



Town of Yorktown

HALLOCKS MILL SEWER DISTRICT EXTENSION PHASE 1 MAP, PLAN AND REPORT

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Cost Evaluation for the HMSD Extension Project January 2019

Project Background

There are approximately 5,200 parcels in the Hallocks Mill Sewer District (HMSD), of which 1,400 are currently unsewered as the Town sewer mains do not extend to the property line.

In 2010 the Town worked with an engineering consultant to study the feasibility of installing new sewers within the HMSD, then in 2017-18 the consultant prepared a schematic design report to identify high priority parcels. The Study Area was originally for 660 parcels, however, due to the cost and complexity of such a large project, the Town elected to proceed with a Phase 1 project that will allow 315 parcels the ability to connect to Town sewers.

Parcels that are currently unsewered rely on individual septic systems; many of these disposal systems are in excess of 40 years old, are located on small lots with steep slopes and are within wetland buffers or have other environmental constraints. Since the Town of Yorktown and the HMSD are part of the NYC watershed, septic system failures have the potential to create environmental and public health hazards.

The Town has been working with the Northern Westchester Watershed Corp, Westchester County and the NYCDEP on funding for the proposed project that will provide sewer service to parcels currently serviced by septic systems. It is the intent of the Town to apply any grant funding to the Phase 1 construction project and then pursue other funding opportunities to undertake a second phase of construction in future years.

Capital Cost for Extending Town Sewer Main

As per the engineering report entitled "Hallocks Mill Sewer Extension Report & Crystal Lake Pump Station Improvements", dated July 2018, the total capital cost to install sewers to 315 parcels in Birch Street Sub-Area (220 parcels), Sparkle Lake Sub-Area (69 parcels) and Sunrise Street Sub-Area (26 parcels) is estimated to be \$14,300,000.

It is anticipated that the Town will receive \$10,000,000 from East of Hudson (EOH) Water Quality Improvement Program (WQIP) Funds to complete the Project. NYCDEP and Westchester County as administrator of the funds have previously approved the concept plan and gave a preliminary funding commitment, which will be formalized in an inter-municipal agreement (IMA) between the Town and Westchester County.

Based on the total estimated project cost and the funding commitment noted above, the Town will need to fund the estimated balance of \$4,300,000 through issuance of sewer bonds.

All debt service for this borrowing shall be paid for by the benefitted property owners within the HMSD. For every \$1 million that the Town needs to borrow to fund a portion of the capital costs, the annual debt service on this amount (assuming an annual interest rate of 4.0% and an amortization period of 30 years) would be \$57,290. [Note: Bond @ 4.5% would be \$60,802]

- **Projected annual payback for 30-years: \$782 /parcel/year**

According to the preliminary engineering study, the total Phase 1 project will cover the construction of approximately 5.5 miles of new Town-owned sanitary sewer via a combination of gravity lines and low pressure force mains.

The Phase 1 project construction consists of installing sewer mains to the property line of each parcel in the benefitted area, i.e. to 315 parcels. Individual property owners who wish to connect to Town sewer would then be responsible for hook-up fees and running a sewer lateral from the home to connect at the property line.

Hook-Up Fees & Cost for Individual Property Connections

As per the engineering report and as summarized in the preceding section, the Project will consist of the construction and installation of approximately 5.5 miles of new Town sanitary sewer via a combination of gravity lines and low pressure force mains. The scope of work includes installing sewer mains to the property line of each parcel in the benefitted area, i.e. to 315 parcels.

Individual property owners who wish to connect to Town sewer would then be financially responsible for running a sewer lateral from the home to connect at the property line.

In accordance with Town Code, connection of an individual parcel to Town sewer can only be done by a Westchester County-licensed plumber. A Sewer Connection Permit must also be obtained from the Engineering Department.

Individual homeowner costs for connecting to Town sewer will vary based on a multitude of factors, including whether a gravity line or low pressure system is required, site topography, underlying soil conditions, distance from the house to the property line, site constraints, etc. The following information is provided in an attempt to assist homeowners in their evaluation.

1. Application for Sewer Connection Permit: \$350 (based on current master fee schedule)
2. Gravity Sewer Lateral (project cost in the range of \$4,500 to \$6,500, as itemized below)
 - a. 4-inch PVC Pipe cost, no rock excavation no dewatering: \$55 - \$65 per linear foot
 - b. Note: costs can vary significantly due to individual site constraints; therefore it is recommended that homeowners obtain multiple contractor price proposals before making a selection.

3. Low Pressure Pump System (project costs in the range of \$12,500 to \$17,000, as itemized below)
 - a. Cost to furnish Pump System from vendor (E/One or equal): \$5,000 to \$6,000
 - b. 2-inch PVC Pipe cost, no rock excavation no dewatering: \$45 - \$50 per linear foot
 - c. Electrical panel installation, outdoor hookup (requires dedicated circuit from homeowner panel, 120/240 volt, 60 Hz, single phase): \$2,500
 - d. Note: costs can vary significantly due to individual site constraints; therefore it is recommended that homeowners obtain multiple contractor price proposals before making a selection.

Based on the preliminary engineering assessment, the Town evaluated all 315 parcels to determine which ones would be gravity laterals versus low-pressure pump systems. This data is available in Attachment #3 and summarized below:

- Birch Street Sub-Area (220 parcels): Gravity 160 parcels; Low-Pressure 60 parcels
- Sparkle Lake Sub-Area (69 parcels): Gravity 0 parcels; Low-Pressure 69 parcels
- Sunrise Street Sub-Area (26 parcels): Gravity 15 parcels; Low-Pressure 11 parcels

➤ **Overall (315 parcels): Gravity 175 parcels; Low-Pressure 140 parcels**

The following tables are provided to provide cost estimates for a typical homeowner who will connect via a gravity lateral connection or a pumped system.

Table 1 Summary of Cost for a Typical Property Connecting to Town Sewer via a Gravity Lateral

<i>First Year Capital Cost for a Parcel Connecting to Town Sewer (Gravity)</i>					
	Description	Quantity	Unit	Unit Cost	Total Cost/Year
1	Sewer Bond Repayment, Yearly Cost for 30-year payback term	1	Ea	\$782.00	\$782.00
2	Hook-Up Fee for Sewer Connection Permit	1	LS	\$350.00	\$350.00
3	Average cost for Gravity Lateral Sewer Connection	1	LS	\$5,500.00	\$5,500.00
	Total First Year Cost				\$6,632.00

Whenever possible, a typical homeowner would utilize a gravity lateral to connect to the Town sewer as the overall cost would be lower and there would be no need for electrical power or energy use to run the system.

In certain instances, a gravity lateral will not be feasible, i.e. where the site topography dictates that a pump-up system be utilized, where the homeowner sanitary waste piping is lower than the Town trunk sewer and/or other condition exist to make a gravity line not workable.

