

# Water and Sewer District Creation and Consolidation of Those Districts

## WHAT YOU NEED TO KNOW

February 19, 2019



*Presenters:*

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# A. MAP, PLAN & REPORT

- Prepared by a competent engineer
- Boundaries
- Maximum cost of project
- Cost to typical property
- Hook up fees

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Town of Moreau  
Sewer District 1 – Ext. 5  
May 2018

TOC-1

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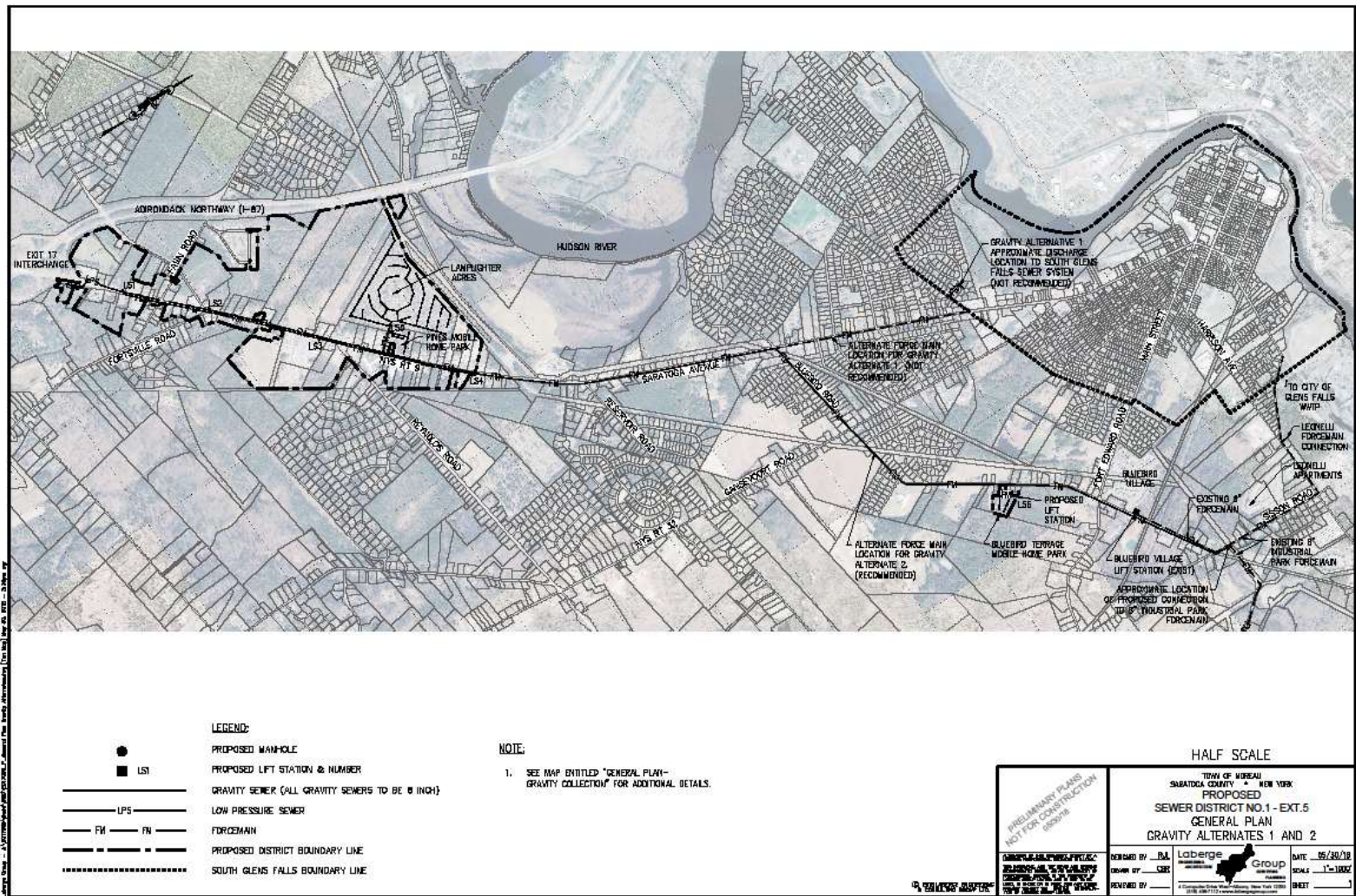
Town of Moreau  
Sewer District 1 – Ext. 5  
May 2018

