

RESOLUTION NO. 2016032

RE: SETTING A PUBLIC HEARING IN CONNECTION WITH
THE ESTABLISHMENT OF A PART COUNTY SEWER
DISTRICT #10 LOCATED IN THE TOWNS OF
HYDE PARK AND RHINEBECK

Legislators FORMAN, BORCHERT, BOLNER, SAGLIANO, WASHBURN,
HORTON, JETER-JACKSON, and TRUITT offer the following and move its adoption:

WHEREAS, the New York State Legislature, by Chapter 592 of the Laws of 1991
(Section 1142, Public Authorities Law), created the Dutchess County Water & Wastewater
Authority (WWA), and

WHEREAS, the WWA is entering into an Agreement, with the owners of the
Vanderburgh Cove Sewer System regarding the WWA's acquisition of that system which is
located in the Towns of Hyde Park and Rhinebeck; and

WHEREAS, the WWA's ability to close on this acquisition and provide sewer
service to the customers of Vanderburgh Cove is contingent on the creation of a Part County
Sewer District encompassing all properties in the said sewer system which will include a total of
forty (42) tax parcels, consisting of 27 residential customers in the Town of Rhinebeck and 13
residential customers in the Town of Hyde Park, and two wastewater treatment parcels, and

WHEREAS, the WWA has presented to this Legislature a notice of project
pursuant to Section 1124 of the Public Authorities Law which outlines the WWA's plan to
establish A Part County Sewer District #10 for the Vanderburgh Cove Sewer System, located in
the Towns of Hyde Park and Rhinebeck, and

WHEREAS, said notice of project also describes the District that will be created
which is more particularly described in Attachment A attached hereto, and

WHEREAS, it is necessary to conduct a public hearing on the establishment of
such a District, now therefore, be it

RESOLVED, that this Legislature shall conduct a public hearing on the 14th day
of March 2016, at 7pm, in the afternoon of said day, at the Chambers of the Dutchess County
Legislature, County Office Building, 22 Market Street, Poughkeepsie, New York, on a proposal
to establish District #10 for the Vanderburgh Cove Sewer System located in the Towns of Hyde
Park and Rhinebeck, Dutchess County, New York, described in Attachment A attached hereto,
and be it further

RESOLVED, that the Clerk of the Legislature shall publish notice of said hearing
in the official newspapers of the County and shall include therein a description, identifying the
areas to be included within the District, the improvements proposed, the maximum amount to be

expended for the improvements, the proposed method of assessment of the cost, the estimated cost of hook-up fees, if any, the cost to the typical property or one or two family home, all in accordance with Section 254 of the County Law.

CA-010-16

CRC/kvh/G-1217-O

1/05/16 Fiscal Impact:

Statement will be attached to resolution creating District when submitted to Legislature

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 8th day of February 2016, 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 8th day of February 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds (check one): Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Bridget Barclay

Prepared On: Jan. 4, 2016

ATTACHMENT "A"

