definitions
31	Power of Conservation Commission Not Abridged
32	Repealing Clause
33	Saving Clause
34	Effective Clause
35	Petition to Extend Water Laterals
36	Details of Petition

37	Preliminary Plans for Proposed Extensions
38	Notice of Commission Public Hearing; Filing of Petition
39	Procedure of Hearing
40	Financing Costs of Extensions
41	Obligations Exceeding \$25,000.00; Public Referendum
42	Filing of Resolution; Reviewing
43	Assessing Extension Expense
44	Filing the Assessment Roll
45	Publishing Notice of Filing
46	Finance Board; Chief Fiscal Officer
47	Payment of Assessment
48	Installments Paid to Secretary
49	Special Assessment (Sec. 43) Lien on Land
50	Explanation Re: Use of Sections 35 thru 49

SECTION 1. WATER DISTRICT CREATED; TERRITORY. The following described territory is hereby created a water district to be know as the Sherrill-Kenwood water district, to wit: All and several, those parts of the counties of Oneida and Madison, state of New York, comprised within the boundaries of the city of Sherrill as the same may exist or be defined from time to time, and also that part of the first ward of the city of Oneida, locally known as Kenwood and more particularly described as follows:

Beginning in the center of Oneida creek on the southerly boundary of the city of Sherrill (which is also in the boundary line between Oneida and Madison counties) at the foot of High Bank, and running thence in a southerly direction in the center of said creek, along the aforesaid county line to the point where said line intersects the westerly line of the right of way on the New York, Ontario and Western railroad, thence west across Sunset lake to the westerly boundary of adjacent lands of the Oneida Community, Limited, thence northerly along said boundary of Oneida Community, Limited, lands to the center line of Kenwood avenue if prolonged as proposed on the development maps of the said Oneida Community, Limited, thence westerly to the center of said Kenwood avenue to the center of the Middle road of the city of Oneida, thence northerly along the center line of said Middle road to the southerly corner of lands of one Fred Smith in the center of said road, thence along the easterly boundary of lands of said Smith to the northeast corner thereof, and continuing in the same direction along the westerly boundary of lands of the Oneida Community, Limited, to the right of way of the New York, Ontario and Western railroad, and across same to the center of Oneida creek, this point being on the same county boundary first hereinbefore mentioned, thence easterly in the center of said creek in and with the aforesaid county boundary to point of beginning, a part of this last course being coincident also with the southerly boundary of the city of Sherrill, to which this particularly described part of Madison county is herewith joined for all and several purposes of said water district.

Laws of 1951 Chapter 616.

SECTION 2. COMMISSIONERS OF WATER DISTRICT; ORGANIZATION.

There shall be a board to be know as "The Sherrill-Kenwood water board," consisting of three members, taxpayers and electors of such water district, to be elected as hereinafter provided, the terms of office of the commissioners first elected shall be one, two and three years severally, following the date of their election, thereafter one commissioner shall be elected annually for a term of three years, at all times at least one of the commissioners shall be a resident of the district in the territory outside of the city of Sherrill. The commissioners and their successors in office are hereby created a body corporate by the name of "The Sherrill-Kenwood water district," and in their name may prosecute and defend actions and proceedings in any court. A majority of all the members of such board of commissioners shall constitute a quorum for the transaction of business and they shall choose one of their members as chairman, whose duty it shall be to preside at meetings of the board, and they shall appoint a secretary who shall not be one of their number, who shall hold office at the pleasure of the board and whose duty it shall be to keep the records of its proceedings and perform such other duties as are or may be hereinafter provided. The commissioners shall receive no compensation but shall receive all necessary disbursements

incurred in the performance of their duties. The secretary shall receive such compensation and payable in such manner as the commission by resolution may direct.

Laws of 1951 Chapter 616

SECTION 3. ELECTION OF COMMISSIONERS. The annual election for the election of commissioners shall be held at such place within said district as may be designated by the commissioners on the first Tuesday of June of each year between the hours of two p.m. and eight p.m. At the first election there shall be elected three commissioners for the term of one, two and three years severally and the electors shall designate by their votes for which term each is elected. Thereafter, in such district one commissioner shall be elected at each annual meeting to fill the office of the outgoing commissioner. At the first annual election, the commissioners of the city of Sherrill shall constitute the inspectors of election, and the clerk of the city of Sherrill shall be the clerk of such election, and the provisions of the election law, so far as applicable, shall govern such election as well as all subsequent elections. At the succeeding annual elections, the water commissioners shall constitute the inspectors of election and the secretary of the board shall be the clerk thereof. Any resident elector of such water district who would be entitled to vote at a general election shall be qualified to vote for the election of commissions under this act.

Chapter 670 of the Laws of 1955.

SECTION 4. UNDERTAKING; FILLING VACANCIES. Each commissioner shall, before entering upon the discharge of his duties, execute a bond to the Sherrill-Kenwood water district in the penal sum of five thousand dollars, to be approved as to form and sufficiency by the commission. The said secretary shall give a bond in form and amount to be approved by the commission. Such bonds upon approval shall be filed with the county clerk of the county of Oneida. Each of such commissioners and the secretary of such commission shall, before entering upon the discharge of their duties, take the constitutional oath of office and file the same with the county clerk of the county of Oneida.

Any vacancy in the office of commissioner may be temporarily filled by appointment by the commissioners, and the appointees shall hold their several offices until the next annual meeting of the district and until their successors are elected and have qualified. The order of the commissioners making a temporary appointment to fill a vacancy shall be forthwith filed by the commission in the office of the secretary, who shall immediately give notice thereof to the person so appointed. At the first annual election subsequent to the occurrence of a vacancy, commissioners shall be elected to fill the unexpired terms of those who have ceased to be commissioners.

