


SUFFOLK COUNTY WATER AUTHORITY

INTEROFFICE MEMORANDUM

TO: Jeffrey Szabo, Chief Executive Officer

FROM: Timothy J. Hopkins, General Counsel 

DATE: March 6, 2012

RE: Village of Farmingdale

ISSUE 1: May the Suffolk County Water Authority (SCWA) operate, manage and finance improvements for the public water supply system of the Village of Farmingdale or sell water to the Village when such system is wholly within the County of Nassau?

ISSUE 2: May a water district, like the Bethpage Water District, operate, manage and finance improvements for the public water supply system of the Village of Farmingdale or sell water to the Village?

BRIEF ANSWER 1: Yes. SCWA may enter a cooperative agreement to operate or manage the Village system with approval of the Nassau County Legislature. SCWA may wholesale water to the Village with approval of the Suffolk County Legislature. A statutory amendment adding the Village to the SCWA's designated service area would permit the SCWA to operate, manage, provide water and finance improvements in the Village in the same manner as it does for its customers in Suffolk County without the need for local legislative approval. Similar statutory amendments have already been made on at least 14 separate occasions to authorize the Monroe County Water Authority, the Onondaga County Water Authority, and the Erie County Water

Authority to expand their jurisdictional territory beyond their respective county boundaries.

BRIEF ANSWER 2: No. There is no statutory authority in the Town Law for a water district to operate, manage or finance improvements outside a water district's boundaries. While a water district may provide surplus water outside water district boundaries, Town Law § 198 provides that no such supply shall be permitted if the area to be supplied is served by another village, unless prior approval of the Department of Environmental Conservation is obtained. In addition, Town Law § 198 provides that the sale of surplus water "shall not be permitted" outside the water district "if such use will reduce the supply of water so that it will not be sufficient for the district or its inhabitants."

DISCUSSION 1: New York Public Authorities law gives the SCWA broad power to purchase, condemn, construct, develop and operate any water supply system located wholly within Suffolk County. Public Authorities Law currently provides more limited power to SCWA to operate or sell water outside Suffolk County, power that is subject to local legislative approval.

First, Public Authorities Law §1078(12) currently provides that SCWA has the power and duty

[t]o enter into cooperative agreements with other water authorities, municipalities, or utility companies, for the interconnection of facilities, the exchange or inter-change of services and commodities or for any other lawful purposes necessary or desirable to effect the purposes of [Public Authorities Law §1078], provided, however, that any such agreement with a municipality located in a county, other than Suffolk county, shall be subject to the approval of the board of supervisors of such county, if any.

Applying this section of the Public Authorities Law to the Village of Farmingdale means that a cooperative agreement between the Village and SCWA for SCWA to operate or manage the Village of Farmingdale water system would be subject to the approval of the Nassau County board of supervisors. Here, “board of supervisors” would most likely be interpreted to mean the Nassau County Legislature. “Subject to” would probably be interpreted to mean approval is required. One could argue that no approval is required for such a cooperative agreement because there is no “board of supervisors” in Nassau County, but that argument is unlikely to be upheld by a court interpreting this section. In sum, under its current statutory powers, the SCWA could enter a cooperative agreement to operate or manage the Village of Farmingdale water system only upon the approval of the Nassau County Legislature.

Second, Public Authorities Law §1078(7) provides that SCWA has the power and duty,

[s]ubject to the approval of the [Suffolk County Legislature,] to sell any water not needed in such county to any municipality or privately owned public water supply and distribution system outside of the county in which created. Not only may the authority sell any surplus water it may have developed, but it may, with the consent of [the Suffolk County Legislature], develop and provide a sufficient amount of water so as to supply water outside of the county to any municipality or privately owned public water supply and distribution system.

This section of the Public Authorities Law means that SCWA could develop and supply any surplus water from Suffolk County to the Village of Farmingdale on a wholesale basis. If the Village only needed additional water supplies, SCWA could sell water to the Village through a master meter at the Village boundary. The system would continue to be operated and managed by the Village. Such an arrangement would be subject to the approval of the Suffolk County Legislature under the SCWA’s current statutory powers.

The SCWA could operate, manage, provide water and finance improvements in the Village in the same manner as it does for its customers in Suffolk County if the Public Authorities Law was amended to authorize SCWA to expand its service territory to include the Village of Farmingdale. For example, the Monroe County Water Authority's statute was amended to include areas outside Monroe County. The Monroe County Water Authority's jurisdiction now includes Monroe County, Genesee County, the Town and Village of Victor and the Towns of East Bloomfield and West Bloomfield in Ontario County, and the Village of Holley and the Town of Clarendon in Orleans County. The Onondaga County Water Authority's statute was amended to include areas outside Onondaga County. The Onondaga County Water Authority's jurisdiction now includes the Towns of Sullivan, Lenox and Lincoln in Madison County, the Towns of Volney, West Monroe, and Granby in Oswego County, the Towns of Verona and Annsville in Oneida County, and the Town of Sterling in Cayuga County. The Erie County Water Authority's jurisdiction now includes the Town of Hanover, the Village of Silver Creek and the Seneca Nation of Indians, Cattaraugus reservation.

If the Village of Farmingdale wanted the SCWA to operate, manage, provide water and finance improvements in the Village in the same manner as it does for its customers in Suffolk County, a statutory amendment should be effected. An appropriate amendment has already been drafted. Under the proposed bill no prior approval of the Suffolk or Nassau County Legislatures would be required for the SCWA to provide such services. The SCWA could enter into an operation and management agreement with the Village of Farmingdale in the same manner as it has done with the municipal and district corporations in Suffolk County. For example, the SCWA has operating and maintenance agreements with the Brentwood Water District, the East

Farmingdale Water District, the Stony Brook Water District, the Riverside Water District, and the Fair Harbor Water District. The SCWA also provides all of the water used by the Smithtown Water District, the St. James Water District and the Village of Greenport on a wholesale basis. With the proposed statutory amendment, the SCWA could provide water, water service and capital financing for the Village of Farmingdale in the same manner as it does for municipal and district corporations in Suffolk County without limitation.

The proposition that the “Local Water Authority Act¹” (Public Authorities Law Article 5, Title 8-A) somehow limits the SCWA’s ability to finance capital improvements within the Village of Farmingdale lacks all merit. Once the recommended statutory amendment is made, the Village of Farmingdale will be within the SCWA’s jurisdictional territory and the statutory provisions of the “Suffolk County Water Authority Act” (Public Authorities Law Article 5, Title 4) would apply. This is exactly what happened when the service territories of the Monroe County Water Authority, the Onondaga Water Authority and the Erie County Water Authority were expanded on at least 14 different occasions.² Copies of the session law amendments expanding the jurisdiction of the Monroe, Onondaga, and Erie County Water Authority’s service territories are attached as Exhibits A, B and C, respectively.

The SCWA is the largest groundwater supplier in the nation and has been operating for

¹ The Local Water Authority Act is a model statute. No water authority actually operates under the provisions of the Local Water Authority Act. The New York State Constitution provides that a water authority can only be created by special act of the New York State Legislature. Once a water authority is created under such as special act of the Legislature, the new water authority operates pursuant to the provisions of its special act, not the Local Water Authority Act.

² All these expansions occurred after the Local Water Authority Act was enacted.

60 years. The SCWA is a New York public benefit corporation empowered to act pursuant to New York Public Authorities Law Article 5, Title 4. All revenues received by the SCWA must be used for operating expenses, construction costs and paying outstanding debts related to the operation of its public water supply system. In the exercise of its statutory powers, the SCWA is deemed to be performing an essential governmental function.

Currently, the SCWA serves water to approximately 1.2 million Suffolk County residents. The SCWA has 234 pump stations with 563 active wells in its distribution system located throughout Suffolk County. The SCWA distribution system includes 5,900 miles of water main, 36,714 fire hydrants, 44 booster stations, and 61 elevated water storage facilities with the capacity to store 65.9 million gallons of potable drinking water. To meet the demands of its customers, the SCWA pumped 73.9 billion gallons of water in the calendar year 2011.

The SCWA operates its pump stations, storage facilities and distribution system through a wireless Supervisory Control And Data Acquisition (“SCADA”) system that allows the entire system to be monitored and operated 24 hours a day, seven days a week from a single control center located in Bay Shore, New York (with a backup control center located in Westhampton, New York). The SCWA has its own state-of-the-art drinking water testing laboratory that analyzes more than 64,000 samples per year to produce over 205,000 test results for over 275 different chemical constituents. The SCADA system, the laboratory, approximately 100 pump stations, and the SCWA’s major office locations have emergency generators to maintain the flow of the public water supply in the event of electrical grid failure or other catastrophic event.

The SCWA operates its water supply and distribution system with a staff of approximately 563 full time employees. Approximately 60% of the employees make up the

unionized labor force of the SCWA, and 40% employees make up the SCWA's professional management staff. The professional staff includes several licensed professional engineers, licensed public water supply operators, hydrogeologists, laboratory professionals, professional planners, certified public accountants and lawyers.

The financial standing of the SCWA is excellent. SCWA bonds have been rated AA+ by both Fitch and Standard and Poors rating agencies making the SCWA's bonds the highest rated of any public utility authority in the State of New York. The operating revenues of the SCWA were in excess of \$130 million for each of the last three fiscal years. The SCWA had total assets in excess of \$1.5 billion as of May 31, 2011.

Since the SCWA began operations in or about 1951, it has consolidated more than 40 separate public and private water supply systems throughout Suffolk County to create a single fully integrated public water supply system with approximately 27 different distribution areas. In addition to its own distribution system, the SCWA supplies water to and operates five public water districts in Suffolk County, the Brentwood Water District, the East Farmingdale Water District, the Fair Harbor Water District, the Stony Brook Water District, and the Riverside Water District, all of which have been fully integrated into the SCWA's system. The SCWA supplies all of the water in bulk to three public water systems that do not have their own public supply wells, the Smithtown Water District, the St. James Water District and the Village of Greenport water system. In sum, the SCWA supplies drinking water to approximately 85 percent of the population of Suffolk County.

DISCUSSION 2: In contrast to a water authority, the powers of a water district are limited.

Town Law § 198(3) sets forth the powers of a water district. Town Law § 198(3)(a) provides in relevant part:

After a water district shall have been established, the town board may construct, maintain, extend, repair and regulate water works, wells, reservoirs, or basins for the purpose of supplying the inhabitants of any *water district* in such town, with pure and wholesome water for domestic and commercial uses, and for protection against fire; provided, however, that any such improvement shall be consistent with, so far as possible, any comprehensive plan for public water supply systems developed and maintained pursuant to section ninety-nine-f of the general municipal law. (Emphasis supplied.)

In sum, a water district is only empowered to construct, maintain, extend, repair and regulate water works and wells for the purpose of supplying water to inhabitants of a *water district* in such town. The Village of Farmingdale is not a water district but a village water system, and thus, a water district could not perform these functions for the Village under these statutory provisions.

Town Law § 198(3)(b) permits a water district to provide surplus water of the district outside the boundaries of the water district, but its power is strictly limited. Town Law § 198(3)(b) provides in relevant part:

The town board may permit any person or corporation owning real estate outside of the water district to use water from a district system for a rental, subject to the restrictions to be prescribed by said board, provided, however, that no such use shall be permitted outside of the town in which such district is located if such territory is served by another water district, a water supply company, city, village or joint water works system unless the approval of the [Department of Environmental Conservation] is first obtained. The town board shall not sell nor [sic.] permit the use of water under this section outside of the district if such use will reduce the supply of water so that it will not be sufficient for the district affected or its inhabitants.

In sum, while a water district may provide surplus water outside water district boundaries, Town Law § 198 provides that no such supply shall be permitted if the area to be supplied is served by another village, unless prior approval of the Department of Environmental Conservation is obtained. Opinion 2005-7 of the Office of the State Comptroller regarding this issue is attached hereto as Exhibit D. In addition, Town Law § 198 provides that the sale of surplus water “shall not be permitted” outside the water district “if such use will reduce the supply of water so that it will not be sufficient for the district or its inhabitants.”

With this strict limitation, even if a water district was properly supplying surplus water to an adjacent village, the water district would be required, as a matter of law, to cease providing water to such village in order to maintain supply and pressure within the water district. For example, if a well of the water district became contaminated, the water district may have to cut off water supply to the village in order to maintain adequate supply and pressure within the district.

In the case of the Bethpage Water District, this is not an unlikely scenario given the contamination issues that the District has had to address. The Bethpage Water District is a relatively small water supplier with approximately 8,000 customers, a full-time staff of 12 employees, and 107 miles of water main. It has eight public supply wells on five sites, with a total pumping capacity of approximately 11,000 gallons per minute. An air stripping tower is utilized at Plant Number 6³ to treat potable water from Well Numbers 6-1 and 6-2 for the removal of volatile organic compounds. Similar treatment facilities are also utilized at Plant

³ In September 2007, the water treatment system at Plant Number 6 malfunctioned allowing trichloroethene to enter the distribution system at levels that were ten times the drinking water standard.

Number 4 for Well Numbers 4-1 and 4-2, and at Plant Number 5 for Well 5-1. Granular activated carbon filters are installed on Well Numbers 7 and 8 for the removal of volatile organic compounds. These treatment facilities are required for treatment of industrial solvents from the Northrop-Grumman facility in Bethpage. The United States Environmental Protection Agency is currently considering establishing a lower drinking water standard for at least two of the contaminants, tetrachloroethylene (PCE) and trichloroethylene (TCE), that are affecting these wells. If the standards are set at a level that would require the closure of any of the district's wells or if the level of contamination becomes greater than the ability of the treatment systems to adequately address, the Bethpage Water District may have to cease providing water to the Village of Farmingdale.