TOC-2

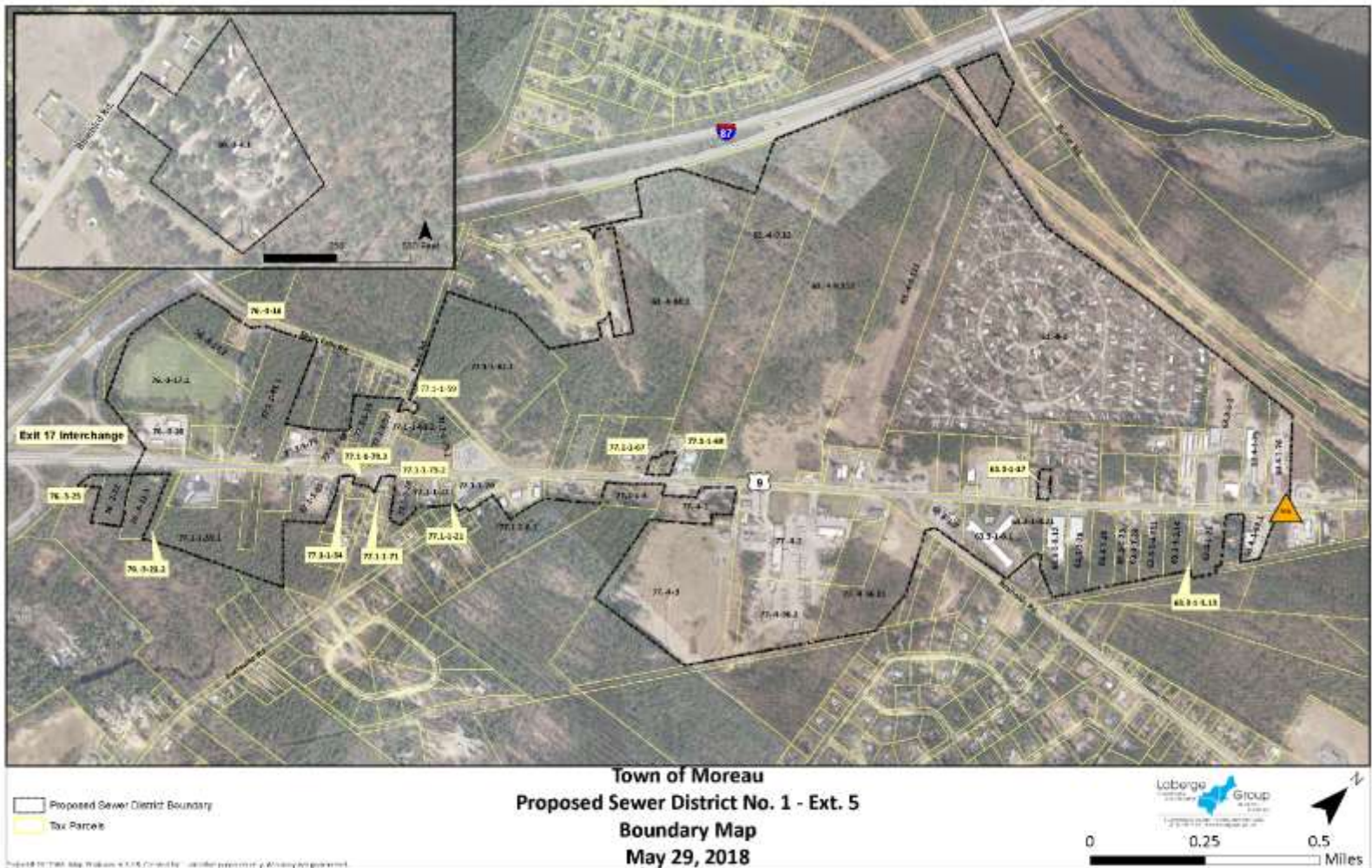
Town of Moreau  
 Saratoga County, New York  
 Sewer District 1 - Extension 5  
 Preliminary Opinion of Probable Cost  
 April 2018

ITEM	EST. QUAN.	UNIT	UNIT COST	TOTAL
8-Inch PCVC SDR35	31,000.00	LF	\$110	\$3,410,000
6-Inch HDPE Forcemain	5,500.00	LF	\$70	\$385,000
8-Inch HDPE Forcemain	2,000.00	LF	\$90	\$180,000
10-Inch HDPE Forcemain	20,000.00	LF	\$100	\$2,000,000
Gravity Manholes	100.00	EA	\$5,000	\$500,000
Air Release Manholes	6.00	EA	\$8,000	\$48,000
FM Junction Manholes	6.00	EA	\$8,000	\$48,000
Gravity Sewer Laterals				
Open Cut	8,150.00	LF	\$65	\$529,750
Directional Drill	38.00	EA	\$10,000	\$380,000
LPS Laterals	5.00	EA	\$4,000	\$20,000
Flushing Stations	19.00	EA	\$8,500	\$161,500
Lift Stations	6.00	EA	\$250,000	\$1,500,000
Emergency Generators	6.00	EA	\$50,000	\$300,000
SCADA Control System	1.00	LS	\$200,000	\$200,000
Grinder Pump Stations	3.00	EA	\$10,000	\$30,000
Select Backfill	19,000.00	CY	\$35	\$665,000
Subbase material	8,000.00	CY	\$50	\$400,000
Pavement - Binder	17,000.00	SY	\$20	\$340,000
Pavement - Top	17,000.00	SY	\$10	\$170,000
Misc Restorations	31,000.00	LF	\$20	\$620,000
Maint. & Protection of Traffic		LS	3%	\$357,000
Subtotal				\$12,244,250
Contingency	10%			\$1,225,000
Glens Falls WWTP Fee				\$500,000
Land Acquisition				\$120,000
Grant/Loan Administration				\$30,000
Geotechnical				\$75,000
Cultural Resource Survey/Ecological Review				\$65,000
Survey - Design Mapping				\$150,000
Survey -ROW/Easements				\$100,000
Engineering				\$940,000
Construction Observation				\$400,000
Permitting				\$15,000
Legal Counsel				\$50,000
Bond Counsel				\$50,000
			TOTAL	\$15,964,250
			SAY	\$16,000,000









## A. MAP, PLAN & REPORT, CONT'D

The operation and maintenance cost of a sewer district includes personnel, equipment, fuel, electricity, materials, payroll benefits and many miscellaneous items. The estimated operation and maintenance cost for the proposed sewer district has been estimated and presented in the table below.

