

**WATER BOARD MEETING**  
**Tuesday, September 12, 2023**  
**3:30 P.M.**  
**COMMON COUNCIL CHAMBERS**

Roll call was answered by: Chairwomen Hicks, Commissioner Niles

Absent: Commissioner Erdo

Others Present: John Monaghan, Water Superintendent; Brodi Oatman, Clerk of the Board,  
Samuel Brown, 214 Brooks St

Arrived Late Commissioners Parry, Cimpi at 3:35pm

The meeting opened at: 3:35 pm by John Monaghan

**Motioned by: Commissioner Niles**

**Seconded by: Commissioner Parry**

**Resolved**, to approve Water Board minutes of May 9, 2023

**Ayes: 4**

**Nays: 0**

**Absent: 1**

**Motion Carried**

**Item 1: Consider Leak Adjustment -214 Brooks St**

Samuel Brown is asking for a leak adjustment for the June 2023 bill = \$2,213.61, which was for 2/2/23-5/2/23 due on June 30, 2023, which on May 9, 2023, he was sent a letter about a high read notice for the consumption. Then the late notice was sent on July 11, 2023, then the cut off notice was sent and posted on July 25, 2023. The leak adjustment was received it July 25, 2023, after the cut off notice was posted. The policy is attached on the leak adjustment. He had to request a Due Process Hearing, so his water did not get shut off. The resolution is attached. A letter was sent to Samuel to notify him of the Water Board meeting on September 12, 2023.

Samuel spoke on his behalf that this is a rental property, it has one main house and a small house on it. He stated that he did not know about the water being shut off for non- payment of his bill until the house was posted, as he travels a lot for his job and dose not check his mail on a regular basis. Commissioner Parry stated that we did our job and sent the letters, that they were never responded to, and his history on payments are not good looking back at them, again he stated that he does not get his mail on regular basis. Commissioner Parry stated you can pay online. Samuel stated you must know your last amount paid, and John the Water Superintendent said it's a simple phone call to the office and we can tell you. John stated this all could have been avoided if you just answered your letters that we sent out.

**Resolved,** The Water Board Recommended approving the leak adjustment for \$1,213.07. for 214 Brooks Street, which will go to Common Council on September 19, 2023 @ 6:30.

**Motioned by: Comm. Niles**  
**Seconded by: Comm. Sandra**

**Ayes:4**  
**Nays:0**  
**Absent:1**

**Motion Carried**

**Motion to Adjourn: Comm. Niles**  
**Seconded by: Comm. Parry**

**Ayes: 4**  
**Nays: 0**  
**Absent:1**

**Motion Carried**

The City of Oneida Water Board adjourned at: 4:05pm

Respectfully submitted,



Brodi Oatman  
Clerk of the board

City of Oneida Water Department  
Leak Adjustment Policy  
Adopted November 7, 2007 Resolution 07-265  
With Proposed Changes January 15, 2020  
**ADOPTED BY THE COMMON COUNCIL FEBRUARY 4, 2020**

## City of Oneida Leak Adjustment Policy

The purpose of this policy is to provide a basis for The City of Oneida to adjust high bills caused by leaks causing abnormally high water usage in water lines or equipment on customers' property that the customer could not reasonably have known about with normal diligence. The reason for providing a policy for reducing these bills is to relieve possible financial hardship on residents and businesses. (*Abnormally high water usage is defined for the purposes of this policy as 200% increase over normal use*)

### Threshold Considerations

The Water Superintendent shall not consider or approve any adjustment to water or sewer bills unless an actual physical leak caused the abnormally high water usage for which an adjustment in the bill is requested, and the leak is located, documented, and repaired. Leak adjustments to water and sewer bills will be considered when all of the following threshold conditions have been met:

- Water use volume is 200 % or greater than normal use, or the previous full billing period if no history exists. (*Normal use is defined for the purposes of this policy as the average of the previous 8 quarters usage history*)
- Customer requests adjustment in writing to the Water Superintendent not less than five (5) business days prior to due date. (*e.g.: If due date is Friday September 28<sup>th</sup> then request must be in the physical water office on or before Friday September 21<sup>st</sup>*). This request must state the nature of the leak, be accompanied by documentary evidence that repairs have been performed (e.g., itemized receipt for repair materials if purchased), and attested by signature of the customer. When a plumber performs the repair work, the customer must provide a billing invoice from the plumber stating the nature of the leak; the repairs performed, and itemized receipts for repair materials.
- Customer has not received an adjustment within the last 48 months **and all previous charges have been brought current.**
- Adjustments will be for residential and commercial customers only.

