

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Henderson

FILED
STATE RECORDS

DEC 28 2016

Local Law No. 1 of the year 2016

DEPARTMENT OF STATE

A local law amending the Rules and Regulations of Water District No. 1 and No. 2.
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Henderson

as follows:

See attached Resolution.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2016 of the (County)(City)(Town)(Village) of Henderson was duly passed by the Town Board on September 14 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____, 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____, 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/13/16

(Seal)

TOWN OF HENDERSON
LOCAL LAW #1 OF THE YEAR 2016
September 14, 2016

Resolution No. 2016-09-14-069

Resolution of the Town Board of the Town of Henderson to adopt Local Law #1 of the year 2016 amending the Rules and Regulations of Water District No. 1 and No. 2.

Whereas, the Town of Henderson codified, in Chapter 4 of its Local Laws, Water District No. 1 and No. 2 Rules and Regulations;

Whereas, the aforementioned Water District No. 1 and No. 2 Rules and Regulations specify EDU rates in the Town of Henderson as Exhibit "A" of Chapter 4 of the Town Code for each parcel with access to municipal water;

Whereas, the Town of Henderson also allows for outside users within the Town of Henderson to connect to Water District No. 1 or No. 2 at the same rate as users within the district (Town of Henderson Outside User Agreement, paragraph no. 5);

Whereas, the Town of Henderson currently has property owners located in water districts who seek to connect to municipal water in an outside district. For example, an owner with property located within the geographical boundaries of Water District No. 1, but may seek municipal water from Water District No. 2, as that connection point is most desirable by that property owner. Similarly, an owner with property located within the geographical boundaries of Water District No. 2 may seek municipal water from Water District No. 1, as that connection point is most desirable by that property owner;

Whereas, the Town of Henderson acknowledges that all costs of current connections to either Water District No. 1 or No. 2, pursuant to the current Water District No. 1 and No. 2 Rules and Regulations, shall be paid by the connecting property owner;

Whereas, the Town of Henderson wishes to encourage private development and usable real property, and encourages proper use of its water systems in accordance with the Town Engineer standards;

Whereas, under the existing Water District No. 1 and No. 2 Rules and Regulations, a use geographically located in an existing water district who chooses to connect to another water district as an outside user has to pay two (2) EDUs (one for the district they are geographically located in and one for the district they are actually connected to);

Whereas, the Town of Henderson wishes to allow for an exemption from charging an outside user who is geographically located in one district and connecting to another district two (2) EDUs, conditional on the following;

1. An applicant wishing to connect to a Town of Henderson water district as an outside user for property geographically located in an existing water district and who seeks an exemption from the two EDU charges (one as an outside user and one for the district they are geographically located in) must make such request to the Town of Henderson Town Board.
2. The Town of Henderson Town Board must get impact information and advice from the Town Engineer prior to allowing an Outside User Agreement in the existing geographic boundaries of another water district, to confirm that the request for use as an outside user does not negatively impact any Town of Henderson Water Districts.
3. That all other Town of Henderson Water District No. 1 and No. 2 Rules and Regulations for outside use instructions, applications and regulations shall be complied with.
4. That the Town of Henderson Town Board has absolute discretion, as Town elected officials, whether to allow an exemption or not and must consider, prior to approving the exemption, the potential negative impact on either district in relation to the relief requested from each applicant.
5. If approved, the Town will waive the lower of the two EDU charges and impose the larger of the relevant EDU charges on the property in question.

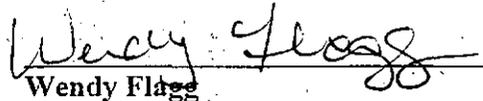
Now, therefore, be it resolved that the Town Board of the Town of Henderson moves to amend the Water District No. 1 and No. 2 Rules and Regulations as stated above and enact Local Law #1 of 2016.

Voting: Ayes: 4

 Nays: 0

Absent:

I, Wendy Flagg, Town Clerk of the Town of Henderson, hereby certify that the above resolution was adopted by the Town of Henderson on September 14, 2016.


Wendy Flagg
Town of Henderson, New York