### OPERATION AND MAINTENANCE COSTS

Personnel	\$40,000 *
Electricity	\$ 42,000
Glens Falls Treatment	\$ 62,000
Materials	\$7,500
Reserve	\$10,000
Miscellaneous	\$ 7,500
Total	\$169,000

\*Assumes shared personnel with other districts.

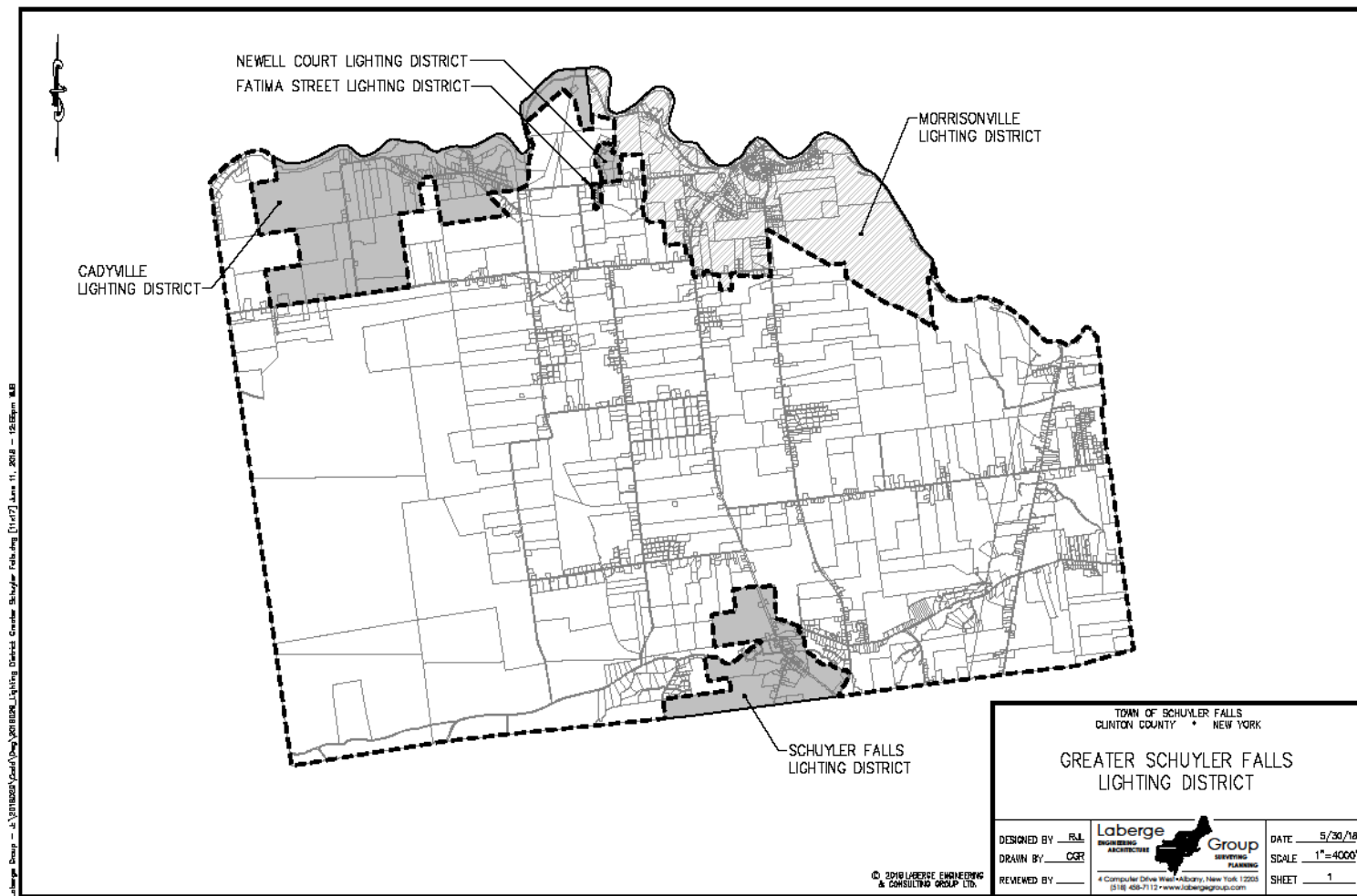
# A. MAP, PLAN & REPORT, CONT'D

## ESTIMATED ANNUAL COST ALL PROPERTIES

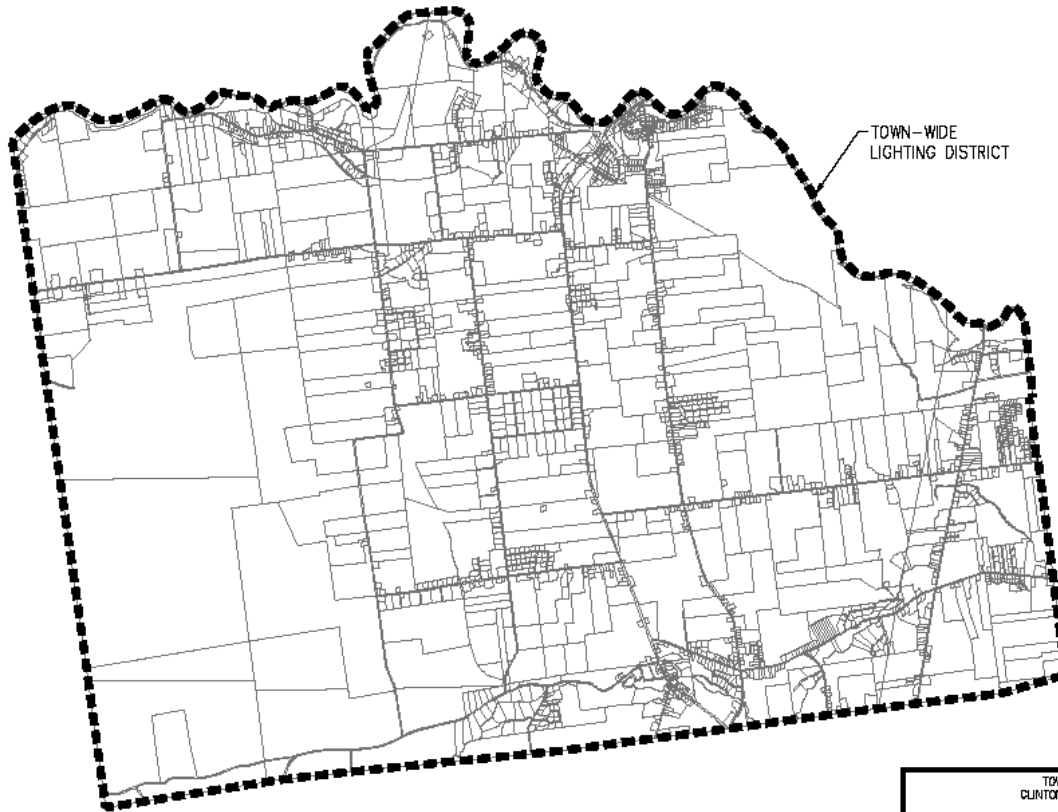
	Assessment	Debt Service	O & M	Total
Average Property	\$596,881	\$4,511	\$2,058	\$6,568
Median Property	\$300,000	\$2,306	\$ 462	\$3,336
Mode Property	N/A			

(Due to the large variation in values, there is no mode.)





Laberge Group - 430180257.dwg (Day) 20180206 Lighting District Town Meeting [11x17] June 11, 2018 - 10:58pm MAB



TOWN-WIDE  
LIGHTING DISTRICT

TOWN OF SCHUYLER FALLS  
CLINTON COUNTY • NEW YORK

TOWN-WIDE  
LIGHTING DISTRICT

DESIGNED BY R.M.  
DRAIN BY CSR  
REVIEWED BY \_\_\_\_\_



DATE 5/30/18  
SCALE 1"=4000'  
SHEET 1

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Town of Schuyler Falls  
Clinton County, New York

Map, Plan and Report  
Greater Schuyler Falls Lighting District  
June 30, 2018

Purpose

The Town of Schuyler Falls currently has five (5) lighting Districts each with their own budget and tax rate. The lighting districts do not cover all areas of the Town that have street lighting. The cost for lighting is currently paid from the Town's general fund. This results in the existing lighting districts paying for lighting beyond the bounds of their individual district. To rectify this situation it is proposed to create a lighting district that covers all areas outside of existing lighting districts.

Existing Facilities

There are 58 street lights that are maintained by the Town in the proposed lighting district area. These lights are maintained via contract with New York State Electric and Gas on an annual fee basis.

Proposed Facilities