Laws of 1951 Chapter 616

SECTION 5. MEETINGS OF THE COMMISSION. The said board of commissioners shall have power, and it shall be their duty to adopt by-laws and rules to govern the conduct of its business. At the first meeting of the commission, it shall determine the time and place for holding within said district of stated meetings of the board, which shall be held at least once a month.

Meetings, in addition to any meetings otherwise provided for in this article, may be called by at least two commissioners who shall file such call with the secretary and it shall be the duty of the secretary to give written notice of such meeting by mail to each member at least two days prior to the time fixed therefor, stating in such notice the time and place of the meeting. All meetings shall be held at a convenient place within said water district.

SECTION 6. GENERAL POWERS OF THE COMMISSION. The commission may investigate as widely as possible the sources from which an ample supply of pure water may be obtained suitable for domestic, public and manufacturing purposes, and may cause public hearings to be held and may by resolution declare the necessity of providing for the purchase of water, the purification of the same, water rights, rights of way, et cetera, and for the construction of a complete system of water works, including dams, headgates, reservoirs, pipe or aqueduct lines, and distributing systems, or so much thereof as may be necessary, and the commission shall have under this act all powers which are granted to the boards of water commissioners and water departments of cities for the purpose of securing such water works and systems and may exercise such rights as provided in the general statutes.

The commission shall keep the system of water works acquired or established under this act in repair, and may, from time to time, extend the mains or distributing pipes within the district, if the expense thereof in any year in such district, shall not exceed ten thousand dollars. If the estimated expense will exceed that amount such extension can only be made when authorized by a proposition adopted at an election as herein provided.

The commission, and all persons acting under its authority and direction, shall have the right to enter, appropriate, occupy and use any public street, highway, square, avenue, road, park or other public grounds for the purpose of constructing, maintaining and operating the water works system herein provided for, and for all other purposes of this act; but the said commission shall in all cases, restore such public street, highway, square, avenue, road, park and other public ground to its former condition.

The commission may incur the necessary and reasonable expense for making preliminary surveys, plans and estimates, as may from time to time be necessary, for the construction of its initial water system or any extensions thereof, which shall be paid as a necessary cost of maintenance and operation of its water system or as herein otherwise provided.

Except as otherwise provided, the commission may employ engineers, superintendents, surveyors, officers, agents and such persons as may be necessary to carry out the purpose and object of this act, fix the compensation and terms of employment and discharge them at will.

SECTION 7. WATER RATES. The commission shall fix and the secretary shall collect the annual, semi-annual, quarterly or monthly rates for water supply to the dwellings, buildings, places, establishments or uses of individuals, companies or corporations and shall have the right to discontinue or shut off any water for nonpayment of any legal dues for water services, or violation of any rules and regulations of said commission. Such rents shall be a lien on the real property on which the water is used. All moneys, taxes and incomes which shall be received by the commission for water or on account of said system of water works shall be deposited to the credit of a fund to be known as the "water fund account," in the bank, banks or trust companies designated as a depository by the commission, and shall be paid out in the same manner as hereinafter provided for the payment of the funds of such commission. Said commissioners, their representatives and employees are authorized at all times to enter into any building or place where water is used from supply pipes to examine as to the pipes, water, quantity of water used, and manner of using it. Said commission may sell to any corporation or individual outside of the district the right to make connections with the mains for the purpose of using water therefrom and fix the price and conditions therefor, but said water commission shall not permit such use of water if thereby the supply of water for the district or its inhabitants will be insufficient.

SECTION 8. RULES AND REGULATIONS. The commission shall make, publish and enforce all needful by-laws, rules and regulations in relation to its own government and to the said water works, and all the property and appliances thereto, and in relation to the management thereof and the supply of water, thereby, whether to individuals or corporations, and may alter and modify the same from time to time, and may fix a penalty not exceeding fifty dollars for the violation of any of said rules and regulations, which shall be enforced in the same manner as the violation of a city ordinance of a city of the second class. The said water commission may prosecute in its own name for all violations of said rules, regulations and ordinances.

SECTION 9. ADOPTION OF PLANS. Whenever the commission shall have adopted a plan, estimate, system and source of water supply, either for present purposes or for future requirements as shall be recommended and approved by such commission as most feasible and best adapted to supply the requisite quantity and quality of water, together with the certificates, maps, plans and estimates relative thereto, it shall by resolution certify its approval of such system or improvement, and the said district shall have the power to issue obligations pursuant to the local finance law to provide for the cost and expense of the construction of said system as well as all expenses incident to the preliminary investigation relative thereto, providing a majority of the eligible voters of said district shall by vote approve the authorization of the issuance of such obligations in the manner herein provided.

Chapter 710 of the Laws of New York, 1943.

SECTION 10. REFERENDUM ON AUTHORIZATION OF THE ISSUANCE OF OBLIGATIONS. Whenever the commission shall determine that such water system or extension thereof shall be made in accordance with said plan and specifications it shall so declare by resolution and such resolution shall fix a time and place at which an election shall be held for submitting to the taxable electors of said district the approval of the authorization of the issuance of obligations, which time shall not be less than twenty days after the adoption of such resolution. Such resolution shall authorize the issuance of obligations and a notice of such election shall specify the time and payment of and the rate of interest on such proposed obligations. Upon the adoption of such resolution, the secretary of the commission shall duly publish the notice of such resolution and the time and place when such election shall be held and also by posting in ten conspicuous places in said district notice of the same.

