



MAP, PLAN AND REPORT

FOR

**EXTENSION NO. 1
OF THE
CONSOLIDATED HARRIS SEWER DISTRICT**

**TOWN OF THOMPSON
SULLIVAN COUNTY, NEW YORK**

Client:

**Town of Thompson
4052 Route 42
Monticello, NY 12701**

Prepared by:

**MHE Engineering, D.P.C.
33 Airport Center Drive, Suite 202
New Windsor, New York 12553**

**ANY UNAUTHORIZED ALTERATION OR
ADDITION TO THIS DOCUMENT IS A
NEW YORK STATE EDUCATION LAW.**

**Job No.: 95-55.2, 23-100
Date: February 16, 2023**

NEW YORK OFFICE

33 Airport Center Drive, Suite 202, New Windsor, NY 12553
845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

PENNSYLVANIA OFFICE

111 Wheatfield Drive, Suite 1, Milford, PA 18337
570-296-2765 | F: 570-296-2767 | mhepa@mhepc.com

Table of Contents

	<u>Page</u>
A. Introduction	1
B. Benefit Area	1
C. Project Description	1
D. Existing and Proposed Improvements	2
E. Project Costs	2
F. Annual Costs.....	3
G. Conclusion	4

Attachment 1	Correspondence
Attachment 2	District Extension Map
Attachment 3	Description of District Extension
Attachment 4	Town Code Chapter 194 Part 2 Sewer Rents 2020 Schedule of Points
Attachment 5	Local Law No. 4 of 2022

A. **INTRODUCTION**

The owners of Tax Map Parcel 29.-2-14, 180 Waverly Ave, LLC, have petitioned the Town of Thompson Town Board, in correspondence dated September 28, 2022 from Dubi Minsky, for the consideration of an extension to the Consolidated Harris Sewer District. The Town Board, therefore, authorized MHE Engineering D.P.C. at the December 20, 2022 Town Board meeting to prepare the following Map, Plan and Report for the District Extension. The correspondence and authorization are provided as Attachment 1 to this report.

B. **BENEFIT AREA**

The area to be benefited includes the following parcel:

- Tax Map Parcel 29.-2-14, which is located on the west side of Waverly Avenue and is approximately 0.26 acres in size. The parcel is currently vacant land. The property classification is 311 – Residential vacant land.

The District extension is more formerly shown on the map provided as Attachment No. 2 and described in Attachment No. 3.

C. **PROJECT DESCRIPTION**

The owner of Tax Map Parcel 29.-2-14 is proposing to construct a seven (7) bedroom residential dwelling on the property. The proposed improvements will result in a future anticipated sewage flow of approximately 770 gpd. Sewage flows generated by this portion of the Harris Sewer District are tributary to the Village of Monticello WWTP.

This report will identify any improvements necessary for the connection of the subject property to the Consolidated Harris Sewer District and costs associated to provide service to the property.

D. **EXISTING AND PROPOSED IMPROVEMENTS**

1. Village of Monticello WWTP Capacity:

The Village of Monticello Wastewater Treatment Plant has a permitted capacity of 3,100,000 gallons per day. The plant operates under SPDES Permit NY-0022454. Proposed District Extension Number 1 has an estimate sewage flow of 770 gpd. The existing WWTP has capacity to accept flows from the proposed extension without further improvements. The Monticello Village Board Authorized the extension of the District to accept these flows by resolution at their meeting on December 7, 2022. A copy of the Board meeting minutes is provided in Attachment 1.

2. Collection System Mains:

The existing Sewer District Collection System extends north on Waverly Avenue towards the Village of Monticello and the WWTP. The main is 8" diameter gravity sewer and is located within Waverly Avenue in front of Tax Map Parcel 29.-2-14.

The 8" diameter gravity sewer main has sufficient capacity to receive an additional 770 gpd from the parcel without additional improvements to the collection system.

E. **PROJECT COSTS**

The property owners will be responsible for all design, permitting and construction costs associated with the installation of infrastructure improvements for the collection and conveyance of wastewater from the property to the connection point at the existing 8" gravity sewer main in Waverly Avenue. There will be no cost to the current District for these improvements.

F. ANNUAL COSTS

The Consolidated Harris Sewer District assesses Annual Debt Costs and Operation and Maintenance (O&M) Costs on a point system, which is based upon Property Use Classification, and which is defined in the Town Code, chapter 194, Part 2 Sewer Rents. Part 2 and the current Schedule of Points for the District is provided in Attachment 4.

The parcel included in the District Extension is currently classified as Property Use 311 – Residential Vacant Land. If developed as a residential dwelling as proposed, it would be classified as Property Use 210 – Single Family Residential with Five or More Bedrooms.

The Town of Thompson Town Board has adopted Local Law No. 04 of 2022, provided as Attachment 5, which establishes the following rates for the Consolidated Harris Sewer District Assessment:

Capital Debt Service = \$1.45/Point

Annual O&M Cost = \$30.20/Point

The Annual Sewer Fee for a parcel in the District Extension will be calculated by multiplying the sewer points for the property classification by the rates noted above.

For this parcel, a single-family residence with 7 bedrooms and property classification of 210 would be assessed the following annual cost:

O&M (Rent) 20 Points (\$30.20/Point) = \$604.00

Capital Debt 20 Points (\$1.45/Point) = \$29.00

Total Annual Cost = \$633.00

For the typical single-family residence with 1-4 bedrooms, Property Classification of 210, would be assessed the following annual costs:

O&M (Rent) 10 Points (\$30.20/Point) = \$300.20

Capital Debt 10 Points (\$1.45/Point) = \$14.50

Total Annual Cost = \$314.70

G. **CONCLUSIONS**

The costs associated with Extension No. 1 of the existing Consolidated Harris Sewer District to service the benefit area are described above. The extension will not result in increased costs for existing District users. Costs associated with the connection of the subject property to the existing collection system will be the responsibility of the property owner.

Respectfully submitted,

MHE Engineering, D.P.C.

A handwritten signature in black ink that reads "Matthew J. Sickler". The signature is written in a cursive style with a long horizontal line extending to the right.

Matthew J. Sickler, P.E.