The engineering study performed by GHD Consulting Engineers identified preliminary elevations of Town trunk sewers to maximize the number of homeowners who may connect via a gravity lateral.

The parcel-by-parcel data is preliminary based on an initial engineering study performed for the Town and subject to change based on the topographic surveys and soil borings still to be performed as part of the final engineering design.

When gravity laterals cannot be utilized, the homeowner will be required to install a pump-up system that consists of the following components: (1) waste pipe from the house to the pump station; (2) package pump station to include a vessel, pump, piping, valves and level control; (3) electric panel to provide power; and (4) pressure-rated piping 2-inch diameter installed from the pump station to the property line.

Table 2 Summary of Cost for a Typical Property Connecting to Town Sewer via a Pumped System

<i>First Year Capital Cost for a Parcel Connecting to Town Sewer (Pumped System)</i>					
	Description	Quantity	Unit	Unit Cost	Total Cost/Year
1	Sewer Bond Repayment, Yearly Cost for 30-year payback term	1	Ea	\$782.00	\$782.00
2	Hook-Up fee for Sewer Connection Permit	1	LS	\$350.00	\$350.00
3	Average cost for Low Pressure Pump System	1	LS	\$14,750.00	\$14,750.00
	Total First Year Cost				\$15,882.00

Operation and Maintenance Cost

The costs to operate and maintain both the sewer collection system and the Yorktown Heights Water Pollution Control Plant are addressed in the Town Code, Chapter 240-8 Revenues. Within the Hallocks Mill Sewage Treatment Operating District, revenues are collected in two ways:

- A sewer tax is assessed to all connected parcels within the HMSD based on a unit assessment (single family residence = 1 unit). The unit charge for the budget year 2018 is \$572.
- A sewer rent/usage charge is assessed to all connected parcels within the HMSD based on water usage as recorded by the water meter at each residence. The 2018 cost is \$1.20 per 1,000 gallons of water usage, with a minimum water usage of 13,000 gallons per 4-month billing cycle.

Table 3 Summary of Costs Including O&M Fees for a Property Connected to Town Sewer

<i>Yearly Cost Including O&M Fees for a Parcel Connected to Town Sewer</i>					
	Description	Quantity	Unit	Unit Cost	Total Cost/Year
1	Sewer Bond Repayment, Yearly Cost for 30-year payback term	1	Fixed fee	\$782.00	\$782.00
2	Sewer Tax (single family home = 1 unit charge)	1	Yearly charge	\$572.00	\$572.00
3	Sewer Rent @ 320 gallons water usage per day (typical family of 4)	117,000	gallons	\$1.20/1,000 gal	\$140.40
	Total Yearly Cost				\$1,494.40

Parcels That Do Not Connect to Town Sewer

As in past projects, where the Town issued debt in order to fund sewer infrastructure construction, there is no obligation on the part of parcel owners to connect to Town sewer when it becomes available. In instances where the property owner remains on an individual subsurface sewage disposal system, i.e. septic system, the homeowner responsibility to repay yearly debt obligations as a benefitted owner remains.

Under current Town policies, there would be no yearly cost for sewer taxes or sewer rent/usage charges until such time the homeowner makes connection to Town sewer.

Table 4 Yearly Cost for a Benefitted Property NOT Connected to Town Sewer

<i>Homeowner Cost for Parcels NOT Connecting to Town Sewer</i>					
	Description	Quantity	Unit	Unit Cost	Total Cost/Year
1	Sewer Bond Repayment, Yearly Cost for 30-year payback term	1	Ea	\$782.00	\$782.00
2	Sewer Tax*	1	Ea	\$0.00	\$0.00
3	Sewer Rent*	117,000	gallons	\$0.00	\$0.00
	*Note: does not include individual cost to own/operate septic system				
	Yearly Cost				\$782.00

Next Steps & Project Timeline

Each year, the New York State Comptroller publishes an average estimated cost threshold for use in determining whether approval of the State Controller is necessary for special district actions in that year (see Appendix H). The 2018 threshold amount for a town special district establishment of a sewer district is \$995. The Comptroller's approval is required for the establishment of a town district if two factors are present:

- debt is to be issued or assumed by the town for the improvement, and
- the cost of the district to the "typical property" is above the average annual estimated cost threshold.

Since the yearly debt estimated in this analysis (\$782) does not exceed the allowable threshold of \$995, approval from the New York State Comptroller will not be required prior to the project moving forward.

The following schedule is provided to describe the important milestone dates and are subject to change:

Task 1 Start date in Fall 2018: Begin Town Sewer Petition process (Month #1)

Task 2 Public Information sessions and homeowner decision, estimated duration 2 months

Task 3 Town Board review of petitions and interest: duration 2 months

Task 4 New York State Comptroller Approval (only if required)

Task 5 Town hires an engineering consultant for project design: duration 12 months