Chapter 710 of the Laws of New York, 1943

SECTION 11. ELIGIBILITY OF VOTERS. At such election, every qualified voter who is the owner of property within and a resident of said district who was assessed upon the last preceding assessment roll in the city of Oneida or in the city of Sherrill may vote at such election or who has been a resident of such district for at least thirty days next preceding such election and who is the owner of real property within such territory, which was assessed upon the last preceding assessment roll, of either the city of Sherrill or the city of Oneida.

SECTION 12. BALLOTS AND TALLY SHEETS. The secretary shall provide the ballots in the number and in the form prescribed by the election law for the submission of questions to voters, and tally sheets, returns and all other stationery and supplies necessary for the conduct of such election. Upon such ballots each separate object including the amount and time of payment of obligations proposed to be issued therefore shall be stated as separate propositions and separately voted upon.

Chapter 710 of the Laws of New York 1943.

SECTION 13. ELECTION; HOW CONDUCTED. Such election shall be held during a time and at a place fixed by the commission within said district and shall be conducted by three electors qualified to vote thereat appointed by the commission and the secretary shall act as clerk thereof. The polls at such referendum shall be kept open during the hours specified and such election shall be conducted in accordance with the provisions of the election law so far as the same are applicable thereto, except that such election shall be held at one place. The electors conducting such election shall make a return of the vote cast thereat to the secretary immediately upon the completion of such vote.

SECTION 14. VOTERS CANVASSED BY COMMISSION. The commission shall meet on the next succeeding day after such election and canvass the result of such vote according

to the returns made by the electors appointed to conduct the same and such result shall be declared by resolution.

SECTION 15. BONDS. Each proposition which shall receive the affirmative vote of a majority of the votes cast at such election shall be approved and the commission may thereupon issue bonds according to the provisions of the proposition. All bonds issued with the approval of the electors of said district as herein provided shall recite upon their face that the issue of the same has been duly approved at a special election of the qualified electors of said district and such recital shall be conclusive evidence of the validity of all proceedings relative to such election and the canvass of the result thereof. Such bonds shall be classified and issued in accordance with the constitution of the state of New York and shall mature within a period not to exceed twenty years from the date of the issue thereof. They shall be issued by and in the name of the Sherrill-Kenwood water district and signed by the commissioners and the secretary thereof, and under the sale of the district. Said bonds shall bear interest not to exceed the legal rate per annum, payable semi-annually on the first day of January and July each year and shall be sold at not less than par and accrued interest, and none of them shall be sold until wanted for purposes aforesaid. A sinking fund shall be created by the commission on the issuing of said bonds for their redemption by raising annually by taxation or from surplus water receipts set apart for that purpose, or both, a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. The commission may, however, issue said bonds so that they shall be payable in serial, annual, equal retirements, and as to bonds so issued no sinking fund shall be required.

Chapter 51 of the Laws of New York, 1932.

SECTION 16. BANK DEPOSITS. The commission may require any bank or trust company in which any funds or the commission are to be deposited to give an undertaking in form and sufficiency to be approved by the commission, for the payment of any such money so deposited with any such bank or trust company.

Chapter 710 of the Laws of New York, 1943.

SECTION 17. CERTIFICATES OF INDEBTEDNESS.

NOTE: This entire section was repealed by
the Laws of New York, 1945 Chapter 339.

SECTION 18. LETTING OF CONTRACTS; CONSTRUCTION WORK.
Whenever any expenditure to be made or incurred by the Sherrill-Kenwood water district or the Sherrill-Kenwood water board in behalf of the Sherrill-Kenwood water district for work to be done, or materials or supplies to be furnished, shall exceed the sum of one thousand dollars for such materials or supplies to be furnished, or the sum of twenty-five hundred dollars for such

work to be done, such work shall be performed, and materials or supplies shall be furnished, under contracts based upon maps, plans and specifications and estimates of quantities made by the commission as hereinbefore provided, and any contract for performance of the whole work to be done for material, based upon any one contract for any part of such work or materials shall be let to the lowest responsible bidder after due publication of notice of such letting. Such lowest responsible bidder shall execute a bond to the Sherrill-Kenwood water district for the faithful performance of the contract. All such bonds shall be executed by the principal and by a solvent surety company authorized to do business in this state as surety and be approved by the Sherrill-Kenwood water board. When the lowest bid, in the opinion of the Sherrill-Kenwood water board is too high, or in the judgment of such board is not for the best interests of the district it shall have the right to reject the same and advertise for new proposals. If, however, the estimated expenditure does not exceed one thousand dollars for materials or supplies, or twenty-five hundred dollars for such work, the work may be done or the expenditure may be made without a public letting upon the approval of the Sherrill-Kenwood water board duly entered on its records.

If in the judgment of the commission any work is not being performed according to the contract or for the best interest of the water district, the commission shall by resolution duly made and entered upon its records thereupon have power to suspend or stop the work under such contract while it is in progress, and to provide for completion of the same in such manner as will accord with the contract specifications and for the best interests of the public, or the contract may be canceled and readvertised and relet in the manner herein prescribed and any excess in the cost of completing the work beyond the price charged for which the same was originally awarded, shall be charged to and paid by the contractor failing to perform the work.

If at any time in the conduct of the work under any contract, it shall become apparent to the commission that any item in the contract will exceed in quantity the engineer's estimate by more than fifteen per centum, the commission shall so certify by resolution entered on its records, and the commission shall thereupon determine whether the work in excess thereof shall be completed by the contractor under the terms and at the prices specified in the contract or whether it shall be done by the commission or whether a special contract shall be made for such excess in the manner above prescribed. Every contract made hereunder shall reserve to the commission the right to suspend or cancel the contract as above provided and to complete the work or readvertise or relet the same as the commission may determine and reserve to the commission the right to enter and complete any item of the contract which shall exceed in quantity the estimate by more than fifteen percentum or to make a special contract for such excess as the commission may determine.

