

BUDGET, FINANCE, & PERSONNEL

RESOLUTION NO. 2015285

RE: UNPAID WATER AND SEWER RENTS

Legislators BORCHERT, FLESLAND, and BOLNER 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-192-15  
kvh/G-131  
12/11/15

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 15<sup>th</sup> day of December 2015, 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 15<sup>th</sup> day of December 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

UNPAID WATER AND SEWER RENT

2015/2016

<u>TOWN</u>	<u>WATER</u>	<u>SEWER</u>	<u>MISC.</u>
AMENIA	13,517.75		600.00
BEEKMAN	13,518.88	21,145.07	9,218.82
EAST FISHKILL	99,368.80	80,882.39	15,770.00
FISHKILL	406,058.53		
HYDE PARK	51,374.03	23,219.55	
LAGRANGE	132,160.66		31,762.65
NORTH EAST	6,095.93		
PAWLING	19,053.53	36,834.68	
PINE PLAINS	6,029.79		
POUGHKEEPSIE	303,555.54	195,282.90	18,315.72
RED HOOK	6,429.50		
RHINEBECK		4,655.00	
WAPPINGER	153,785.80	286,084.20	986.52
DUTCHESS COUNTY WATER/WASTERWATER	447,360.68		

building or upon premises where water is used from supply pipes connected to a district system, for the purpose of examining such pipes and the manner of installation thereof.

(b) Purchase and sale of water. The town board may contract with any person or corporation, municipal or otherwise, or with a town or county on behalf of a water district, for a supply of water, for a term not to exceed forty years, and shall have the power and authority to resell said water to the inhabitants and consumers in said water district and may use such portion thereof within the district as it may see fit and proper for public purposes and provide for the payment as a town charge of that portion of the cost of said water used by the town. The town board may also sell water for the benefit of such water district to municipalities, water districts, water supply districts and fire districts, and for fire purposes to fire protection districts, fire alarm districts and for "unprotected areas" pursuant to section one hundred eighty-four-a of this chapter, but the town board shall not supply water of such water district to that portion of any fire district, fire protection district, fire alarm district or any such "unprotected area" which shall be included within the boundaries of another water district. The town board, in its discretion, may permit the use of water from hydrants of a water district for fire purposes without charge in all or any part of the area of a fire district, fire protection district, fire alarm district, or "unprotected area", which is wholly or partly included within the area of such water district. The town board may permit any person or corporation owning real estate outside of the water district to use water from a district system for a rental, subject to the restrictions to be prescribed by said board, provided, 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 statement that the ownership of the treatment units or devices purchased by the district shall remain the property of the district and that charges for monitoring, testing, operation and maintenance shall be determined annually as provided in section two hundred two-a of this chapter. All of the expenses for the procurement and installation or modification may be paid at the time an agreement is entered into. The town board may, by resolution, authorize payment of the expenses of procurement, installation or modification of the water quality treatment unit or device over a period of time in annual installments. Such resolutions shall set forth whether the annual installments shall be due and payable at the same time as town and county taxes are due or at another time. The option of paying such expenses in annual installments, if provided by town board resolution, shall be available to each property owner in the district. If such annual installments shall be due at the same time as town and county taxes, the supervisor shall transmit the amount of the annual installments to the tax levying body for the levy and collection and enforcement of the same in the manner and at the same time as town and county taxes are levied, collected and enforced.

(c) Where the annual installments are to be paid at any other time, the resolution shall set forth the time and manner of payment and collection. Such resolution may be amended from time to time. If any portion or an installment for the procurement, installation and modification of such unit or device is not paid within thirty days of when it is due, the town board shall notify the owner of the property that unless such amount is paid within ten days from the date of the notice, such unit or device may be removed at the expense of the property owner. If the owner fails to pay such amount by such date, the town board may cause such unit or device to be removed. After such removal, the town board shall send the owner a statement of the amount due, together with the amount of expense attributable to removal of such unit or device, and the total amount thereof shall be a lien upon such real property and collection thereof shall be enforced at the same time and in the manner as the collection of town and county taxes are enforced with interest as provided herein. If the unit or device is not so removed, the collection of the amount set forth in the first notice of delinquency shall be enforced at the same time and in the manner as the collection of town and county taxes are enforced. The total amount set forth in such first notice, together with interest thereon shall be a lien upon such real property until it is paid. Interest shall be charged at the rate of one percent per month or fraction thereof, subsequent to the expiration of the ten days notice, until paid or the date of tax sale, whichever is sooner. On or before the first day of July in each year, the supervisor shall prepare and transmit to the tax enforcement officer or body, a list of those properties and property owners who are in arrears and the amount chargeable to each with interest thereon, as provided herein. 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

highway or a highway constructed pursuant to section one hundred ninety-four or one hundred ninety-five or article six of the highway law, in addition to such consents, the consent of the commissioner of transportation;

(f) enter into a contract or contracts with another sewer district or with any incorporated city or village or with one or more corporations or individuals for the joint disposal of sewage, and the expense of such joint disposal of sewage shall be apportioned between the 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 (l) 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;

McKinney's Consolidated Laws of New York Annotated  
Public Authorities Law (Refs & Annos)  
Chapter 43-a. Of the Consolidated Laws  
Article 5. Public Utility Authorities  
Title 6-C. Dutchess County Water and Wastewater Authority (Refs & Annos)

McKinney's Public Authorities Law § 1122

§ 1122. Definitions

Currentness

<[As added by L.1991, c. 592. See, also, Public Authorities Law § 1122, in another title 6-C, post.]>