**Dutchess County Sewer District #10
Vanderburgh Cove Sewer System**

DESCRIPTION OF ZONE

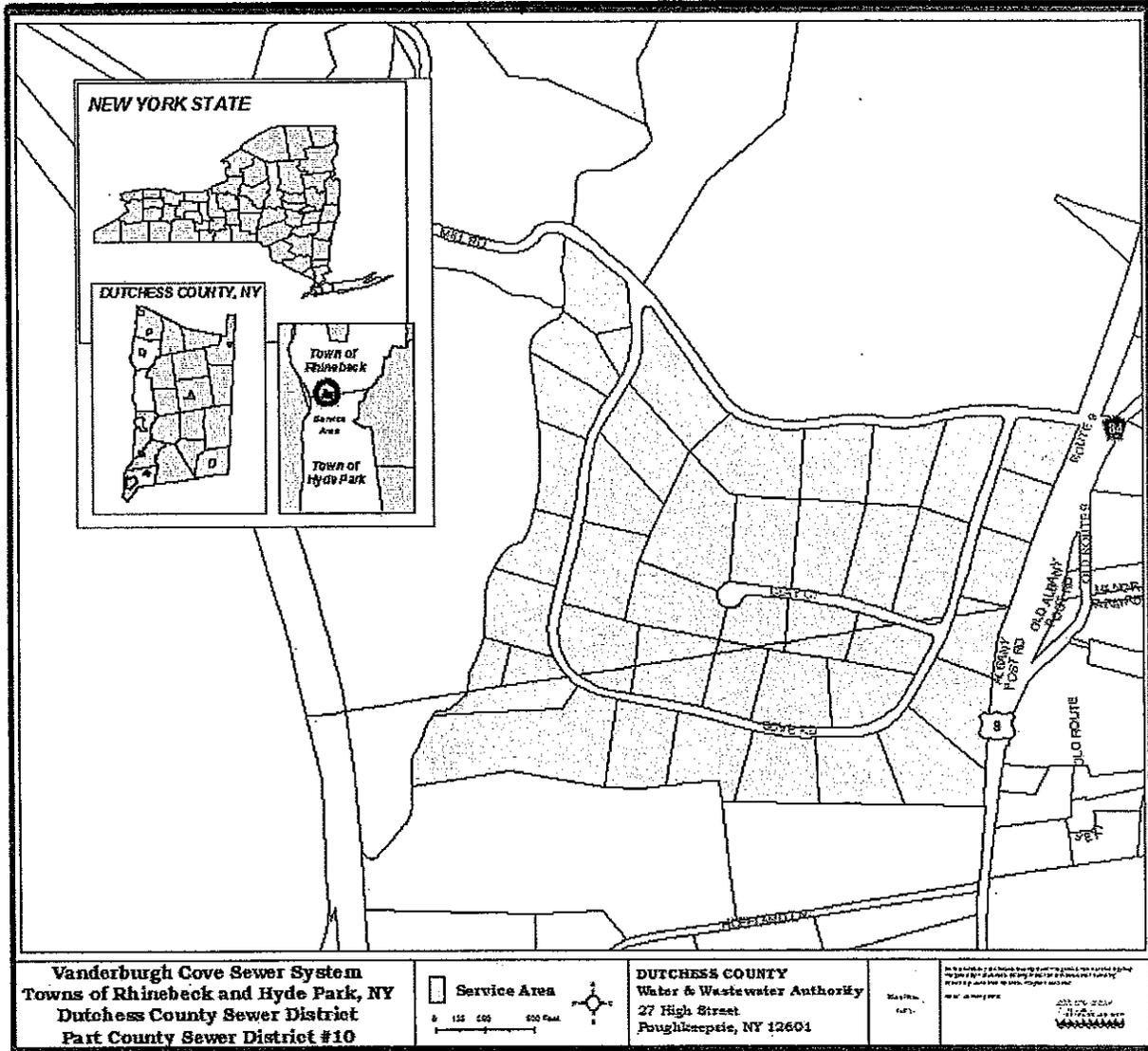
(map and parcel listing)

The Dutchess County Sewer District #10 shall include all those tax parcels presently indicated on the attached boundary map. These parcels are further described by the following list of tax parcel grid numbers:

Tax Parcels

133200-6168-03-341265-0000	135089-6168-00-142379-0000
133200-6168-03-292271-0000	135089-6168-00-134342-0000
133200-6168-03-214242-0000	135089-6168-00-200419-0000
133200-6168-03-325236-0000	135089-6168-00-210349-0000
133200-6168-03-251233-0000	135089-6168-00-200314-0000
133200-6168-03-286232-0000	135089-6168-00-275342-0000
133200-6168-03-180247-0000	135089-6168-00-384390-0000
133200-6168-03-273294-0000	135089-6168-00-170441-0000
133200-6168-03-248291-0000	135089-6168-00-240386-0000
133200-6168-03-123249-0000	135089-6168-00-281383-0000
133200-6168-03-308294-0000	135089-6168-00-163330-0000
133200-6168-03-348297-0000	135089-6168-00-245345-0000
133200-6168-03-258272-0000	135089-6168-00-345382-0000
133200-6168-03-166277-0000	135089-6168-00-295305-0000
133200-6168-03-228278-0000	135089-6168-00-198292-0000
133200-6168-03-120269-0000	135089-6168-00-104282-0000
133200-6168-03-197278-0000	135089-6168-00-225293-0000
135089-6168-00-304337-0000	135089-6168-00-348312-0000
135089-6168-00-145414-0000	135089-6168-00-118311-0000
135089-6168-00-149440-0000	135089-6168-00-272304-0000
135089-6168-00-171367-0000	135089-6168-00-330331-0000
135089-6168-00-158469-0000	135089-6168-00-363332-0000
135089-6168-00-374363-0000	135089-6168-00-242305-0000
135089-6168-00-315382-0000	135089-6168-00-124283-0000
135089-6168-00-185394-0000	135089-6168-00-160295-0000