Task 6 Engineering plans submitted permits & approval: duration 2 months

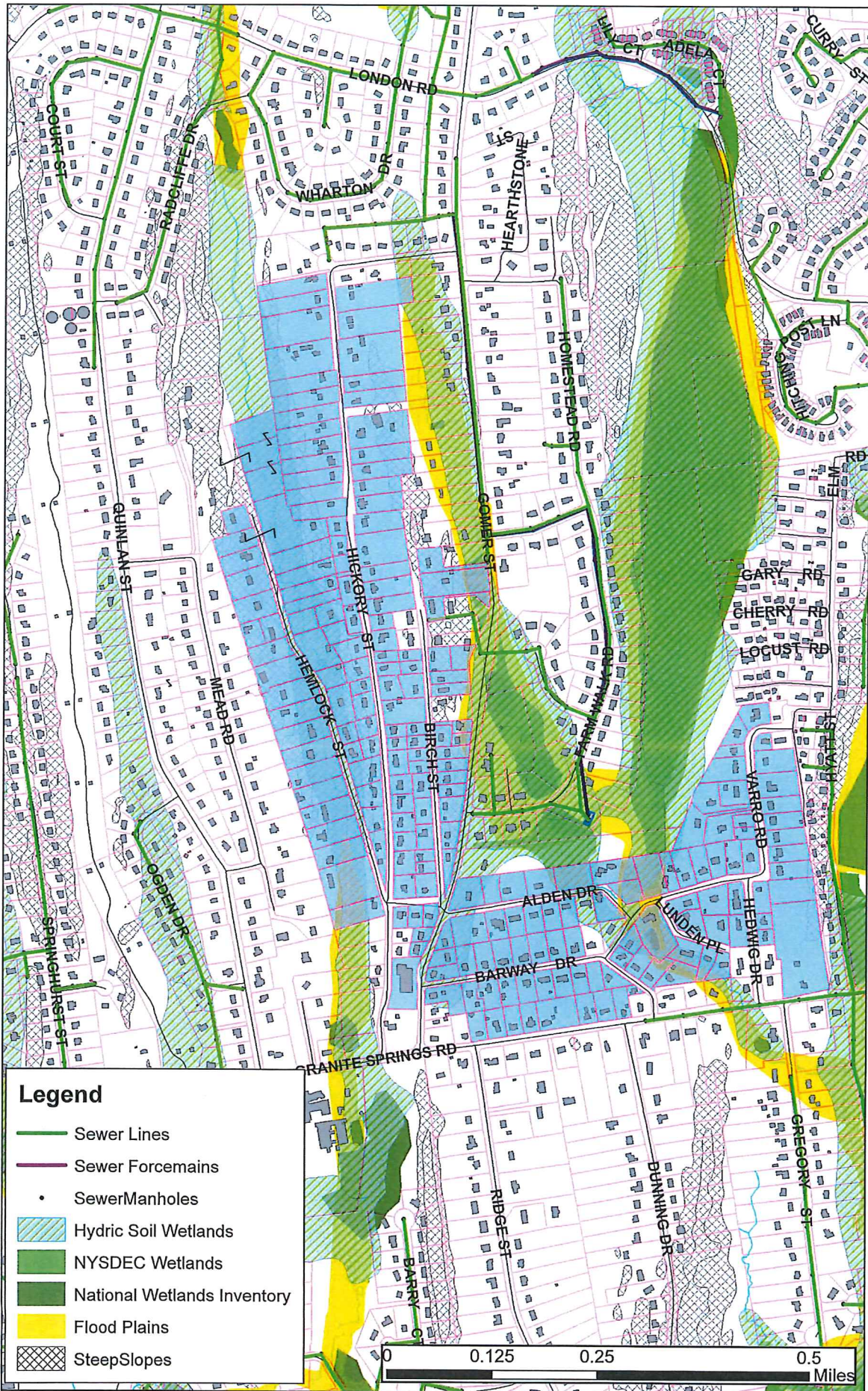
Task 7 Town obtains bids & issues Award: duration 2 months

Task 8 Contractor mobilizes & completes work, duration 15 months

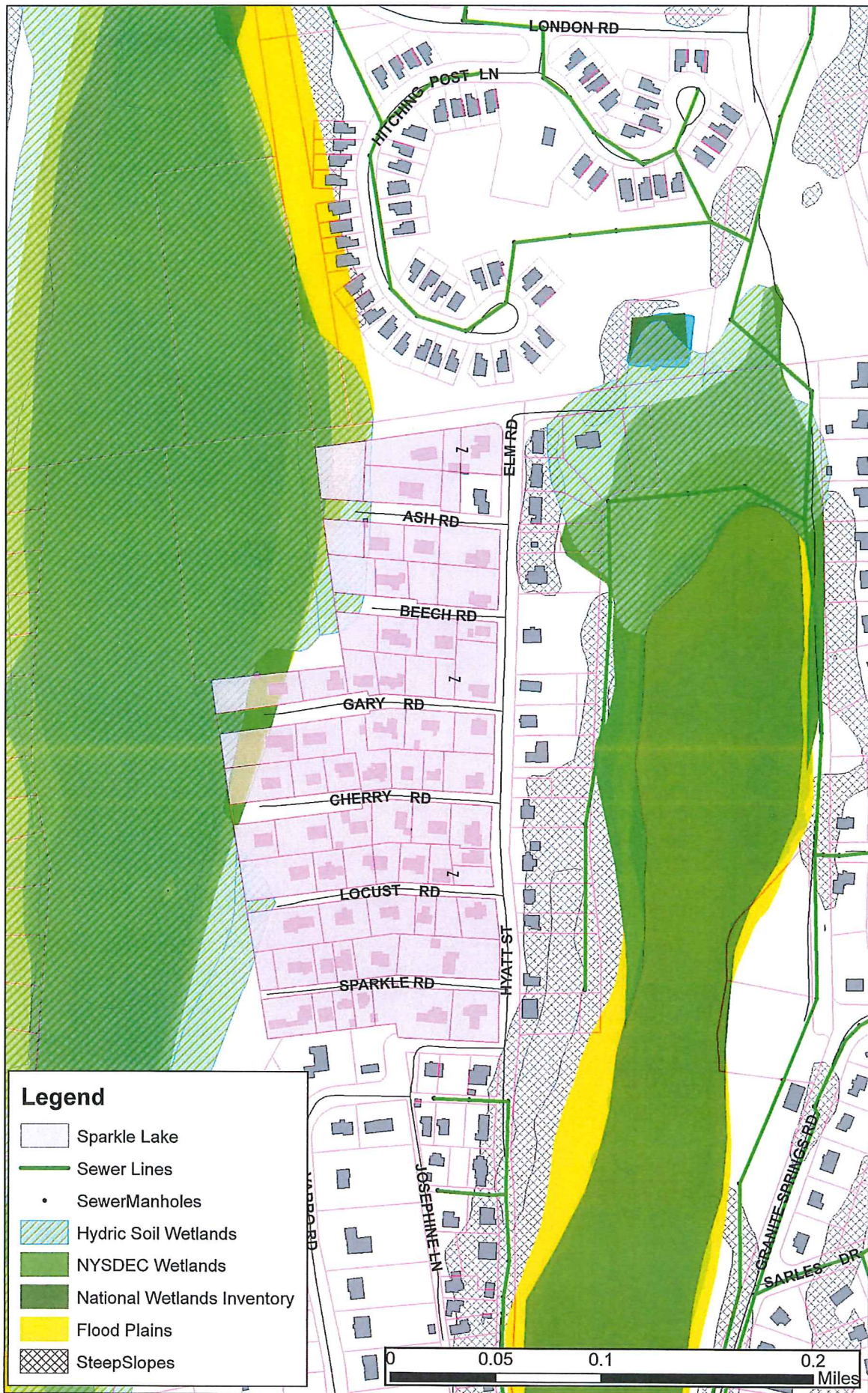
Petition Letter for New Sanitary Sewer Service