In addition, the Bethpage Water District recently installed a nitrate removal plant at its Plant Number 1 to remove nitrates and perchlorate. Perchlorate is another chemical that the Environmental Protection Agency is currently considering for the establishment of a new standard. If the District was required to close wells at this site, it could affect the District's ability to provide surplus water to the Village.

If the Bethpage Water District and Village of Farmingdale's water systems were interconnected and operated as a single system, it is more likely that the Village wells and system would be providing water to the Bethpage Water District as opposed to the District providing surplus water to the Village. This is because most if not all the Bethpage Water District wells include the operation of expensive treatment systems to deliver potable water supplies. The Village wells do not require such systems at the present time. From an operational perspective it would be economically prudent to run the wells without treatment in the Village first and utilize

the wells that require expensive treatment only when necessary.

The Village of Farmingdale indicated that part of the reason it was pursuing options with respect to its current water supply system is the need for additional sources of supply in the future. The Bethpage Water District lacks the statutory authority to add new wells within its own district in order to provide for the future water supply needs of the Village. It also lacks the statutory authority to install new wells within the Village in order to meet the future needs of the Village.

CONCLUSION: The SCWA can operate, manage, provide water and finance improvements in the Village Farmingdale in the same manner as it does for its customers in Suffolk County with an appropriate amendment to its jurisdictional boundaries. The Bethpage Water District cannot operate, manage or finance improvements outside the water district's boundaries. The Bethpage Water District can supply its surplus water to the Village if it obtains prior approval from the New York State Department of Environmental Conservation, but it must cease providing water to the Village if District supplies become insufficient for the residents of the District.

EXHIBIT A

1996 (Pub. L. 104-134) or wet weather quality grants as provided in the Consolidated Appropriations Act of 2001 (Pub. L. 106-554), which are deposited into the water pollution control fund pursuant to subdivision three of this section, and any corresponding state match moneys, may be used by the corporation for the purposes permitted by the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134) or wet weather quality grants as provided in the Consolidated Appropriations Act of 2001 (Pub. L. 106-554), and for no other purposes. As used in this section "financial assistance to municipalities" means any one or more of the following:

§ 3. This act shall take effect immediately.

**PUBLIC AUTHORITIES—MONROE COUNTY—
PROPERTIES OF WATER AUTHORITY**

CHAPTER 411

A. 11412-B

Approved and effective August 13, 2002

AN ACT to amend the public authorities law, in relation to the powers and properties of the Monroe county water authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Subdivision 6 of section 1094 of the public authorities law, as amended by chapter 579 of the laws of 1999, is amended to read as follows:

6. The term "properties" shall mean the water supply and distribution system or systems of the authority, including the plants, works, instrumentalities or parts thereof and appurtenances thereto, lands, easements, rights in land and water rights, rights-of-way, contract rights, franchises, approaches, connections, dams, reservoirs, water mains and pipe lines, pumping stations and equipment, and also including, without limitation, facilities, and appurtenances thereto, some part of the capacity or use of which is used or to be used by or for the benefit of a municipality or municipalities or other corporation or corporations pursuant to contracts authorized by subdivision sixteen of section ten hundred ninety-six of this title, or any other property incidental to and included in such system or part thereof, and any improvements, extensions, and betterments, situated within the territorial limits of the county, or in Genesee county, or in the town or village of Victor and the towns of East Bloomfield and West Bloomfield in Ontario county, or in the village of Holley and the town of Clarendon in Orleans county;

§ 2. Subdivisions 4, 5, 6, 6-a and 7 of section 1096 of the public authorities law, subdivision 4 as amended by chapter 579 of the laws of 1999, subdivisions 5, 6, and 7 as amended by chapter 308 of the laws of 2001, and subdivision 6-a as added by chapter 850 of the laws of 1973, are amended to read as follows:

4. To purchase or lease, in the name of the authority, any water supply system, water distribution system, including plants, works, instrumentalities or parts thereof and appurtenances thereto, lands, easements, rights in land and water rights, rights-of-way, contract rights, franchises, approaches, connections, dams, reservoirs, water mains and pipe lines, pumping stations and equipment, or any other property incidental to and included in such system or part thereof, and any improvements, extensions, and betterments, situated within the county, or in Genesee county, or in the town or village of Victor and the towns of East Bloomfield and West Bloomfield in Ontario county, or in the village of Holley and the town of Clarendon in Orleans county for the purpose of supplying water for domestic, commercial, and public purposes at retail to individual consumers within the county of Monroe or in the manner provided by subdivision seven of this section; and as a means of so acquiring for such purposes, and subject to the approval of the public service commission, the authority may

purchase all of the thereafter, within a

5. To condemn any other county or six of this section, and financed by the located in any other system, including p to, lands, easement es, approaches, co and equipment, or thereof, and any i water for domestic the counties of M enumerated in the manner provided b of condemnation domain procedure before a justice of power of condemn by the authority, t person, associatio power to condemn corporation ownin private corporation

6. To construct plants, works, ins voirs, water mair incidental to or in Genesee county a and West Bloomfi in Orleans county. of Monroe and Ge first sentence of t water facilities to this section, lands counties of Monro ed in the first s purchase or lease connection therev county or municip own and operate, provisions of this which, together v purposes;

6-a. The auth six of this section ment of property such purchase, le the county by re county wherein th inconsistent prov. any public corpe governing body, g property or facilit plants, works, ins rights in land a connections, dam

purchase all of the stock of any existing privately owned water corporation or company, and thereafter, within a reasonable time, such water corporation or company shall be dissolved;

5. To condemn in the name of the authority in the counties of Monroe and Genesee, or in any other county or municipality specifically enumerated in the first sentence of subdivision six of this section, or in the name of the county in the case of any water facilities to be owned and financed by the county pursuant to subdivision sixteen-b of this section, except where located in any other county or municipality, any water supply system, water distribution system, including plants, works, instrumentalities, or parts thereof and appurtenances thereto, lands, easements, rights in land and water rights, rights-of-way, contract rights, franchises, approaches, connections, dams, reservoirs, water mains and pipe lines, pumping stations and equipment, or any other property incidental to and included in such system or part thereof, and any improvements, extensions, and betterments for the purpose of supplying water for domestic, commercial, and public purposes at retail to individual consumers within the counties of Monroe and Genesee or in any other county or municipality specifically enumerated in the first sentence of subdivision six of this section, or at wholesale in the manner provided by subdivision seven of this section. The authority shall exercise the power of condemnation hereby granted in the manner provided by the condemnation eminent domain procedure law or any such proceeding to condemn may be instituted by the authority before a justice of the supreme court or an official referee thereof. In the exercise of such power of condemnation, the property being condemned shall be deemed, when so determined by the authority, to be for a public use superior to the public use in the hands of any other person, association, or corporation; provided, however, that the authority shall have no power to condemn property the legal title to which is vested in a municipality or in a private corporation owning such property primarily for its own use, unless such municipality or private corporation shall consent thereto;

6. To construct and develop any water supply system, water distribution system, including plants, works, instrumentalities, or parts thereof, and appurtenances thereto, dams, reservoirs, water mains, pipe lines, pumping stations and equipment, or any other property incidental to or included in such system or part thereof within the county of Monroe, or in Genesee county and to, or in the town or village of Victor and the towns of East Bloomfield and West Bloomfield in Ontario county, or in the village of Holley and the town of Clarendon in Orleans county. To acquire, by condemnation, in the name of the authority in the counties of Monroe and Genesee, or in any other county or municipality specifically enumerated in the first sentence of this subdivision, or in the name of the county of Monroe in the case of any water facilities to be owned and financed by such county pursuant to subdivision sixteen-b of this section, lands, easements, rights in land, and water rights, and rights-of-way within the counties of Monroe and Genesee, or in any other county or municipality specifically enumerated in the first sentence of this subdivision, in the manner provided by this title; or to purchase or lease lands, easements, rights in land, and water rights, and rights-of-way in connection therewith within the county of Monroe or within Genesee county, or in any other county or municipality specifically enumerated in the first sentence of this subdivision; and to own and operate, maintain, repair, improve, reconstruct, enlarge, and extend, subject to the provisions of this title, any of its properties acquired or constructed under this title, all of which, together with the acquisition of such properties, are hereby declared to be public purposes;

6-a. The authority shall not exercise any of the powers granted in subdivisions four and six of this section with respect to the acquisition, purchase, leasing, construction, or development of property outside of the county without first having obtained the prior approval of such purchase, leasing, acquisition, construction, or development of such property outside of the county by resolution of the legislative body of the municipality ~~and of the contiguous county~~ wherein the affected property outside of the county is located. ~~Notwithstanding any inconsistent provision of any general, special, or local law, ordinance, resolution, or charter, any public corporation or improvement district thereof may, by a majority vote of its governing body, give, grant, sell, convey, lend, license the use of, or lease to the authority any property or facilities, including any water supply system, water distribution system, including plants, works, instrumentalities or parts thereof and appurtenances thereto, lands, easements, rights in land and water rights, rights-of-way, contract rights, franchises, approaches, connections, dams, reservoirs, water mains and pipe lines, pumping stations and equipment,~~

or any other property incidental to and included in such system or part thereof, and any improvements, extensions, and betterments for the purpose of supplying water for domestic, commercial, industrial and public purposes, which property or facilities are useful in connection with the exercise by the authority of its powers under this title. Any such gift, grant, sale, conveyance, loan, license, or lease shall be upon such terms and conditions, and for such term or terms of years, subject to the rights of the holders of any bonds, as the authority and such public corporation or improvement district thereof may agree. Any such gift, grant, sale, conveyance, loan, license, or lease shall not be subject to referendum, permissive or mandatory. In the event that any public corporation or improvement district thereof gives, grants, sells, conveys, lends, licenses the use of, or leases any water supply system, water distribution system, or other improvements, extension or betterments for the purpose of supplying water, to the authority, such public corporation or improvement district thereof may contract with the authority to lease, borrow, license, operate, maintain, manage, and provide services for such facilities upon such terms and conditions, and for such term or terms of years, subject to the rights of holders of bonds, as the authority and such public corporation or improvement district thereof may agree. The authority, in furtherance of any purchase, conveyance, or lease of any property or facility from any public corporation or improvement district thereof, may assume the primary responsibility for the payment of the principal and interest on any bonds or notes issued by such public corporation or improvement district thereof for such property or facility. For purposes of section 136.00 of the local finance law, any agreement by the authority to assume the primary responsibility for the payment of the principal and interest on any bonds or notes issued by any such public corporation or improvement district thereof shall, so long as such agreement shall continue to be honored by the authority, cause such bonds or notes to be deemed to have been refunded, and any such public corporation or improvement district thereof may deduct from its gross indebtedness any outstanding indebtedness contracted for such property or facility to be acquired by the authority. The net proceeds of any purchase, conveyance, or lease of any property or facility from a public corporation or improvement district thereof may be used by such public corporation or improvement district thereof for any general or specific public use;

7. To sell water, however acquired, by volume and at retail to individual consumers within the county of Monroe for domestic, commercial, industrial, and public purposes, or by volume or in bulk and at wholesale to any or all municipalities or privately owned public water supply and distribution systems in such county. The fact that any municipality has procured or is about to procure an independent source of water supply shall not prevent such municipality from purchasing water from the authority. To sell any water not needed in such county by volume and at retail to individual consumers within the county of Genesee, or in the town or village of Victor and the towns of East Bloomfield and West Bloomfield in Ontario county, or in the village of Holley and the town of Clarendon in Orleans county, for domestic, commercial, industrial, and public purposes, or by volume or in bulk and at wholesale to any municipality or privately owned public water supply and distribution system outside of the county; provided, that any costs incurred by the authority related to the Genesee county project shall be recovered by the authority solely from Genesee county or from rates and charges collected from customers within Genesee county; and further provided that the authority shall not sell water in any area outside of the county unless the governing board of the municipality wherein such area is located shall enter into an agreement with the authority for service or sale of water by it in such area or shall by resolution request the authority to sell water within such area. Any agreement between a municipality outside of the county and the authority for the sale of water to or within such municipality shall be subject to the approval of the legislative body of the contiguous county wherein such municipality is located. Not only may the authority sell any surplus water it may have developed, but it may develop and provide a sufficient amount of water so as to supply water outside of the county to individual consumers, any municipality, or privately owned public water supply and distribution system;

§ 3. This act shall take effect immediately.

Approved

AN ACT to amend chapter 4 providing for a preference providing for the expiration

The People of the State of New York do hereby enact the following:

§ 1. Section 2 of chapter 4 providing for a preference chapter 318 of the laws of 2000

§ 2. This act shall take effect immediately and shall expire and be deemed to have expired on the first day of January, 2003.

§ 2. This act shall take effect immediately and shall repeal of section 144-a of the laws of 2000, as amended, in accordance with the provisions of section 144-a of the laws of 2000.

CORRECTIONS

A

Approved

AN ACT to amend the correction center and the Erie county held for arraignment

The People of the State of New York do hereby enact the following:

§ 1. Section 500-a of the laws of 2000 shall be read as follows:

2-b. The Erie county held for the detention of persons

§ 2. Section 500-c of the laws of 2000 shall be read as follows:

9. Notwithstanding any other provision of this section shall equal arrest for arraignment, prior to the custody of the sheriff of the Erie county corrections

§ 3. This act shall take effect immediately and shall repeal section 500-c of the laws of 2000 pursuant to the provisions of section 500-c of the laws of 2000 to be repealed therewith.