Map



DUTCHESS COUNTY



27 High St. 2nd Floor
Poughkeepsie
New York, 12601
(845) 486-3601
Fax (845) 486-3610
dcwwa@dutchessny.gov
www.DCWWA.org

January 26, 2016

Dutchess County Legislature
35 Market Street
Poughkeepsie, NY 12601

Authority Board Members

Thomas LeGrand
Chairperson

Vincent DiMaso
Vice-Chairperson

Rudy Vavra
Treasurer

Lawrence R. Knapp
Secretary

Attention: Hon. Carolyn Morris, Clerk

RE: Acquisition of Vanderburgh Cove Sewer System in the
Towns of Rhinebeck and Hyde Park

Dear Clerk Morris:

Ex officio Members

Brian Scoralick
Acting Executive Director
Soil and Water Conservation District

Eoin Wrafter
Commissioner
D.C. Dept. of Planning & Development

Staff

Bridget Barclay
Executive Director

Mary C. Morris
Deputy Director

Pursuant to Article 5, Title 6-C, Section 1124, Subparagraph 6 of the Public Authorities Law, the Dutchess County Water and Wastewater Authority (the "Authority") is hereby notifying the Dutchess County legislature that the Authority proposes to undertake a project. The project is the acquisition of the Vanderburgh Cove Sewer System, owned by the Towns of Rhinebeck and Hyde Park, and the provision of sewer services to all properties within the system's current service area, all as described more fully below.

In support of this project, the Authority is requesting that the County Legislature establish a new Part County Sewer District, District #10, and approve a Service Agreement between the County, on behalf of Part County Sewer District #10, and the Authority. The proposed Sewer District will include a total of 42 parcels; 40 developed single family residences and 2 parcels on which the sewer treatment facilities are located. Of the developed lots served, 27 are located in the Town of Rhinebeck, and the remaining 13 in the Town of Hyde Park.

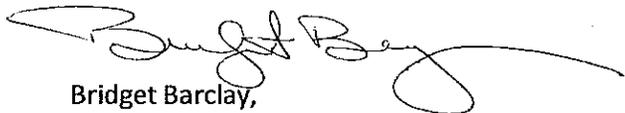
The Authority will provide to the County a Map, Plan and Report that will identify the parcels to be included in the proposed new Part County Sewer District, describe the infrastructure and facilities being acquired in order to provide sewer services, describe the improvements to be constructed subsequent to the Authority's acquisition, and provide the estimated annual cost for the typical property in the proposed Sewer District.

Pursuant to the State Environmental Quality Review Act, the Authority, as Lead Agency for the review of this Unlisted Action, has completed its review and determined the

action will have no negative environmental impacts. The Authority Board resolution and SEQR documents are enclosed.

The Authority respectfully requests that the Dutchess County Legislature take such action as it may determine in its own discretion to be appropriate in connection with the review of this project, and that the action taken be such that the Dutchess County Legislature does not act to deny the Authority the right to proceed with the project.

Sincerely,

A handwritten signature in black ink, appearing to read "Bridget Barclay", with a long, sweeping horizontal line extending to the right.