There are no proposed improvements being contemplated in the proposed district at this time and therefore no maximum cost for the improvements is included in this Map, Plan and Report.

District Boundary

The proposed district boundary is presented on the map entitled "Proposed Greater Schuyler Falls Lighting District" contained in Appendix A. A written description of the district is also contained in the Appendix.

Annual Cost

The cost to provide the required maintenance of the facilities within the proposed district is listed at \$8,000 in the Town's 2018 general Fund budget. A copy of the relevant budget section is included as Appendix B.

User Costs

The Town uses the ad valorem method to spread the annual cost out among properties within the existing lighting districts and will do the same for the proposed district.

The assessed value of properties in the proposed district is \$134,070,145 resulting in a tax rate of \$0.06 per \$1,000 of assessed value.

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Town of Schuylers Falls,  
Clinton County, New York

**Map, Plan and Report  
Town Wide Lighting District**  
September 14, 2018

**Purpose**

The Town of Schuylers Falls currently has six lighting districts each with their own budget and tax rate. The six districts cover the entire area of the Town. Since the districts have no debt, the Town is seeking to consolidate the six existing districts into a single district to be named the Town Wide Lighting District. The consolidation will eliminate the need for multiple tax rates and administration of the six districts.

**Existing Facilities**

Between all six districts, there are a total of 228 street lighting fixtures ranging from 70 to 250 watts. These fixtures are leased from New York State Electric and Gas on an annual basis.

**Proposed Facilities**

There are no proposed improvements being contemplated in the proposed consolidated district at this time and therefore no maximum cost for the improvements is included in this Map, Plan and Report.