As used or referred to in this title, unless a different meaning clearly appears from the context:

1. "Authority" means the corporation created by section eleven hundred twenty-three of this title.
2. "Bonds" means the bonds, notes or other evidences of indebtedness issued by the authority pursuant to this title, and the provisions of this title relating to bonds and bondholders shall apply with equal force and effect to notes and noteholders, respectively, unless the context otherwise clearly requires.
3. "Civil service commission" means the civil service commission of the county of Dutchess.
4. "Comptroller" means the comptroller of the state.
5. "Construct", "construction" or "constructed" means the acquisition, erection, building, alteration, improvement, increase, enlargement, extension, reconstruction, renovation or rehabilitation of a water, sewerage or water and sewerage facility, as the case may be; the inspection and supervision thereof; and the engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedure and other actions preliminary or incidental thereto.
6. "Cost" as applied to any project, includes the cost of construction, the cost of the acquisition of all property, including real property and other property, both real, personal and mixed and improved and unimproved, the cost of the demolishing, removing or relocating any buildings or structures on lands so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated, the cost of all water facilities, sewerage facilities, water and sewerage facilities, machines, apparatus and equipment, financing charges and bond discount, interest prior to, during and after construction to the extent not paid or provided for from revenues or other sources, the cost of engineering and architectural surveys, plans and specifications, the cost of consultant and legal services, the cost of bond or lease guarantee, bond insurance or any other credit support device and the cost of other expenses necessary or incidental to the construction of any project and the financing of the construction thereof, including the amount authorized in the resolution of the authority providing for the issuance of bonds to be paid into any reserve or other special funds from the proceeds of such bonds and the financing of the placing of any project in operation, including reimbursement to the county, or any municipality, state agency, the state, the United States government, or any other person for expenditures that would be costs of the project hereunder had they been made directly by the authority.

7. "County" means the county of Dutchess.

8. "County executive" means the county executive of the county, being the chief executive officer of the county.

9. "County legislature" means the county legislature of the county.

10. "Distribution system" means the water facility or facilities employed to deliver water from a transmission facility, or where there is no transmission facility, from a supply facility, to the ultimate consumers of water.

11. "Governing body" means the members of the authority constituting and acting as the governing body of the authority.

12. "Municipality" means any county, city, town, village, or improvement district under the town law, any other such instrumentality, including any agency, or public corporation of the state, or any of the foregoing or any combination thereof.

13. "Person" means any natural person, partnership, association, joint venture or corporation, exclusive of a public corporation.

14. "Project" means any water, sewerage or water and sewerage facility, as the case may be.

15. "Properties" means water, sewerage or water and sewerage facility or facilities, including the plants, works, structures, instrumentalities or part thereof and appurtenances thereto, real property, or any other property incidental to and included in such facility or facilities or part thereof, and any improvements, extensions and betterments.

16. "Real property" means lands, structures, franchise, rights and interests in land, waters, lands under water, riparian rights and air rights and any and all things and rights included within said term and includes not only fees simple absolute, but also any and all lesser interests including, but not limited to, easements, rights-of-way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms for years and liens thereon by way of judgments, mortgages or otherwise.

17. "Revenues" means all rates, fees, charges, payments and other income and receipts derived from the operation of the properties of the authority including, without limiting the generality of the foregoing, investment proceeds and proceeds of insurance, condemnation, and sale or other disposition of assets, together with all federal, state or municipal aid, if any.

18. "Sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present. The admixture with sewage of industrial or other waste also shall be considered "sewage" within the meaning of this title.

19. "Sewerage facility" or "sewerage facilities" means any plants, structures and other real and personal property acquired, rehabilitated or constructed or planned for the purpose of collecting, treating and disposing of sewage, including main, trunk, intercepting, connecting, lateral, outlet or other sewers, outfall, pumping stations, treatment and disposal plants, groundwater

**§ 1122. Definitions, NY PUB AUTH § 1122**

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recharge basins, back-flow prevention devices, sludge dewatering or disposal equipment and facilities, clarifiers, filters, phosphorus removal equipment, and other plants, structures, equipment, vehicles, conveyances, real or personal property or rights therein and appurtenances thereto necessary or useful and convenient for the collection, conveyance, pumping, treatment, neutralizing, storing and disposing of sewage.

20. "State" means the state of New York.

21. "State agency" means any state officer, public benefit corporation, department, board, commission, bureau or division, or other agency or instrumentality of the state.

22. "Supply facility" means a water facility employed to make groundwater or surface water available for delivery into a transmission facility or distribution system.

23. "Transmission facility" means a water facility used to carry water from a supply facility to a distribution system.

24. "Water facility" or "water facilities" means any plants, structures and other real and personal property acquired, rehabilitated or constructed or planned for the purpose of accumulating, supplying, transmitting, treating or distributing water, including but not limited to surface or groundwater reservoirs, basins, dams, canals, aqueducts, aqueduct taps, standpipes, conduits, pipelines, mains, pumping stations, pumps, water distribution systems, compensating reservoirs, intake stations, waterworks or sources of water supply, wells, purification or filtration plants or other treatment plants and works, contract rights, franchises, approaches, connections, permits, water meters, rights of flowage or diversion and other plants, structures, equipment, vehicles, conveyances, real or personal property or rights therein and appurtenances thereto necessary or useful and convenient for the accumulation, supply, transmission, treatment or distribution of water.

**Credits**

(Added L.1991, c. 592, § 1, eff. July 23, 1991.)

McKinney's Public Authorities Law § 1122, NY PUB AUTH § 1122

Current through L.2015, chapters 1 to 517.

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