Associate

ATTACHMENT 1

CORRESPONDENCE

180 WAVERLY AVE, LLC.

728 BERRIMAN ST.

BROOKLYN, NY 11208

September 28, 2022

Town Board of the Town of Thompson
4052 Route 42
Monticello NY 12701

RE: Request for consideration of a Sewer District Extension
Town of Thompson Tax Map No. 29-2-14

Dear Supervisor Rieber and Town Board Members;

The subject property is a +/- .29-acre vacant parcel located on the west side of Waverly Ave. roughly 550' from the Town/Village line, which we are looking to get a 7-bedroom single family home built on.

See attached portion of the tax map with our property highlighted on it.

With this letter we are asking the Board to consider this request to extend the Consolidated Harris Sewer District to include this parcel, and take any action as appropriate to authorize the completion of a Map, Plan and Report by the Town Engineer if necessary.

Should you have any further questions please don't hesitate to contact me at info@tgm123.com.

Truly yours,

Dabi Minsky

180 Waverly Ave, LLC.

Cc: Joel Kohn

ORP OF
PRESIDING
ISHOP EXEMPT

NYSEG

7.42(C)

7.2

1195
1775
1905
2215

7A(C)

17.1
1.06A
180
187.6
194

15.2
211.4
269.8
642.8

15.3
25.14A

12.2

11.1

12.1

17.2
3.04A

15.1
238.56
183.26
220.44

10.68A
10.68A

10

11.4
VILLAGE OF
MONTICELLO
EXEMPT

46.9A

17.1
1.06A
180
187.6
194

15.1
238.56
183.26
220.44

10.68A
10.68A

10

11.4
VILLAGE OF
MONTICELLO
EXEMPT

46.9A

17.2
3.04A

15.1
238.56
183.26
220.44

10.68A
10.68A

10

11.4
VILLAGE OF
MONTICELLO
EXEMPT

46.9A

17.2
3.04A

15.1
238.56
183.26
220.44

10.68A
10.68A

10

11.4
VILLAGE OF
MONTICELLO
EXEMPT

46.9A

17.2
3.04A

15.1
238.56
183.26
220.44

10.68A
10.68A

10

11.4
VILLAGE OF
MONTICELLO
EXEMPT

46.9A

17.2
3.04A

15.1
238.56
183.26
220.44

10.68A
10.68A

10

11.4
VILLAGE OF
MONTICELLO
EXEMPT

46.9A

17.2
3.04A

15.1
238.56
183.26
220.44

10.68A
10.68A

10

11.4
VILLAGE OF
MONTICELLO
EXEMPT

46.9A

17.2
3.04A

15.1
238.56
183.26
220.44

10.68A
10.68A

10

11.4
VILLAGE OF
MONTICELLO
EXEMPT

46.9A

17.2
3.04A

15.1
238.56
183.26
220.44

10.68A
10.68A

10

11.4
VILLAGE OF
MONTICELLO
EXEMPT

46.9A

17.2
3.04A

15.1
238.56
183.26
220.44

10.68A
10.68A

10

11.4
VILLAGE OF
MONTICELLO
EXEMPT

46.9A

17.2
3.04A

15.1
238.56
183.26
220.44

10.68A
10.68A

10

11.4
VILLAGE OF
MONTICELLO
EXEMPT

46.9A

17.2
3.04A

15.1
238.56
183.26
220.44

10.68A
10.68A

10

11.4
VILLAGE OF
MONTICELLO
EXEMPT

46.9A

17.2
3.04A

15.1
238.56
183.26
220.44

10.68A
10.68A

10

11.4
VILLAGE OF
MONTICELLO
EXEMPT

46.9A

17.2
3.04A

15.1
238.56
183.26
220.44

10.68A
10.68A

10

11.4
VILLAGE OF
MONTICELLO
EXEMPT

46.9A

CC
00

PROPERTY TO BE
ADDED TO THE
COLD SPRING
SEWER DISTRICT

- DECLARATION 3035655
MAP # 10-312 FILED 9/2/05
- DECLARATION 3141660
MAP # 10-28 FILED 4/11/06
- DECLARATION 3210520
MAP # 10-293 FILED 8/23/06

D044

D084

YSEG

A(C)

IO

At a regular meeting of the Town Board of the
Town of Thompson held at the Town Hall, 4052
Route 42, Monticello, New York on December 20,
2022

**RESOLUTION PURSUANT TO TOWN LAW FOR THE PROPOSED EXTENSION NO.
01 OF THE CONSOLIDATED HARRIS SEWER DISTRICT IN THE TOWN OF
THOMPSON**

WHEREAS, 180 Waverly Ave, LLC has made a request to the Town Board of the Town of Thompson to extend the Consolidated Harris Sewer District, a Special Improvement District heretofore created in said Town, to include a certain parcel of property, namely SBL 29-1-14; and

WHEREAS, the said area to be included in the Consolidated Harris Sewer District is totally located within the Town of Thompson and outside any incorporated village; and

WHEREAS, the said Town Board is desirous of preparing a general map and plan for providing sewer facilities in the aforesaid area of said Town and to appropriate a specific amount to pay the cost of preparing said general map and plan, and for other services in connection therewith; the costs of which shall be borne by said applicants, 180 Waverly Ave, LLC.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Thompson as follows:

1. That the Town Board does hereby authorize MHE Engineering, D.P.C. of 33 Airport Center Drive, Suite 202, New Windsor, New York 12553 to prepare a general map and plan for the extension of the sewer facilities and services in the area of the Town of Thompson now serviced by the Consolidated Harris Sewer District, and for such other services as may be necessary in connection therewith.

2. That the Town Board does hereby appropriate the sum of \$11,000.00 to pay the cost of preparing the general map and plan for the extension of the sewer facilities, as well as all legal expenses incurred by the district to complete any district extension, and all costs and disbursements incurred by the district in processing the extension. That all engineering, legal costs and other disbursements for preparation of a general map, plan and report shall be paid by the applicants. Said monies shall be deposited by the applicants in the Town escrow account prior to preparation of said map, plan and report and will be released to MHE Engineering, D.P.C. upon completion, and other monies held in escrow will be disbursed upon completion of the extension.