**District Boundary**

The proposed district boundary is presented on the map entitled "Town Wide Lighting District" contained in Appendix A. The boundary of the proposed district is coterminous with the boundary of the Town of Schuylers Falls.

**Existing Districts**

The following table presents the existing six districts 2018 budget, tax rate and assessed value.

District	Budget (2)	Tax Rate (\$/\$1,000)	Assessed Value
Cadyville Lighting District	\$ 4,200	0.07 (1)	\$ 37,796,493
Fatima Street Lighting District	\$ 750	0.43	\$ 1,040,799
Morrisville Lighting District	\$15,000	0.25	\$ 47,799,836
Newell Court Lighting District	\$ 373	0.66	\$ 862,547
Schuylers Falls Lighting District	\$ 4,300	0.44	\$ 7,595,740
Greater Schuylers Falls Lighting District	\$ 8,000	0.06	\$134,070,145
Totals	\$32,823		\$229,165,580

(1) The tax rate of \$0.07/\$1,000 is as listed in the information provided by the Town for special district tax rates. Based upon the listed budget amount and assessed value within the district the tax rate should be \$0.11/\$1,000. The discrepancy may be due to a surplus from 2017.

(2) Copies of the individual district budgets are contained in Appendix B. Note that the budget for the Greater Schuylers Falls Lighting District is the 2018 General Fund Street Lighting Budget.

**Annual Cost**

Since the costs paid by each district are simply the annual lease charge paid to New York State Electric and Gas, the proposed Town Wide Lighting District budget will be the total of the budgets for the existing districts which is \$32,823.

**Use Costs**

The Town uses the ad valorem method to spread the annual cost amongst the properties within the existing lighting districts and will do the same for the proposed Town Wide Lighting District.

The assessed value of properties in the proposed Town Wide Lighting District is \$229,165,580 resulting in a tax rate of \$0.14 per \$1,000 of assessed value.





## B. WHAT HAPPENS IF DEBT IS PROPOSED?

The Comptroller's approval is required if debt is proposed to be issued by a town or county and the "cost of the district or extension" to the "typical property" or, if different, the "typical one or two family home" as stated in the notice of hearing, is above the average estimated cost thresholds. In 2019 the threshold for water and sewer district establishment or extension of a water or sewer district is:

Sewer: \$845.00

Water: \$898.00

## C. HOW IS COST DEFINED?

"Costs" include amounts required to be paid for debt service, operation and maintenance and other charges, including user fees, related to the improvement in the first year following formation of the district or extension, or the increase and improvement of facilities in counties (or, if greater, the first year in which both principal and interest and operation and maintenance will be paid).

## D. NOTICE OF HEARING REQUIREMENTS FOR ESTABLISHMENT OR EXTENSION OF TOWN WATER OR SEWER DISTRICTS, CONT'D

Articles 12 (§ 190 et seq.) and 12-A (§ 209 et seq.) of Town Law set forth two methods for establishing or extending a town improvement district: (1) by the submission to the town board of a valid petition requesting the establishment or extension of the district (Article 12)<sup>1</sup>; and (2) by town board motion, subject to permissive referendum requirements (Article 12-A).<sup>2</sup>

<sup>1</sup> The petition, among other requirements, must be signed by the proper number of owners of taxable real property in the proposed district or extension and, in the case of water, sewer, wastewater disposal and drainage districts, must be accompanied by an appropriate map, plan and report (see Town Law §§ 191, 191-a, 192)

<sup>2</sup> The establishment or extension of an improvement district under Article 12-A is based on a map, plan and report (see Town Law §§ 209-b, 209-c; see also Town Law §209-e[3] and Article 7 of the Town Law (§ 90 et seq.), relating to permissive referendum requirements).

## D. NOTICE OF HEARING REQUIREMENTS FOR ESTABLISHMENT OR EXTENSION OF TOWN WATER OR SEWER DISTRICTS

Under both of these methods, the town board is required to adopt a resolution calling for a public hearing on the proposal to establish or extend the district. The following is a summary of the requirements for a notice of hearing.

- Posting and Publishing. The notice of public hearing must be posted on the town signboard and published in the town's official newspaper not less than ten and not more than twenty days before the date designated for the public hearing. The notice may also be made available on the town's website, if any.
- Time and Place for Hearing. The notice must specify the time when and place where the board will meet to hear all interested persons and, in the case of an Article 12 proceeding, consider the petition.
- Other Key Information. The notice must include:
  - a boundary description;
  - a description of the proposed improvements;
  - the maximum proposed to be expended for the improvement;
  - the estimated cost of hook-up fees, if any; and
  - the "cost of the district or extension" to the "typical property" and, if different, to the "typical one or two family home."<sup>3</sup>

<sup>3</sup> The terms "typical property," "typical one or two family home," "cost of the district or extension to the typical property" and "cost of the district or extension to the typical one or two family home" are defined in Town Law §§ 193(2) and 209-a.