**Hallocks Mill Sewer District Extension Map of
Sub Areas**

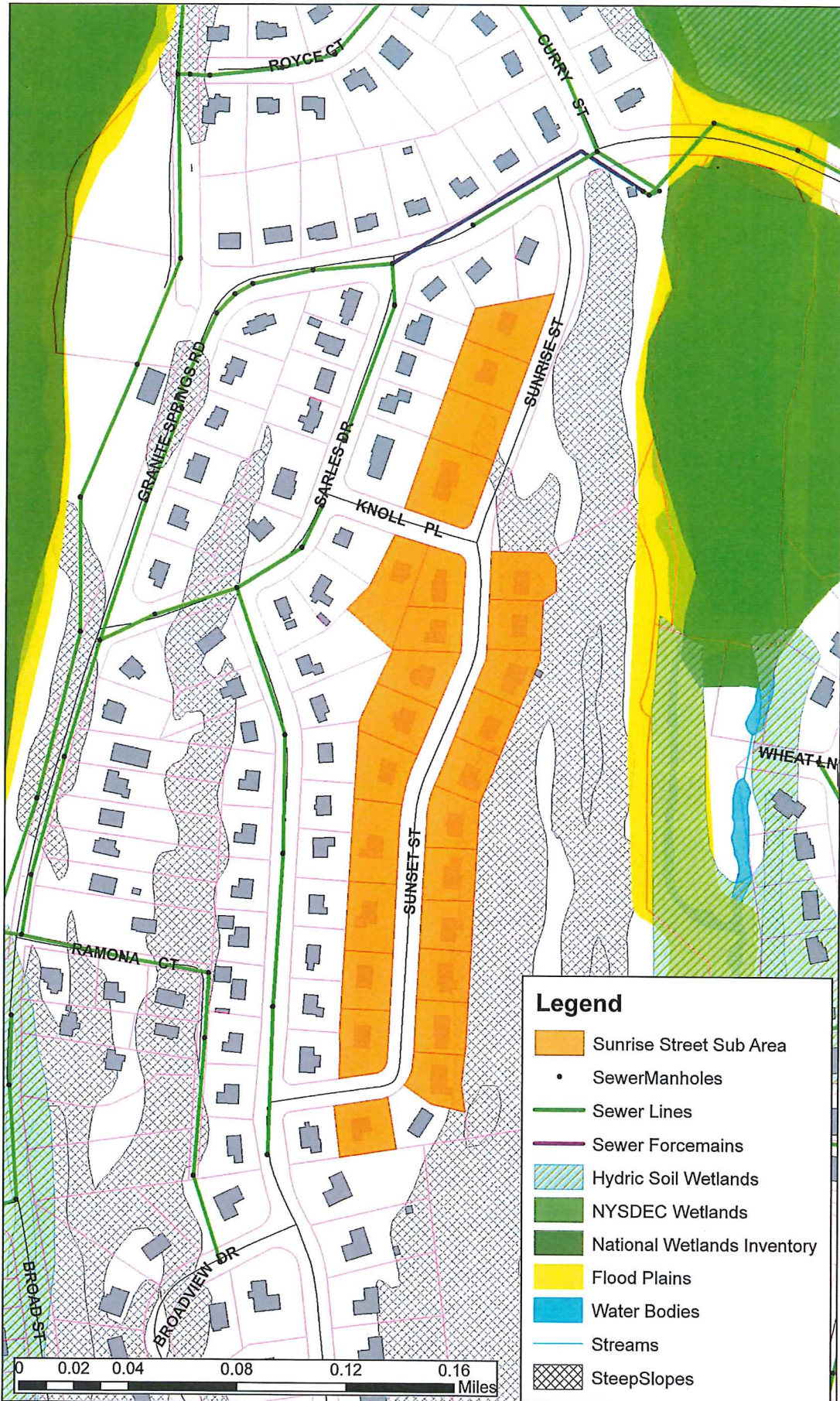
Birch Street Sub Area - Phase 1



Sparkle Lake Sub Area - Phase 1



Sunrise Street Sub Area - Phase 1



**List of Benefitted Parcels and Lateral Connection
Type**

Hallocks Mill Sewer District Extension Project List of Parcels in Phase 1 with Connection Type

* The Predicted Connection Type was determined by information contained in the GHD Schematic Design Report and measurements taken by Engineering Department staff in 2018. The data is provided for information purposes only and is subject to change based on technical data collected during the final design.

** Parcel may be removed from the final address list

BIRCH STREET SUB AREA

Parcel	SBL	HOUSE No.	STREET	Predicted Connection Type*
1	27.09-3-60	420	Alden	Gravity
2	27.09-3-61	398	Alden	Gravity
3	27.09-3-62	397	Alden	Gravity
4	27.09-3-63	405	Alden	Gravity
5	27.09-3-64	419	Alden	Gravity
6	27.10-1-12	312	Alden	Gravity
7	27.10-1-13	304	Alden	Gravity
8	27.10-1-14	296	Alden	Gravity
9	27.10-1-15	290	Alden	Gravity
10	27.10-1-2	361	Alden	Gravity
11	27.10-1-4	373	Alden	Gravity
12	27.10-1-5	379	Alden	Gravity
13	27.10-1-6	387	Alden	Gravity
14	27.10-1-7	382	Alden	Gravity
15	27.10-1-9	354	Alden	Gravity
16	27.10-2-40	293	Alden	Gravity
17	27.10-2-41	311	Alden	Gravity
18	27.10-2-43	325	Alden	Gravity
19	27.13-2-29	416	Barway	Gravity
20	27.13-2-30	426	Barway	Gravity
21	27.13-2-31	406	Barway	Gravity
22	27.13-2-32	398	Barway	Gravity
23	27.13-2-33	405	Barway	Gravity
24	27.13-2-34	395	Barway	Gravity
25	27.13-2-35	415	Barway	Gravity
26	27.13-2-36	423	Barway	Gravity
27	27.14-3-10	379	Barway	Gravity
28	27.14-3-11	387	Barway	Gravity
29	27.14-3-12	378	Barway	Gravity
30	27.14-3-13	388	Barway	Gravity
31	27.14-3-14	370	Barway	Gravity
32	27.14-3-20	348	Barway	Low Pressure System
33	27.14-3-21	340	Barway	Low Pressure System
34	27.14-3-22	332	Barway	Low Pressure System
35	27.14-3-23	326	Barway	Low Pressure System
36	27.14-3-7	351	Barway	Gravity
37	27.14-3-9	367	Barway	Gravity
38	27.05-2-19.1	2930	Birch	Gravity
39	27.09-3-17	2803	Birch	Gravity
40	27.09-3-18	2809	Birch	Gravity
41	27.09-3-19	2819	Birch	Gravity
42	27.09-3-20	2829	Birch	Gravity
43	27.09-3-21	2843	Birch	Gravity