Chapter 616 of the Laws of 1951.

SECTION 19. REVENUE; DISPOSITION OF. The amount derived from receipts from all sources except the issue and sale of obligations shall be applied.

1. To the payment of the necessary cost of maintaining, managing and operating such system or water works, the improvement of the quality, and to augment the supply of water from any source the commission may deem necessary.

2. To any sinking fund created for the payment of the principal and interest on the bonds issued for the purposes of this act. Such sinking fund shall be managed by the board of water commissioners, and shall be invested in the same kind of securities as those in which savings banks of this state are by law authorized to invest the money deposited therein or it may purchase and redeem the outstanding bonds of the water district.

3. To the payment of the cost of necessary extensions and additions.

After such charges shall have been paid and discharged, if there shall remain any surplus of income, it may be applied to the purchase or payment of the obligations issued for the purposes of this act.

Chapter 710 of the Laws of New York, 1943.

SECTION 20. BOOKS AND ACCOUNTS TO BE KEPT. The secretary of the commission is hereby authorized and directed to prepare and at all times to keep a book or books in which shall be entered all moneys received and deposited by him in any bank, banks or trust company and all moneys paid out on orders or warrants countersigned by him and also shall keep on file all resolutions, instruments and other papers received by him and a record of all acts and things required to be done by him under the provisions of this act, and the secretary shall on the first day of May of each and every year make a written report of all expenditures made or incurred by the commission during the preceding year, showing separately and by items the amount expended from each fund and for what purpose and the balance standing to the credit of each such fund. He shall thereupon verify the same in duplicate and file one with the county clerk of Oneida county, and the other as part of the records of the commission, and the commission in its discretion may cause the same to be duly published.

The commission shall keep books showing the cost of acquisition, construction and maintenance of its waterworks system and of any extensions, and all of its collections, receipts, expenditures, proceedings or doings and shall make a report thereof on the first day of May of each and every year and file the same with the secretary of the commission.

All the books, records, contracts and all other papers kept by said commission or its possession or under its control, shall be kept in the custody of the secretary and shall at all reasonable times be subject to the inspection of any tax paying elector of such district.

Chapter 670 of the Laws of 1955.

SECTION 21. AUDITS AND PAYMENTS. No account, claim, audit or payment against such water district shall be audited or allowed by the commission unless it shall be made out in items and be accompanied by the affidavit of the person making the claim or some person having knowledge of the matters stated therein, that the several items of such claim, account, debt or demand are true and correct; that the services therein charged for were actually rendered;

that the articles therein charged for were actually furnished; that the disbursements therein charged were actually and necessarily made; that no part thereof has been paid; shall be endorsed on or attached to such account, claim, debt or demand and presented and preserved therewith. The commission may examine the claimant on oath as to any items contained in such account, claim, debt or demand; but nothing herein shall be construed to prevent the commission from disallowing any account, claim, debt or demand in whole or in part, though so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

All claims so audited and directed to be paid as above provided, together with all sums due and payable on contracts, shall be paid by resolution of the commission on warrants, or checks consecutively numbered, signed by the chairman and countersigned by the secretary of such commission.

The voucher or other paper on account of which such check or warrant is issued, shall be filed with the commission and bear a number corresponding with the number of the check or warrant issued thereon. All checks or warrants so drawn shall recite on the face thereof the fund from which the same was payable and shall be charged by the secretary immediately upon the issuance of the same against said fund.

SECTION 22. DEFICIENCY IN REVENUE TO BE PAID BY TAXES. In any fiscal year in which the income shall be insufficient for the purpose of maintaining and operating such system of water works and paying for any extensions thereof, and for the payment of the principal and interest falling due on any obligations and for the necessary payment to any sinking fund created for the purposes of this act, the commission shall make due provisions by the assessment and collection of taxes for the payment of the deficiency, and such deficiency shall be assessed, levied and raised on the taxable property of the said water district as herein provided.

Chapter 710 of the Laws of New York, 1943.

SECTION 23. ASSESSMENT ROLL. The commission shall perform all the duties required of them by this act in relation to the assessment of property in said water district and to that end they shall possess all the power and authority and perform all the duties thereof in the same manner as town assessors except as herein provided. On or before the first day of July in each and every year the secretary of the commission shall procure severally from the clerk of the City of Oneida and of the City of Sherrill a list of all the taxable inhabitants and property in such water district together with a description of the property necessary for taxation and the amount for which assessed by said cities and any other information necessary to prepare and complete the assessment roll and shall add to said list any property or persons not appearing thereon subject and liable to taxation in said water district.

The commission shall thereupon proceed to assess the taxable property in said water district and complete the assessment roll and the same shall be compared, corrected and

completed by the commission and on or before the first day of August of each year the commission shall deliver the same to the secretary in whose custody it shall remain until grievance day.

The commission shall give the notice prescribed by the town statutes for assessment of town taxes except that the notice shall state that the assessment roll is on file with the Secretary of the commission.

Upon grievance day, the assessment roll shall be delivered to the commission and they shall thereupon proceed as provided by the general statutes for reviewing assessments in towns.

The commission shall have power to examine and correct such assessment roll in the same manner as a board of supervisors may by law examine and correct town assessment rolls and shall possess all the powers in relation to such water district assessment and the levying of taxes thereon which the board of supervisors enjoy by virtue of the general statutes.

SECTION 24. SECRETARY TO EXTEND ASSESSMENTS. After the adoption by the commission by resolution of the amount of the deficiency necessary to be raised by taxation, the secretary on or before the first day of October next thereafter, shall apportion and extend upon the original assessment roll made during the then fiscal year or upon a copy thereof duly certified by him to be a copy of such original assessment roll and of the whole thereof, the moneys necessary to meet such deficiency and present the same to the commission.