Bridget Barclay,
Executive Director

Enc.

cc: Hon. Marcus J. Molinaro
Authority Board of Directors
County Attorney James Fedorchak

Vanderburgh Cove Sewer System Acquisition – SEQR Determination

Rudy Vavra offers the following resolution and moves its adoption:

WHEREAS; the Authority proposes to enter into an Agreement with the Towns of Rhinebeck and Hyde Park regarding the acquisition by the Authority of the Vanderburgh Cove Sewer System, and

WHEREAS; upon acquisition of the Vanderburgh Cove Sewer System, the Authority will serve the wastewater treatment needs of the customers of the Vanderburgh Cove Sewer System in accordance with the terms of the Agreement, and

WHEREAS; the County of Dutchess must create a Part County Sewer District encompassing the proposed sewer service area and execute a corresponding Service Agreement with the Authority in order for the Authority to provide sewer services within this framework, and

WHEREAS; it would be in the public interest for the Authority to acquire the Vanderburgh Cove Sewer System and for the County to establish the Part County Sewer District and execute the Service Agreement, and

WHEREAS; in accordance with the requirements of the SEQR Act, the Authority must make a determination as to the Environmental Impact of this proposed action, and

WHEREAS; for the purposes of the SEQR review, the action includes the transfer of ownership, establishment of the Part County Sewer District and execution of the Service Agreement, and involves no physical change to the sewer system nor any change to the service area, and

WHEREAS; this action has been classified as “Unlisted” and a Short Environmental Assessment Form has been completed and submitted to the Board, and

WHEREAS; the service area of the Vanderburgh Cove Sewer System is described in the map and tax parcel list made a part of the Short Environmental Assessment Form, and

THEREFORE BE IT RESOLVED THAT; the Authority Board declares itself as Lead Agency for this action, and

BE IT FURTHER RESOLVED THAT; the Authority Board does hereby determine that this action will not have a significant impact on the environment and hereby adopts the attached Negative Declaration with respect to this matter.

Seconded by Vincent DiMaso

<u>Record of Vote:</u>	<u>Aye</u>	<u>Nay</u>
Thomas LeGrand	X	___
Vincent DiMaso	X	___
Larry Knapp	Absent	
Rudy Vavra	X	___

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

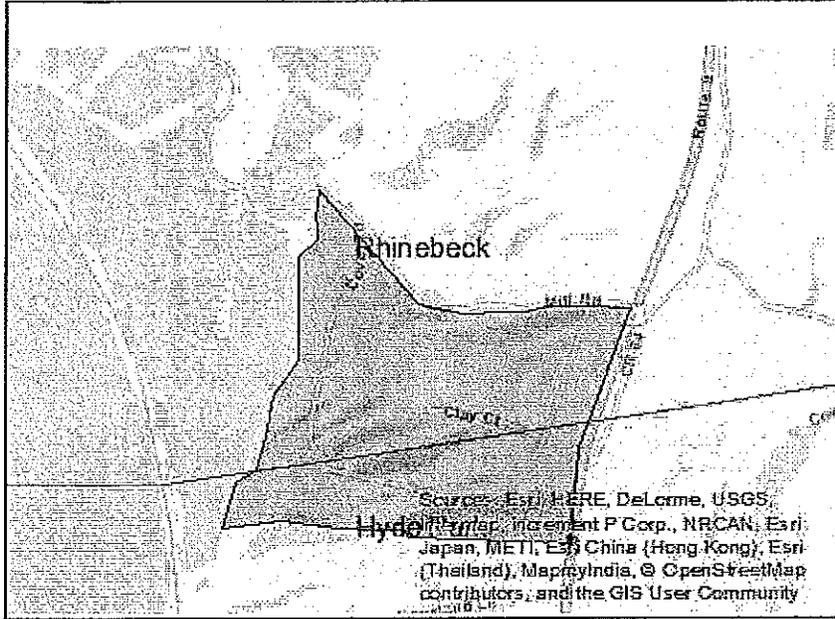
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