Parcel	SBL	HOUSE No.	STREET	Predicted Connection Type*
44	27.09-3-23	2859	Birch	Gravity
45	27.09-3-24	2867	Birch	Gravity
46	27.09-3-25	2873	Birch	Gravity
47	27.09-3-26	2895	Birch	Gravity
48	27.09-3-27	2903	Birch	Gravity
49	27.09-3-28	2909	Birch	Gravity
50	27.09-3-32	2908	Birch	Low Pressure System
51	27.09-3-33	2898	Birch	Low Pressure System
52	27.09-3-34	2892	Birch	Low Pressure System
53	27.09-3-37	2876	Birch	Low Pressure System
54	27.09-3-38	2866	Birch	Low Pressure System
55	27.09-3-39	2872	Birch	Low Pressure System
56	27.09-3-40	2860	Birch	Low Pressure System
57	27.09-3-41	2854	Birch	Low Pressure System
58	27.09-3-42	2848	Birch	Low Pressure System
59	27.09-3-43	2842	Birch	Low Pressure System
60	27.09-3-45	2818	Birch	Low Pressure System
61	27.09-3-46	2806	Birch	Low Pressure System
62	27.09-3-9	2853	Birch	Gravity
63	17.17-2-4	405	Cording	Low Pressure System
64	17.17-2-6	424	Cording	Low Pressure System
65	27.05-2-20	2935	Gomer	Gravity
66	27.05-2-21	2965	Gomer	Gravity
67	27.09-3-47	2911	Gomer	Gravity
68	27.13-2-24	2759	Gomer	Gravity
69	27.13-2-25	2765	Gomer	Gravity
70	27.13-2-26	2758	Gomer	Gravity
71	27.13-2-27	2750	Gomer	Gravity
72	27.13-2-28	2748	Gomer	Gravity
73	27.13-2-37	2732	Gomer	Gravity
74	27.13-2-38	2726	Gomer	Gravity
75	27.13-2-39	2718	Gomer	Gravity
76	27.13-2-40	2712	Gomer	Gravity
77	27.13-2-10	610	Granite	Gravity
78	27.13-2-11	608	Granite	Gravity
79	27.13-2-12	606	Granite	Gravity
80	27.13-2-41	532	Granite	Gravity
81	27.13-2-42	522	Granite	Gravity
82	27.13-2-43	514	Granite	Gravity
83	27.13-2-44	504	Granite	Gravity
84	27.13-2-45	496	Granite	Gravity
85	27.13-2-8	612	Granite	Low Pressure System
86	27.14-2-4	362	Granite	Gravity

Parcel	SBL	HOUSE No.	STREET	Predicted Connection Type*
87	27.14-3-1	480	Granite	Gravity
88	27.14-3-2	468	Granite	Gravity
89	27.14-3-3	458	Granite	Gravity
90	27.14-3-4	450	Granite	Gravity
91	27.10-1-16	2773	Hedwig	Gravity
92	27.10-1-17	2779	Hedwig	Gravity
93	27.10-1-18	2807	Hedwig	Gravity
94	27.10-1-19	2809	Hedwig	Gravity
95	27.10-1-20	2811	Hedwig	Low Pressure System
96	27.10-1-21	2813	Hedwig	Low Pressure System
97	27.10-1-22	2815	Hedwig	Low Pressure System
98	27.10-1-23	2823	Hedwig	Gravity
99	27.10-1-24	2835	Hedwig	Gravity
100	27.10-1-25	2845	Hedwig	Gravity
101	27.10-1-26	2853	Hedwig	Low Pressure System
102	27.10-1-27	2859	Hedwig	Gravity
103	27.10-2-26	2850	Hedwig	Gravity
104	27.10-2-27	2836	Hedwig	Gravity
105	27.10-2-28	2824	Hedwig	Gravity
106	27.10-2-29	2814	Hedwig	Gravity
107	27.10-2-30	2808	Hedwig	Gravity
108	27.10-2-31	2798	Hedwig	Gravity
109	27.10-2-32	2788	Hedwig	Gravity
110	27.10-2-33	2782	Hedwig	Gravity
111	27.10-2-34	2782	Hedwig	Gravity
112	27.10-2-35	2764	Hedwig	Gravity
113	27.10-2-36	2748	Hedwig	Gravity
114	27.10-2-38	2747	Hedwig	Gravity
115	27.10-2-39	2763	Hedwig	Gravity
116	27.14-2-1	2740	Hedwig	Gravity
117	27.05-1-39	2989	Hemlock	Gravity
118	27.05-1-47	2945	Hemlock	Gravity
119	27.05-1-48	2957	Hemlock	Gravity
120	27.05-1-49	2969	Hemlock	Gravity
121	27.05-1-50	2979	Hemlock	Gravity
122	27.09-2-24	2789	Hemlock	Low Pressure System
123	27.09-2-25	2811	Hemlock	Low Pressure System
124	27.09-2-26	2821	Hemlock	Low Pressure System
125	27.09-2-27	2835	Hemlock	Low Pressure System
126	27.09-2-28	2845	Hemlock	Gravity
127	27.09-2-29	2855	Hemlock	Gravity
128	27.09-2-30	2867	Hemlock	Gravity
129	27.09-2-31	2881	Hemlock	Gravity
130	27.09-2-32	2887	Hemlock	Gravity
131	27.09-2-33	2899	Hemlock	Gravity
132	27.09-2-35	2921	Hemlock	Gravity
133	27.09-2-36	2931	Hemlock	Gravity
134	27.09-2-37	2930	Hemlock	Gravity

Parcel	SBL	HOUSE No.	STREET	Predicted Connection Type*
135	27.09-2-38	2910	Hemlock	Gravity
136	27.09-2-41	2888	Hemlock	Gravity
137	27.09-2-42	2872	Hemlock	Gravity
138	27.09-2-43	2860	Hemlock	Gravity
139	17.17-2-5	3091	Hickory	Low Pressure System
140	27.05-1-54	2979	Hickory	Low Pressure System
141	27.05-1-56	2953	Hickory	Low Pressure System
142	27.05-1-57	2947	Hickory	Gravity
143	27.05-1-59	2941	Hickory	Gravity
144	27.05-1-62	2965	Hickory	Gravity
145	27.05-1-63	2975	Hickory	Gravity
146	27.05-1-64	2985	Hickory	Gravity
147	27.05-1-65	2991	Hickory	Gravity
148	27.05-1-66	2999	Hickory	Gravity
149	27.05-1-67	3007	Hickory	Low Pressure System
150	27.05-1-68	3011	Hickory	Low Pressure System
151	27.05-1-69	3025	Hickory	Low Pressure System
152	27.05-1-70	3033	Hickory	Low Pressure System
153	27.05-1-71	3041	Hickory	Low Pressure System
154	27.05-1-72	3049	Hickory	Low Pressure System
155	27.05-1-73	3059	Hickory	Low Pressure System
156	27.05-1-74	3083	Hickory	Low Pressure System
157	27.05-1-75	3087	Hickory	Low Pressure System
158	27.05-2-1	3088	Hickory	Low Pressure System
159	27.05-2-10	2992	Hickory	Low Pressure System
160	27.05-2-11	2984	Hickory	Gravity
161	27.05-2-12	2974	Hickory	Low Pressure System
162	27.05-2-13	2964	Hickory	Gravity
163	27.05-2-14	2956	Hickory	Gravity
164	27.05-2-15	2942	Hickory	Gravity
165	27.05-2-16	2932	Hickory	Gravity
166	27.05-2-2	3076	Hickory	Low Pressure System
167	27.05-2-3	3056	Hickory	Low Pressure System
168	27.05-2-4	3044	Hickory	Low Pressure System
169	27.05-2-5	3036	Hickory	Low Pressure System
170	27.05-2-7	3018	Hickory	Low Pressure System
171	27.05-2-8	3008	Hickory	Low Pressure System
172	27.05-2-9	3000	Hickory	Low Pressure System
173	27.09-2-23	2781	Hickory	Gravity
174	27.09-2-44	2811	Hickory	Gravity
175	27.09-2-45	2823	Hickory	Gravity
176	27.09-2-46	2837	Hickory	Gravity
177	27.09-2-47	2849	Hickory	Gravity
178	27.09-2-48	2861	Hickory	Gravity
179	27.09-2-49	2873	Hickory	Low Pressure System
180	27.09-2-50	2889	Hickory	Low Pressure System
181	27.09-2-51	2895	Hickory	Gravity
182	27.09-2-52	2901	Hickory	Gravity