SECTION 25. SECRETARY TO COLLECT TAXES. The commission shall cause its warrant to be attached to such tax roll signed by the chairman and majority of the commissioners under their seals and the seal of the water district, authorizing and directing the said secretary to collect such taxes. Such tax roll shall be delivered to the said secretary for collection on or before the first day of November next thereafter.

SECTION 26. TAX NOTICE. Immediately upon receiving such tax roll and warrant, the secretary shall cause to be duly published a notice stating that he has received such tax roll and warrant and that such taxes may be paid to him at his office within thirty days from the first publication of such notice without fee, that the said tax may be paid during the next sixty days after the expiration of the first thirty days with a payment of a fee of two cents upon the dollar of tax and that after the expiration of ninety days from the first publication of such notice such tax will become delinquent and will bear interest at the rate of ten per centum per annum and that a fee of five cents on a dollar of tax will be collected thereafter. The secretary shall proceed to collect such taxes in the same manner as town collectors except as herein otherwise provided.

SECTION 27. DELINQUENT TAXES AND RENTS. In case any such tax as aforesaid or water rent shall remain uncollected for a period of ninety days after the same shall become due and payable, the secretary under the seal of the commission may certify to the said

clerk of the city of Sherrill and the said clerk of the city of Oneida the names of the persons delinquent and the description of the property against which such tax or water rent is chargeable together with the amount of the same, separating in such certification the properties in said tax district severally situated in each of such cities. Upon receiving such certification as aforesaid, it shall be the duty of the commission of the city of Sherrill and the common council of the city of Oneida to collect such delinquent taxes and water rents as a part of the assessment, levy and collection of the general city taxes of the city and the clerk of each of such cities shall keep a true and accurate record of the amount of taxes and water rents so collected and the name of the person paying the same and when collected. The commission of said city of Sherrill and the common council of the city of Oneida shall within thirty days after the same shall be collected pay the same to the secretary of the water district.

Such delinquent taxes and water rents shall bear interest at the rate of ten per centum per annum after the aforesaid period of ninety days.

Chapter 107 of the Laws of New York, 1931.

SECTION 28. EVIDENCE OF VALIDITY OF TAX ROLL. In any action or proceeding under this act, the assessment or tax roll shall in all cases be presumptive evidence of the validity of the amount of the assessment, tax, water rate and interest as well as presumptive evidence of the right of recovery of the amount of such tax, water rate and interest.

SECTION 29. CERTAIN ACTS A MISDEMEANOR. Any wilful act whereby the said water works system or any property, apparatus or plans pertaining thereto shall be injured or the supply of water wrongfully obstructed, impeded, impaired or diverted or made less pure, shall be a misdemeanor.

SECTION 30. DEFINITIONS. The term "duly published" as used in this act means publication of any notice required at least once a week for two successive weeks in a paper or general circulation in the Sherrill-Kenwood water district designated by the commission as its official paper and such publication shall be deemed complete on the third day following the last publication of said notice.

The term "fiscal year" means from April first to March thirty-first inclusive.

Chapter 670 of the Laws of 1955

SECTION 31. POWER OF CONSERVATION COMMISSION NOT ABRIDGED. In this act contained shall be deemed to limit or abridge the powers of the state conservation commission in relation to the supply of potable waters for the various municipalities or civil divisions of the state, as now provided by law.

SECTION 32. REPEALING CLAUSE. Section two hundred and twenty-seven of chapter one hundred seventy-two of the laws of nineteen hundred and sixteen, entitled, "An act to incorporate certain territory as a municipal corporation, designating such corporation for convenience as the city of Sherrill and to confer thereon certain of the power of villages and cities," is hereby repealed.

SECTION 33. SAVING CLAUSE. All acts or part of acts inconsistent with the provisions of this act are hereby repealed, in so far as they apply to or affect the territory affected by this act.

SECTION 34. This act shall take effect immediately.

SECTION 35. Upon a petition as hereinafter provided the commission may extend water laterals or mains within the district.

SECTION 36. Such petition shall be signed by the owners of taxable real property abutting that portion of the streets or highways along which the proposed extension is requested owning in the aggregate at least fifty-one per cent of the abutting front footage as shown on the latest completed assessment rolls of the city of Sherrill and the city of Oneida. Such petition shall accurately describe the beginning and ending points of the proposed extensions and shall be signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded. The petition shall be accompanied by a map or sketch showing the location of the proposed laterals and mains, including curb service connections, and hydrants, if any, to be included in the proposed extension.

SECTION 37. Upon the filing of said petition with the commission, the commission may, upon majority vote of its members cause preliminary plans for such proposed extensions to be made and filed with the secretary. Such plans shall include a detailed cost estimate of the proposed extension.

SECTION 38. Upon the filing of such plans and cost estimates with the secretary, he shall duly publish in the official newspaper a notice of the time and place at which the commission will meet and hold a public hearing on the proposed extension. The notice shall also in general terms recite the filing of the petition, the location of the proposed extension specifying the beginning and ending points, the size of the line, the estimated amount to be expended for the extension and shall state that upon the completion of the extension, the commission may assess the cost thereof, in whole or in part, against abutting property deemed benefited thereby on a front-foot basis assessment.

SECTION 39. The commission shall meet at the time and place specified and shall hear such persons as may wish to be heard concerning the subject matter of the petition. If the commission shall determine by resolution that the petition is signed and acknowledged as required, and is otherwise sufficient, and that it is in the public interest to grant the relief sought, it may adopt a resolution determining to construct the extension. If written objections be filed by an interested person, such resolution shall be adopted only upon the affirmative vote of two-thirds of the members of the commission.

