



Saratoga County

TOWN OF MALTA
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RESOLUTION NO. 68 MARCH 6, 2023

**APPROVE MALTAVILLE WATER DISTRICT AND SUBMIT MATTER TO
REFERENDUM OF TAXPAYERS OF THE DISTRICT**

Motion by: Councilman Warner
Vote: Supervisor Hammond-Aye
Councilman Hartzell-Aye
Councilman Warner-Aye

Seconded: Councilman Hartzell
Councilman Dunn-Aye
Councilman Ricci-Aye

WHEREAS, the Town of Malta has been studying the creation of water district for the Maltaville area of the Town of New York in accordance with Article 12-A of the New York Town Law;

WHEREAS, the Town Board by Resolution #71 dated March 7, 2022 resolved to have CT Male Associates prepare a Map, Plan and Report for the purposing of analyzing the formation of the district, and appropriated funds for the preparation of the Map, Plan and Report;

WHEREAS, no petition seeking a permissive referendum in accordance with New York Town Law Article 7 has been filed with respect to the expenditure for and the draft of the aforesaid Map, Plan and Report, and the time in which to file such a petition has now expired;

WHEREAS, the Map, Plan and Report, Maltaville Water District (the "Proposed District") dated October 10, 2022 was filed with the Town Clerk on October 10, 2022 (the "Map, Plan and Report") and is available for public inspection during regular business hours;

WHEREAS, the Map, Plan and Report set-forth the boundaries of the Proposed District, the proposed method of operation of the Proposed District, the maximum amount proposed to be expended and the cost of the Proposed District to the typical property, and if different, the typical one or two-family home;

WHEREAS, on October 24, 2022, after the filing of the Map, Plan and Report with the Town Clerk the Town Board adopted an Order reciting (a) the boundaries of the Proposed District; (b) the proposed services and method of operation; (c) the maximum amount proposed to be expended for the services; (d) the cost of the Proposed District to the typical property and the typical one or two family home (if not the typical property); (e) the method of financing the cost;

(f) the fact that the Map, Plan and Report is on file with the Town Clerk's Office and available for inspection; (g) and the time and place of the public hearing on the Proposed District;

WHEREAS, the Town Board caused a notice of such public hearing to be published and posted as required by law and such public hearing was held on November 7, 2022 and all persons wishing to be heard were heard:

WHEREAS, copies of the notice of public hearing were duly published and posted and were filed with the Office of the State Comptroller, as required by law; and

WHEREAS, the town board anticipates that (a) the maximum amount to be expended for the Proposed District is \$1,540,000.00, (b) the Town will commit \$1,020,000.00 of American Rescue Funds and \$160,000.00 in mitigation fees to offset the project costs to property owners in the Proposed District, and (c) the balance of \$360,000.00 shall be financed by the proceeds of obligations issued by the Town to be authorized in a subsequent bond resolution adopted by the Town Board, and (d) there shall be annually apportioned and assessed upon the several lots and parcels of land within the Proposed District an amount sufficient to pay the principal and interest on such obligations as the same become due;

WHEREAS, the capital improvements include installation of an interconnect to the Saratoga County Water Authority infrastructure, installation of a meter and chlorination building, installation of 5,500 feet of water mains and construction of $\frac{3}{4}$ inch copper water services to each property line with a curb stop, and after installation of the municipal system, each property owner will be responsible for installation of a private water line to the residence at their own cost.

WHEREAS, the costs of Proposed District shall be apportioned based upon the equivalent dwelling unit (EDU) of each property in the Proposed District. Each parcel will be given an EDU with a single family having an EDU of 1, two-family with an EDU of 2, and three family with an EDU of 3;

WHEREAS, commercial properties in the Proposed District are not considered high water users and shall have an EDU of 1, each apartment unit will count as one EDU and vacant lots will count as 0.1 EDU;

WHEREAS, the project costs consist of three components -- hookup cost, capital cost, and operation and maintenance costs and at this time, there is no proposed hookup fee imposed by the Proposed District but the individual property owners will be responsible for purchasing, installing and maintaining the $\frac{3}{4}$ inch water service from home to curb stop at the edge of the right of way.