MEMORANDA
Ch. 308

TAX—OVERPAYMENT—DISCLOSURE

Memorandum in Support, New York State Senate

Text of Law, see ch. 307

BILL NUMBER: S1327A

TITLE OF BILL: An act to amend the tax law, in relation to disclosure of overpayment of taxes to taxpayers

PURPOSE: To require the Commissioner of Taxation and Finance to disclose certain data regarding overpayment of tax and setting up a procedure for claims.

SUMMARY OF PROVISIONS: Section 1 of the bill amends article 41 of the tax law by adding a new section 3004-a, b, & c which sets forth the requirements for the disclosure of overpayment of tax by taxpayers.

JUSTIFICATION: In 1992 the tax law was changed to set forth a "Taxpayers Bill of Rights." In enacting this law, the legislature made certain legislative findings that it was in the best interests of the residents and taxpayers to be made aware of the tax policy of the State of New York. The findings also included the need to modernize and simplify the tax policy of the State. This bill fulfills that pact with the taxpayers of New York as embodied by Bill of Rights by treating taxpayers fairly when the Department discovers an overpayment.

Last of all the bill requires that the taxpayer act promptly once the State does notify the taxpayer of an overpayment. Thus a taxpayer has 120 days to make a claim for a refund once notice has been given.

LEGISLATIVE HISTORY: S.1229—2000 vetoed

S.6479—1998 (passed Senate)

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: Immediately

**PUBLIC AUTHORITIES—MONROE AND GENESEE
COUNTIES—WATER AUTHORITY**

Memorandum in Support, New York State Senate

Text of Law, see ch. 308

BILL NUMBER: S1453

TITLE: AN ACT to amend the public authorities law, in relation to the Monroe county water authority

SUMMARY OF PROVISIONS: The bill expands the powers of the Monroe County Water Authority and Genesee County with respect to a cooperative venture which will allow Monroe County Water Authority to develop a county-wide water system in Genesee County. This is a follow-up to legislation which became law as Ch. 579 of 1999.

PURPOSE AND JUSTIFICATION: The bill expands the authority of the Monroe County Water Authority to take title to land in Genesee County in furtherance of its agreement to develop a county-wide water system in Genesee County. The bill also authorizes action by Genesee County with respect to the development of the water project. Without this legislation, efforts to develop the water system as contemplated may be restricted.

PRIOR LEGISLATIVE HISTORY: 2000—S.7680—A (Passed Senate) A.11487 (Assm. Corps., Auth. & Commissions)

FISCAL IMPLICATIONS: None to the state.

EFFECTIVE DATE: The act will take effect immediately.

PUBLIC AUTHORITIES—MONROE AND GENESEE
COUNTIES—WATER AUTHORITY

CHAPTER 308

S. 1453

Approved and effective September 19, 2001

AN ACT to amend the public authorities law and chapter 579 of the laws of 1999, amending the public authorities law relating to the powers of the Monroe county water authority, in relation to the Monroe county water authority providing services to the county of Genesee

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Section 1094 of the public authorities law is amended by adding a new subdivision 10 to read as follows:

10. The term "Genesee county project" shall mean the construction, installation, equipping and/or financing of such properties, as such term is defined in subdivision six of this section, as are necessary for the authority to provide service to Genesee county or any municipality therein on the terms set forth in this title.

§ 2. Subdivisions 5, 6 and 7 of section 1096 of the public authorities law, subdivision 5 as amended by chapter 1111 of the laws of 1969 and subdivisions 6 and 7 as amended by chapter 579 of the laws of 1999, are amended to read as follows:

5. To condemn in the name of the authority in the counties of Monroe and Genesee, or in the name of the county in the case of any water facilities to be owned and financed by the county pursuant to subdivision sixteen-b of this section ~~one thousand ninety-six of this title~~, except where located in ~~another~~ any other county, any water supply system, water distribution system, including plants, works, instrumentalities, or parts thereof and appurtenances thereto, lands, easements, rights in land and water rights, rights-of-way, contract rights, franchises, approaches, connections, dams, reservoirs, water mains and pipe lines, pumping stations and equipment, or any other property incidental to and included in such system or part thereof, and any improvements, extensions and betterments for the purpose of supplying water for domestic, commercial and public purposes at retail to individual consumers within the ~~county~~ counties of Monroe and Genesee or at wholesale in the manner provided by subdivision seven of this section. The authority shall exercise the power of condemnation hereby granted in the manner provided by the condemnation law or any such proceeding to condemn may be instituted by the authority before a justice of the supreme court or an official referee thereof. In the exercise of such power of condemnation, the property being condemned shall be deemed, when so determined by the authority, to be for a public use superior to the public use in the hands of any other person, association, or corporation, provided, however, that the authority shall have no power to condemn property the legal title to which is vested in a municipality or in a private corporation owning such property primarily for its own use unless such municipality or private corporation shall consent thereto;

6. To construct and develop any water supply system, water distribution system, including plants, works, instrumentalities, or parts thereof, and appurtenances thereto, dams, reservoirs, water mains, pipe lines, pumping stations and equipment, or any other property incidental to or included in such system or part thereof within the county of Monroe, or in Genesee county and to acquire, by condemnation, in the name of the authority in the counties of Monroe and Genesee, or in the name of the county of Monroe in the case of any water facilities to be owned and financed by such county pursuant to subdivision sixteen-b of this section, lands, easements, rights in land, and water rights and rights-of-way within the ~~county~~ counties of Monroe and Genesee in the manner provided by this title; or to purchase or lease lands, easements, rights in land, and water rights and rights-of-way in connection therewith within the county of Monroe or within Genesee county; and to own and operate, maintain, repair, improve, reconstruct, enlarge and extend, subject to the provisions of this

title, any of its properties acquired or constructed under this title, all of which, together with the acquisition of such properties are hereby declared to be public purposes;

7. To sell water, however acquired, by volume and at retail to individual consumers within the county of Monroe for domestic, commercial, industrial and public purposes, or by volume or in bulk and at wholesale to any or all municipalities or privately owned public water supply and distribution systems in such county. The fact that any municipality has procured or is about to procure an independent source of water supply shall not prevent such municipality from purchasing water from the authority. To sell any water not needed in such county by volume and at retail to individual consumers within the county of Genesee for domestic, commercial, industrial and public purposes, or by volume or in bulk and at wholesale to any municipality or privately owned public water supply and distribution system outside of the county, provided, that any costs incurred by the authority related to ~~service provided within the Genesee county project~~ shall be recovered by the authority solely from Genesee county or from rates and charges collected from customers within Genesee county, and further provided that the authority shall not sell water in any area outside of the county unless the governing board of the municipality wherein such area is located shall enter into an agreement with the authority for service or sale of water by it in such area or shall by resolution request the authority to sell water within such area. Any agreement between a municipality outside of the county and the authority for the sale of water to or within such municipality shall be subject to the approval of the legislative body of the contiguous county wherein such municipality is located. Not only may the authority sell any surplus water it may have developed, but it may develop and provide a sufficient amount of water so as to supply water outside of the county to individual consumers, any municipality or privately owned public water supply and distribution system;

§ 3. Subdivision (a) of section 5 and section 8 of chapter 579 of the laws of 1999, amending the public authorities law relating to the powers of the Monroe county water authority, are amended to read as follows:

(a) "Infrastructure improvements" shall mean capital improvements within or without Genesee county, including the acquisition of land or rights in land that serve or are capable of serving a governmental or public purpose of the county of Genesee or a corporate purpose or corporate purposes of the Monroe county water authority created by title 5 of article 5 of the public authorities law.

§ 8. Infrastructure improvements, may be leased by the county acting through its ~~board of supervisors county legislature~~ (or any successor body thereto) to ~~the Monroe county water authority established by title 5 of article 5 of the public authorities law, or from any public corporation~~ acting through its governing board, for any consideration, or for no consideration, or as all, or a part of, the consideration for any contract with respect to which such public corporation and the county are parties, as the county and such public corporation shall agree.

§ 4. This act shall take effect immediately.

VEHICLE AND TRAFFIC—CATSKILL SECTION—
MAXIMUM SPEED LIMIT

CHAPTER 309

S. 2227-A, A. 4155-A

Approved September 19, 2001, effective as provided in section 2

AN ACT to amend the vehicle and traffic law, in relation to the maximum speed limit on a certain portion of the Catskill section of the New York state thruway

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. S
210 of the

2. Not
section, u;
three hun
section pr
westernm
touring ro
section-se
subdivisio
Southern
six of the
seven of s
thruway a
hour provi
applicable

§ 2. T)
provided, l
traffic law
shall be de

AN ACT to
officers

*The Peop
follows:*

§ 1. The
York state
make the be
officers emp
police office
ascribable t
retirement p
ler, on or l
certification
from partici
police officer
such plan by
30, 2002.

§ 2. All
Mount Morr

§ 3. This

EFFECTIVE DATE: Immediately.

PUBLIC AUTHORITIES—MONROE COUNTY WATER AUTHORITY

Memorandum in Support, New York State Senate

Text of Law, see ch. 579

TITLE: An act to amend the public authorities law, in relation to the Monroe county water authority

SUMMARY OF PROVISIONS: Amends Subdivision 6 of Section 1094 and Subdivisions 4, 6 and 7 of Section 1096 of the Public Authorities Law to provide that the Monroe County Water Authority can develop a water distribution system in Genesee County and sell water in Genesee County.

PURPOSE AND JUSTIFICATION: To allow the Monroe County Water Authority to develop a water distribution system and sell water in Genesee County.

Genesee County and Western Monroe County are in need of a dependable, reliable system for the provision of clean drinking water throughout the area. Currently, parts of Genesee County get drinking water from wells which will not provide sufficient supply to sustain future development and which are subject to the effects of draught. Coherent economic development in Genesee County and Western Monroe County are retarded by the lack of a dependable water distribution system. Allowing the Monroe County Water Authority to develop a water system and sell water in Genesee County will allow Genesee County to better plan its future. Western Monroe County will also benefit economically from the infrastructure improvements arising from this legislation.

EXISTING LAW: Currently, the Monroe County Water Authority may distribute water only in the Town of LeRoy or in the Town or Village of Bergen in Genesee County.

PRIOR LEGISLATIVE HISTORY: New bill

FISCAL IMPLICATIONS: None to the state

EFFECTIVE DATE: This act shall take effect immediately

PUBLIC HEALTH—LONG TERM CARE RESIDENT AND EMPLOYEE IMMUNIZATION ACT

Memorandum in Support, New York State Senate

Text of Law, see ch. 580

PURPOSE: To require immunization of residents and employees of long term care facilities against influenza virus annually and for pneumococcal disease, as appropriate. Certain exceptions are permitted under the provisions of the bill.

SUMMARY OF PROVISIONS: Section 1 of the bill adds a new article 21-A to the public health law entitled the "Long Term Care Resident and Employee Immunization Act". The new Article 21-A requires long term care facilities, as defined by the legislation, to document the annual vaccination against influenza and vaccination against pneumococcal disease for each resident and employee in accordance with regulations promulgated by the Department of Health. Such regulations are to take into consideration the recommendations of the Centers for Disease Control and Prevention (CDC). If the long term care facility finds the resident or employee is lacking the appropriate immunization or is unable to provide evidence that he or she has received the appropriate immunization, then the facility must provide or arrange for the immunization.

1964

MEMORANDA Ch. 580

Under the newly created specified under this act would ed, if it is against the resident refuses after being fully inf

The Commissioner of Health materials to all long-term care pneumococcal disease.

The Commissioner of Health from the effective date of thi pneumococcal disease in long-term care residents each ye

Section 2 of the bill is the

JUSTIFICATION: This l homes and other long term c from flu and pneumonia, as v over age sixty-five and those these immunizations are pa effectiveness of influenza an thereby, reducing the likeliho In addition, antibiotic resistan immunization, increasingly im

As a further preventive str legislation requires employee section 2195 of the bill, in pneumococcal viruses have le healthy adult can be fatal to a

New York State ranks 441 immunization rates. The stat and pneumonia (6551 deaths i State nursing homes alone. State for pneumococcal diseas hospitalizations for influenza. ization in the elderly. Nation respiratory infections in indiv than for people between the a

Incidental and anecdotal r nursing homes and adult car billing records suggest immu aforementioned state ranking

The immunization of reside the recommendations of the U.S. Department of Health tion and the New York Sta Specifically, ACIP recommen health conditions receive the i once in their lifetime if over pneumococcal vaccine before : again on or after age sixty- facilities receive the influenza by ACIP as aforementioned

In addition, this bill repres 2000, developed by the U.S. and county health department is to achieve a national immu elderly.

LEGISLATIVE HISTORY

(b) Purchase, acquisition, possession or use of an epinephrine auto-injector device pursuant to this section shall not constitute the unlawful practice of a profession or other violation under title eight of the education law or article thirty-three of this chapter.

(c) Any person otherwise authorized to sell or provide an epinephrine auto-injector device may sell or provide it to a person authorized to possess it pursuant to this section.

§ 3. This act shall take effect immediately.