### Bills will be adjusted in the following manner:

1. Adjustments will be limited to one quarter billing period.
2. If the leakage occurred from an underground, subterranean leak between a meter pit and the premises: (*Water lines in crawl spaces and other hidden areas within a premises shall be construed as leakage within their premises even though a customer may not be aware of a leak. This includes lines exiting the principle building after the meter.*)
  - A. If leak is shown not to have entered the sewer system, the sewer charge will be waived for that portion above the highest use in the previous eight (8) quarters usage history **prior to the beginning of the leak.**

*City of Oneida Water Department*  
*Leak Adjustment Policy*  
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- B. If leak is shown to have entered the sewer system, the sewer charge will be adjusted by reducing the bill by 2/3 of the amount above the highest use in the previous eight (8) quarters usage history **prior to the beginning of the leak.**
  - C. The water charge will be adjusted by reducing the bill by 2/3 of the amount above the highest use in the previous eight (8) quarters usage history **prior to the beginning of the leak.**
3. If the leakage occurred within the premises:
- A. If leak can be verified as not having entered the sewer system, the sewer charge will be waived for portion above the highest use in the previous eight (8) quarters usage history **prior to the beginning of the leak.**
  - B. If leak is shown to have entered the sewer system, the sewer charge will be adjusted by reducing the bill by 50 % of the amount above the highest use in the previous eight (8) quarters usage history **prior to the beginning of the leak.**
  - C. The water charge will be adjusted by reducing the bill by 50 % of the amount above the highest use in the previous eight (8) quarters usage history **prior to the beginning of the leak.**
4. The determination of whether an adjustment is granted shall be made by the Water Superintendent, in conformance with this policy. The adjustment will be turned over to the billing clerk for adjustment and notification to the property owner.
5. The Water Board will hear appeals of determinations by the Water Superintendent. Such appeals shall be in writing and state the reason for the appeal. Appealed determinations of whether an adjustment is granted shall be made by the Water Board, in conformance with this policy. The determination of the Water Board shall be final.

**DUE PROCESS HEARING-WATER/SEWER BILLS**

Samuel Brown-214 Brooks St., Oneida, NY 13421

**RESOLUTION 23-153**

Moved by Councilor Simchik  
Seconded by Councilor Pagano

**WHEREAS**, in accordance with Article XIX of the City of Oneida Water Department Rules and Regulations, titled "Termination of Service," the Common Council will, upon receipt of a written request submitted to the Water Superintendent, conduct a Due Process Hearing prior to terminating a customer's water service, **and**

**WHEREAS**, Samuel Brown / 214 Brooks St. / 16-018001-00 properly requested a Due Process Hearing before the Common Council to contest the Water Department's decision to terminate his/her/their water service, **and**

**WHEREAS**, a Due Process Hearing was thereafter timely held on August 15, 2023, by the City of Oneida Common Council, **and**

**WHEREAS**, Samuel Brown / 214 Brooks St., appeared before the Common Council at the aforementioned Due Process Hearing, **now therefore be it**


**RESOLVED**, that the following action has been approved by the Common Council:

|                    |                       |                               |
|--------------------|-----------------------|-------------------------------|
| <b>NAME:</b>       | <u>Samuel Brown</u>   |                               |
| <b>ADDRESS:</b>    | <u>214 Brooks St.</u> |                               |
| <b>ACCOUNT #:</b>  | <u>16-018001-00</u>   |                               |
| <b>BILL DATES:</b> | <u>1/1/17-8/15/23</u> | <b>AMOUNT:    \$ 2,213.61</b> |

**ACTION BY COUNCIL:**                      Suspend termination of Water Service  
    Until October 30, 2023, pending appearance  
    before the Water Board on September 12,  
    2023

Ayes: 6  
Nays: 0  
**MOTION CARRIED**

I, Sandra LaPera, Clerk of the City of Oneida and ex-officio Clerk of the Common Council, do hereby certify that the above is a true and accurate copy of a Resolution approved at a regular meeting of the Common Council held on 8/15/23.