3. That MHE Engineering, D.P.C., of 33 Airport Center Drive, Suite 202, New Windsor, New York 12553, be, and they hereby are, retained at a cost not to exceed \$5,000.00, of which said monies are to be paid by the applicants, to prepare a general map and plan for the extension of the sewer facilities and services to the area known as the Consolidated Harris Sewer District.

4. Legal fees incurred by the Town in connection with the extension of the Consolidated Harris Sewer District are to be paid by the applicants.

5. That all maps and plans prepared by MHE Engineering, D.P.C. shall conform with the requirements of Section 192 of the Town Law, and shall be filed with the Town Clerk.

6. That the map, plan and report shall be prepared once monies are placed in escrow by the applicants.

7. That in the event that the said Consolidated Harris Sewer District shall be extended as herein proposed, and shall thereafter be approved pursuant to the provisions of the Town Law, the expense incurred by the Town for the preparation of the maps and plans and other services therefor shall be deemed to be part of the cost of such improvement, and the Town shall be reimbursed the amount paid therefor, or such portion of that amount which the Town Board at the public hearing held pursuant to the Town Law shall allocate against such District.

8. That this Resolution is subject to a permissive referendum pursuant to and in accordance with the provisions of Sections 209-b and 90 of the Town Law.

9. That within ten (10) days from the date of this Resolution, the Town Clerk shall post and publish a Notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum, and shall publish such Notice in the Sullivan County Democrat, the official newspaper of the Town, and in addition, that the Town Clerk shall post or cause to be posted on the signboard of the Town of Thompson a copy of such Notice within ten (10) days after the date of the adoption of this Resolution.

Moved by: Councilman Scott S. Mace

Seconded by: Councilwoman Melinda S. Meddaugh

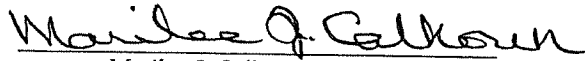
The Members voted on the foregoing Resolution as follows:

Supervisor WILLIAM J. RIEBER, JR.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman SCOTT S. MACE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman JOHN A. PAVESE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilwoman MELINDA S. MEDDAUGH	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman RYAN T. SCHOCK	Yes <input type="checkbox"/> No <input type="checkbox"/> Absent

STATE OF NEW YORK: COUNTY OF SULLIVAN SS.:

The undersigned, Town Clerk of the Town of Thompson, does hereby certify that the Resolution for proposed Extension No. 01 of the Consolidated Harris Sewer District in the Town of Thompson and authorization of a map, plan and report with respect to the extension of a municipal district was adopted by said Town Board on December 20, 2022, a majority of all Town Board members voting in favor thereof, and the same has been compared with the original on file in my office and is a true and correct copy of said original and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on December 27, 2022.


Marilee J. Calhoun, Town Clerk

12/7/22- Village Board Meeting

acre lot and they would like to annex into the Village for the purpose of water & sewer. The applicant is also presenting this project to the Town of Thompson and at some point a Joint Public Hearing will need to be set up, but as of right now it's just a discussion item.

Joel also stated that his client purchased a lot in the Town of Thompson and would like to build a single family home on the west side of Waverly Avenue roughly 550' from the Village/Town line, but they are in need of sewer and being that the Village has a Sewer District a couple of feet away, his client is asking if the Village Board would extend their sewer district to include this parcel, 29.-2-14.

Sewer District Extension to include Town of Thompson parcel 29.-2-14

A motion was made by Trustee Banks with a second by Trustee Rue authorizing the extension of the Village Sewer District to include parcel 29.-2-14 in the Town of Thompson. Upon the call of the roll, all present were in favor.

Discussion-NYS Comptroller Audit Report and the Cooper, Arias Draft 2019 Report

Andrew Arias was present from Cooper Arias, LLP and gave a presentation regarding the Village books for the 2019 audit. He stated that due to items not being properly recorded and reconciled, it's hard to tell where the Village currently stands financially, it was difficult and took a lot of time to complete this audit because a lot of information was unavailable or not properly updated and going forward the same issue will persist unless these things are taken care of immediately.

Bank Reconciliations

A motion was made by Trustee Rue with a second by Trustee Banks directing the Treasurer to complete all of the bank reconciliations and inter-fund transfers for 2020 & 2021 completed with a two (2) week period. Upon the call of the roll, all present were in favor.

Treasurer Board Meeting Attendance

A motion was made by Trustee Banks with a second by Trustee Rue that the Village Treasurer must attend one (1) board meeting per month to make the Board aware of the bank reconciliations and status of the Village financials. Upon the call of the roll, all present were in favor.

Presentation-Stand Up Wireless

Representatives from Stand Up Wireless Company was present. They stated that they are a wireless company that received money from the government to provide free service to low income residents and they are situated at the Ted Stroebele Center.

Trustee Banks stated that he has no problem with the company and what they are doing, but

ATTACHMENT 2

DISTRICT EXTENSION MAP

UNAUTHORIZED ADICTION OR ALTERATION OF THIS DRAWING IS STRICTLY PROHIBITED UNDER THE SEWERAGE AND WASTEWATER SYSTEMS ACT OF THE STATE OF NEW YORK AND UNDER THE STATE AND LOCAL LAWS AND ORDINANCES THEREOF.

ALL PRODUCTIONS AND REVISONS ARE THE PROPERTY OF MFE ENGINEERING.

