

Town of Ulysses Water Policies

Note: It is intended that this is the first of several water-related policies that the Town Board may consider enacting, and the intention is to create separate articles/sections within a single policy document.

Article ____ : District Creation/Extension Policy Pertaining to New York State Town Law, Chapter 62, Article 12A

Creation or extension of new water districts can happen in one of two ways:

1. Town residents are entitled to formally petition for the creation of a water district or for the extension of an existing one per New York State Town Law, Chapter 62, Article 12.
2. Additionally, the Town Board has the ability to initiate new water districts or extensions, subject to permissive referendum, per New York State Town Law, Chapter 62, Article 12A. This policy reflects the process for how the Town Board can determine whether initiating the formation of a water district is in the best interest of the public.

In recognition that the formal petition process (option #1) may be an economic burden to those property owners requesting water, the Town Board has created the following policy to determine whether it is in the public interest to explore forming new water districts or extensions (option #2):

In an effort to be a good steward of general Town funds and in recognition that expenses associated with failed water districts are paid for by the general tax base of the Town-outside-Village owners, the Town Board shall consider the willingness of the property owners in the proposed district to pay any estimated costs associated with the installation of the new district/extension.

To this end, at least one property owner from a number of parcels equal to at least 75% of the total number of parcels in the proposed district/extension shall sign a request form provided by the Town for a district/extension formation and submit these requests and a map of the service area to the Town Clerk. The name of the property owner(s) and contact/representative (if appropriate), tax parcel number, and contact information for each tax parcel will be provided.

Additionally, the form shall require interested property owners to indicate the range of expense they may be willing to pay for water (debt service, water, etc.) on a monthly or yearly basis, as well as acknowledge that property owners are required to pay for the hook-up expenses associated with the formation of the new district/extension. This range is not binding, but useful for the Town Board when determining the financial willingness of property owners in the proposed district to undertake the costs associated with the formation and installation of a water district.

The Town Board shall review the Town's Comprehensive Plan, Agriculture Plan, and any other New York State, Tompkins County, and Town plans or documents applicable to the topic and area of the Town. The review and findings by the Town Board will be shared with the public before the first vote to appropriate monies for initial costs related to the formation/extension of a district.

The Town Board shall also solicit feedback from applicable staff, including, but not limited to: the Water Supervisor, Water Operator, Water Clerk, Town Planner, and Town Supervisor. Initial feasibility discussions should also occur with the Town Engineer. An informational public hearing, for the purposes of gathering public feedback, will also be held before the Town Board undertakes the first vote to appropriate monies for initial costs related to any potential water district/extension. Any exploratory cost estimates available will be shared with the public in advance of the Town Board undertaking the first vote on the formation of any potential water district/extension.

The Town Board reserves the right to request that the survey form be amended and/or updated, particularly in a situation where new or altered exploratory costs estimates or additional applicable information becomes available. The Town Board shall require that at least one property owner from a number of parcels equal to at least 75% of the total number of parcels in the proposed district/extension be in support of the project based on the best exploratory cost estimates available in advance of the first vote to appropriate monies for initial costs related on the formation/extension of the district.

If the Town Board decides to initiate the creation of a new district/extension, additional information will be gathered as part of the process, including, but not limited to, necessary engineering reports, environmental studies, any additional required documents or studies, and cost estimates associated with the proposed creation and construction of the district. These costs would be paid by the new district/extension service area as part of the debt associated with the overall district/extension if the district/extension is formally established.

The formal creation of the district or extension under this process would be subject to permissive referendum of those properties in the identified service area.

All other applicable federal, state, and local laws and statutes shall be adhered to in the creation of a new district/extension.