  
\_\_\_\_\_  
Sandra LaPera, City Clerk

John Monaghan  
Water Superintendent  
JMonaghan@oneidacityny.gov

**CITY OF ONEIDA**  
WATER DEPARTMENT

109 N. Main St.  
Oneida NY 13421  
315-363-1490



**Leak Adjustment Request**

I hereby request the City of Oneida Water Department Adjust the Water/Sewer Bill at the following location:

NAME: Samuel Brown

ACCT. #: 16-018001-00

ADDRESS: 214 Brooks St.

CITY/TOWN/VILLAGE: Oneida, NY

Describe Leak: Replaced Water Heater, overall bill jumped from sub \$200 quarterly to over \$2000 this last quarter, unexpectedly. Any help would be greatly appreciated, this is way more than I can afford & now I have a turn-off notice due to the cost!

Date Leak discovered: 5/22/23 Date Leak Repaired: 5/30/23  
Attach Copy of supporting documents.

To attest by signature, to the best of my knowledge, that the information provided is correct, true, and complete.

SIGNED: [Signature] DATE 7/25/23  
Property Owner

**Action Taken on Request**

\_\_\_\_\_  
\_\_\_\_\_

SIGNED: \_\_\_\_\_ DATE \_\_\_\_/\_\_\_\_/\_\_\_\_  
Water Superintendent

## Leak Adjustment Request

Name:   
 Acct. #:   
 Address:   
 City/Town/Village:

Date of Request:  Meets Deadline? Yes  No

This Quarter Consumption:  Quarter:

Previous 8 Quarters

|                 |                                 |
|-----------------|---------------------------------|
| 1)              | <input type="text" value="14"/> |
| 2)              | <input type="text" value="11"/> |
| 2)              | <input type="text" value="12"/> |
| 4)              | <input type="text" value="9"/>  |
| 5)              | <input type="text" value="4"/>  |
| 6)              | <input type="text" value="15"/> |
| 7)              | <input type="text" value="15"/> |
| 8)              | <input type="text" value="14"/> |
| Average         | 11.75                           |
| 200% Normal Use | 23.5                            |
| Maximum         | 15                              |

Meets Minimum Yes  No

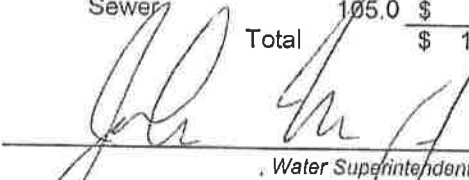
### Underground Leak Adjustment

|                          | Adjusted To |       | Use                      |
|--------------------------|-------------|-------|--------------------------|
|                          | Water       | Sewer |                          |
| Not Entered Sewer System | 75          | 15    | <input type="checkbox"/> |
| Entered Sewer System     | 75          | 75    | <input type="checkbox"/> |

### Leakage within Premises

|                          | Adjusted To |       |                                     |
|--------------------------|-------------|-------|-------------------------------------|
|                          | Water       | Sewer |                                     |
| Not Entered Sewer System | 105         | 15    | <input type="checkbox"/>            |
| Entered Sewer System     | 105         | 105   | <input checked="" type="checkbox"/> |

| New Bill Amount | Consumption | Bill Amount        | After Due          | Date |
|-----------------|-------------|--------------------|--------------------|------|
| Water           | 105.0       | \$ 402.25          | \$ 442.48          |      |
| Sewer           | 105.0       | \$ 700.54          | \$ 770.59          |      |
| <b>Total</b>    |             | <b>\$ 1,102.79</b> | <b>\$ 1,213.07</b> |      |