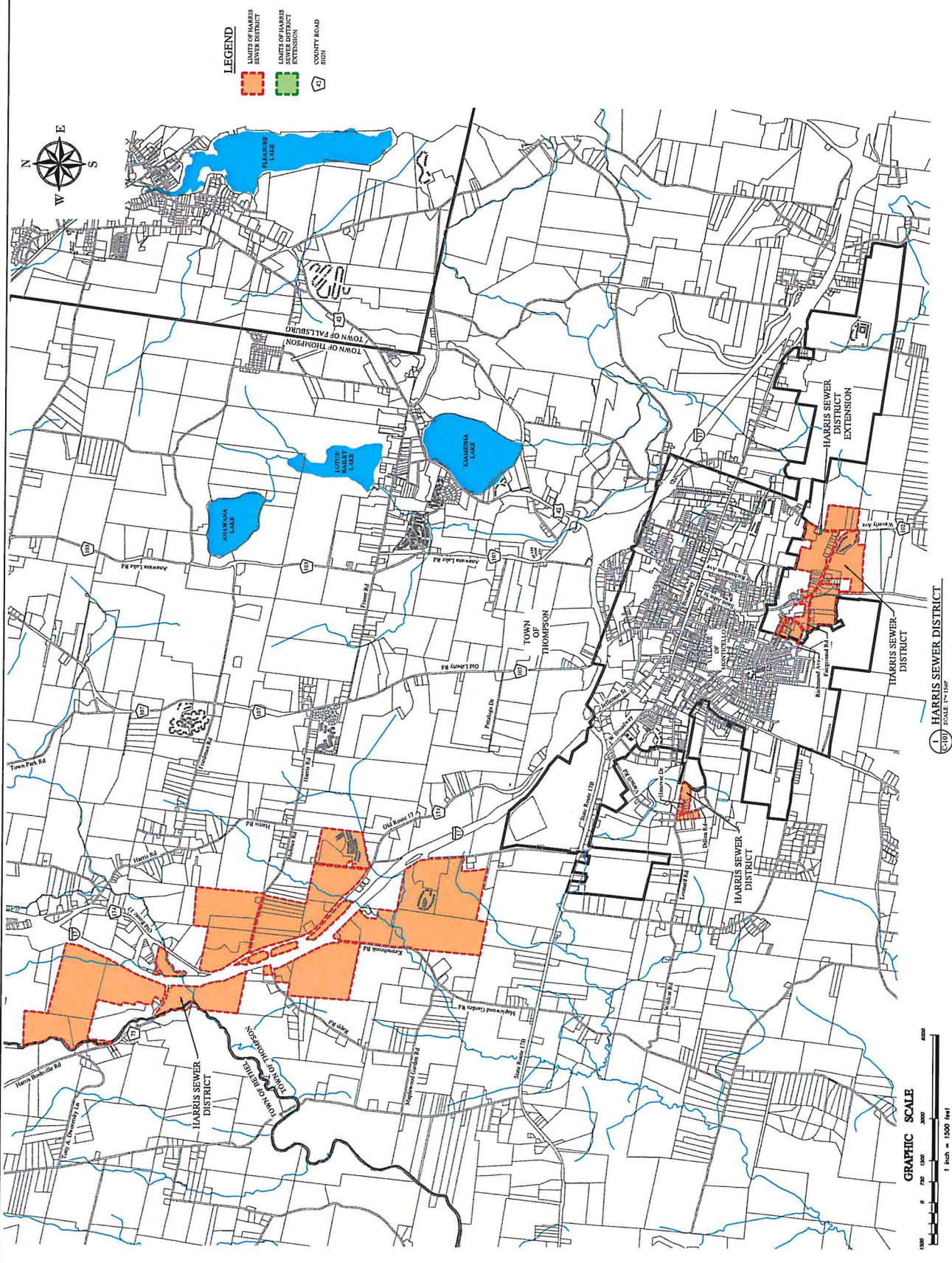
TOWN OF THOMPSON
 4603 NEW YORK ST
 MONTECALO, N.Y. ZIP 12701

HARRIS CONSOLIDATED SEWER DISTRICT PLAN

REVISION NO.	DESCRIPTION	DATE

SUBMITTAL DATE: 2/2/2010, 3/23
 DESIGNER: J.L.
 CHECKED BY: M.J.S.
 REVIEWED BY: M.J.S.
 SHEETS: 31/3

C-101
 PROJECT: 05-000
 PLANS: 1





102

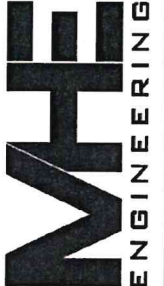
HARRIS SEWER DISTRICT

HARRIS SEWER DISTRICT EXTENSION (SBL: 29.-2-14)

Waverly Ave



33 Airport Center Drive
Suite 202
New Windsor, NY 12553
(845) 867-3100
111 Wheatfield Drive
Suite 1
Millard, PA 18337
(570) 286-2785



HARRIS SEWER DISTRICT
EXTENSION
SCALE: 1" = 200'

DRAWN BY:	JJ
REVIEWED BY:	MS
PROJECT #	20-703
PHASE #	

SK-1

DATE: 9 Feb., 2023

ATTACHMENT 3

DESCRIPTION OF DISTRICT EXTENSION

Beginning at a point, being the southeast corner of Tax map parcel 29.-2-14 and the northeast corner of tax map parcel 29.-2-15.3, said corner also being on the western boundary of Waverly Avenue; Thence

1. Westerly, 150.5 feet more or less, along the northern boundary of tax map parcel 29.-2-15.3, to a point, being the southwestern corner of tax map parcel 29.-2-14; thence
2. Northerly, 75 feet more or less along the western boundary of tax map parcel 29.-2-15.3 to a point, being the northwestern corner of tax map parcel 29.-2-14; thence
3. Easterly, 150.5 feet more or less, along the boundary of tax map parcel 29.-2-12.2 to a point, said point being the northeasterly corner of tax map parcel 29.-2-14 and located on the western boundary of Waverly Avenue; thence
4. Southerly, 75 feet more or less, along the westerly boundary of Waverly Avenue, to a point, said point being the southeasterly corner of tax map parcel 29.-2-14 and the northeast corner of tax map parcel 29.-2-15.3 and also being the point of beginning.

ATTACHMENT 4

**TOWN CODE CHAPTER 194 PART 2 SEWER RENTS
2020 SCHEDULE OF POINTS**

Part 2
Sewer Rents

ARTICLE VIII
Consolidated Harris Sewer District
[Amended 8-17-2021 by L.L. No. 8-2021]

§ 194-35. Imposition of rents.

Pursuant to the authority of Article 14-F of the General Municipal Law, known as the "Sewer Rent Law of the State of New York," and any and all amendments thereto, there are hereby established and imposed sewer rents as a means of producing revenue for the Consolidated Harris Sewer District in the Town of Thompson.

§ 194-36. Definitions and word usage.