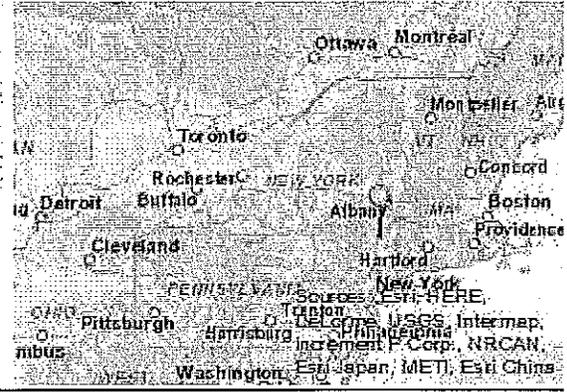
Part 1 - Project and Sponsor Information			
Name of Action or Project: Acquisition of Vanderburgh Cove Sewer System			
Project Location (describe, and attach a location map): Mill Road, Cove Road and Clay Court in the Towns of Rhinebeck and Hyde Park. (Map and tax parcel list attached.)			
Brief Description of Proposed Action: Acquisition of property, easements, treatment systems, collection system and all other assets of the Vanderburgh Cove Sewer System. Creation of Part County Sewer District #10 by Dutchess County. Execution of a Service Agreement for PCDS #10 between DCWWA and Dutchess County. Provision of sewer services by the DCWWA to properties encompassed by Part County Sewer District #10.			
Name of Applicant or Sponsor: Dutchess County Water and Wastewater Authority		Telephone: (845) 486-3601 E-Mail: dcwwa@dutchessny.org	
Address: 27 High Street			
City/PO: Poughkeepsie		State: NY	Zip Code: 12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Dutchess County; Creation of Part County Sewer District #10; Approval of Service Agreement		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		124 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		124 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

	NO	YES	N/A
Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	NO	YES
Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Yes, identify: Name: Vanderburgh Cove, Reason: Sensitivity to change & habitat and species protection, Agency: Hyde Park, Town of, Date: 6-7-2009	<input type="checkbox"/>	NO	YES
a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: A	<input type="checkbox"/>	NO	YES
0. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input type="checkbox"/>	NO	YES
1. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ A	<input type="checkbox"/>	NO	YES
2. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	NO	YES
3. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	NO	YES
4. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
5. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input type="checkbox"/>	NO	YES
6. Is the project site located in the 100 year flood plain?	<input type="checkbox"/>	NO	YES
7. Will the proposed action create storm water discharge, either from point or non-point sources? Yes; a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	<input type="checkbox"/>	NO	YES

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Dutchess County Water and Wastewater Authority</u> Date: <u>December 10, 2015</u></p> <p>Signature: <u>Bridget Barclay</u></p>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Vanderburgh Cove, Reason:Sensitivity to change & habitat and species protection, Agency:Hyde Park, Town of, Date:6-7-2009
Part 1 / Question 12a [National Register of Historic Places]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 § 1142

§ 1142. Dutchess county water district

Currentness

<[As added by L.1991, c. 592. See, also, Public Authorities Law § 1142, in another title 6-C, post.]>

There is hereby defined and established an area to be known as the "Dutchess county water district" which shall embrace all the territory located within the county. After the establishment of the Dutchess county water district, such district shall have such powers as are provided in and shall be governed in accordance with the provisions of article five-A of the county law, including, without limitation, the power to enter into contracts, and carry out the terms thereof, with the city of New York, the New York city municipal finance authority, New York city water board, or any agency or instrumentality thereof, for the purchase of water.

Credits

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

McKinney's Public Authorities Law § 1142, NY PUB AUTH § 1142

Current through L.2015, chapters 1 to 589.