 \_\_\_\_\_ Date 9/13/23

Water Superintendent

No Leak Adjustment to Account until after



Oneida, NY

# Consumption History Report

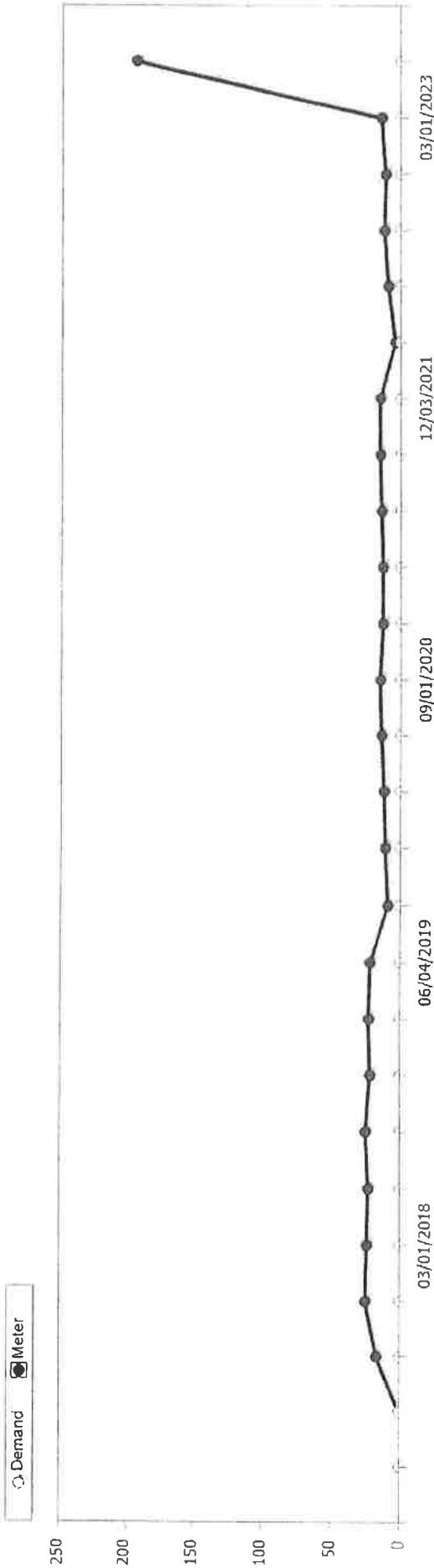
Service Category: W - Water

Service Address: 214 Brooks St.

Account: 16-018001-00

Name: Samuel Brown

Meter Number: 95379758



| Year | Month | Bill Date | Begin Read | End Read | Billed Consumption | Metered Consumption | Demand |
|------|-------|-----------|------------|----------|--------------------|---------------------|--------|
| 2023 | 6     | 6/1/2023  | 1,637      | 1,831    | 194                | 194                 | 0      |
|      | 3     | 3/1/2023  | 1,623      | 1,637    | 14                 | 14                  | 0      |
|      | 12    | 12/1/2022 | 1,612      | 1,623    | 11                 | 11                  | 0      |
| 2022 | 9     | 9/2/2022  | 1,600      | 1,612    | 12                 | 12                  | 0      |
|      | 6     | 6/2/2022  | 1,591      | 1,600    | 9                  | 9                   | 0      |
|      | 3     | 3/4/2022  | 1,587      | 1,591    | 4                  | 4                   | 0      |
| 2021 | 12    | 12/3/2021 | 1,572      | 1,587    | 15                 | 15                  | 0      |
|      | 9     | 9/2/2021  | 1,557      | 1,572    | 15                 | 15                  | 0      |
|      | 6     | 6/3/2021  | 1,543      | 1,557    | 14                 | 14                  | 0      |
| 2020 | 3     | 3/1/2021  | 1,530      | 1,543    | 13                 | 13                  | 0      |
|      | 12    | 12/1/2020 | 1,517      | 1,530    | 13                 | 13                  | 0      |
|      | 9     | 9/1/2020  | 1,502      | 1,517    | 15                 | 15                  | 0      |
| 2019 | 6     | 6/1/2020  | 1,488      | 1,502    | 14                 | 14                  | 0      |
|      | 3     | 3/1/2020  | 1,476      | 1,488    | 12                 | 12                  | 0      |
|      | 12    | 12/2/2019 | 1,465      | 1,476    | 11                 | 11                  | 0      |



|      |    |           |       |       |    |   |
|------|----|-----------|-------|-------|----|---|
| 2019 | 9  | 8/30/2019 | 1,456 | 1,465 | 9  | 0 |
|      | 5  | 6/4/2019  | 1,434 | 1,456 | 22 | 0 |
|      | 2  | 3/1/2019  | 1,411 | 1,434 | 23 | 0 |
| 2018 | 11 | 12/1/2018 | 1,389 | 1,411 | 22 | 0 |
|      | 8  | 9/1/2018  | 1,364 | 1,389 | 25 | 0 |
|      | 5  | 6/1/2018  | 1,341 | 1,364 | 23 | 0 |
|      | 2  | 3/1/2018  | 1,317 | 1,341 | 24 | 0 |
| 2017 | 11 | 12/1/2017 | 1,292 | 1,317 | 25 | 0 |
|      | 8  | 9/1/2017  | 1,275 | 1,292 | 17 | 0 |
|      | 5  | 6/1/2017  | 0     | 0     | 0  | 0 |
|      | 2  | 3/1/2017  | 0     | 0     | 0  | 0 |