- A. Definitions. As used in this article, the following terms shall have the meanings indicated:

CONSOLIDATED HARRIS SEWER DISTRICT — As previously constituted, has within its bounds all premises and buildings or structures and subject parcels currently existing in the formerly established Harris Sewer District, Dillon Farms Sewer District and Cold Spring Road Sewer District, and a number of other parcels of vacant or unimproved land.

SEWER DISTRICT — The Consolidated Harris Sewer District, Town of Thompson, as heretofore established by the Town Board of said Town.

SEWER RENT FUND — The fund established by the Supervisor upon authorization of the Town Board of the Town of Thompson, into which fund shall be deposited the sewer rents established, imposed and collected in accordance with the provisions of this article.

SEWER SYSTEM — Includes all collection and disposal systems constructed by and for the former Harris Sewer District, Dillon Farms Sewer District and Cold Spring Road Sewer District, consisting of, but not limited to, a gravity interceptor, two wastewater pumping stations and a force main interceptor sewer system, through and by which waste water from the Consolidated Harris Sewer District will flow to the Village of Monticello sewer system at Jefferson Street for treatment at the existing Village sewage treatment plant until completion and operation of a joint Town of Thompson-Village of Monticello wastewater regional treatment facility, when the wastewater from the Consolidated Harris Sewer District will be treated at the latter facility.

- B. Terms generally. The terms "sewer rents," "sewer system," "part," "sewage," "industrial waste" and "other wastes" shall be as defined in § 451 of the General Municipal Law.

§ 194-37. Disposition of sewer rent fund.

- A. Revenue derived from sewer rents, including penalties and interest, shall be credited to a special fund, to be known as the "Sewer Rent Fund." Moneys in such fund shall be used in the following order:
- (1) For the payment of the costs of operation, maintenance and repairs of the sewer system, or such part or parts thereof for which sewer rents have been established and imposed.
 - (2) For the payment of the interest on and amortization of, or payment of, indebtedness which has been or shall be incurred for the construction of the sewer system or such part or parts thereof for which sewer rents have been established and imposed (other than indebtedness, and the interest thereon, which is to be paid in the first instance from assessments upon benefited real property).
 - (3) For the construction of sewage treatment and disposal works with necessary appurtenances, including pumping stations, or for the extension, enlargement or replacement of, or additions to, such sewer systems, or part or parts thereof.
- B. Such revenues from sewer rents shall not be used to finance the cost of any extension of any part of a sewer system (other than any sewage treatment and disposal works with necessary appurtenances, including pumping stations) to serve unsewered areas if such part has been constructed wholly or partly at the expense of real property especially benefited or for the payment of the interest on and the amortization of, or payment of, indebtedness which is to be paid in the first instance from assessments upon benefited real property.

§ 194-38. Computation of sewer rentals.

The Town Board, prior to December 31 of each year, shall cause to be prepared a statement setting forth as sewer rentals the estimated amounts as required for the ensuing fiscal year for the purposes constituting the Sewer Rent Fund and which shall be used for the purposes and in the order provided in § 453 of the General Municipal Law. The same shall be based upon a formula using the master sewer readings for the district. The Town Board shall levy the amounts, as so adopted, against the real property liable at the same time and in the same manner as Town taxes, and such amounts shall be set forth in the annual tax rolls.

§ 194-39. Review and revision of costs and charges.

- A. The Town shall annually review the total cost of operation and maintenance of the treatment works and revise the charges in order to accomplish the following:
- (1) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and
 - (2) Apply excess revenues collected to the cost of operation and maintenance for the next year and adjust the rate accordingly.

- B. The annual bill shall give a breakdown of the rate and portion of the charges attributable to wastewater treatment services.
- C. The user charge system shall take precedence over any terms or conditions of agreements or contracts between the Town and users (including industrial users, special districts, other municipalities or federal agencies or installations) which are inconsistent with the requirements of Section 204(b)(1)(A) of the Act and these regulations.

§ 194-40. Rents to constitute lien.

Sewer rents shall constitute a lien upon the real property served by the sewer system or such part or parts thereof for which sewer rents are hereby established and imposed. The lien shall be prior and superior to every other lien or claim, except for the lien of an existing tax assessment or other lawful charge imposed by or for the State of New York or political subdivision or district thereof.

§ 194-41. Cooperation of owners of real property.

The Sewer and Water Superintendent may require every owner and/or occupant of real property within the Sewer District to furnish him with such information as may be necessary and reasonable in order to carry out the provisions of this article. It shall be permissible for the Sewer and Water Superintendent or other properly authorized person employed by the Sewer District to enter upon real property at reasonable times for the purpose of obtaining such information as may be necessary to carry out the provisions of this article.

§ 194-42. Collection authority.

The Town Board of the Town of Thompson shall have the authority to collect sewer rents as provided in Subdivisions 3 and 4 of § 452 of the General Municipal Law.

ARTICLE IX

Consolidated Kiamesha Sewer District and Consolidated Rock Hill/Emerald Green Sewer District

[Added 12-15-1981 by L.L. No. 9-1981; amended 8-17-2021 by L.L. No. 8-2021]

§ 194-43. Imposition of rents.

Pursuant to the authority of Article 14-F of the General Municipal Law of the State of New York, titled "Sewer Rent Law," and any and all amendments thereto, there are hereby established and imposed sewer rents as a means of producing revenue for the Consolidated Kiamesha Sewer District and the Consolidated Rock Hill/Emerald Green Sewer District in the Town of Thompson and any sewer district created after the enactment of this article by said Town of Thompson in accordance with the statutes in such case made and provided.

§ 194-44. Definitions; interpretations.

A. Definitions. As used in this article, the following terms shall have the meanings indicated:

CONSOLIDATED KIAMESHA SEWER DISTRICT — As heretofore been established by the Town Board of the Town of Thompson which consists of all parcels previously existing in the Anawana Lake Sewer District, Kiamesha Lake Sewer District, Harris Woods Sewer District and Lakeview Estates Sewer District, as all combined and incorporated into the Consolidated Kiamesha Sewer District.