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 § 1124

§ 1124. Powers of the authority

Currentness

<[As added by L.1991, c. 592. See, also, Public Authorities Law § 1124, in another title 6-C, post.]>

The authority shall have the power:

1. To sue and be sued;
2. To have a seal and alter the same at pleasure;
3. To borrow money and issue bonds or other obligations and to provide for the rights of the holders thereof;
4. To enter into contracts and to execute all instruments necessary or convenient or desirable for the purposes of the authority to carry out any powers expressly given it in this title;
5. To acquire by purchase, gift, grant, transfer, contract or lease or by condemnation pursuant to the eminent domain procedure law, lease as lessee, hold, and use any real or personal property or any interest therein, as the authority may deem necessary, convenient or desirable to carry out the purpose of this title. In connection with the acquisition of such properties, the authority may assume any obligations of the owner of such properties and, to the extent required by the terms of any indentures or other instruments under which such obligations were issued, the authority may assume and agree to perform covenants and observe the restrictions contained in such instruments; and furthermore the owner or any properties which the authority is authorized to acquire, is hereby authorized to sell or otherwise transfer the same to the authority, whereupon the authority shall become charged with the performance of all public duties with respect to such properties with which such owner was charged and such owner shall become discharged from the performance thereof, and as a means of so acquiring for such purpose, the authority may purchase all of the stock of any existing privately owned water or sewage corporation or company and in the case of a sale or other transfer of properties of a public utility corporation pursuant to this provision, upon the purchase of the stock of such corporation or company it shall be lawful to dissolve such corporation within a reasonable time, and in the case of an acquisition of properties from a municipality pursuant to this provision, it may assume the primary responsibility for the payment of any bonds or notes issued by such municipality for such properties;
6. To develop, construct or maintain a project; provided, however, that the authority shall not enter into any contract for the construction of a project without having first submitted such project, following completion of compliance with the requirements of the state environmental quality review act and the regulations promulgated in connection therewith in connection with such project, to the county legislature for county legislative review, as herein described. For purposes of such county legislative

review, construction shall not include such engineering, architectural, legal, fiscal and economic investigations and studies, surveys, designs, plans, procedures and other actions necessary or reasonably required to develop a project or to present a project to the county legislature for county legislative review. County legislative review shall encompass a process by which the county legislature shall have the opportunity to review and deny a project proposed to be constructed by the authority. County legislative review shall commence with the authority's delivering, by mail or personally, to the clerk of the county legislature a notification that the authority proposes to construct a project. Such notification shall include a description of the project, the proposed cost and the proposed plan for the financing of such cost and such engineering, architectural, fiscal and economic investigations and studies, surveys, designs and plans prepared by the authority in connection with the project. Following receipt of such notification, the county legislature shall take such action as it may determine in its discretion to be appropriate in connection with its review of the project, which action may include adoption of a resolution, by the affirmative vote of at least two-thirds of the entire voting strength of the county legislature, to deny to the authority the right to construct the project, which vote, to be effective, shall be cast at a meeting held no later than the second consecutive regular meeting of the county legislature following delivery to the clerk of the county legislature of the notification herein described. The date of delivery of notification shall be the date on which such notification shall be actually received by the clerk of the county legislature. If the then current rules and regulations of the county legislature require the filing of a resolution with the clerk of the county legislature to be a specified number of days prior to a meeting of the county legislature for introduction of such resolution at such meeting, such notification shall be deemed to be a resolution and shall be subject to such filing requirement. If the county legislature shall so vote to deny to the authority the right to construct a project, the resolution to so deny shall be submitted to the county executive in such manner and at such time as is provided in the county charter for resolutions subject to approval or disapproval by the county executive. If the county executive shall, within the time permitted for such action, disapprove such resolution, such resolution shall be of no force and effect unless the county legislature shall override such disapproval in such manner and at such time as is provided in the county charter for such action. Nothing in this section shall prohibit the resubmission by the authority to the county legislature at any time of a proposed project which has been previously disapproved;

7. To operate and manage and to contract for the operation and management of properties of the authority;

8. To lease properties of the authority to the county or any other municipality in the county, or any instrumentality thereof, upon such terms and conditions as shall be determined by the authority, the county, the municipality or such instrumentality, as the case may be;

9. To apply to the appropriate agencies and officials of the federal, state and local governments for such licenses, permits or approvals of its plans or projects as it may deem necessary or advisable, and upon such terms and conditions as it may deem appropriate, and to accept, in its discretion, such licenses, permits or approvals as may be tendered to it by such agencies and officials;