SECTION 40. The whole or any part of the cost of such extension may be financed by the issuance of obligations of the district as might be issued by a city under the provisions of the local finance law for water line extensions. If such obligations are to be issued, the commission shall adopt the necessary bond or note resolution to provide for such financing by a two thirds vote.

SECTION 41. If the total amount of such obligations so authorized shall exceed the sum of twenty-five thousand dollars, the commission shall cause to be held a public referendum on the proposed issuance of such obligations in the manner specified in sections ten through fourteen, inclusive, of this chapter, except the notice shall specify the maximum rate of interest at which such obligations may be sold as provided by the local finance law. If the proposition be approved by majority vote the commission may proceed with the construction of the extension.

SECTION 42. The secretary shall cause a certified copy of the resolution approving the making of the extension to be filed in the office of the clerk of the county of Oneida within ten days after the adoption of such resolution, and when so filed such resolution shall be presumptive evidence of the regularity of the proceedings for the construction of the extension and the action taken by the commission in relation thereto. Any interested person aggrieved by the determination made in such resolution may review the same by proceeding under article seventy-eight of the civil practice act, provided that the application for review is made within thirty days from the date of filing of the certified copy of the resolution with the Oneida county clerk. No review shall be had unless at the time of the application for review the petitioner seeking such review shall give an undertaking approved by the supreme court or a justice thereof that, in the event of failure to modify said determination expressed in said resolution, he will pay to the district such costs and expenses as are incurred by it on account of such proceeding as shall be determined by the court.

SECTION 43. Upon the completion of the extension, the commission shall assess the cost and expense thereof, including surveying, advertising, engineering, legal, bonding, inspection and assessment, less such portion of the cost, if any, as the commission shall determine will be borne by the district as a whole, upon the abutting owner, whose property so assessed shall be briefly described so that it may be located and identified and the front footage stated.

SECTION 44. The assessment roll shall be filed with the secretary who shall give notice by duly publishing the same that said roll has been filed and will remain with him for ten days open to examination by any interested person, and that at a specified time and place the commission will meet to hear and consider any objection to said assessment and shall decide upon the same. The commission shall meet at the specified time and place, hear and determine any objections and complete the assessment roll. When completed the roll shall be signed by the commission and filed with the secretary.

SECTION 45. The secretary shall thereupon publish notice of the filing of the completed assessment roll, and any person deeming himself aggrieved thereby may, within ten days after the filing of such roll, apply to the supreme court for an order to review said assessments. The assessment roll shall be deemed final and conclusive unless such application be made within such ten days.

SECTION 46. All or any portion of the expense of such extension may be financed pursuant to the local finance law. The term "finance board" as used in such law shall mean the board of water commissioners, and the term "chief fiscal officer" shall mean the secretary in applying its provisions to the district, and the provisions of said local finance law shall be applied to the district as though the district were a city of the third class.

SECTION 47. The owner of any lands against which an assessment shall be made may pay the same in full within ten days after the filing of the completed assessment roll. Any assessments remaining unpaid after said ten days shall be divided by the commission into a number of equal annual installments not exceeding the period for which obligations have been issued or authorized or might have been issued or authorized. If such obligations have been issued, the assessments shall bear the same rate of interest as the obligations; otherwise the commission shall fix the rate of interest, which shall not exceed the maximum rate at which such obligations might have been issued as fixed by the local finance law.

SECTION 48. The amount of the annual installments plus interest coming due in any year shall be payable to the secretary up to the fifteenth day of November next thereafter. Any such installments unpaid by said date shall be certified by the secretary to the clerk of the city of Sherrill and the chamberlain of the city of Oneida, which certification shall state the names and addresses of the delinquent property owners, a brief description of the property assessed and the amount of the installment then due, separating the properties severally situated in each of such cities. It shall then be the duty of the common council of the city of Oneida and the commission of the city of Sherrill to collect such delinquent installments as a part of the assessment, levy and collection of the general city taxes. The amount of the delinquent installments so collected shall be paid to the secretary of the district within thirty days after receipt thereof by the aforesaid

clerk and chamberlain. Such delinquent installments of assessment shall bear interest at the rate of ten percent per annum from November fifteenth of the year when due.

SECTION 49. Every special assessment made pursuant to the provisions of section forty-three of this chapter shall be and remain a lien upon the land upon which it is assessed from time of the filing of a certified copy of the completed assessment roll with the Oneida city chamberlain and the Sherrill city clerk, respectively, by the secretary of the district.

SECTION 50. Nothing in sections thirty-five through forty-nine, hereof shall be construed to prevent the commission from making extensions and financing the cost thereof in accordance with the other provisions of this chapter, applicable to such extensions, but such sections shall be deemed to provide an alternate method therefore.

SHERRILL-KENWOOD WATER DISTRICT

202 SHERRILL ROAD

SHERRILL, N.Y.

RULES AND REGULATIONS

(Revised April 1956)

(" June 1956)

(" February 1959)

(" May 1960)

1. **RULES – PART OF CONTRACT:** - The following rules and regulations are adopted by the Commissioners of the Sherrill-Kenwood Water District, and every person who shall be supplied, or whose property shall be supplied with water by the Sherrill-Kenwood Water District automatically subscribes to said rules, and the same shall constitute a part of the contract between such person and the Sherrill-Kenwood Water District.

2. **PERMITS:** - No person, except a regular employee of the Water District shall make any attachment to, or connection with, the pipes of the Water District, nor make any additions to or alterations of any pipes supplying water to consumers from said water works, nor lay any service pipe connected therewith, or remove or tamper with any meter, check valve, reducing valve, or any other piece of equipment required and controlled by the Water District, unless such person shall have a permit to do such work issued by the Water District.