CONSOLIDATED ROCK HILL/EMERALD GREEN SEWER DISTRICT — As heretofore been established by the Town Board of the Town of Thompson by the Town Board of the Town of Thompson and which consists of all parcels previously existing in the Emerald Green Lake Louise Marie Sewer District and the Rock Hill Sewer District, as all combined and incorporated into the Consolidated Rock Hill/Emerald Green Sewer District.

PART — As used in relation to the term "sewer system," all lateral sewers or all branch sewers or all interceptor sewers or all trunk sewers and any sewage treatment and disposal works and private on-site wastewater disposal systems, each part with necessary appurtenances, including sewage pumping stations.

SEWER DISTRICT — Consolidated Kiamesha Sewer District and Consolidated Rock Hill/Emerald Green Sewer District of the Town of Thompson, as heretofore established by the Town Board of the Town of Thompson, or any sewer district created hereafter by said Town Board of the Town of Thompson in accordance with the statutes applicable thereto.

SEWER RENT FUND — The fund established by the Supervisor upon authorization of the Town Board of the Town of Thompson, into which fund shall be deposited the sewer rents established, imposed and collected in accordance with the provisions of this article.

SEWER SYSTEM — All sewer pipes and other appurtenances which are used or

useful in whole or in part in connection with the collection, treatment or disposal of sewage, industrial waste and other wastes and which are owned, operated or maintained by the Town of Thompson acting for and on behalf of its sewer districts as defined herein, including sewage pumping stations and sewage treatment and disposal works and private on-site wastewater disposal systems, if any.

- B. In the event of any conflict between the definitions contained herein and the definitions contained in § 451 of the General Municipal Law with respect to the imposition of sewer rents, the definitions provided for in said § 451 of the General Municipal Law shall control.

§ 194-45. Sewer rents.

The Town Board of the Town of Thompson shall, from time to time as hereinafter provided, adopt by resolution a scale of annual charges which shall establish and impose in the various sewer districts of the Town the charges for the use of the sewer system or any part or parts thereof. Such charges to be established and imposed by the Town shall be based on either:

- A. The consumption of water on the premises connected with and served by the sewer system or such part or parts thereof;
- B. The number and kind of plumbing fixtures on the premises connected with and served by the sewer system or such part or parts thereof;
- C. The number of persons served on the premises connected with and served by the sewer system or such part or parts thereof;
- D. The volume and character of sewage, industrial waste and other waste discharged into the sewer system or such part or parts thereof; or
- E. Upon any other equitable basis determined by the Town Board, including but not limited to any combination of the foregoing.

§ 194-46. Schedule of points.

- A. The Town Board of the Town of Thompson hereby determined that the schedule of rates for capital improvements and operation and maintenance expenses for properties included in each of the Sewer Districts and extension thereof of the Town of Thompson be computed as follows:

2020 Schedule of Points

This schedule refers to domestic, or sanitary, sewage.

Multiuse properties will be assigned points summed for each use.

Property Class	Property Use	* = per unit	Rent Points	Debt Points
210	Single-family dwellings	1 to 4 bedrooms	10	10
		5 or more bedrooms	20	20

2020 Schedule of Points

This schedule refers to domestic, or sanitary, sewage.

Multiuse properties will be assigned points summed for each use.

Property Class	Property Use	* = per unit	Rent Points	Debt Points
215, 220	Home with apartment, two-family dwellings		20	20
230	Three-family dwelling		30	30
260	Seasonal homes		10	10
280	Residential multistructure, multipurpose*		20	20
411	Apartment*	One-bedroom	7	7
		Two-bedroom	8	8
		Three-bedroom	10	10
Condominiums	Residences with HOA offering plans will be assigned a share of the points for the related common facilities			
270, 416	Mobile home, manufactured home parks*		5	5
260	Seasonal residences		10	10
414, 415, 418	Hotels, motels, inns			
	Office, first unit, small kitchen		20	20
	Each sleeping unit*		5	5
	Each efficiency unit*		6	5
417	Camps, cottages, bungalows; unheated; per unit*		5	10
		Add for day camps and/ or school facilities	15	15
421, 424	Restaurants, night clubs		80	80
422, 423, 425, 426	Diners fast food and bars		40	40
431, 432, 433	Autodealers, service stations, body shops		20	30
434, 435, 436	Car wash		70	70
437, 438	Parking lots		0	10
440, 441, 442, 446, 449	Storage, warehouse, distribution facility, plus 4 point/1,000 square feet		20	20
447	Truck terminal		100	100

2020 Schedule of Points

This schedule refers to domestic, or sanitary, sewage.

Multiuse properties will be assigned points summed for each use.

Property Class	Property Use	* = per unit	Rent Points	Debt Points
451, 452, 453, 454	Large retail, plus 6 points/1,000 square feet limited facilities 4 points/1,000 square feet		50	50
455, 471, 472	Sales (non-auto), funeral home, kennel		30	30
460, 461, 462, 463	Banks		60	60
464, 465	Office and professional building		100	100
480, 482, 483	Multiuse commercial, row type, converted residence		15	15
484, 485, 486	Small commercial, mini-marts		30	30
512, 534, 541, 542	Movie theatre, social halls, bowling alleys, ice rinks		90	90
543, 544, 545, 546, 553, 554	Recreational and sport facilities		120	120
550, 552, 682	Recreational acreage without facilities, per acre (ex: golf courses, parks, etc.)		0	5
554	Outdoor pools, no facilities		20	20
612, 613, 614, 615	Schools, colleges, special institutions (day use) plus 5 point/1,000 square feet		20	20
611, 620, 632, 681	Library, cultural, religious, benevolent		20	20
641	Hospitals plus 20 points/1,000 square feet		50	50
614, 633	(Residential) nursing home, group home, special institutions, assisted living, plus 25 points/1,000 square feet		50	50
642	Small health care office, plus 8 points/1,000 square feet		20	20

2020 Schedule of Points

This schedule refers to domestic, or sanitary, sewage.

Multiuse properties will be assigned points summed for each use.