## D. NOTICE OF HEARING REQUIREMENTS FOR ESTABLISHMENT OR EXTENSION OF TOWN WATER OR SEWER DISTRICTS, CONT'D

- Filing of Petition. In the case of an Article 12 proceeding, the notice must recite in general terms the filing of a petition with the Town Clerk.
- Proposed Method of Financing/Map, Plan and Report. In the case of an Article 12-A proceeding, the notice must state the proposed method of financing and the fact that a map, plan and report describing the improvements are on file in the town clerk's office for public inspection.
- Statement as to Benefit Assessments. In the case of an Article 12 proceeding for a water district and certain other types of districts, if it is intended to finance the proposed district on a benefit basis (rather than on an ad valorem basis), the petition must contain a statement to that effect. In the case of an Article 12-A proceeding for a water district, and certain other types of districts, if the town intends to finance the proposed district on a benefit basis (rather than on an ad valorem basis), the notice of hearing must contain a statement to that effect.
- Detailed Explanation of Costs. Prior to the publication of the notice, the board must cause to be prepared, and file for public inspection with the town clerk, a detailed explanation of how the estimated cost of hook-up fees, if any, and the cost to the "typical property" and, if different, the "typical one or two family home," were computed.

# E. FREQUENTLY ASKED QUESTIONS

**Q1. AFTER THE TOWN BOARD HOLDS A PUBLIC HEARING UPON PROPER NOTICE<sup>4</sup> AND CONSIDERS THE EVIDENCE PRESENTED AT THE HEARING CONCERNING THE PROPOSED DISTRICT ESTABLISHMENT OR EXTENSION, WHAT GENERALLY IS THE NEXT STEP IF THE TOWN BOARD WISHES TO ESTABLISH THE DISTRICT OR EXTENSION?**

**A.** The board would adopt a resolution making four determinations. The specific determinations vary depending on whether the district or extension is being established upon petition of property owners (Town Law Article 12) or board motion subject to permissive referendum requirements (Town Law Article 12-A; see also Town Law Article 7).

In the case of a district or extension on petition of property owners (Town Law Article 12), the resolution must contain determinations of the town board that (1) the petition of the property owners is signed, and acknowledged or proved, or authenticated, as required by law and is otherwise sufficient (Town Law § 194[1][a]), and [2] it is in the "public interest" to grant the relief sought in the petition (Town Law § 194[1][d]). In the case of a district or extension on board motion (Town Law Article 12-A), the resolution must contain determinations of the town board that (1) the notice of hearing was published and posted as required by law and is otherwise sufficient (Town Law § 209-e[1][a]) and [2] the establishment or extension of the proposed district is in the "public interest" (Town Law § 209-e[1][d]).

In addition, the town board must also make the following determinations under both Article 12 and 12-A proceedings:

- That all property and property owners within the proposed district or extension are benefited by the district or extension; and
- That all the property and property owners that are benefited by the proposed district or extension are included within the limits of the district or extension.

4 Pursuant to Town Law (§§ 193, 209-d), notice of the public hearing must be provided by posting on the signboard of the town and by publishing in the town's official newspaper (see Matter of Carriero v. Town Bd. of Town of Stillwater, 41 AD3d 1011, 838 NYS2d 243 dismissed and denied 9 NY3d 980, 848 NYS2d 16, lv dismissed 12 NY3d 838, 881 NYS2d 11 mod and lv dismissed 72 AD3d 1479, 899 NYS2d 452; compare Garden Homes Woodlands Co. v Town of Dover, 95 NY2d 516, 720 NYS2d 79. Additional forms of notice may also be provided, such as posting on the town's website (see Town Law § 193[l][a]).

# E. FREQUENTLY ASKED QUESTIONS, CONT'D

## Q2. HOW ARE EXPENSES PAID: BENEFIT BASIS OR AD VALOREM?

A. Town Law § 202 contains provisions relative to assessments for the capital costs of town districts. Assessments for sewer, sewage disposal, wastewater disposal, drainage and water quality treatment districts always must be "in just proportion to the amount of benefit which the improvement shall confer upon" the lot or parcel (i.e., a benefit basis; Town Law § 202[2]; see also Real Property Tax Law § 102[15]).

Water, lighting, public parking, sidewalk, refuse and garbage, aquatic plant growth, watershed protection improvement and beach erosion control districts may be assessed either on a benefit basis or an ad valorem basis, depending upon the property owners' petition (in the case of an Article 12 district or extension), or the notice of hearing (in the case of an Article 12-A district or extension) (Town Law § 202[3]). For these types of districts, if the petition or the notice of hearing, as the case may be, provides that the costs of the improvement will be assessed on a benefit basis, then the district will be on a benefit basis; otherwise, the district will be assessed on an ad valorem basis.

Typically, once a determination has been made to finance a district on an ad valorem or benefit basis, the manner of assessment for the district may not be changed (Town Law § 202[4]; 1986 Ops St Comp No. 86-88, at 135). Any extensions to a district must be charged on the same basis (benefit or ad valorem) as the original district (Town Law § 202[5]). The expenses of operation and maintenance of a district, if raised by assessments, also must be raised on the same basis as the capital costs of the improvement (Town Law § 202-a).

# E. FREQUENTLY ASKED QUESTIONS, CONT'D

## Q3. WHEN IS THE CONSENT OF THE STATE COMPTROLLER REQUIRED FOR THE ESTABLISHMENT OR EXTENSION OF AN IMPROVEMENT DISTRICT WITHIN A TOWN?