3. **PERMITS NOT TRANSFERABLE:** - No licensed plumber shall allow his name to be used by any other person or party, either for the purpose of obtaining permits or doing work under his license.

4. **AGENTS OF OWNER:** - The plumber designated and employed by the owner of the premises will be considered the agent of such owner while employed in the commission of the work of introducing the water into said premises, and in no sense as the agent of the Water District nor will the Water District be responsible for the acts of such plumber.

5. **VALVE KEYS:** - No person, unless specifically authorized by the Water District shall have or hold a key or instrument for operating any valve, curb stop or hydrant within the Water District and no person having such authorization shall part with the possession of such key or instrument except with the written permission of the Water District.

6. **REPORT OF COMPLETED WORK:** - All persons holding a permit to do work in connection with the system of the Sherrill-Kenwood Water District shall be responsible for notifying the office or the Superintendent of the Water District within forty-eight hours after completing such work.

7. **INJURY TO PIPES OR FIXTURES:** - Any contractor or party doing construction or repair work on such fixtures as sewers, drains, conduits, or engaged in track laying, grading,

paving, etc., who may cause injury to any part of the water system, such as mains, services, valves, valve boxes, hydrants, etc., will be held liable for all such injuries and for loss of water that may be wasted due to his acts. Such repairs will be made by the Water District and the cost charged to the party liable.

8. **SERVICE CONNECTIONS:** - A written application for all new service connections must be made by the property owner or by his authorized agent to the office of the Sherrill-Kenwood Water District. When property application shall have been approved by the Water District, a permit will be issued to the owner to make connection to the curb stop.

9. **CHARGE FOR SERVICE CONNECTION:** - A charge shall be made by the Water District for all new service connections in an amount determined from time to time by the Commissioners of the Water District. This amount shall be sufficient to cover the cost of the meter, corporation stop, curb stop, curb box, service pipe and labor required to tap the main and provide the connection.

10. **SERVICE CONNECTION PIPE:** - All pipe used for service connections between the curb stop and the meter shall be of copper, brass or cast iron.

11. **DEPTH OF SERVICE CONNECTIONS:** - No service pipe connection shall be laid with less than four and one-half feet of earth cover between the curb stop and the foundation wall. A water service may be laid in the same trench with an iron sewer lateral or gas service pipe from the curb stop to the meter, providing it be laid in a manner approved by the Superintendent of the Water District and it be not less than four and one-half feet below the established grade.

12. **TRENCH INSPECTION:** - Where trenches are opened for the laying of service pipes, such trenches shall be inspected by the Superintendent of the Sherrill-Kenwood Water District after the pipe is laid and before the trench is backfilled. It shall be the responsibility of the owner or his authorized agent performing such work to notify the office of the Sherrill-Kenwood Water District when such pipe is laid and is ready for inspection.

13. **MAINTENANCE OF SERVICE CONNECTIONS:** - The owner of property into which water is introduced by a service connection will be required to maintain in proper order, at his own expense, the said service pipe from the curb stop to his meter, and in case such service is not so kept in repair the Water District may shut off the supply of water until satisfactory repairs have been completed.

14. **TAPS:** - A separate tap may be required for each lot supplied with water. The Water District will determine the size of the tap to be made in any water main under any application and permit.

15. **CROSS CONNECTIONS:** - No cross connections shall be permitted between the system of the Sherrill-Kenwood Water District and any other system, public or private, except as specifically approved in writing by the Commissioners of the Sherrill-Kenwood Water District and as approved by the New York State Department of Health.

16. **INSPECTION OF PREMISES:** - Authorized employees of the Water District, upon showing proper identification, shall have the right to enter upon any premises being supplied by the Water District or upon any premises when application has been made for a permit to connect plumbing with the water system of the Sherrill-Kenwood Water District, for the purpose of inspecting the meter, plumbing and fixtures of the water service, and all work in connection with such service.

17. **METERING:** - All services except those used exclusively for fire protection purposes shall be metered. All water passing through meters will be charged for, whether used or wasted. All meters shall be purchased by the customer and maintained at his sole expense, and only those meters approved by the Commissioners of the Sherrill-Kenwood Water District may be used and all repairs to such meters must be made by the Water District at the customer's expense.

18. **METER INSTALLATIONS:** - All meters shall be installed so that all water which enters the service from the main passes through the meter. A shut off valve is to be provided within the foundation wall and ahead of the meter. The meter is to be placed in any accessible spot and conveniently located so that it may be readily read or removed. No meter may be allowed to remain in a location deemed unsuitable by the Superintendent or the Engineer of the Water District.

19. **ACCESS TO METER:** - The owner and tenant shall provide ready and convenient access to the meter so that it may be easily read and examined by the authorized and properly identified employees of the Water District.

20. **SCHEDULE OF WATER RATES:** -

MINIMUM CHARGE BI-MONTHLY \$3.35 NET

1 -	20,000 gals. @ 50	per 1000 gals. or 37½	per 100 cu. ft.
20,000 -	50,000 gals. @ 45	per 1000 gals. or 33¾	per 100 cu. ft.
50,000 -	100,000 gals. @ 40	per 1000 gals. or 30	per 100 cu. ft.
100,000 -	250,000 gals. @ 36	per 1000 gals. or 27	per 100 cu. ft.
250,000 -	500,000 gals. @ 32	per 1000 gals. or 24	per 100 cu. ft.
500,000 -	1,000,000 gals. @ 28	per 1000 gals. or 21	per 100 cu. ft.
1,000,000 -	5,000,000 gals. @ 24	per 1000 gals. or 18	per 100 cu. ft.
5,000,000 -	10,000,000 gals. @ 20	per 1000 gals. or 15	per 100 cu. ft.