Property Class	Property Use	* = per unit	Rent Points	Debt Points
652	Government office		100	100
710, 712, 714	Manufacturing and processing		50	50
720, 721	Mining		10	10
822, 823 853	Water supply, water treatment, wastewater treatment		According to volume of sewage sent to Town	
300	Vacant, subdivided lots	Each buildable residential lot	0	3
		Each commercial lot	0	4
		Each waterfront lot	0	4
		Acreage per acre	0	5
		Special classification: Parcels or units included in the district which can not be feasibly served at this time, the property line being more than 200 feet from the sewer line or other circumstances making connection Infeasible.	0	0.01
<p>Outside users shall be assigned points on the same basis and using the same formula used for all parcels within the district, with an additional 10% administration fee.</p> <p>If a user is a municipal government, the Town and such municipal government may by contract agree on the charge to be imposed for use of the sewer system, which such contract may include the successor to such municipal government.</p> <p>The Town Board will make decisions on questions of classifications of properties.</p>				

B. Sewer District rents. The current sewer rents established by the Town Board are on file in the Office of the Town Clerk.

§ 194-47. Computation of sewer rentals.

The Town Board shall, prior to December 31 of each year, cause to be prepared a statement setting forth as sewer rentals the estimated amounts for the ensuing year in accordance with the provisions of General Municipal Law Article 14-F, § 194-38 of this Part 2 and Subsections A, B and C of this section, the same to be based on existing available data. The estimated annual charge for the ensuing year shall be based upon operating data from the previous year, unless another formula for the computation of said rate is provided for in Subsections A, B and C hereof. The estimated annual charge for a given year shall adjusted to an actual charge by the Town Board during the following

year when the actual operating data is available for that year. Unless otherwise provided for herein, the payment of the amount set forth in the annual statement for each year shall be made within 30 days of the date of the mailing of the statements to the property owner without discount or penalty. A penalty of 5% of the amount of the sewer rent statement shall be added thereto after the thirty-day period, if unpaid, and 1/2 of 1% for each additional month that the sewer rent remains unpaid.

- A. Computation of sewer rents in the Consolidated Kiamesha Sewer District and the Sackett Lake Sewer District. The Town Board, prior to December 31 of each year, shall cause to be prepared a statement setting forth as sewer rentals the estimated amounts as required for the ensuing fiscal year for the purposes constituting the Sewer Rent Fund and which shall be used for the purpose and in the order provided in § 453 of the General Municipal Law, Article 14-F, the same to be based on existing available data. The Town Board shall levy the amounts as so adopted against the real property liable at the same time and in the same manner as Town taxes, and such amounts shall be set forth in the annual tax rolls.
- B. Computation of sewer rents in the melody lake sewer district. The Town Board, prior to December 31 of each year, shall cause to be prepared a statement setting forth as sewer rentals the estimated amounts as required for the ensuing fiscal year for the purposes constituting the Sewer Rent Fund and which shall be used for the purposes and in the order provided in § 453 of the General Municipal Law. The same shall be based upon a formula of a rate of house and lot. The Town Board shall levy the amounts as so adopted against the real property liable at the same time and in the same manner as Town taxes, and such amounts shall be set forth in the annual tax rolls.
- C. Computation of sewer rents in the Consolidated Rock Hill/Emerald Green Sewer District. The Town Board, prior to December 31 of each year, shall cause to be prepared a statement setting forth as sewer rentals the estimated amounts as required for the ensuing fiscal year for the purposes constituting the Sewer Rent Fund and which shall be used for the purposes and in the order provided in § 453 of the General Municipal Law, Article 14-F, the same to be based on existing data. The Town Board shall levy the amounts as so adopted against the real property liable at the same time and in the same manner as Town taxes, and such amounts shall be set forth in the annual tax rolls.
 - (1) Included costs; cost allocation. The sewer rents for the Consolidated Rock Hill/Emerald Green Sewer District shall be based on the capital cost of the Emerald Green-Lake Louise Marie sewer plant, excluding the Emerald Green-Lake Louise Marie Sewer District collection system and the capital costs of the former Rock Hill Sewer District, if any; and on the operation and maintenance cost allocated to the former Emerald Green-Lake Louise Marie Sewer District sewer plant, excluding the former Emerald Green-Lake Louise Marie Sewer District collection system and the operation and maintenance cost of the former Rock Hill Sewer District. The allocation of such capital cost and operation and maintenance charges shall be based on a reasonable determination of the Town Board.

- (2) Minimum charges. The Consolidated Rock Hill/Emerald Green Sewer District residential properties, and commercial properties having a building square foot area of less than 2,500 square feet, shall pay a minimum charge for 90,000 gallons annually. All other commercial properties shall have a minimum charge for 180,000 gallons annually. The Sewer and Water Superintendent may require the installation of a meter where the Sewer and Water Superintendent believes that the usage of a particular unmetered property exceeds such annual minimum for such property for a test to determine actual usage, and thereafter shall require the installation of such meter on a permanent basis, if after such test usage exceeds or is reasonably expected to exceed such minimum amount on a continuing basis.
- (3) Connections. Residential properties located with the Consolidated Rock Hill/Emerald Green Sewer District which are serviced by lawfully operating private sewer systems shall not be required to connect to the Consolidated Rock Hill/Emerald Green Sewer District system. All properties which require sewer service after the formation of the Consolidated Rock Hill/Emerald Green Sewer District and properties which are not required to connect to the Consolidated Rock Hill/Emerald Green Sewer District system that would require a building permit to restore an existing private sewer system to lawful operating condition shall be required to connect to the Consolidated Rock Hill/Emerald Green Sewer District system. All commercial properties shall be required to connect to the Consolidated Rock Hill/Emerald Green Sewer District system.
- (4) Meters. The property owner shall provide a water meter acceptable to the Consolidated Rock Hill/Emerald Green Sewer District for the purpose of measuring water usage for sewer district charges. The Town Board by resolution may determine the percentage of actual usage of water for applicable sewer district charges based on total water usage compared to treated usage. Meters installed for a test shall be a charge to the district.
- (5) Costs. The costs and flows of the Consolidated Rock Hill/Emerald Green Sewer District shall be determined by the flows for the most recent complete calendar year of service prior to imposition of such charge. If any agreement governs the application of a charge, such agreement shall apply.
- (6) All other applicable provisions of this chapter shall apply.