PUBLIC AUTHORITIES—MONROE COUNTY WATER AUTHORITY

CHAPTER 579

S. 5258-B

Approved and effective Nov. 1, 1999

AN ACT to amend the public authorities law, in relation to the powers of the Monroe county water authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Subdivision 6 of section 1094 of the public authorities law, as amended by chapter 955 of the laws of 1981, is amended to read as follows:

6. The term "properties" shall mean the water supply and distribution system or systems of the authority, including the plants, works, instrumentalities or parts thereof and appurtenances thereto, lands, easements, rights in land and water rights, rights-of-way, contract rights, franchises, approaches, connections, dams, reservoirs, water mains and pipe lines, pumping stations and equipment, and also including, without limitation, facilities, and appurtenances thereto, some part of the capacity or use of which is used or to be used by or for the benefit of a municipality or municipalities or other corporation or corporations pursuant to contracts authorized by subdivision sixteen of section ten hundred ninety-six of this title, or any other property incidental to and included in such system or part thereof, and any improvements, extensions and betterments, situated within the territorial limits of the county, or in ~~the town of LeRoy or in the town or village of Bergen,~~ Genesee county;

§ 2. Subdivisions 4, 6 and 7 of section 1096 of the public authorities law, as amended by chapter 955 of the laws of 1981, are amended to read as follows:

4. To purchase or lease, in the name of the authority, any water supply system, water distribution system, including plants, works, instrumentalities or parts thereof and appurtenances thereto, lands, easements, rights in land and water rights, rights-of-way, contract rights, franchises, approaches, connections, dams, reservoirs, water mains and pipe lines, pumping stations and equipment, or any other property incidental to and included in such system or part thereof, and any improvements, extensions and betterments, situated within the county, or in ~~the town of LeRoy or in the town or village of Bergen,~~ Genesee county for the purpose of supplying water for domestic, commercial and public purposes at retail to individual consumers within the county of Monroe or in the manner provided by subdivision seven of this section; and as a means of so acquiring for such purposes, and subject to the approval of the public service commission, the authority may purchase all of the stock of any existing privately owned water corporation or company, and thereafter, within a reasonable time, such water corporation or company shall be dissolved;

6. To construct and develop any water supply system, water distribution system, including plants, works, instrumentalities, or parts thereof, and appurtenances thereto, dams, reservoirs, water mains, pipe lines, pumping stations and equipment, or any other property incidental to or included in such system or part thereof within the county of Monroe, or in ~~the town of LeRoy or in the town or village of Bergen,~~ Genesee county and to acquire, by condemnation, in the name of the authority, or in the name of the county of Monroe in the

case of any water facilities to be owned and financed by such county pursuant to subdivision sixteen-b of this section, lands, easements, rights in land, and water rights and rights-of-way within the county of Monroe in the manner provided by this title; or to purchase or lease lands, easements, rights in land, and water rights and rights-of-way in connection therewith within the county of Monroe or within ~~the town of LeRoy or in the town or village of Bergen,~~ Genesee county; and to own and operate, maintain, repair, improve, reconstruct, enlarge and extend, subject to the provisions of this title, any of its properties acquired or constructed under this title, all of which, together with the acquisition of such properties are hereby declared to be public purposes;

7. To sell water, however acquired, by volume and at retail to individual consumers within the county of Monroe for domestic, commercial, industrial and public purposes, or by volume or in bulk and at wholesale to any or all municipalities or privately owned public water supply and distribution systems in such county. The fact that any municipality has procured or is about to procure an independent source of water supply shall not prevent such municipality from purchasing water from the authority. To sell any water not needed in such county by volume and at retail to individual consumers ~~without within the county in the town of LeRoy or in the town or village of Bergen,~~ of Genesee county for domestic, commercial, industrial and public purposes, or by volume or in bulk and at wholesale to any municipality or privately owned public water supply and distribution system outside of the county, provided, that any costs incurred by the authority related to service provided within Genesee county shall be recovered by the authority solely from Genesee county or from rates and charges collected from customers within Genesee county, and further provided that the authority shall not sell water in any area outside of the county unless the governing board of the municipality wherein such area is located shall enter into an agreement with the authority for service or sale of water by it in such area or shall by resolution request the authority to sell water within such area. Any agreement between a municipality outside of the county and the authority for the sale of water to or within such municipality shall be subject to the approval of the legislative body of the contiguous county wherein such municipality is located. Not only may the authority sell any surplus water it may have developed, but it may develop and provide a sufficient amount of water so as to supply water outside of the county to individual consumers, any municipality or privately owned public water supply and distribution system;

§ 3. Section 1108 of the public authorities law, as amended by chapter 525 of the laws of 1979, is amended to read as follows:

§ 1108. Contracts. 1. All contracts, or orders, for work, material or supplies performed or furnished in connection with construction shall be awarded by the authority pursuant to resolution. Such contracts, or orders, for work, material or supplies needed for any particular purpose involving an expenditure of more than five thousand dollars shall be awarded only after inviting sealed bids or proposals therefor. The notice inviting sealed proposals shall be published at least once in a newspaper or trade paper selected by the authority for such purpose, such publication to be at least ten days before the date for the receipt of bids. If the authority shall not deem it for the interest of the authority to reject all bids, it shall award the contract to the lowest bidder, unless the authority shall determine that it is for the public interest that a bid other than the lowest bid should be accepted. In any contract for work, material or supplies, there shall be inserted in the discretion of the authority a provision that additional work may be done or material or supplies furnished for the purpose of completing such contract at an expense not exceeding fifteen percentum of the amount of such contract if such additional work, materials or supplies shall be ordered by the authority. The bidder whose bid is accepted shall give security for the faithful performance of the contract, and such other security as the authority may require, and may be required to maintain for such period as shall be stipulated any construction done under the contract, all in the manner prescribed and required by the authority; and the sufficiency of such security shall, in addition to the justification and acknowledgment, be approved by the authority. All bids or proposals shall be publicly opened by the authority or its duly authorized agent. If the bidder whose bid has been accepted after advertising shall neglect or refuse to accept the contract within five days after written notice that the same has been awarded to him on his bid or proposal, or, if he accepts but does not execute the contract and give proper security the authority shall have the right to declare his deposit forfeited, and thereupon it shall be readvertised and relet as above provided. In case any work shall be abandoned by any

contractor, the author on behalf of the author all such sub-contracto the manner provided i exclusive of so much t adopted. No bid sh corporation who is in contract, or is a defau county. Every contr made and entered into shall be held by the : Upon the adoption of stating that, for reason contracts for a partici thousand dollars may the required security this section. Such res

2. For the purpose deemed a state agency design, construction, meaning of that term :

§ 4. Policy and pu safe and reliable water

§ 5. As used in sec

(a) "Infrastructure i that serve or are capal county water authority

(b) "County" shall n

(c) "Municipality" s reservation in the cour

§ 6. Subject to the general, special or loc ments are hereby dete object or purpose as

§ 7. (a) The perio be determined pursuar

(b) The provisions county and authorized

§ 8. Infrastructure of supervisors (or ar established by title 5 board, for any conside for any contract with county and such public

§ 9. (a) In develop county shall take into ments, and comply wit sive land use plans app

(b) With regard to purposes shall only be ture improvements are

§ 10. If any sectio ineffective in whole or shall be valid and effe be deemed invalid or ir

subdivision
ghts-of-way
se or lease
n therewith
of Bergen,
enlarge and
constructed
are hereby

mers within
r by volume
water supply
cured or is
municipality
h county by
of LeRoy
d, industrial
or privately
ed, that any
nty shall be
es collected
shall not sell
municipality
r service or
o sell water
nty and the
he approval
cated. Not
develop and
to individual
tion system;
f the laws of

s performed
pursuant to
led for any
ars shall be
iting sealed
cted by the
date for the
to reject all
termine that
ted. In any
tion of the
urnished for
entum of the
dered by the
performance
e required to
ntract, all in
uch security
thority. All
ed agent. If
to accept the
o him on his
per security
n it shall be
oned by any

contractor, the authority may, if the best interests of the authority be thereby served, adopt on behalf of the authority any or all sub-contracts made by such contractor for such work and all such sub-contractors shall be bound by such adoption if made; and the authority shall in the manner provided herein readvertise and relet the work specified in the original contract exclusive of so much thereof as shall be provided for in the sub-contract or sub-contracts so adopted. No bid shall be accepted from or any contracts awarded to, any person or corporation who is in arrears to the authority, or the county of Monroe upon any debt or contract, or is a defaulter as surety or otherwise upon any obligation of the authority, or the county. Every contract involving an expenditure of more than five thousand dollars when made and entered into as herein provided for shall be executed in duplicate, one copy of which shall be held by the authority and one copy of which shall be delivered to the contractor. Upon the adoption of a resolution by a vote of two-thirds of all the members of the authority stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, material or supplies of more than five thousand dollars may be awarded by the authority to the lowest responsible bidder furnishing the required security after advertisement for sealed bids therefor in the manner provided in this section. Such resolution shall contain a full explanation of the reasons for its adoption.

2. For the purposes of article fifteen-A of the executive law only, the authority shall be deemed a state agency as that term is used in such article, and all contracts for procurement, design, construction, services and materials shall be deemed state contracts within the meaning of that term as set forth in such article.

§ 4. Policy and purposes. It is hereby declared to be the policy of this state to provide a safe and reliable water supply to the residents of Genesee county.

§ 5. As used in sections four through nine of this act:

(a) "Infrastructure improvements" shall mean capital improvements within Genesee county that serve or are capable of serving a corporate purpose or corporate purposes of the Monroe county water authority created by title 5 of article 5 of the public authorities law.

(b) "County" shall mean the county of Genesee.

(c) "Municipality" shall mean the county of Genesee and any city, village, town or Indian reservation in the county.

§ 6. Subject to the provisions of this act, notwithstanding the provisions of any other law, general, special or local, or any charter provision to the contrary, infrastructure improvements are hereby determined to be a governmental and public purpose of the county, and an object or purpose as to which it is authorized to incur indebtedness and spend money.

§ 7. (a) The period of probable usefulness applicable to infrastructure improvements shall be determined pursuant to section 11.00 of the local finance law.

(b) The provisions of the local finance law shall apply to any obligations issued by the county and authorized pursuant to this act.

§ 8. Infrastructure improvements, may be leased by the county acting through its board of supervisors (or any successor body thereto) to the Monroe county water authority established by title 5 of article 5 of the public authorities law, acting through its governing board, for any consideration, or for no consideration, or as all, or a part of, the consideration for any contract with respect to which such public corporation and county are parties, as the county and such public corporation shall agree.

§ 9. (a) In developing plans for infrastructure improvements pursuant to this act, the county shall take into consideration the character of the area of such infrastructure improvements, and comply with local zoning and planning regulations, local and regional comprehensive land use plans applicable thereto.

(b) With regard to the purposes of the county as provided in section six of this act, said purposes shall only be carried out with the consent of all municipalities in which infrastructure improvements are, or are to be, located.

§ 10. If any section, clause or provision of this act shall be unconstitutional or be ineffective in whole or in part, to the extent that it is not unconstitutional or ineffective, it shall be valid and effective and no other section, clause or provision shall on account thereof be deemed invalid or ineffective.

§ 11. This act shall take effect immediately.

**PUBLIC HEALTH—LONG TERM CARE RESIDENT
AND EMPLOYEE IMMUNIZATION ACT**

CHAPTER 580

S. 5462-B

Approved Nov. 1, 1999, effective as provided in section 2

AN ACT to amend the public health law, in relation to enacting the long term care resident and employee immunization act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. The public health law is amended by adding a new article 21-A to read as follows:

ARTICLE 21-A LONG-TERM CARE RESIDENT
AND EMPLOYEE IMMUNIZATION ACT

Section

- 2190. Short title.
- 2191. Definitions.
- 2192. Long-term care resident and employee immunization required.
- 2193. Resident immunization.
- 2194. Employee immunization.
- 2195. Exceptions.
- 2196. Rules and regulations; report.

§ 2190. Short title. This article shall be known and may be cited as the "long-term care resident and employee immunization act".

§ 2191. Definitions. For the purposes of this article:

1. "Long-term care facility" or "facility" means a residential health care facility as defined in section twenty-eight hundred one of this chapter, adult home as defined in subdivision twenty-five of section two of the social services law or enriched housing program as defined in subdivision twenty-eight of section two of the social services law, adult day health care program in accordance with regulations of the department, and any other facility providing residential housing for five or more persons over the age of sixty-five unrelated to the operator and supportive services including, but not limited to, food service, housekeeping, laundry, arranging for medical care, and assistance with daily living.

2. "Documentation" means written evidence from an individual's health care provider indicating the date and place when the individual received the influenza vaccine or the pneumococcal vaccine.

3. "Medically contraindicated" means influenza or pneumococcal vaccine should not be administered to an individual because it may be detrimental to the individual's health if the individual receives the vaccine.

4. "Employee" means an individual employed (whether directly, by contract with another entity or as an independent contractor) by a long-term care facility, on a part-time or full-time basis.

§ 2192. Long-term care resident and employee immunization required. Except as provided in section twenty-one hundred ninety-five of this article, every long-term care facility in

1264

Additions are indicated by underline; deletions by ~~strikeout~~; vetoes by shading

this state shall re
pneumococcal dise

§ 2193. Reside
the resident of the
agree to be immun

2. Every long-t
virus and immuniz
resident is lacking
provide document
long-term care fac
documentation the

3. An individua
shall have his or h
facility, and if fou
immunization.

§ 2194. Emplo
employee of the ir
agree to be immun

2. The long-ter
influenza virus an
finding that an er
individual is unable
immunization, the
nization and the de
each year.

3. An individua
before April first s
determined by the
the necessary immu

§ 2195. Except
or pneumococcal v
her religious belie
health risks of such

§ 2196. Rules a
tions relating to th
recommendations o

2. The commiss
materials to all long
pneumococcal disea

3. The commiss
governor, the temp
leader of the senate
long-term care fac
number of hospital
virus, pneumococcal

§ 2. This act sh
have become a law
of this act on its eff

Addition

EXHIBIT B

I hereby declare that the foregoing is a true statement to the best of my knowledge and belief, and I understand that if I make any material false statement in the foregoing statement of absentee voter, I shall be guilty of a misdemeanor.

