

BUDGET, FINANCE, & PERSONNEL

RESOLUTION NO. 2014340

RE: UNPAID WATER AND SEWER RENTS

Legislators BORCHERT, FLESLAND, BOLNER, and JOHNSON offer the following and move its adoption:

WHEREAS, the Director of the Real Property Tax Service Agency has submitted a statement showing the unpaid water and sewer rents as referred by the various towns in Dutchess County and the Dutchess County Water District, as attached hereto, now, therefore, be it

RESOLVED, that pursuant to Section 198, paragraph 3, subdivision (d) and Section 198, paragraph 1, subdivision (k) of the Town Law and Article 5, Title 6-C of the Public Authorities Law, there be levied and assessed unpaid sewer and water rents as certified by the various Town Boards in the water and sewer districts and by the Director of Dutchess County Water and Wastewater Authority for the Dutchess County Water District, as attached hereto, and be it further

RESOLVED, that the assessments as levied and assessed on the attached list, when collected, be paid to the Supervisor of the various Towns, and, for the Dutchess County Water District, to the Dutchess County Commissioner of Finance.

CA-224-14
ca/G-131
12/09/14

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 15TH day of December 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 15th day of December 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

UNPAID WATER AND SEWER RENT

2014/2015

<u>TOWN</u>	<u>WATER</u>	<u>SEWER</u>	<u>MISC.</u>
AMENIA	16,460.62		4,620.00
BEEKMAN	15,252.42	24,196.91	4,032.92
EAST FISHKILL	81,675.16	57,786.41	3,556.90
FISHKILL	499,266.18		
HYDE PARK	56,205.79	27,534.09	
LAGRANGE	138,883.02		27,065.21
NORTH EAST	6,323.23		
PAWLING	20,128.78	35,681.05	
PINE PLAINS	6,387.35		
POUGHKEEPSIE	308,362.43	168,224.56	11,517.77
RED HOOK	5,187.60		
RHINEBECK		2,580.00	
WAPPINGER	138,622.37	283,341.67	
DUTCHESS COUNTY	425,525.18		

however, that no such use shall be permitted outside of the town in which such district is located if such territory is served by another water district, a water supply company, city, village or joint water works system unless the approval of the water power and control commission is first obtained. The town board shall not sell nor permit the use of water under this section outside of the district if such use will reduce the supply of water so that it will not be sufficient for the district affected or its inhabitants.

(c) Ordinances, rules and regulations. The town board shall have the power to adopt, from time to time, ordinances, rules and regulations for the operation of the water district and the use of water therein, and in addition to the remedies provided in section one hundred thirty-five for the enforcement thereof or for the punishment of violators, the town board may enforce compliance with such ordinances, rules and regulations by cutting off the supply of water.

(d) Water rates. The town board shall establish, from time to time, the water rates to be paid by consumers and may provide for the payment of said water charges in advance. The board may provide that a discount shall be allowed for the prompt payment of water rates within the time required by the board for the payment thereof. Such water charges shall be a lien upon the real property upon which or in connection with which the water was used. The town board may provide by ordinance or resolution that unpaid water charges in arrears for thirty days or longer shall be subject to a penalty not exceeding ten per centum of the amount due, and may further provide for cutting off the supply of water if such water charges are not paid within sixty days from the date due. At the same time as the filing of the estimates specified in section one hundred four of this chapter, or in case the town board shall elect by resolution a subsequent date, which in no event shall be later than November first in any year, the town clerk shall annually file with the town board, and with the supervisors of adjoining towns in which permits have been issued to property owners, statements showing the unpaid water charges in the respective districts and towns and which have not appeared on any such statements previously filed. Such statements shall contain a brief description of the property upon which the water was used, the names of the persons or corporations liable to pay for the same and the amount chargeable to each. The supervisor of the town in which the districts are located and the supervisors of adjoining towns in which permits have been issued shall transmit such statements to the board of supervisors of the county at its next regular meeting. The board of supervisors shall levy such sums against the property liable and shall state the amount of the tax in a separate column in the annual tax rolls of the various towns under the name of "Water Rents." Such tax shall be paid to the supervisors of the respective towns. The supervisors of adjoining towns shall pay the same out of the first money collected which is available for town purposes to the supervisor of the town in which the water districts are located. All of the provisions of the existing tax laws of the state of New York covering the enforcement and collection of unpaid town taxes or assessments for special improvements in the several towns of the state of New York not inconsistent herewith shall apply to the collection of such unpaid water rents. Such water rates when collected, shall be applied toward the maintenance, operation, enlargement and improvement of the water system and for the payment of the principal and interest of bonds issued for the purposes of such district.