- A. The Comptroller's approval is required for the establishment or extension of a town district if two factors are present: (1) debt is to be issued or assumed (see Town Law § 198[12]) by the town for the improvement, and (2) the "cost of the district or extension" to the "typical property" or, if different, the "typical one or two family home" as stated in the notice of hearing on the establishment or extension, is above the average annual estimated cost threshold for similar types of districts as may be computed by the State Comptroller (Town Law §§ 194[6], 209[f]).

## Q4. WHAT CONSTITUTES THE "TYPICAL PROPERTY" FOR THIS PURPOSE?

- A. The term "typical property" is defined by statute (Town Law §§ 193[2][a], 209-a[2]). "Typical property" means a benefited property within the proposed district or extension having an assessed value that approximates the assessed value of the "mode" (i.e., the most frequently occurring assessed value as shown on the latest completed assessment roll) of the benefited properties within the district or extension that will be required to finance the cost of the proposed improvement. In other words, to determine the "typical property," the town generally would review the assessment roll for parcels within the proposed district or extension and determine the most commonly occurring assessed value within the proposed district or extension.



# E. FREQUENTLY ASKED QUESTIONS, CONT'D

## Q5. WHAT IS MEANT BY THE "COST TO THE TYPICAL PROPERTY?"

- A. This term is defined in Town Law as the estimated amount that the owner of a typical property within the district or extension will be required to pay for debt service, operation and maintenance and other charges related to the improvements in the first year following formation of the district or extension (or, if greater, the first year in which both principal and interest, and operation and maintenance will be paid) (Town Law §§ 193[2][c], 209-a[4]). This includes benefit assessments and ad valorem levies, as well as user fees.

## Q6. ARE HOOK-UP FEES FOR A TOWN WATER OR SEWER DISTRICT INCLUDED IN THE ESTIMATE FOR THE "COST TO THE TYPICAL PROPERTY?"

- A. No. "Cost" for this purpose does not include hook-up fees, which are not recurring charges imposed to fund the district or extension.

In general, hook-up charges are the responsibility of the owner of each property connecting to the system. A town may use its employees to connect a property to the water or sewer system and charge the property owner for the cost of these services (Town Law §§ 198[1][h], 198[3][a]). The service line for both water and sewer from the curb to the house is generally installed by a private contractor at the owner's expense.

# E. FREQUENTLY ASKED QUESTIONS, CONT'D

## Q7. HOW DOES A TOWN FINANCE OPERATING COSTS OF A NEWLY-FORMED DISTRICT BEFORE ASSESSMENTS ARE LEVIED AND COLLECTED ON BEHALF OF THE DISTRICT?

- A. Local Finance Law § 24.00 generally provides that in the case of a newly established improvement district, a town may issue tax anticipation notes for the "necessary expenses incidental to the creation of such district" and "the other necessary expenses incurred or to be incurred for" the district prior to the first levy of assessments (Local Finance Law § 24.00[d][2]). An appropriation to redeem the notes must be included in the first levy of assessments for the district (Local Finance Law § 24.00[d][3]). The notes must mature within one year from the date of their issuance, and while the notes may be renewed, each renewal shall be for a period not exceeding one year, and the notes must be repaid within the close of the second fiscal year succeeding the fiscal year in which the notes were issued (Local Finance Law § 24.00[d][3]). Note that when the only indebtedness proposed in connection with the establishment of a town district is tax anticipation notes, the Comptroller's approval is not required (3 Ops State Comp No. 1990, at 125 [1947]).

In addition, for several types of districts (e.g. water, sewer, refuse and garbage), towns are authorized to impose fees upon users of the service in accordance with proper procedures (see, e.g. General Municipal Law Article 14-F; Town Law §§198[3][d], [9][b]). Revenues generated by user fees may fund operating costs of a newly-formed district before assessments are levied and collected.

# E. FREQUENTLY ASKED QUESTIONS, CONT'D

**Q8. A TOWN HAS ESTABLISHED A DISTRICT AND CONSTRUCTED IMPROVEMENTS IN ACCORDANCE WITH THE DISTRICT MAP, PLAN AND REPORT. THE TOWN LATER NEEDS TO MAKE ADDITIONAL IMPROVEMENTS OR REPAIRS. DOES THE TOWN NEED THE COMPTROLLER'S APPROVAL BEFORE UNDERTAKING THE ADDITIONAL IMPROVEMENTS OR REPAIRS?**

A. Generally no, even where debt will be issued (Town Law§ 202-b[3]). Town Law§ 202-b provides for increases and improvements of district facilities, upon notice and after a public hearing. A town board on behalf of water, water storage and distribution, ambulance, sewer, sewage disposal or drainage districts may (1) acquire or construct additional facilities and appurtenances, (2) improve or reconstruct existing facilities and appurtenances, (3) replace obsolete, inadequate, damaged, destroyed or worn out apparatus and equipment, and (4) acquire additional apparatus and equipment without seeking Comptroller approval (Town Law § 202- b[1] and [3]). In addition, a town board, on behalf of a park, public parking, ambulance, lighting, snow removal, refuse and garbage, public dock, watershed protection improvement or beach erosion control district may (1) acquire additional apparatus and equipment, (2) replace obsolete, inadequate, damaged, destroyed or worn-out apparatus and equipment, (3) construct additional facilities and appurtenances, and (4) reconstruct or replace obsolete, inadequate, damaged, destroyed or worn out facilities and appurtenances (Town Law § 202-b[2]).