Date.....20.....

Signature or mark of voter

Signature of Witness (required only if voter does not sign his own name)

Address of Witness

9. The inner affirmation envelope shall be gummed, ready for sealing, and shall have printed thereon, on the side opposite the statement, instructions as to the duties of the voter after the marking of the ballot, which instructions shall include a specific direction stating when such envelope ballot must be postmarked and when such envelope ballot must reach the office of the board of elections in order to be canvassed.

10. Each ballot envelope shall be enclosed in a second an outer envelope addressed to the appropriate board of elections and bearing on it a specific direction that if an original application for an absentee ballot is received with the ballot, such application must be completed by the voter and returned in such the outer envelope together with the sealed inner affirmation envelope containing the absentee ballot within the time limits for receipt of the absentee ballot itself. Such second envelope inner affirmation envelope and outer envelope shall be enclosed in a third envelope addressed to the absentee voter. The second outer and third envelopes shall have printed on the face there-of the words "Election Material—Please Expedite".

§ 5. This act shall take effect immediately.

PUBLIC AUTHORITIES LAW—ONONDAGA COUNTY WATER AUTHORITY—TOWN OF CONSTANTIA WATER SYSTEM

CHAPTER 166

S. 4823

Approved and effective July 7, 2010

AN ACT to amend the public authorities law, in relation to allowing Onondaga county water authority to operate and maintain the town of Constantia water system

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Subdivision 24 of section 1154 of the public authorities law, as amended by chapter 647 of the laws of 2008, is amended to read as follows:

24. Notwithstanding any other provision of this section, to purchase, construct, lease and operate water systems and properties in the towns of Sullivan, Lenox, Lincoln, Volney, Verona, Vienna, Hannibal, Hastings, Minetto, Schroepfel, Scriba, Oswego, West Monroe, Annsville, Granby, Constantia and Sterling to enter into any contract authorized by this section with any municipality within the territorial limits of said towns, and to supply and sell any water not needed in the county of Onondaga at retail or at wholesale to individual consumers within the territorial limits of said towns.

§ 2. This act shall take effect immediately.

Appro

AN ACT to amend the New York city of the rules of the Brooklyn bridge of park and recreational property, such violations by the environm York city department of parks an

The People of the State of New follows:

§ 1. Paragraph 9 of subdivision by chapter 169 of the laws of 2002,

9. to establish and enforce rules public parks and of all property u and regulations so far as practicab and effect of law. Such rules and public parks, recreational facilities river park trust and, the batte corporation provided that such tr ments with the commissioner to pr such property by the department, inconsistent with specific rules a battery park city authority or the l

(i) Any violation of such rules (this paragraph, shall be a misdeme New York and punishable by not more than one thousand dollars o; also subject the violator to a civi violation which may be recovere Such proceeding shall be commen environmental control board.

(ii) Any violation of a rule or destruction of any tree shall be a city of New York and punishable l more than fifteen thousand doll concerning the unlawful cutting, violator to a civil penalty of not m be recovered in a proceeding befo be commenced by the service of a board. The environmental contr prescribed herein;

§ 2. Subdivision a of section new paragraph 9-c to read as foll

9-c. by agreement with the B formed pursuant to section four h the rules and regulations of such of public parks and recreational

candidate's name. The party emblem will continue to appear at the head of the column or the beginning of the row depending on the orientation of the ballot.

PRIOR LEGISLATIVE HISTORY: None

FISCAL IMPLICATION: None

EFFECTIVE DATE: This bill would take effect immediately.

**PUBLIC AUTHORITIES LAW—ONONDAGA COUNTY WATER
AUTHORITY—TOWN OF CONSTANTIA WATER SYSTEM**

Legislative Memorandum relating to Ch. 166

Memorandum in Support, New York State Senate

Text of Law, see ch. 166

BILL NUMBER: S4823

SPONSOR: AUBERTINE

TITLE OF BILL:

An act to amend the public authorities law, in relation to allowing Onondaga county water authority to operate and maintain the town of Constantia water system

PURPOSE OF BILL:

To authorize the Onondaga County Water Authority to operate and maintain the town of Constantia's water system.

SUMMARY OF PROVISIONS:

Amends the public authority law to include the town of Constantia among those towns authorized to contract with the Onondaga County Water Authority for the operation and maintenance of their water system.

JUSTIFICATION:

The town of Constantia is constructing a new water supply and distribution system to provide municipal water to many of their residents and has requested that the Onondaga County Water Authority maintain that water system and provide water to the system. Statutory authority is needed in order for the Onondaga County Water Authority to be allowed to operate and maintain the system.

LEGISLATIVE HISTORY:

2008: S.7781, referred to Corporations, Authorities and Commissions.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

Immediately.

Legi

Memor

BILL NUMBER: S7858

SPONSOR: SQUADRO

TITLE OF BILL:

An act to amend the N violations of the rules of th protection of park and re adjudication of such violati of the New York city de

SUMMARY OF SPECI

This bill amends the Ne Patrol (PEP) officers to is: the violation of rules of addition, this legislation er promulgated by the Brook

JUSTIFICATION:

The Parks Department supply a certain number security services at Batte helped to establish the re two locations, which are uniform application of the enforcement of such Rule: officers in these locatio throughout Manhattan.

The proposed amendm ment's ability to enforce under the jurisdiction of and instrumentalities the

The amendment is nec summonses returnable at for most violations of Par

PRIOR LEGISLATIV

FISCAL IMPLICATI

None to the state

EFFECTIVE DATE:

Immediately.

n as a permissible

the Town of Batavia fire department in Genesee County, the Schuyler Heights fire district in Albany county, the town of Providence fire district in Saratoga county or the memberships of the Millwood fire district, the Purchase Fire District, ~~and~~ the North Castle South Fire District, No. 1 in Westchester county, and the Thornwood fire company, No. 1 in Westchester county.

§ 2. This act shall take effect immediately.

MANHASSET-LAKEVILLE FIRE DISTRICT

CHAPTER 646

A. 8938-A

Approved and effective January 27, 2009

AN ACT in relation to permitting the Manhasset-Lakeville Fire District to expand

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Notwithstanding the provisions of subdivisions one and four of section 170 of the town law, the town board of the town of North Hempstead, after a public hearing and upon the petition of the board of trustees of the incorporated village of North Hills and the board of fire commissioners of the Manhasset-Lakeville Fire District, may adopt a resolution, subject to permissive referendum, extending such fire district to include any portion of such village which is not in such fire district. Notice of such public hearing shall be posted and published, and such hearing shall be held in the manner provided in the town law for a hearing upon the establishment or extension of a fire district. The provisions of sections ninety and ninety-one of the town law shall apply in relation to such referendum except that a petition filed pursuant to section ninety-one of the town law only need be signed by twenty-five qualified electors of the area of such extension, or if there are not twenty-five electors, then by at least fifty per centum of the qualified electors of such area. All of the other provisions of the town law not inconsistent herewith shall be complied with in relation to any such extension.

§ 2. This act shall take effect immediately.

**ONONDAGA COUNTY WATER AUTHORITY—
TOWN OF GRANBY'S WATER SYSTEM**

CHAPTER 647

A. 9436

Approved and effective January 27, 2009

AN ACT to amend the public authorities law, in relation to allowing Onondaga county water authority to operate and maintain the town of Granby's water system

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Subdivision 24 of section 1154 of the public authorities law, as amended by chapter 660 of the laws of 2006, is amended to read as follows:

Additions are indicated by underline; deletions by ~~strikeout~~; vetoes by shading

y provision thereof
this act and the
to which it is held

he date on which it
ly to all powers of
ons of this act shall
rity to an attorney-
fective date of this
cept that sections
10 of the general
ly to all powers of

IREMENT

the Thornwood fire

embly, do enact as

pter 461 of the laws

inued pursuant to
ership pursuant to
esident members in
bership of the fire
ll not apply to the
ve fire district, the
lk county, the New
Will fire district in
Nassau county, the
ompany in Niagara
n Onondaga county,

shading

24. Notwithstanding any other provision of this section, to purchase, construct, lease and operate water systems and properties in the towns of Sullivan, Lenox, Lincoln, Volney, Verona, Vienna, Hannibal, Hastings, Minetto, Schroepfel, Scriba, Oswego, West Monroe, Annsville, Granby and Sterling to enter into any contract authorized by this section with any municipality within the territorial limits of said towns, and to supply and sell any water not needed in the county of Onondaga at retail or at wholesale to individual consumers within the territorial limits of said towns.

§ 2. This act shall take effect immediately.

**OPTIONAL TWENTY YEAR RETIREMENT PLAN—CERTAIN
POLICE OFFICERS—CITY OF ONEIDA**

CHAPTER 648

A. 9560

Approved and effective January 27, 2009

AN ACT in relation to permitting the reopening of the optional twenty year retirement plan to certain police officers in the city of Oneida

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Notwithstanding any other provision of law, the city of Oneida, a participating employer in the New York state and local police and fire retirement system, which previously elected to make the benefits of section 384-d of the retirement and social security law available to the police officers employed by it, is hereby authorized to make participation in such plan available to officer David Meeker, Jr. who for reasons not ascribable to his own negligence, was not enrolled in such plan at the time of his hiring. Such participating employer may elect to make such provisions available to such officer by filing with the state comptroller, on or before December 31, 2008, a resolution of its governing board certifying that such officer is eligible to apply, is not barred from participating in such retirement plan as the result of his own negligence, and that the city of Oneida will pay all costs attributable to this act, as determined by the comptroller, into the pension accumulation fund. Thereafter, such police officer may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller on or before June 30, 2009.

§ 2. The city of Oneida shall pay all costs, including past service costs and annual contributions, associated with the implementation of the provisions of this act.

§ 3. This act shall take effect immediately.

OFFICE OF VILLAGE JUSTICE—VILLAGE OF CANASTOTA

CHAPTER 649

A. 10417

Approved and effective January 27, 2009

AN ACT to amend the village law, in relation to the office of village justice of the village of Canastota, Madison county

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1590

Additions are indicated by underline; deletions by ~~strikeout~~; vetoes by shading

§ 1. Section 3-302 of as follows:

3-i. Notwithstanding contrary, the board of trustees of said board, provide for shall commence at noon on the first Monday justice in the village of Canastota held on the third Tuesday successor of such justice

§ 2. This act shall take effect immediately.

ANNUAL

AN ACT to amend the banking law, in relation to the weekly bulletin

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Section 43 of the banking law, opening paragraph as amended by chapter 13 of the laws of 1951, subdivision 10 as added by chapter 10 of the laws of 1951, is amended to read:

§ 43. Annual report of the superintendent of banking

The superintendent of banking shall, before the fifteenth day of January, render the following report:

1. A consolidated statement of the assets and liabilities of all banking organizations, including (a) private banks; and (b) private banks; and shall combine the information from such banking organizations; and the report of the superintendent is rendered.

2. A consolidated statement of the assets and liabilities of all banking organizations, including (a) private banks; and (b) private banks; and shall combine the information from such banking organizations; and the report of the superintendent is rendered.

3. A consolidated statement of the assets and liabilities of all licensed lenders. Each

Additions are

WATER SUPPLY—ONONDAGA COUNTY WATER AUTHORITY—ANNSVILLE, TOWN OF

CHAPTER 660

S. 5738

Approved and effective September 13, 2006

AN ACT to amend the public authorities law, in relation to authorizing the town of Annsville, county of Oneida, to contract with the Onondaga county water authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Subdivision 24 of section 1154 of the public authorities law, as amended by chapter 399 of the laws of 2000, is amended to read as follows:

24. Notwithstanding any other provision of this section, to purchase, construct, lease and operate water systems and properties in the towns of Sullivan, Lenox, Lincoln, Volney, Verona, Vienna, Hannibal, Hastings, Minetto, Schroepfel, Scriba, Oswego, West Monroe, Annsville and Sterling to enter into any contract authorized by this section with any municipality within the territorial limits of said towns, and to supply and sell any water not needed in the county of Onondaga at retail or at wholesale to individual consumers within the territorial limits of said towns.

§ 2. This act shall take effect immediately.

TRAFFIC SIGNS AND SIGNALS—INSTALLATION—“NIAGARA WINE TRAIL EAST”

CHAPTER 661

S. 6225-A

Approved September 13, 2006

Effective November 12, 2006

AN ACT providing for the commissioner of transportation to install and maintain signs guiding traffic to the “Niagara Wine Trail East”

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. The commissioner of transportation shall provide for the installation and maintenance of adequate signing of the state highway system constituting (a) route 18 at or near (i) that portion of route 18 in Orleans County within one mile of the Niagara-Orleans County line and within 300 feet of the intersection of route 18 and route 269 at the Niagara-Orleans County line and (ii) the intersection of route 18 and route 78 in Niagara County and (iii) the intersection of route 18 and route 425 in Wilson, Niagara County; and (b) route 104 at or near that portion of route 104 in Orleans County within one mile of the Niagara-Orleans County line and within 300 feet of the intersection of route 104 and route 269 at the Niagara-Orleans County line, to guide traffic to the “Niagara Wine Trail East” as such trail is designated pursuant to subdivision 7-a of section 343-k of the highway law, as amended by chapter 227 of the laws of 2005. The commissioner of transportation also may provide for the installation and maintenance of signs to guide traffic to and from wineries that are in reasonable proximity to, but not located on, such “Niagara Wine Trail East.”

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.

Additions are indicated by underline; deletions by strikethrough; vetoes by shading

; vetoes by shading

FISCAL IMPLICATIONS:

None to the state.