Parcel	SBL	HOUSE No.	STREET	Predicted Connection Type*
183	27.09-2-53	2911	Hickory	Low Pressure System
184	27.09-2-54	2923	Hickory	Gravity
185	27.09-2-55	2919	Hickory	Low Pressure System
186	27.09-3-1	2926	Hickory	Gravity
187	27.09-3-10	2842	Hickory	Gravity
188	27.09-3-11	2834	Hickory	Gravity
189	27.09-3-12	2824	Hickory	Gravity
190	27.09-3-13	2814	Hickory	Gravity
191	27.09-3-14	2806	Hickory	Gravity
192	27.09-3-15	2792	Hickory	Gravity
193	27.09-3-2	2916	Hickory	Gravity
194	27.09-3-22	2854	Hickory	Gravity
195	27.09-3-3	2906	Hickory	Gravity
196	27.09-3-4	2900	Hickory	Gravity
197	27.09-3-5	2892	Hickory	Gravity
198	27.09-3-6	2880	Hickory	Gravity
199	27.09-3-67	2776	Hickory	Gravity
200	27.09-3-7	2864	Hickory	Gravity
201	27.09-3-8	2870	Hickory	Gravity
202	27.13-2-16	2743	Hickory	Gravity
203	27.13-2-17	2749	Hickory	Low Pressure System
204	27.13-2-18	2759	Hickory	Low Pressure System
205	27.13-2-19	2781	Hickory	Gravity
206	27.13-2-20	2768	Hickory	Gravity
207	27.13-2-21	2760	Hickory	Gravity
208	27.13-2-22	2718	Hickory	Gravity
209	27.14-3-19	340	Ione	Gravity
210	27.10-2-37	292	Linden	Low Pressure System
211	27.10-2-42	308	Linden	Low Pressure System
212	27.14-3-16	289	Linden	Low Pressure System
213	27.14-3-17	295	Linden	Low Pressure System
214	27.14-3-18	305	Linden	Low Pressure System
215	27.09-3-16	542	Marlet	Gravity
216	27.09-3-65	539	Marlet	Gravity
217	27.09-3-66	547	Marlet	Gravity

Hallocks Mill Sewer District Extension Project List of Parcels in Phase 1 with Connection Type

* The Predicted Connection Type was determined by information contained in the GHD Schematic Design Report and measurements taken by Engineering Department staff in 2018. The data is provided for information purposes only and is subject to change based on technical data collected during the final design.

** Parcel may be removed from the final address list

SPARKLE LAKE SUB AREA

Parcel	SBL	HOUSE No.	STREET	Predicted Connection Type*
1	27.06-1-48	221	ASH RD.	Low Pressure
2	27.06-1-49	227	ASH RD.	Low Pressure
3	27.06-1-50	235	ASH RD.	Low Pressure
4	27.06-1-51	224	ASH RD.	Low Pressure
5	27.06-1-52	224	ASH RD.	Low Pressure
6	27.06-1-40	219	BEECH RD.	Low Pressure
7	27.06-1-41	229	BEECH RD.	Low Pressure
8	27.06-1-42	242	BEECH RD.	Low Pressure
9	27.06-1-43	236**	BEECH RD.	Low Pressure
10	27.06-1-44	230	BEECH RD.	Low Pressure
11	27.06-1-45	220**	BEECH RD.	Low Pressure
12	27.06-1-46	212	BEECH RD.	Low Pressure
13	27.06-1-20	258	CHERRY RD.	Low Pressure
14	27.06-1-21	250	CHERRY RD.	Low Pressure
15	27.06-1-22	244	CHERRY RD.	Low Pressure
16	27.06-1-23	238	CHERRY RD.	Low Pressure
17	27.06-1-24	232	CHERRY RD.	Low Pressure
18	27.06-1-25	226	CHERRY RD.	Low Pressure
19	27.10-1-57	227	CHERRY RD.	Low Pressure
20	27.10-1-58	235	CHERRY RD.	Low Pressure
21	27.10-1-59	243	CHERRY RD.	Low Pressure
22	27.10-1-60	251	CHERRY RD.	Low Pressure
23	27.10-1-61	263	CHERRY RD.	Low Pressure
24	27.06-1-57	225	ELM RD.	Low Pressure
25	27.06-1-28	225	GARY RD.	Low Pressure
26	27.06-1-29	233	GARY RD.	Low Pressure
27	27.06-1-30	249	GARY RD.	Low Pressure
28	27.06-1-31	257	GARY RD.	Low Pressure
29	27.06-1-32	254	GARY RD.	Low Pressure
30	27.06-1-33	246	GARY RD.	Low Pressure
31	27.06-1-34	238	GARY RD.	Low Pressure
32	27.06-1-35	232	GARY RD.	Low Pressure
33	27.06-1-36	232	GARY RD.	Low Pressure
34	27.06-1-26	2915	HYATT ST.	Low Pressure
35	27.06-1-27	2923	HYATT ST.	Low Pressure