3-a. (a) Water quality treatment districts. After a water quality treatment district has been established, the town board may take such action as may be necessary or desirable to adopt plans and specifications and enter into a contract or contracts, request, receive and administer grants and other sums of money necessary or proper for the purposes of the district, or take such other action as may be necessary or desirable for water quality treatment, including but not limited to the procurement, by purchase, lease or other means, of a water quality treatment unit or device, installation, monitoring, testing, modifying, operation and maintenance, and the imposition of charges for the expense thereof when such expense is not paid for by a private source, grant or by any other means.

(b) An agreement between the town board and an owner of a benefited parcel of property shall be entered into before the procurement, installation and maintenance of a water quality treatment unit or device. An agreement between such parties shall also be required for the modification and/or maintenance of a water quality treatment unit or device which is in place at the time when the property becomes a part of the district, however, the modification and/or unit or device must first be approved by the state department of health. Such agreements may be amended from time to time by mutual consent of the town board and the owner of a benefited parcel of property. The agreement shall set forth the amount to be paid by the owner attributable to the expense of procurement, installation, and modification, as the case may be, of the water quality treatment unit or device, and shall contain a

contracting parties in proportion to the areas served, volumes of sewage disposed of or the benefits received by each contracting party;

(g) adopt, from time to time, ordinances, rules and regulations for the operation of the sewer district and the use of the sewer system therein, and enforce compliance with such ordinances, rules and regulations as provided in section one hundred thirty-five of this chapter;

(h) establish, from time to time, charges, fees or rates to be paid by the owners of real property within such district for the connection of house service lines or mains with such sewer system. Such connection charge may include any expense incurred for the purpose of providing service, whether such expense be incurred for construction within the property line or within the street lines. In addition, such connection charge may include a fee for the inspection of such connection, the expense of performing service in relation thereto or for any other special benefit received;

(i) establish, from time to time, charges, fees or rates for the use of such sewer system, to be designated "sewer rents". Such rents may be based upon the metered consumption of water on premises connected with the sewer system, making proper allowance for commercial use of water, the number and kind of plumbing fixtures connected with the sewer system, the number of persons served by the sewer system, or upon any other equitable basis, as the town board may determine. The provisions of this paragraph shall apply only to those sewer districts in which sewer rents have been established and are being imposed on May first, nineteen hundred fifty-one, pursuant to the provisions of this paragraph. The provisions of this paragraph shall not prevent a town from acting pursuant to the provisions of paragraph (j) of this subdivision;

(j) establish, from time to time, charges, fees or rates for services rendered or work performed for the particular or special benefit of any individual parcel or portion of real property within such sewer district;

✓ (k) provide by ordinance, rule or regulation for the time within which rates, charges, fees or sewer rents may be paid, and may provide a penalty not exceeding ten per centum of the amount due when such rates, charges, fees or sewer rents are in arrears for thirty days or longer, and may provide for the payment of such charges, fees, rates or sewer rents in advance. The town clerk shall annually file with the town board statements showing the unpaid rates, charges, fees or sewer rents in such districts. Such statements shall contain a brief description of the property against which such sewer rents were imposed, the names of the persons or corporations liable to pay for the same and the amount chargeable to each. The supervisor shall transmit such statement to the board of supervisors which shall levy such sums against the property liable and shall state the amount of the tax in a separate column in the annual tax rolls of such town under the name of "sewer charges". Such tax shall be paid to the supervisor of such town. All of the provisions of the existing tax laws of the state of New York covering the enforcement and collection of unpaid town taxes or assessments for special improvements in the several towns of the state of New York not inconsistent herewith shall apply to the collection of such unpaid sewer charges. All fees, charges, rates and sewer rents may be used for the payment of the cost of the management, maintenance, operation and repair of the sewerage system including treatment and disposal works, or for the enlargement or replacement of the same. The term "sewer rents", as used in this paragraph, has reference only to sewer rents established pursuant to paragraph (i) of this subdivision;

(l) notwithstanding any other provisions of law, establish and impose sewer rents pursuant to the provision of article fourteen-f of the general municipal law as a source of revenue, other than assessments upon benefited real property, for financing district expenditures. Such sewer rents may be expended as provided in article fourteen-f of the general municipal law and, to the extent that such sewer rents provide a source of revenue for such expenditures, assessments shall not be levied upon property especially benefited by the sewer system or the part or parts thereof for which such rents are established and imposed. This paragraph does not affect any provisions of law relating to the authorization or construction of any improvement in a sewer district.

1-a. Sewage disposal districts. The town board shall have and exercise all of the powers with respect to a sewage disposal district which are provided in subdivision one in the case of sewer districts, in so far as the same are consonant with the purposes of the sewage disposal district, as described in section one hundred ninety-b, provided, however, that the charges for trunk sewer, sewage treatment and sewage disposal service shall be sufficient