Except in the case of certain towns within the Adirondack Park, the Comptroller's approval is not required for these expenditures. A town must obtain the consent of the State Comptroller for repairs or improvements to an existing district when the district is located within a town in the Adirondack Park and the district contains State lands assessed at more than 30% of the total assessed valuation of the district as determined from the assessment rolls of the town (Town Law§ 202-b[5]).

# E. FREQUENTLY ASKED QUESTIONS, CONT'D

## Q9. WHAT KINDS OF RESOLUTIONS RELATING TO TOWN DISTRICTS MUST BE FILED WITH THE STATE COMPTROLLER IN CONNECTION WITH SPECIAL DISTRICTS?

- A. A certified copy of any resolution to establish, extend, dissolve or diminish any district or consolidate districts, adopted pursuant to articles 12 or 12-A of the Town Law or article 17-A of the General Municipal Law, is required to be filed with the State Comptroller within ten days after adoption (Town Law §§ 195[1], 209-g[1]). In addition, a certified copy of the notice of hearing on the establishment or extension of a district, when debt will be issued but the district or extension is below the cost threshold that would require the Comptroller's approval, must be filed with the Comptroller on or about the date of publication of the notice (Town Law §§ 193[1][b], 209-d[2][a]). Filings should be addressed to the Division of Legal Services, 14th Floor, 110 State Street, Albany, NY 12236.



# F. CONSOLIDATION

## WHAT HAPPENS WHEN A TOWN HAS MULTIPLE SPECIAL DISTRICTS - ARTICLE 17-A OF THE GENERAL MUNICIPAL LAW

### Section 750 Subdv. 2 and 13: Pertinent Definitions

“Consolidation” shall mean the combination of two or more local government entities resulting in the termination of the existence of each of the entities to be consolidated and the creation of a new entity which assumes jurisdiction over all of the terminated entities.

“Local government entity” shall mean a town, village, district, special improvement district or other improvement district, including, but not limited to, special districts created pursuant to Articles eleven, twelve, twelve-A or 13 of the town law, library districts, and other districts created by law....

- Special districts are a local government entity as defined by this statute.

### Section 751 Subdv. 2(a): Commencing the Proceeding

Consolidation proceedings may be commenced by either a joint resolution by the governing body or bodies of the local government entities to be consolidated endorsing a proposed joint consolidation agreement; or elector initiative.

- Here the procedure is typically a joint resolution by the governing body ( town board ) and each special district or extension.

# F. CONSOLIDATION, CONT'D

## WHAT HAPPENS WHEN A TOWN HAS MULTIPLE SPECIAL DISTRICTS - ARTICLE 17-A OF THE GENERAL MUNICIPAL LAW

### Section 752: Proposed Joint Consolidation Agreement

- This section specifies the elements that must be contained within a joint consolidation agreement.

### Section 753: Publication of Proposed Joint Consolidation Agreement

- No later than five business days after commencement of consolidation proceedings pursuant to Section 752 the governing body of the local government entity to be consolidated shall: cause a copy of the proposed joint consolidation agreement along with a descriptive summary to be displayed for public inspection in a public place within each entity; cause the proposed joint consolidation agreement along with a descriptive summary and a reference to the public place or places where a copy may be examined to be displayed on a website; and arrange to be published a descriptive summary of the proposed joint consolidation agreement and a reference to the public place or places within the entities where a copy thereof may be examined at least once each week for four successive weeks in a newspaper having a general circulation within each entity.

### Section 754: Public Hearings on Proposed Joint Consolidation Agreement

- The public hearing must be held no less than thirty five days and no more than ninety days after commencement of consolidation proceedings pursuant to Section 752;
- The public hearing shall be held on notice of at least ten days, but no more than twenty days, published in a newspaper or newspapers having general circulation within each local government entity to be consolidated and displayed on a website maintained by each entity or otherwise on a website maintained by the town. The notice of the hearing shall provide a descriptive summary of the proposed joint consolidation agreement and a reference to the public place or places within the entities where a copy of the agreement may be examined.
- Any approval of the final version of the joint consolidation agreement must occur within one hundred eighty days of the final hearing.

# F. CONSOLIDATION, CONT'D

## WHAT HAPPENS WHEN A TOWN HAS MULTIPLE SPECIAL DISTRICTS - ARTICLE 17-A OF THE GENERAL MUNICIPAL LAW

### Section 765: General Effect of Consolidation

- On and after the effective date of consolidation the consolidated local government entities shall be treated and considered as one local government entity under the name and on the terms and conditions set forth in the joint consolidation agreement.

### Section 768: Debts, Liabilities and Obligations

- All valid and lawful debts and liabilities existing against a consolidated local government entity, or which may thereafter arise or accrue against the consolidated local government entity shall be deemed and taken to be debts against or liabilities of the consolidated local government entity.
- Although not set forth within Article 17-A of the General Municipal Law it is recommended that a competent engineer be retained by the town wishing to consolidate special districts. The reason for retaining the competent engineer is to have a map, plan and report prepared which outlines all existing districts and extensions and the effect upon those districts and extensions with consolidation.
- The final order and resolution creating the consolidated district must be filed with the Office of the State Comptroller and in the County Clerk's Office in the county where the particular districts are located.



*Thank you!*