Parcel	SBL	HOUSE No.	STREET	Predicted Connection Type*
36	27.06-1-37	N/A**	HYATT ST.	Low Pressure
37	27.06-1-38	2933	HYATT ST.	Low Pressure
38	27.06-1-39	2943	HYATT ST.	Low Pressure
39	27.06-1-47	2959	HYATT ST.	Low Pressure
40	27.06-1-53	2969**	HYATT ST.	Low Pressure
41	27.06-1-55	2979	HYATT ST.	Low Pressure
42	27.06-1-56	N/A**	HYATT ST.	Low Pressure
43	27.10-1-29	2865	HYATT ST.	Low Pressure
44	27.10-1-43	2883**	HYATT ST.	Low Pressure
45	27.10-1-55	2897	HYATT ST.	Low Pressure
46	27.10-1-56	2903	HYATT ST.	Low Pressure
47	27.10-1-42	221	LOCUST RD.	Low Pressure
48	27.10-1-44	229	LOCUST RD.	Low Pressure
49	27.10-1-45	237	LOCUST RD.	Low Pressure
50	27.10-1-46	247	LOCUST RD.	Low Pressure
51	27.10-1-47	257	LOCUST RD.	Low Pressure
52	27.10-1-48	258	LOCUST RD.	Low Pressure
53	27.10-1-49	250	LOCUST RD.	Low Pressure
54	27.10-1-50	242	LOCUST RD.	Low Pressure
55	27.10-1-51	238	LOCUST RD.	Low Pressure
56	27.10-1-52	234	LOCUST RD.	Low Pressure
57	27.10-1-53	222	LOCUST RD.	Low Pressure
58	27.10-1-54	N/A**	LOCUST RD.	Low Pressure
59	27.10-1-30	233	SPARKLE RD.	Low Pressure
60	27.10-1-31	247	SPARKLE RD.	Low Pressure
61	27.10-1-32	251	SPARKLE RD.	Low Pressure
62	27.10-1-33	255	SPARKLE RD.	Low Pressure
63	27.10-1-34	261	SPARKLE RD.	Low Pressure
64	27.10-1-35	260**	SPARKLE RD.	Low Pressure
65	27.10-1-36	258	SPARKLE RD.	Low Pressure
66	27.10-1-37	254	SPARKLE RD.	Low Pressure
67	27.10-1-38	250	SPARKLE RD.	Low Pressure
68	27.10-1-39	244	SPARKLE RD.	Low Pressure
69	27.10-1-40	232	SPARKLE RD.	Low Pressure

Hallocks Mill Sewer District Extension Project List of Parcels in Phase 1 with Connection Type

* The Predicted Connection Type was determined by information contained in the GHD Schematic Design Report and measurements taken by Engineering Department staff in 2018. The data is provided for information purposes only and is subject to change based on technical data collected during the final design.

** Parcel may be removed from the final address list

SUNRISE STREET SUB AREA				
Parcel	SBL	HOUSE No.	STREET	Predicted Connection Type*
1	27.11-1-10	127	KNOLL PL.	Gravity
2	27.15-1-28	2710	SUNRISE ST.	Gravity
3	27.15-1-26	2720	SUNRISE ST.	Pump Up System
4	27.11-1-1	2723	SUNRISE ST.	Gravity
5	27.11-2-30	2726	SUNRISE ST.	Pump Up System
6	27.11-2-29	2734	SUNRISE ST.	Pump Up System
7	27.11-1-2	2739	SUNRISE ST.	Gravity
8	27.11-2-28	2742	SUNRISE ST.	Pump Up System
9	27.11-1-3	2747	SUNRISE ST.	Gravity
10	27.11-2-27	2750	SUNRISE ST.	Pump Up System
11	27.11-1-4	2755	SUNRISE ST.	Gravity
12	27.11-2-26	2758	SUNRISE ST.	Pump Up System
13	27.11-1-5	2763	SUNRISE ST.	Gravity
14	27.11-2-25	2766	SUNRISE ST.	Pump Up System
15	27.11-1-6	2771	SUNRISE ST.	Gravity
16	27.11-2-24	2776	SUNRISE ST.	Pump Up System
17	27.11-1-7	2779	SUNRISE ST.	Gravity
18	27.11-2-23	2782	SUNRISE ST.	Pump Up System
19	27.11-1-8	2787	SUNRISE ST.	Gravity
20	27.11-2-22	2790	SUNRISE ST.	Pump Up System
21	27.11-1-9	2795	SUNRISE ST.	Gravity
22	27.11-2-21	2796	SUNRISE ST.	Pump Up System
23	27.11-1-11	2811	SUNRISE ST.	Gravity
24	27.11-1-13	2827	SUNRISE ST.	Gravity
25	27.11-1-14	2835	SUNRISE ST.	Gravity
26	27.11-1-12	N/A**	SUNRISE ST.	Gravity

State Cost Thresholds for Special Districts



THOMAS P. DINAPOLI
COMPTROLLER

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EXECUTIVE DEPUTY COMPTROLLER
OFFICE OF STATE AND LOCAL GOVERNMENT
ACCOUNTABILITY
Tel: (518) 474-4593 Fax: (518) 402-4892

January 2018

Dear Local Government Official:

Please find attached a listing of the average estimated cost thresholds for your use in determining whether approval of the State Comptroller is necessary for certain special district actions in the year 2018.

Certain "low cost" special districts, i.e., those which are at or below average estimated cost thresholds contained in the enclosure, do NOT require approval of the State Comptroller. However, if debt is being issued, a certified copy of the notice of hearing for the "low cost" district must be sent to our office. This copy must be sent, on or about the date of publication, to the Office of the State Comptroller, Division of Legal Services, 110 State Street, 14th Floor, Albany, New York 12236. It should be sent no later than 14 calendar days after publication. This notice enables us to accurately calculate future average estimated cost thresholds.

In addition, certified copies of resolutions or orders which, among other things, finally establish or extend a district and, in the case of counties, authorize an increase and improvement of facilities, are required to be filed with this Office regardless of whether the Comptroller's approval is required. Resolutions or orders that are subject to permissive referendum should not be filed until the period for filing a petition has passed or, if a petition is filed, a referendum has been held.

We would be happy to provide advisory services and assist you in identifying and resolving issues in connection with special district actions, even if the proceedings are not subject to our approval. You can obtain additional information and guidelines on submitting applications by contacting our Office. The Comptroller's regulations ([Part 85](#)) outline the steps related to applications seeking permission of the Comptroller to establish or extend special districts.

If you have questions or need more information, please contact Sean McDermott in our Division of Legal Services at (518) 474-3517 or Amy McCabe in our Division of Local Government and School Accountability at (518) 408-4603.

Sincerely,

Andrew A. SanFilippo
Executive Deputy Comptroller
Office of State and Local Government Accountability

Enc.

AVERAGE ESTIMATED COSTS FOR COUNTY AND TOWN SPECIAL IMPROVEMENT DISTRICTS

**(EFFECTIVE FOR PROCEEDINGS FOR WHICH A NOTICE OF HEARING IS PUBLISHED
FROM JANUARY 1, 2018 THROUGH DECEMBER 31, 2018)**

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 listed below.¹

"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). To ensure accurate calculations of estimated costs, towns and counties should not assume the receipt of federal or state aid in the absence of firm commitments from the appropriate agency. In addition, estimated borrowing costs should be based on the proposed maturity of the obligations and interest rate assumptions derived from market surveys or a letter of commitment. Charges imposed by other governmental entities, such as public authorities or other municipalities, should also be included in the computation. Costs, for this purpose, do not include hook-up fees.