§ 194-48. Review and revision of costs and charges; effect on existing agreements.

- A. The Town shall annually review the total cost of operation and maintenance of the treatment works and revise the charges in order to accomplish the following:
 - (1) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance, including replacement, of the treatment works; and
 - (2) Apply excess revenues collected to the cost of operation and maintenance for

the next year and adjust the rate accordingly.

- B. The annual bill shall give a breakdown of the rate and portion of the charges attributable to wastewater treatment services.
- C. The system and scale of charges established by the Town Board hereunder shall take precedence over any agreements or contracts and the terms and conditions thereof now in existence between the Town and users (including industrial users, special districts, other municipalities or federal agencies or installations) which are inconsistent with the provisions of this article.

§ 194-49. Disposition of revenue.

- A. Revenue derived from sewer rents, including penalties and interest, shall be credited to a special fund, to be known as the "Sewer Rent Fund," for and in the name of each of the Town's sewer districts. Moneys in such fund shall be used in the following order:
 - (1) For the payment of the costs of operation, maintenance and repairs of the sewer system, or such part or parts thereof for which sewer rents have been established and imposed.
 - (2) For the payment of interest on and amortization of, or payment of, indebtedness which has been or shall be incurred for the construction of the sewer system or such part or parts thereof for which sewer rents have been established and imposed (other than indebtedness, and the interest thereon, which is to be paid in the first instance from assessments upon benefited real property).
 - (3) For the construction of sewer treatment and disposal works with necessary appurtenances, including pumping stations, or for the extension, enlargement or replacement of, or additions to, such sewer systems, or part or parts thereof.
- B. Such revenues from sewer rents shall not be used to finance the cost of any extension of any part of a sewer system (other than any sewage treatment and disposal works with necessary appurtenance, including pumping stations) to serve unsewered areas if such part has been constructed wholly or partly at the expense of real property especially benefited or for the payment of the interest on and the amortization of, or payment of, indebtedness which is to be paid in the first instance from assessments upon benefited real property.

§ 194-50. Rents to constitute a lien.

Sewer rents shall constitute a lien upon the real property served by the sewer system or such part or parts thereof for which sewer rents are hereby established and imposed. The lien shall be prior and superior to every other lien or claim, except the lien of an existing tax assessment or other lawful charge imposed by or for the State of New York or political subdivision or district thereof.

§ 194-51. Cooperation of owners of real property.

The Sewer and Water Superintendent may require every owner and/or occupant of real property within the Sewer District to furnish him with such information as may be necessary and reasonable in order to carry out the provisions of this article. It shall be permissible for the Sewer and Water Superintendent or other properly authorized person employed by the Sewer District to enter upon real property at reasonable times for the purpose of obtaining such information as may be necessary to carry out the provisions of this article.

§ 194-52. Collection authority.

The Town Board of the Town of Thompson shall have the authority to collect sewer rents as provided in Subdivisions 3 and 4 of § 452 of the General Municipal Law.

ATTACHMENT 5

LOCAL LAW NO. 4 OF 2022

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Proposed

Local Law No. 04 of 2022

A local law entitled "A local law to amend the Town of Thompson Code, Chapter 194, entitled 'Sewers'."

Be it enacted by the Town Board of the Town of Thompson

1. The Town Board of the Town of Thompson, pursuant to the provisions of Article 14-F of the General Municipal Law, entitled "Sewer Rent Law", and in particular Section 452 thereof, does hereby establish and impose sewer rents to be charged in the Consolidated Harris Sewer District, Consolidated Rock Hill/Emerald Green Sewer District, Consolidated Kiamesha Sewer District, Melody Lake Sewer District, Sackett Lake Sewer District, Cold Spring Sewer District, and Adelaar Resort Sewer District for the year 2023.
2. The rates to be charged pursuant to Chapter 194 of the Code of the Town of Thompson, Section 194-45, for the year 2023 are as follows:

<u>DISTRICT:</u>	<u>Operation & Maintenance</u>	<u>Capital</u>
Consolidated Kiamesha Sewer District:	\$48.07	\$ 10.23
Consolidated Harris Sewer District:	\$30.20	\$ 1.45
Consolidated Rock Hill/Emerald Green Sewer District	\$54.63	\$ 18.61
Melody Lake Sewer District	\$83.07	\$ 20.59
Sackett Lake Sewer District:	\$61.12	\$ 1.12
Adelaar Resort Sewer District:*	N/A	N/A

* Adelaar Resort Sewer District is billed to 6 users only per usage spreadsheet

3. Except as herein specifically amended, the remainder of Chapter 194 of such code shall remain in full force and effect.
4. If any clause, sentence, paragraph, subdivision, section or part thereof this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.
5. This local law shall take effect immediately.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2022 of the Town of Thompson was duly passed by the Town Board on _____, 2022 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by Elective Chief Executive Officer*)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the County/City/Town/Town/Village of _____ was duly passed by the _____ on _____ 20__ and was (approved) (not approved) (repassed after disapproval) by the _____ on _____ and was deemed duly adopted on _____ 20__, in accordance with the applicable provisions of law.

3. (Final adoption by referendum)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the County/City/Town/Town/Village of _____ was duly passed by the _____ on _____ 20__ and was (approved) (not approved) (repassed after disapproval) by the _____ on _____. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the County/City/Town/Town/Village of _____ was duly passed by the _____ on _____ 20__ and was (approved) (not approved) (repassed after disapproval) by the _____ on _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20__ in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20___ of the City of _____ having been submitted to referendum pursuant to the provisions of Sections 36/37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at a special/general election held on _____ 20___ became operative.

6. (County local law concerning adoption of Charter)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20___ of the County of _____, State of New York, having been submitted to the electors at the General Election of November ___ 20___, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide the appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

~~Clerk of the county legislative body, city, Town,
village clerk or officer designated by local legislative
body~~

Date: December _____, 2022

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality)

STATE OF NEW YORK
COUNTY OF SULLIVAN

I, the undersigned, do hereby certify that the foregoing local law contains the correct text and that all proper proceeding have been had or taken for the enactment of the local law annexed hereto.

Date: December _____, 2022

Attorney for Town of Thompson