10. To appoint such officers and employees as are required for the performance of its duties, to fix and determine their qualifications, duties and compensation, and to retain or employ counsel, auditors, engineers and private consultants on a contract basis or otherwise for rendering professional or technical services and advice;

11. To make plans and studies necessary, convenient or desirable for the effectuation of the purposes and powers of the authority and to prepare recommendations in regard thereto;

12. To enter upon such lands, waters or premises as in the judgment of the authority shall be necessary for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this title, the authority being liable only for actual damage done;

13. To apply for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from the state or any agency or instrumentality thereof or from any other source, for any or all of the purposes specified in this title, and to comply, subject to the provisions of this title, with the terms and conditions thereof;

14. To supply and sell water for domestic, commercial and public purposes at retail to individual consumers within the county or wholesale to municipalities, water districts or district corporations within the county and to collect, treat and discharge sewage produced for such purposes by such generators; provided, however, that the authority shall not sell water at retail to individual consumers or contract with individual consumers for the collection or treatment of sewage where such individual consumers are located in a municipality, water district, sewer district or district corporation which is empowered to provide water or sewer services, as the case may be, unless the authority shall have first notified, in writing, by certified mail, such municipality, water district, sewer district or district corporation that it intends to sell water at retail to individual consumers located therein or collect or treat sewage from individual consumers located therein, as the case may be, identified either by name or location or by the area to be served, and such municipality, water district, sewer district or district corporation does not notify the authority, within sixty days of receipt of such notice, that it objects to the authority selling water or collecting or treating sewage, as the case may be, to such individual consumers;

15. To purchase water in bulk from any person, private corporation or municipality when necessary or convenient for the operation of any water facility;

16. To enter into cooperative agreements with other authorities, municipalities, water districts, sewer districts, district corporations, utility companies, individuals, or corporations, within or without the county, for any lawful purposes necessary or desirable to effect the purposes of this title upon such terms and conditions as shall be determined to be reasonable;

17. To make by-laws for the management and regulation of its affairs and subject to agreements with bondholders, rules for the sale of water or the collection of sewage and the collection of rates, rents and charges therefor. A copy of such rules and by-laws, and all amendments thereto, duly certified by the secretary of the authority shall be filed in the office of the county clerk of the county and shall be published thereafter once in each of two newspapers having a general circulation in the county. Violations of such rules shall be punishable by fine, not exceeding fifty dollars, or by imprisonment for not longer than thirty days, or both;

18. To fix rates and collect charges for the use of the facilities of, any services rendered by or any commodities furnished by the authority such as to provide revenues sufficient at all times to pay, as the same shall become due, the principal and interest on the bonds or other obligations of the authority together with the maintenance of proper reserves therefor, in addition to paying as the same shall become due the expense of operating and maintaining the properties of the authority together with proper reserves for maintenance, contingencies and all other obligations and indebtedness of the authority; provided, however, that nothing contained in this subdivision, or in this title, shall empower the authority to collect rentals, charges, rates or fees from the owners of real estate, or the occupants of real estate (other than the occupants of premises owned or occupied by the authority or by the state or any civil division thereof) located in any city unless the electors of such city shall approve the granting to the authority of such powers by a majority vote at a general or special election in such city;

19. To utilize the service of officers and employees of the county and to pay a proper portion of compensation or costs for the services of such officers or employees with the consent of the county executive, and upon notice to the chair of the county legislature;

20. To provide for the discontinuance or disconnection of the supply of water or the provision of sewerage service, or both, as the case may be, for non-payment of fees, rates, rents or other charges therefor imposed by the authority, provided such discontinuance or disconnection of any supply of water or the provision of sewerage service, or both, as the case may be, shall not be carried out except in the manner and upon notice as is required of a waterworks corporation pursuant to subdivisions three-a, three-b and three-c of section eighty-nine-b and section one hundred sixteen of the public service law; and

21. To do all things necessary, convenient or desirable to carry out its purposes and for the exercise of the powers granted in this title.

Credits

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

McKinney's Public Authorities Law § 1124, NY PUB AUTH § 1124

Current through L.2015, chapters 1 to 589.

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