Price for larger amounts on contract upon application to the Board of Commissioners.

Meters register in cubic feet - 7½ gallons equal 1 cubic foot. (Amended 12/15/72)

21. **ESTIMATED USAGE:** - If any meter fails to register accurately, the customer will be charged for the water consumed during the period of such inaccurate registration on a

basis of the corresponding bi-monthly period of the previous year, or by such other means as shall seem fair and equitable to the Commissioners of the Water District.

22. **TERMS:** - All water bills shall be rendered at the end of each bi-monthly period. Water bills of whatever nature are payable without fee within thirty days of the date of bill. A 10% interest charge will be made on all bills remaining unpaid thirty days after the date of bill. Any bill remaining unpaid three months from date of bill will result in the discontinuance of service and a \$1.00 charge will be made to cover the cost of discontinuing the service. Bills not paid within four months from date of bill will have added to the one month item an interest charge on the net amount at the rate of 10% per annum. (Amended 12/15/72)

23. **BILLING FOR INCOMPLETE BI-MONTHLY PERIODS:** - When a meter is first installed for a new customer or a change in customer occurs during a bi-monthly period, such customer shall be subject to the established minimum bi-monthly charge or a prorated share of the minimum charge based on the number of days during the bi-monthly period when water was used. Where the actual metered water consumption during such period as computed at established rates exceeds the pro rata minimum amount, said metered amount shall be charged for. (Amended 12/15/72)

24. **DISCONTINUANCE OF USE OF WATER:** - Any customer wishing temporarily to discontinue the use of water supplied by the Water District, shall be subject to the established minimum bi-monthly charge or a prorated share of the minimum charge based on the number of days during the bi-monthly period when water is used. Where the actual metered water consumption during such period, as computed at established rates, exceeds the pro rata minimum amount, said metered amount shall be charged for. (Amended 12/15/72)

25. **DELINQUENT ACCOUNTS:** - Whenever a service connection has been turned off for non-payment of water bills or other charges, or for the violation of any rule or regulation of the Water District, it shall not be turned on again until all charges or penalties shall have been paid, or the defects of the service have been adjusted. No person shall be permitted to turn the water on again except those authorized by the Commissioners of the Sherrill-Kenwood Water District.

26. **HOUSE TRAILERS:** - No service connections to the mains of the Sherrill-Kenwood Water District or to any private service lines which are connected to the mains of the Water District may be made to serve house trailers.

27. **LIMITS TO THE AMOUNT OF WATER FURNISHED:** - The Sherrill-Kenwood Water District reserves the right to limit the amount of water furnished to any customer should circumstances seem to warrant such action, although no limit may be stated in the application or permit for use, or the Water District may entirely shut off the water supply used for sprinkling, at any time, by giving reasonable notice to the customer of such action. When construction or repair work makes it necessary, the right is reserved to shut off the water from any premises without notice for as long a period as may be necessary. The Water District will, however, give prior notice whenever possible.

28. **PRESSURE:** - The Water District shall not be liable for any damages or loss of any sort which may arise from, or be caused by any change in the water pressure due to any cause whatever.

29. **INTERRUPTIONS OF WATER SUPPLY:** - It is understood and agreed that the Water District shall not be liable for any damages which may result to any person or premises from the shutting off of the water from any main or service for any purpose whatsoever, even in cases where no notice is given.

30. **SUPPLY TO NEIGHBORING PREMISES:** - No water customer will be allowed to supply water in any manner, or through any fixture or device whatever to the occupants of neighboring premises of any description, except by written permission from the Sherrill-Kenwood Water District. Upon the refusal of any person to comply with the rule, the water shall be shut off from the premises.

31. **OPERATION OF VALVES:** - No person except an authorized employee or agent of the Water District shall open, close, or in any way operate any valve or gate in any water main or street pipe.

32. **VALVE BOXES:** - No person shall disturb or displace a valve box so that the valve stem cannot be reached by the key nor shall he cover a valve box in any way so as to make it inaccessible. Any valve boxes located at improper grade should be reported to the office or to the Superintendent of the Water District.

33. **UNAUTHORIZED WATER USE:** - Any person who shall use water from the mains of the Sherrill-Kenwood Water District without written permission, or who shall use such water for purposes not specified in such permission or without authority from the Sherrill-Kenwood Water District shall be prosecuted to the full extent of the law and shall pay for the water used according to the best estimate by the Commissioners of the Water District.

34. **VIOLATION OF RULES:** - For the infraction of any of its rules or regulations, the Water District may shut off the water from any premises where the violation occurs after proper notice has been served on the customer. Said notice shall be sent by registered mail to the customer's address as it appears on the records of the Water District and shall allow a period of fourteen days from receipt of letter for correction before the water is shut off.

35. **MAIN EXTENSIONS:** -

A. Where water mains are extended by the District and the cost thereof is assessed against benefited property, the District will assume 30% of the cost of such main extension.

B. Where water mains are installed by a Developer, with the approval of the District, as part of a subdivision development and then transferred to and accepted by the District as part of its water distribution system, the District will pay to the Developer an amount equal to 30% of the audited and approved cost of such main extension.

C. Where such Developer taps the main and runs the service connection to the lot line at his own expense, the service connection charge of the District will be limited to the cost of the meter.

(Amended 8/31/65)

36. AMENDMENTS TO RULES AND REGULATIONS: - The Commissioners of the Water District reserve the right to amend, modify and change these rules and regulations from time to time at their sole discretion and without giving prior notice to the customers of the Water District.