LOCAL FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

Immediate.

**WATER SUPPLY—ONONDAGA COUNTY WATER
AUTHORITY—ANNSVILLE, TOWN OF**

Memorandum in Support, New York State Senate

Text of Law, see ch. 660

BILL NUMBER: S5738

TITLE OF BILL: An act to amend the public authorities law, in relation to authorizing the town of Annsville, county of Oneida, to contract with the Onondaga county water authority

PURPOSE: This bill relates to contracts of the Onondaga county water authority with the town of Annsville, county of Oneida for the selling of water to the town.

SUMMARY OF PROVISIONS: Subdivision 24 of section 1154 of the public authorities law is amended to include the town of Annsville with those towns in which the Onondaga County Water Authority can contract with to supply and sell water.

JUSTIFICATION: This legislation authorizes the Onondaga County Water Authority (OCWA) to enter into a contract with the town of Annsville in Oneida county. OCWA is capable and willing to service this area, but state authorization is required to allow this action with a town outside of Onondaga county.

LEGISLATIVE HISTORY: This is a new bill.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: Immediate.

**TRAFFIC SIGNS AND SIGNALS—INSTALLATION—
“NIAGARA WINE TRAIL EAST”**

Memorandum in Support, New York State Senate

Text of Law, see ch. 661

BILL NUMBER: S6225A

TITLE OF BILL:

An act providing for the commissioner of transportation to install and maintain signs guiding traffic to the “Niagara Wine Trail East”

PURPOSE OR GENERAL IDEA OF THE BILL:

This legislation would provide for the installation and maintenance of adequate signing of the state highway system guiding traffic to the “Niagara Wine Trail East.”

SUMMARY OF PROVISIONS:

The commissioner of transportation shall provide for the installation and maintenance of adequate signing of the state highway system constituting (a) route 18 at or near (i) that portion of route 18 in Orleans County within 1 mile of the Niagara-Orleans County line and within 300 feet of the intersection of route 18 and route 269 at the Niagara-Orleans County

line and (ii) the intersection of route 18 and that portion of route 104 in and within 300 feet of the County line, to guide traffic pursuant to subdivision 7-a of the laws of 2005. The cost and maintenance of signs in the proximity to, but not located

JUSTIFICATION:

The “Niagara Wine Trail” wineries attract customers. This legislation will make it easier for visitors to find wineries to open installation

PRIOR LEGISLATIVE

New bill.

FISCAL IMPLICATION

None to the state.

EFFECTIVE DATE:

This act shall take effect

ZONING AND PLAN

Memoranda

BILL NUMBER: S6316

TITLE OF BILL:

An act to amend the general village law, in relation to

PURPOSE:

To amend the general municipal law to promote training opportunities

SUMMARY OF PROVISIONS

The bill amends sections of the village law to set forth training planning boards, zoning boards, four hours of training per year for the body of each city, county, town or village or greater from its population

Training could be obtained through a county planning office, a planning board, a similar entity, and through distance learning, as well as through training received in any other program carried over into succeeding years

To be eligible for reappointment, a resolution must be completed by each year. A resolution waiving or adjusting the terms of the governing board, it is in

The final section of the bill

PUBLIC AUTHORITIES—SCRIBA—WATER AUTHORITY

CHAPTER 399

S. 7023-A

Approved and effective August 30, 2000

AN ACT to amend the public authorities law, in relation to allowing the town of Scriba, county of Oswego, to contract with the Onondaga county water authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Subdivision 24 of section 1154 of the public authorities law, as amended by chapter 244 of the laws of 1997, is amended to read as follows:

24. Notwithstanding any other provision of this section, to purchase, construct, lease and operate water systems and properties in the towns of Sullivan, Lenox, Lincoln, Volney, Verona, Vienna, Hannibal, Hastings, Minetto, Schroepel, Scriba, Oswego, West Monroe and Sterling to enter into any contract authorized by this section with any municipality within the territorial limits of said towns, and to supply and sell any water not needed in the county of Onondaga at retail or at wholesale to individual consumers within the territorial limits of said towns.

§ 2. This act shall take effect immediately.

TOWN—LONG LAKE—PUBLICITY FUND

CHAPTER 400

S. 7210

Approved and effective August 30, 2000

AN ACT to amend the town law, in relation to a publicity fund in the town of Long Lake, Hamilton county

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Subdivision 14 of section 64 of the town law is amended by adding a new paragraph n to read as follows:

n. Notwithstanding the provisions of this subdivision, the town of Long Lake, Hamilton County, may, upon adoption of a resolution subject to a permissive referendum, appropriate a sum in excess of three thousand dollars but not in excess of fifty thousand dollars to its publicity fund and may continue to make such appropriations, until the adoption of a resolution, also subject to a permissive referendum, to discontinue the same.

§ 2. This act shall take effect immediately.

Additions are indicated by underline; deletions by ~~strikeout~~; vetoes by shading

1011

THE LEGISLATURE
Ch. 397

for taking an appeal. After court is no longer sufficient. t, in most cases, the time to

ntered in a small claim or a ter personal delivery of the y the appellant. If service is period.

s law and would apply to all al impact.

DICT OF
LL

te Senate

town and Wallkill

ow charter for a special library jacent uncharted areas. This e essential library services to reneue policies.

vs of New York by chartering a Thrall Library District and all e Bush Central, Minisink Valley l portions of the town of Mount strict shall be consolidated into

lified voters residing within the A majority vote of the ballots is required for it to be legally y formed Board of Trustees, e Enlarged City School District. rem levy upon taxable property town and Wallkill. This legisla- h, all property taxes within this as the adjacent area subject to

MEMORANDA
Ch. 400

PUBLIC AUTHORITIES—SCRIBA—WATER AUTHORITY

Memorandum in Support, New York State Senate

Text of Law, see ch. 399

BILL NUMBER: S7023A

TITLE: An act to amend the public authorities law, in relation to allowing the Town of Scriba to contract with the Onondaga county water authority.

PURPOSE: To allow the Onondaga County Water Authority to sell water to the Oswego County Town of Scriba.

SUMMARY OF PROVISIONS: Amends Subdivision 24 of Section 1154 of the public authorities law to add the Town of Scriba to the list of Towns outside of Onondaga County in which the Onondaga County Water Authority may sell water.

EXISTING LAW: New Legislation.

JUSTIFICATION: This bill authorizes the Town of Scriba, Oswego County, to enter into a contract with the Onondaga County Water Authority to supply water to the Town. The Town has been experiencing water pressure problems in an area known as the Seneca Hill Water District, and a proposed community sports complex requires additional water volume unavailable without the addition of water from the OCWA. Without this legislation, the Town will be unable to accommodate this development. OCWA is willing and capable of supplying this area, but state authorization is required to allow the sale of water to the Town of Scriba, which is outside of Onondaga County.

LEGISLATIVE HISTORY: New Legislation. Subdivision 24 of section 1154 of the Public Authorities Law currently lists several other Towns in Oswego County to which the OCWA may sell water.

FISCAL IMPLICATIONS: None.

LOCAL FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect immediately.

TOWN—LONG LAKE—PUBLICITY FUND

Memorandum in Support, New York State Senate

Text of Law, see ch. 400

BILL NUMBER: S7210

TITLE: AN ACT to amend the town law, in relation to a publicity fund in the Town of Long Lake

PURPOSE: Authorizes the Town of Long Lake to appropriate up to \$50,000 to its publicity fund.

SUMMARY OF PROVISIONS: Amends Subdivision 14 of section 64 of the Town Law to provide that the Town of Long Lake may, upon adoption of a resolution subject to permissive referendum, appropriate a sum not to exceed \$50,000 to its publicity fund until the adoption of a resolution to discontinue the appropriation.

JUSTIFICATION: The Town of Long Lake relies heavily on tourism to sustain its local economy. Currently, the Town Law places a \$10,000 limit on Long Lake's publicity expenditures. A number of other towns in New York state have already been granted higher limits on publicity expenditures. The Town of Long Lake would certainly benefit from the flexibility to expend \$50,000 as needed.

LEGISLATIVE HISTORY: New bill.

FISCAL IMPLICATIONS: None to New York State.

MINETTO—ONONDAGA COUNTY WATER AUTHORITY—CONTRACTS

CHAPTER 244

S. 3672, A. 6499

Approved and effective July 21, 1997

AN ACT to amend the public authorities law, in relation to allowing the town of Minetto to contract with the Onondaga county water authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Subdivision 24 of section 1154 of the public authorities law, as separately amended by chapters 330 and 422 of the laws of 1996, is amended to read as follows:

24. Notwithstanding any other provision of this section, to purchase, construct, lease and operate water systems and properties in the towns of Sullivan, Lenox, Lincoln, Volney, Verona, Vienna, Hannibal, Hastings, Minetto, Schroepel, Oswego, West Monroe and Sterling to enter into any contract authorized by this section with any municipality within the territorial limits of said towns, and to supply and sell any water not needed in the county of Onondaga at retail or at wholesale to individual consumers within the territorial limits of said towns.

§ 2. This act shall take effect immediately.

NEW YORK CITY—RECONVEYANCE OF PROPERTY

CHAPTER 245

S. 3836, A. 6564

Approved and effective July 21, 1997

AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Brooklyn to the estate of former owners Abraham and Ceclia Fallas, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 5562, Lot No. 60 on tax map for the borough of Brooklyn

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Findings. On October 18, 1977, through a Brooklyn in rem tax foreclosure action, the city of New York acquired title to premises designated as lot #60 in tax block 5562, also known as 1945 67th Street, in the borough of Brooklyn, based on non-payment of taxes due to failure to receive actual notice by Abraham and Ceclia Fallas, the former owners of such property. Pursuant to sections 11-424 and 11-424.1 of the administrative code of the city of New York, the city may release its interest in property thus acquired if an application for such a release is filed with the city's department of general services within two years of the date on which the city's deed is recorded and if such application is approved by the in rem foreclosure release board. Since that period has now elapsed, and pending the effectiveness of a chapter of the laws of 1997 authorizing the in rem foreclosure release board to authorize the release of property where an application for such release is made more than two years after the date of the city's acquisition thereof, state legislation is necessary to restore said property to the estate of the aforesaid former owners. In addition, since the New York city charter requires that the sale of city owned property be at public auction or by sealed bids

(except as otherwise pro said reconveyance.

§ 2. Notwithstanding administrative code to th York is hereby authorize as tax block 5562, lot #6 October 18, 1977, to tl

§ 3. Such release an foreclosure release board of New York, subject to :

(a) Submit an applicat accompanied by a certifi otherwise required by s

(b) Pay all taxes, inte the administrative code rem foreclosure release l

§ 4. This chapter of effectiveness of which p code of the city of New not apply to the release .

§ 5. This act shall ta

SODUS V

AN ACT authorizing the No. 5 certain lands w

The People of the St follows:

§ 1. Notwithstandin county of Wayne, is her from the Sodus Water Water District. The to Water District No. 5 b

§ 2. The lands to b described as follows:

ALL THAT TRACT Township 14, Range 1, and described as follows:

BEGINNING at a centerline with the Tow running thence (1) S 5 feet to a point, thence (feet to a point, thence (feet to a point; thence 32° 19' 26" W a distance and the Town of Willia

PROVIDING SERVICE

Senate

Administrative Judge.

certain degree of personal
burdens of jury service
serve on a jury for a period
designated counties where the
§4. Anomalously, however,
on juries in "any court of
Town and Village Justice
Courts among New York's
e in Supreme Court and is
ot again be called for jury
he county). By contrast, a
ial in a Town Justice Court
least, on the day following
atently unfair, and we are

d, are local criminal courts
to that of District Courts,
all of which also are local
courts when they conduct
y Town and Village Justices
ed may be somewhat more
see these minor distinctions
meaningful way less than those
se that section 524 of the
tion to jurors in the Justice

juror who has served and is
t be reduced so as to enable
nit this measure because we
and legislative initiatives to
ho, if given a choice, would
law now allows. According-
l who have served on a jury,
isqualification be reduced by
of jurors at any time after
e would be returned to the
in counties with a two-year

y service whether performed

MEMORANDA
Ch. 244

UNIFORM FIRE PREVENTION AND BUILDING
CODE COUNCIL—MEMBERSHIP

Memorandum in Support, New York State Senate

Text of Law, see ch. 243

PURPOSE OF BILL:

To add the Commissioner Of the Division of Housing and Community Renewal (DHCR) to the statutory list of state agency officials from among whom the Governor may appoint members of the State Uniform Fire Prevention and Building Code Council.

SUMMARY OF PROVISIONS:

Paragraph a of subdivision 1 of section 374 of the Executive Law is amended to add the Commissioner of DHCR to the list of state officials whom the Governor may appoint as members of the Code Council.

EXISTING LAW:

The Commissioner of DHCR is no longer a statutory member of the Code Council.

STATEMENT IN SUPPORT:

In 1996, all uniform code responsibilities were transferred from DHCR to the Department of State. However, the DHCR Commissioner was not added to the list of eligible appointees to the Code Council. DHCR has a continuing interest in building and codes issues.

BUDGETARY IMPLICATIONS:

None.

MINETTO—ONONDAGA COUNTY WATER AUTHORITY—CONTRACTS

Memorandum in Support, New York State Senate

Text of Law, see ch. 244

SUMMARY OF SPECIFIC PROVISIONS:

Amends Subdivision 24 of Section 1154 of the public authorities law to add the Town of Minetto to the list of towns outside of Onondaga County in which the Onondaga County Water Authority may sell water.