A summary of the notice of hearing requirements for the establishment and extension of town special districts appears in Appendix A. Frequently asked questions (FAQs) on the establishment or extension of town special districts concerning required determinations and methods of assessment appear in Appendix B.

TOWN DISTRICTS

The following average estimated costs apply to town special district establishments, extensions or increases in the maximum amount to be expended.²

Sewer	\$ 995
Water	\$ 904

¹ For those proceedings that are subject to a permissive referendum requirement, the Comptroller's Office will accept the filing of an application prior to the expiration of the time for filing a petition requesting a referendum or, if a petition is filed, the vote on the proposition. However, no approval order will be granted until after the completion of all such requirements.

² The Comptroller's approval, if required in the case of an increase in the maximum amount to be expended, may be given only after a public hearing and, in the case of Article 12-A districts, permissive referendum requirements are met.

COUNTY DISTRICT INCREASES AND IMPROVEMENTS

The following average estimated cost applies to county special district increases and improvements of facilities. Please note that this figure represents only the increased cost to the typical property as a result of the increase and improvement.

Sewer	\$ 11
Water	\$ 3

OTHER DISTRICTS

For county water and sewer establishments, extensions or increases of maximum amount to be expended, and all other types of districts, there was insufficient data to calculate meaningful average estimated costs. Therefore, any type of district not listed above will be subject to applicable requirements for obtaining the Comptroller's approval, irrespective of the cost to the typical property or home, if debt is proposed to be issued to finance the improvement.

Note that proceedings under Town Law § 202-b to, among other things, repair, improve or replace facilities within an existing town district do not require the Comptroller's consent, except in certain cases within the Adirondack Park (see Town Law § 202-b[5] and Local Finance Law § 104.10[3]).

APPENDIX A

Notice of Hearing Requirements for Establishment or Extension of Town Special Districts

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)³; and (2) by town board motion, subject to permissive referendum requirements (Article 12-A).⁴

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. For more specific information on the requirements, please consult Town Law § 193 for Article 12 districts and Town Law § 209-d for Article 12-A districts:

- 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."⁵
- Filing of Petition. In the case of an Article 12 proceeding, the notice must recite in general terms the filing of a petition.
- 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.

³ 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).

⁴ 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).

⁵ 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.

- 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.

For further information on the notice of hearing requirement, please contact Sean McDermott of the State Comptroller’s Division of Legal Services at 518-474-3517.

APPENDIX B

FAQs ON THE ESTABLISHMENT OR EXTENSION OF TOWN SPECIAL DISTRICTS CONCERNING REQUIRED DETERMINATIONS AND METHODS OF ASSESSMENT

Q1. After the town board holds a public hearing upon proper notice⁶ 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.

⁶ 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 *lv 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[1][a]).

Q2. May the expenses for any district or extension be raised on either a benefit or ad valorem basis?

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]). In the case of park, snow removal, water supply, water storage and distribution, ambulance, harbor improvement and public dock districts, assessments always must be “in the same manner and at the same time as other town charges” (i.e., an ad valorem basis; Town Law § 202[3]; see also Real Property Law § 102[14]).

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.

With limited exceptions, 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).

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.

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.

To ensure accurate calculations of estimated costs, towns should not assume the receipt of federal or state aid in the absence of firm commitments from the appropriate agency. In addition, estimated borrowing costs should be based on the proposed maturity of the obligations and interest rate assumptions derived from market surveys or a letter of commitment. The town may have a financial advisor who can assist in estimating borrowing costs. Charges imposed by other governmental entities, such as charges or fees imposed by public authorities or other municipalities, should also be included in the computation. In addition, if a proposed district will be sharing infrastructure costs with another town district or town improvement (see Town Law article 12-C; Town Law § 208; General Municipal Law § 119-o), the proportionate costs attributable to the proposed district should be included in the estimated annual cost to the typical property.

Q6. What if the Office of the State Comptroller (OSC) has not established a threshold for a particular type of district?

A. OSC only establishes a threshold when we have sufficient data to make the necessary calculation for that type of district or extension. If no threshold for a particular type of district or extension has been established by this Office and debt will be issued by the town for the improvement, then OSC consent is necessary, irrespective of the cost to the typical property, and an application for the Comptroller’s approval would be required (see 2 NYCRR Part 85).

Q7. 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.

Note that the notice of hearing published by the town in advance of establishing or extending the district must separately list the estimated costs of any hook-up fees, in addition to, among other things, the cost of the district or extension to the typical property (Town Law § 193[1][a], 209-d[1]).

Q8. Can hook-up fees be used to generate revenue for town district improvements or operations?

A. No. Towns are authorized to impose one time hook-up fees in certain circumstances for connections to town water or sewer districts (Town Law §§ 198[1][h]; 198[3][a]). These one-time fees, however, are limited to costs incurred by the town with respect to the connections of users to the water or sewer system and may not be used to otherwise defray costs of capital improvements or operations of the district (Video Aid v Town of Wallkill, 203 AD2d 554, 610 NYS2d 610, *revd on other grounds* 85 NY2d 663, 628 NYS2d 18; see also Coconato v Town of Esopus, 152 AD2d 39, 547 NYS2d 953, *lv denied* 76 NY2d 701, 558 NYS2d 891; Mark IV Construction v County of Monroe, 187 AD2d 985, 590 NYS2d 335; Phillips v Town of Clifton Park Water Authority, 286 AD2d 834, 730 NYS2d 565, *lv denied* 97 NY2d 613, 742 NYS2d 606; Matter of Torsoe Brothers v Village of Monroe, 49 AD2d 461, 375 NYS2d 612).

Q9. 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.

Q10. May a town supersede the provisions of Articles 12 and 12-A of Town Law by adopting an inconsistent local law?

A. No. Articles 12 and 12-A of Town Law establish a comprehensive legislative scheme evincing an intent to pre-empt local laws relating to the establishment, financing and operation of town improvement districts (see Coconato v Town of Esopus, 152 AD2d 39, 547 NYS2d 953, *lv denied* 76 NY2d 701, 558 NYS2d 891; 2008 Ops St Comp No. 2008-4; 2001 Ops St Comp No. 2001-7, at 11; 2000 Ops St Comp No. 2000-17, at 44; 1992 Ops St Comp No. 92-33, at 84). In addition, although Municipal Home Rule Law authorizes towns to adopt local laws that

supersede, in certain respects, provisions of Town Law (Municipal Home Rule Law § 10[1][ii][d]), there is an express restriction on this home rule authority with respect to provisions relating to a “special or improvement district” (Municipal Home Rule Law § 10[1][ii][d][3]).

Q11. 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]).

Q12. 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.