WHEREAS, the estimated hook up cost for individual property owners is \$5,000.00 for homes closer to the road and up to \$15,000.00 for homes located far off the roadway.;

WHEREAS, the capital cost as set forth above is the cost to build the infrastructure but after applying the above-referenced American Rescue Funds and Mitigation Fees, the balance of the capital cost is proposed to be financed by issuance of obligations of the Town at an expected interest rate of 4.25% resulting in \$428.58 per year per EDU (\$35.72 per month per EDU) to each parcel in the Proposed District;

WHEREAS, the Operating and Maintenance Cost per EDU per year is expected to be

\$445.00 (\$37.08 per month per EDU) and the total first year cost per EDU is projected to be \$873.58 (\$72.80 per month per EDU);

WHEREAS, the estimated cost to the typical property with an assessed value of \$239,000.00 in the Proposed District shall be \$873.58 for a single-family property and \$1,747.16 for a two-family home in the first year of operation and is further detailed in the Map, Plan and Report on file in the Town Clerk's Office;

WHEREAS, the cost of the Proposed District to the typical property as stated in the notice of hearing on the establishment of the Proposed District is not able the average annual estimated cost threshold for similar types of districts as computed by the State comptroller, and therefore the State Comptroller's approval of the Proposed District is not required; and

WHEREAS, the Town Board by Resolution No. 160 dated November 7, 2022 determined that the action would not have a significant impact on the environment and made a negative declaration of environmental impact;

WHEREAS, the Town Board by Resolution No. 9 dated January 9, 2023 authorized the Town Supervisor to enter into an intermunicipal agreement with Village of Round Lake regarding servicing and maintaining the water system in the Proposed District and the agreement has been executed;

WHEREAS, Town Law Section 92 requires that approval of the Proposed District is subject to permissive referendum;

WHEREAS, Town Law Section 94 allows any resolution subject to permissive referendum pursuant to Town Law to be submitted to referendum by Town Board Resolution: and

WHEREAS, the Town Board wishes to establish the Proposed District as provided for in the Map, Plan and Report and to provide for referendum of the taxpayers in the district providing maximum public participation; now therefore, be it

RESOLVED that the Town Board hereby determines that: (1) Notice of Public Hearing was published and posted as required by law and is otherwise sufficient; (2) All of the property and property owners within the Proposed District are benefitted by the formation of the Proposed District; (3) All of the benefitted properties and property owners are within the limits of the Proposed District; and (4) it is in the Public Interest to establish the Proposed District as described in the Map, Plan and Report; and be it

FURTHER RESOLVED, that the Town Board hereby approves the establishment of the Proposed District as set forth in the Map, Plan and Report; and be it

FURTHER RESOLVED that the Town Board, pursuant to Town Law Section 94, hereby submits the following proposition for approval by the District taxpayers at a Special Election on June 13, 2023:

“Shall the resolution adopted by the Town Board of Town of Malta on March 6, 2023 that established the Maltaville Water District, to include 37 properties in the Maltaville area, with the cost (borne by the owners of the included properties) totaling for a typical singlefamily residence

between approximately \$873.58 for a single-family property and \$1,747.16 for a two-family home per year, composed of (1) a share of the debt service on obligations of the Town to be issued in the future to finance the infrastructure of the proposed district; (2) administration, operation and maintenance of the proposed district; and (3) the cost of supplying water to the proposed district be approved?"

The proposition must be approved by the affirmative vote of the majority of owners of real property situated in the Proposed District voting on the proposition and a copy of the proposition is attached hereto; and be it

FURTHER RESOLVED, that the Town Board authorizes and directs the Town Supervisor, Town Clerk, and the Town Attorney to file the Proposition with Saratoga County and to work with the Saratoga County Board of Elections concerning the referendum and to take all necessary actions to effectuate this resolution, including but not limited to publishing required notice, preparation of abstract of this resolution and filing necessary paperwork with New York State Audit and Control; and be it

FURTHER RESOLVED, that if the above-referenced proposition is approved on June 13, 2023, the Town Clerk is directed to prepare and file a certificate stating that such referendum was held pursuant to the provisions of Article 12-A of the Town Law and certifying the result of the vote in the office of the County Clerk;