JUSTIFICATION:

This bill authorizes the Town of Minetto, Oswego County, to enter into a contract with the Onondaga County Water Authority to supply water to the Town. The Town is in the process of contracting with the Onondaga County Water Authority whereby OCWA will install water lines in the Town and then sell water to the town residents. Without this legislation the Town will not be able to supply water to its residents. OCWA is capable and willing to service this area, but State authorization is required to allow the sale of water in the Town of Minetto, which is outside of Onondaga County.

PRIOR LEGISLATIVE HISTORY:

New Legislation

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

se in which a private banker
f continuing the business in
it shall approve the private
making a determination that
ased upon the considerations

bond in the amount of \$575,000 to finance the closure of such town's landfill, are hereby
legalized, validated, ratified and confirmed. The town board of the town of Caroga is hereby
authorized to use the proceeds of such bond to reimburse the general fund of such town,
notwithstanding the failure to comply with the provisions of section 165.10 of the local finance
law which provides, in effect, that an issue of bonds must first be authorized prior to any
temporary diversion of funds.

§ 2. This act shall take effect immediately.

ATIVE HIGHWAY

TOWN OF STERLING AUTHORIZED TO PURCHASE WATER
FROM ONONDAGA COUNTY WATER AUTHORITY

CHAPTER 422

S. 6114-A

Approved and effective Aug. 2, 1996

AN ACT to amend the public authorities law and the real property tax law, in relation to
authorizing the town of Sterling to purchase water from the Onondaga county water authority

*The People of the State of New York, represented in Senate and Assembly, do enact as
follows:*

§ 1. Subdivision 24 of section 1154 of the public authorities law, as amended by chapter
416 of the laws of 1994, is amended to read as follows.

24. Notwithstanding any other provision of this section, to purchase, construct, lease and
operate water systems and properties in the towns of Sullivan, Lenox, Lincoln, Volney,
Verona, Vienna, Hastings, Schroepfel, Oswego and West Monroe, and Sterling to enter into
any contract authorized by this section with any municipality within the territorial limits of
said towns, and to supply and sell any water not needed in the county of Onondaga at retail or
at wholesale to individual consumers within the territorial limits of said towns.

§ 2. Section 1167 of the public authorities law, as amended by chapter 574 of the laws of
1972, is amended to read as follows:

§ 1167. Restriction of jurisdiction

Anything contained in this chapter to the contrary notwithstanding, the authority shall have
no power to purchase or otherwise acquire any source of supply, or water supply system, or
any part thereof, situated wholly or partly in the counties of Cayuga or county of Seneca or in
the town of Skaneateles in the county of Onondaga.

§ 3. Section 410-b of the real property tax law, as added by chapter 967 of the laws of
1984, is amended to read as follows:

§ 410-b. [Special water districts]¹

1. Special water districts. Real property in the county of Oswego owned by a special
water district, not within its district boundaries and used as a pumping station, water
treatment plant, pipeline and/or reservoir, including all necessary connections and appurte-
nances, for purposes of drawing water from Lake Ontario, shall be wholly exempt from
taxation and exempt from special ad valorem levies and special assessments to the extent
provided in section four hundred ninety of this chapter if: (a) such special district makes
available to customers within the county of Oswego at least twenty-five percent of the water

OF LANDFILL

nd actions taken by the town

and Assembly, do enact as

of the state comptroller
aw and to comply with the
tions had and taken by the
e of a statutory installment

strikeout

Additions are indicated by underline; deletions by strikeout

drawn from Lake Ontario; (b) the municipal corporation in which such property is situated shall use or shall have created a special assessment district to use water from any of the facilities of said special water district; and (c) said special water district makes water available to any users in such municipal corporation or special assessment district at the same rate as it is supplied in the said special water district to users in the municipal corporation where the said special water district's pipeline first enters the special water district. As used herein, "rate" shall include all user charges and any charges imposed upon real property by the special water district for the cost of capital improvements.

2. Real property in the county of Cayuga owned by a special water district, not within its district boundaries and used or to be used as or for a pumping station, water treatment plant, pipeline and/or reservoir, including all necessary connections and appurtenances, for the purpose of supplying or drawing water from Lake Ontario, shall be wholly exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter if: (a) at any time hereafter, such special water district, at the request of the county of Cayuga, supplies to customers within the county of Cayuga water drawn from Lake Ontario, and (b) said special water district makes such water available to users in Cayuga county at the same rate as it is supplied to users in the most northwesterly town located within said special water district. As used herein, "rate" shall include all user charges and any charges imposed upon real property by the special water district for the cost of capital improvements.

¹ Catchline inadvertently made part of text; however, kept as the probable intent of the legislature.

§ 4. This act shall take effect immediately.

**GATEWAY NATIONAL RECREATIONAL AREA—
TRANSFER OF LANDS TO UNITED STATES**

CHAPTER 423

S. 6131, A. 8887

Approved and effective Aug. 2, 1996

AN ACT to amend chapter 759 of the laws of 1973, relating to the transfer of lands to the United States for the establishment of the Gateway National Recreational Area, in relation to the time period in which lands may be conveyed

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Section 5 of chapter 759 of the laws of 1973, relating to the transfer of lands to the United States for the establishment of the Gateway National Recreational Area, as amended by chapter 133 of the laws of 1994, is amended to read as follows:

§ 5. All such lands shall be ceded, granted and conveyed to the United States on or before May 1, 1996 1998.

§ 2. This act shall take effect immediately.

**EXCHANG
STATE**

AN ACT to amend the highway law of the state and the county of Washington

The People of the State of New York do enact as follows:

§ 1. Subdivision 55 of section 6 of the highway law is amended to read as follows:

6. Effective September first next, the county of Washington having jurisdiction over the state highway nine hundred forty-two generally northerly to a state highway in or near the hamlet of Washington for future maintenance purposes and to issue official orders of maintenance shall be deemed to be an acquisition purposes and uses.

§ 2. This transfer of jurisdiction of the state in the transferred hamlet shall transfer all right, title and interest in the state. Furthermore, the state shall be deemed to be an acquisition purposes and uses.

§ 3. This act shall take effect immediately.

**MAXIMUM GROSS WEIGHT
ELIMINATE**

AN ACT to amend the vehicle and traffic law in relation to the maximum gross weight limit for agricultural trucks

The People of the State of New York do enact as follows:

§ 1. Paragraph 2 of section 205 of the vehicle and traffic law, as amended by chapter 133 of the laws of 1994, is amended to read as follows:

ANGE IN
SHIP

Senate

approving the continuation

Law to provide that the
ate, which is submitted in
its partnership, without the

the approval of a private
anking Board. Currently,
banker, as well as for the
in partnership (such as the

the same level of review as a
l in such circumstances can
d's meeting schedule, time
r of individuals which are

ng the Superintendent to
val by the Banking Board.
ations specified in Section

efficient certain regulatory

re-authorization process,
Board.

FIVE HIGHWAY

Senate

runs from Schuylerville to
Highway."

Highway Law to effectuate

he County of Saratoga, will
made to our nation and in
ons towards the American
ad which now joins present
iate to rename the current
Schuyler's honor.

EFFECTIVE DATE: Immediately.

TOWN OF CAROGA—FINANCING CLOSURE OF LANDFILL

Memorandum in Support, New York State Senate

Text of Law, see ch. 421

PURPOSE:

To legalize, validate and ratify actions taken by the Town of Caroga in relation to the issuance of an installment bond.

SUMMARY OF PROVISIONS:

This legislation legalizes, validates, ratifies and confirms actions taken by the Town of Caroga in relation to the issuance of a statutory installment bond in the amount of \$575,000 to finance the closure of such Town's landfill.

EXISTING LAW:

In some situations, the Local Finance Law provides that a town within the Adirondack Park shall not issue bonds without prior consent from the State comptroller.

JUSTIFICATION:

The Town of Caroga has acted in accordance with State environmental requirements to properly close the Town landfill. In June of 1995, the Town of Caroga opened a Capital Projects Fund to close its landfill, but did not obtain prior approval of the State comptroller. Local Finance Law, Section 104.10(3) generally provides that a town within the Adirondack Park containing State lands assessed at more than ten percent of the total assessed valuation in the town shall not issue bonds, bond anticipation notes, capital notes, or budget notes except with the State comptroller's consent. Since the law requires the comptroller's consent prior to the issuance of debt, the comptroller cannot approve debt already issued. The Comptroller's Office has suggested that the Town of Caroga seek validating legislation to resolve this situation.

LEGISLATIVE HISTORY:

New Bill.

FISCAL IMPLICATIONS:

None to State.

EFFECTIVE DATE:

Immediately.

TOWN OF STERLING AUTHORIZED TO PURCHASE WATER
FROM ONONDAGA COUNTY WATER AUTHORITY

Memorandum in Support, New York State Senate

Text of Law, see ch. 422

PURPOSE OR GENERAL IDEA OF BILL:

To allow The Onondaga County Water Authority to sell water to the municipalities in Cayuga County, and that real property in Cayuga County owned by the special water district shall be exempt from taxation. Finally, water users in Cayuga County shall be charged the same rate as a specified town in Onondaga County.

SUMMARY OF SPECIFIC PROVISIONS:

THE LEGISLATURE

Ch. 422

Amends section 1154, subdivision 24 and section 1167 of the public authorities law, and adds subdivision 2 to section 410-b of the real property tax law.

JUSTIFICATION:

Cayuga County municipalities are in need of the services of the Onondaga County Water Authority and would like to have the necessary state authorization to do so.

PRIOR LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

Takes effect immediately.

**GATEWAY NATIONAL RECREATIONAL AREA—
TRANSFER OF LANDS TO UNITED STATES**

Memorandum in Support, New York State Senate

Text of Law, see ch. 423

SUMMARY OF PROVISIONS:

This bill would amend Chapter 759 of the Laws of 1973 to extend the time during which the State and City of New York can cede real property for inclusion in the Gateway National Recreational Area. Absent this bill, the authorization would expire on May 1, 1996.

JUSTIFICATION:

The Gateway National Recreational Area plan is an innovative approach to the creation of urban park space. Gateway will combine recreational facilities with educational programs and an organized effort to attract the population of the entire region which this Federal project will serve.

The process of assembling the scattered properties (Situating in three of the City's counties and in New Jersey) which will ultimately comprise Gateway is not yet completed, in part because the plan to create the park has taken into account the need for input from the communities it will adjoin as well as those it will serve. As amended, this legislation would mandate timely applicable community board and borough board notification and review of any future property to be ceded or conveyed as part of Gateway.

In order to permit the Gateway project to take shape at a rate which permits the participation of the parties interested in the Area's ultimate success, this bill extends by two years the deadline for transfer of those properties still held by the State and City of New York which are included in the Gateway plan.

EFFECTIVE DATE:

This act shall take effect immediately.

**EXCHANGE OF HIGHWAYS BETWEEN THE
STATE AND WASHINGTON COUNTY**

Memorandum in Support, New York State Senate

Text of Law, see ch. 424

SUMMARY: This legislation, if enacted, would allow for a jurisdictional transfer in which Washington County would acquire jurisdiction over Route 338 and the State of New York would acquire jurisdiction over the section of Route 149 located between Routes 4 and 40.

MEMORANDA

Ch. 426

JUSTIFICATION: This legis Board of Supervisors and agre would provide motorists trav transport.

PRIOR LEGISLATIVE HIST

FISCAL IMPLICATIONS: N

EFFECTIVE DATE: Immedi

**MAXIMUM GROSS W
ELIMINATI**

Memoran

PURPOSE: To provide that t meet limited use requirements
SUMMARY OF PROVISIONS: of section 401 of the Vehicle a vehicles which are classified : Vehicle and Traffic law.

JUSTIFICATION: Provisions of an "agricultural truck" regi for this registration must be u the transportation of his or passenger use or in lumberi. Agricultural trucks may be re; seasonal usage by a farmer. heavier vehicles that would otl obtain the benefits of a prorat fee as commercial truck operat effect on the safety requireme agricultural truck registration of the farming community.

LEGISLATIVE HISTORY: 1

FISCAL IMPLICATIONS: M

LOCAL FISCAL IMPLICAT

EFFECTIVE DATE: Immed

**EXCHAN
ST.**

Memoran

PURPOSE: To transfer main 941E, 941F, 941G, and 941. Canandaigua in exchange for village of Bloomfield.

SUMMARY OF PROVISION state Highway law by adding

SODUS, TOWN OF—ELECTION OF JUSTICES

CHAPTER 329

A. 8953, S. 6179

Approved and effective July 17, 1996

AN ACT to amend the town law, in relation to providing for the election of a third town justice in the town of Sodus in the county of Wayne

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Subdivision 1 of section 20 of the town law is amended by adding a new paragraph (n) to read as follows:

(n) Notwithstanding the provisions of any general, special or local law to the contrary, the town board of the town of Sodus, county of Wayne may adopt a resolution, subject to a permissive referendum as provided by article seven hereof, at least sixty days prior to any regular or special election determining that such town shall have three town justices. If the town board of such town shall have adopted such a resolution and no petition shall have been filed within the time specified for a referendum thereon, or if a majority of the votes cast on any such proposition submitted to the vote of the electors be in the affirmative, the electors of such town shall elect at the succeeding general election a town justice who shall take office for a term of four years beginning on the first day of January next succeeding such biennial town election. Upon the election of a third town justice, the town board shall adopt a resolution to abolish one of the offices of town justice for the purpose of staggering the elections of its town justices.

§ 2. This act shall take effect immediately.

HANNIBAL, TOWN OF—AUTHORITY TO CONTRACT WITH ONONDAGA COUNTY WATER AUTHORITY

CHAPTER 330

S. 6206

Approved and effective July 17, 1996

AN ACT to amend the public authorities law, in relation to allowing the town of Hannibal to contract with the Onondaga county water authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Subdivision 24 of section 1154 of the public authorities law, as amended by chapter 416 of the laws of 1994, is amended to read as follows:

24. Notwithstanding any other provision of this section, to purchase, construct, lease and operate water systems and properties in the towns of Sullivan, Lenox, Lincoln, Volney, Verona, Vienna, Hannibal, Hastings, Schroepel, Oswego and West Monroe, to enter into any contract authorized by this section with any municipality within the territorial limits of said towns, and to supply and sell any water not needed in the county of Onondaga at retail or at wholesale to individual consumers within the territorial limits of said towns.

§ 2. This act shall take effect immediately.

Additions are indicated by underline; deletions by ~~strikeout~~

719

THE LEGISLATURE
Ch. 328

MEMORANDA
Ch. 331

To authorize the town of Sodus, Wayne County to act by resolution to create an additional office of town justice and to abolish one of the offices of town justice.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1. Subdivision 1 of section 20 of the town law is amended by adding a new paragraph (1).

JUSTIFICATION:

Authorizes the town board of Sodus, Wayne County, to create an additional office of town justice for the purpose of staggering the elections of its town justices.

PRIOR LEGISLATIVE HISTORY:

New Bill

FISCAL IMPLICATIONS:

Undetermined

EFFECTIVE DATE:

Immediately

**HANNIBAL, TOWN OF—AUTHORITY TO CONTRACT WITH
ONONDAGA COUNTY WATER AUTHORITY**

Memorandum in Support, New York State Senate

Text of Law, see ch. 330

SUMMARY OF PROVISIONS:

Amends Subdivision 24 of Section 1154 of the public authorities law to add the Town of Hannibal to the list of towns outside of Onondaga County in which the Onondaga County Water Authority may sell water.

JUSTIFICATION:

This bill authorizes the Town of Hannibal, Oswego County to enter into a contract with the Onondaga County Water Authority to supply water to the Town. The Town is in the process of establishing a water district and without this legislation will not be able to provide water to its residents. The Onondaga County Water Authority is capable and willing to service this area, but State authorization is required to allow them to sell water in the Town of Hannibal, which is outside of Onondaga County.

LEGISLATIVE HISTORY:

New Legislation

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect immediately.

PENALIZING VICTIM OF OFFENSE BY EMPLOYER—PROHIBITED

Memorandum in Support, New York State Senate

Text of Law, see ch. 331

PURPOSE OR GENERAL IDEA OF BILL: The bill amends the penal law to expand the application of section 215.14 to prohibit employers from penalizing victims who are either

eeding the date on which
 immediately, the addition,
 e implementation of the
 and directed to be made
 full force and effect until
 such date the provisions

§ 1. Paragraph b of subdivision 11 of section 3601-a of the education law, as added by chapter 636 of the laws of 1993, is amended to read as follows:

b. For any apportionments payable to the city school ~~district~~ districts of the city cities of Jamestown and Schenectady pursuant to this section for the nineteen hundred ninety-one—ninety-two and nineteen hundred ninety-two—ninety-three school years, the approved operating expense of such ~~district~~ districts shall equal the sum of the amount computed pursuant to paragraph a of this subdivision plus any expenditures by the school ~~district~~ districts during the base year from its risk retention fund for purposes of employee benefit claims related to salaries paid from the general fund.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 1990.

D NOTES

ONONDAGA COUNTY WATER AUTHORITY—INCLUDING TOWNS
 OF SCHROEPEL AND OSWEGO—MINORITY AND
 WOMEN-OWNED ENTERPRISES

CHAPTER 416

S. 8571-A

Approved and effective July 20, 1994

AN ACT to amend the public authorities law, in relation to including the towns of Schroepel and Oswego in coverage by the Onondaga county water authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Subdivision 24 of section 1154 of the public authorities law, as amended by chapter 747 of the laws of 1992, is amended to read as follows:

24. Notwithstanding any other provision of this section, to purchase, construct, lease and operate water systems and properties in the towns of Sullivan, Lenox, Lincoln, Volney, Verona, Vienna, Hastings, Schroepel, Oswego and West Monroe, to enter into any contract authorized by this section with any municipality within the territorial limits of said towns, and to supply and sell any water not needed in the county of Onondaga at retail or at wholesale to individual consumers within the territorial limits of said towns.

§ 2. The opening paragraph of section 1166 of the public authorities law is designated subdivision 1 and a new subdivision 2 is added to read as follows:

2. For the purposes of article fifteen-A of the executive law only, the authority shall be deemed a state agency as that term is used in such article, and its contracts, or orders for work, material or supplies performed or furnished in connection with construction shall be deemed state contracts within the meaning of that term as set forth in such article.

§ 3. This act shall take effect immediately.

ENSES FOR
JMENT

approved operating expenses

nd Assembly, do enact as

strikeout

Additions are indicated by underline; deletions by ~~strikeout~~

- (iii) In the period commencing three years and ending ~~six~~ seven years after the effective date of this article, not more than eight additional economic development zones;
 - (iv) In the period commencing five years and ending ~~seven~~ eight years after the effective date of this article, not more than seven additional economic development zones;
 - (v) In the period commencing six years and ending ~~eight~~ nine years and six months after the effective date of this article, not more than six additional economic development zones.
- § 2. This act shall take effect immediately.

ONONDAGA COUNTY WATER AUTHORITY

CHAPTER 747

A. 11759

Approved and effective July 31, 1992

AN ACT to amend the public authorities law, in relation to the operation of certain water systems by the Onondaga county water authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Subdivision 24 of section 1154 of the public authorities law, as amended by chapter 455 of the laws of 1985, is amended to read as follows:

24. Notwithstanding any other provision of this section, to purchase, construct, lease and operate water systems and properties in the towns of Sullivan, Lenox, Lincoln, Volney, Verona, Vienna, Hastings, and West Monroe, to enter into any contract authorized by this section with any municipality within the territorial limits of said towns, and to supply and sell any water not needed in the county of Onondaga at retail or at wholesale to individual consumers within the territorial limits of said towns.

§ 2. This act shall take effect immediately.

ROCHESTER PSYCHIATRIC CENTER BOARD OF VISITORS

CHAPTER 748

S. 8537, A. 11768

Approved and effective July 31, 1992

AN ACT to amend the mental hygiene law, in relation to providing for a board of visitors consisting of from seven to ten members for a hospital at the Rochester psychiatric center

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Subdivision (a) of section 7.33 of the mental hygiene law, as amended by chapter 31 of the laws of 1990, is amended to read as follows:

(a) Each hospital in the department shall have a board of visitors consisting of seven members; provided, however, that a hospital at the Pilgrim psychiatric center and a hospital at the Rochester psychiatric center shall have a board of visitors consisting of at least seven, but not more than ten members. Members appointed or reappointed after the effective date of this chapter shall be appointed by the governor, by and with the

advice and consent of the s
expire on the thirty-first d
provided however, when mo
appointed for terms of fewe
three members' terms expi
thirty-first day of December
shall, however, remain in o
has taken office, or until su
office in the manner hereir
from office, the governor sh
to fill the remaining term
governor for cause after n
making appointments to boa
membership of each such bo
or communities served by th
least three individuals who
that the remainder includes
expressed an active interest
of the mentally ill or in me

§ 2. This act shall take

NEW YORK CITY E
YORK CITY BOAL
PENSION

Memorandum relat

Approved

AN ACT to amend the admi
certain members of the N
board of education retire
upon previous part-time
for service to purchase c
a lump sum; and to ame
to the crediting of all par
upon such part-time ser
benefits by such systems
which qualify a person fo
the education law, in rel
city police department el

The People of the State
as follows:

§ 1. Subdivision 9 of se
is amended to read as foll

9. "Final compensation"
e of section 13-638.4 of tl
compensation earnable by
city-service, or during any
service which such membe
may designate any two pe

bonds shall not be subject to either mandatory or permissive referendum, and the provisions of section 107.00 of the local finance law shall not be applicable to the issuance of such bonds or bond anticipation notes with respect to any requirements for a down payment.

§ 5. For each fiscal year occurring during the time bonds issued pursuant to this act are outstanding, the city comptroller shall monitor all budgets and for each such budget, prepare a quarterly report of summarized budget data depicting overall trends of actual revenues and budget expenditures for the entire budget rather than individual line items. Such reports shall compare revenue estimates and appropriations as set forth in such budget with the actual revenues and expenditures made to date. All quarterly reports shall be accompanied by a recommendation from the mayor to the common council setting forth any remedial action necessary to resolve any unfavorable budget variance including the over-estimation of revenues and the under-estimation of appropriations. The city comptroller shall also prepare a quarterly trial balance of general ledger accounts. The above quarterly budgetary report and trial balance shall be prepared in accordance with generally accepted accounting principles and shall include the general and sewer funds. These reports shall be completed within thirty days after the end of each quarter and shall be submitted to the mayor, the budget officer, president of the common council, state division of the budget, office of the state comptroller, chairman of the assembly ways and means committee and chairman of the senate finance committee.

§ 6. This act shall take effect immediately.

ONONDAGA COUNTY WATER AUTHORITY

CHAPTER 455

Approved and effective July 19, 1985

AN ACT to amend the public authorities law, in relation to the operation of certain water systems by the Onondaga County Water Authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision twenty-four of section one thousand one hundred fifty-four of the public authorities law, as amended by chapter seven hundred forty-seven of the laws of nineteen hundred seventy-five, is amended to read as follows:

24. Notwithstanding any other provision of this section, to purchase, construct, lease and operate water systems and properties in the towns of Sullivan, Lenox, Lincoln, [and] Volney, Hastings, and West Monroe, to enter into any contract authorized by this section with any municipality within the territorial limits of said towns, and to supply and sell any water not needed in the county of Onondaga at retail or at wholesale to individual consumers within the territorial limits of said towns.

§ 2. This act shall take effect immediately.

EXHIBIT C

hundred eighty-five and subdivision twenty-one as added by chapter eleven hundred fifty-two of the laws of nineteen hundred seventy-one, are amended to read as follows:

2. The flag shall be displayed daily, weather permitting, on or near the main administration building of every public institution, whenever such institution is open to the public. The flag shall also be displayed, weather permitting, on the following days in each year: the first day of January, known as New Year's day; the third Monday of January, known as Dr. Martin Luther King, Jr. day; the twelfth day of February, known as Lincoln's birthday; the third Monday in February, known as Washington's birthday; the last Monday in May, known as Memorial day; the second Sunday of June, known as Flag day; the fourth day of July, known as Independence day; the first Monday in September, known as Labor day; the second Monday in October, known as Columbus day; the eleventh day of November, known as Veterans day; the fourth Thursday in November, known as Thanksgiving day; the seventh day of December, known as Pearl Harbor day; and the twenty-fifth day of December, known as Christmas day, and if any of such days except Flag day is Sunday, the next day thereafter; each general election day, and each day appointed by the President of the United States or by the Governor of this state as a day of general thanksgiving or for displaying the flag.

21. The flag shall be flown at full staff at all times except it shall be flown at half-staff on the seventh day of December, known as Pearl Harbor Day, and to commemorate the death of a personage of national or state standing or of a local serviceman, official or public servant who, in the opinion of the local agency concerned, contributed to the community. It may also be flown at half-staff during special periods of mourning designated by the President of the United States or the Governor of this state.

§ 2. This act shall take effect immediately.

ERIE COUNTY WATER AUTHORITY

CHAPTER 562

S. 7813-A, A. 10056-A

Approved and effective Aug. 15, 1988

Message of necessity, pursuant to Art. III, sec. 14, of Const.

AN ACT to amend the public authorities law, in relation to the powers of the Erie county water authority

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Section one thousand fifty-four of the public authorities law is amended by adding a new subdivision six-a to read as follows:

6-a. To do all things necessary to construct and maintain water transmission and distribution mains and appurtenances thereto to provide wholesale or retail supplies of water to the town of Hanover, village of Silver Creek, and the Seneca Nation of Indians, Cattaraugus reservation upon the adoption of a resolution of the governing body of any such municipality or Indian tribe requesting that the authority sell water to their municipality or tribe and the adoption of a consenting resolution by the governing body of the water utility serving such municipality or tribe should such a water utility then exist;

§ 2. This act shall take effect immediately.

Additions in text are indicated by underline; deletions by strikeouts-

EXHIBIT D

Opinion 2005 - 7

This opinion represents the views of the Office of the State Comptroller at the time it was rendered. The opinion may no longer represent those views if, among other things, there have been subsequent court cases or statutory amendments that bear on the issues discussed in the opinion.

WATER DISTRICTS -- Water Supply (service to users located outside a water district)

WATER RENTS -- Collection (by bank or trust company)

WATER SUPPLY AND DISTRIBUTION -- Water Supply (service to users located outside a water district)

GENERAL MUNICIPAL LAW §99-t; TOWN LAW §198(3)(b); ENVIRONMENTAL CONSERVATION LAW §15-1501: (1) A town may enter into an agreement with a bank or trust company, in accordance with the provisions of section 99-t of the General Municipal Law, for the collection, either by payment in person or payment by electronic funds transfer, of water rents imposed on behalf of a town water district. (2) A town water district may provide service to users located outside the district pursuant to Town Law §198(3)(b), so long as the use will not reduce the water supply so that it will be insufficient for the district or its inhabitants and all required approvals and permits are obtained. The town should contact the Department of Environmental Conservation to obtain information about any required permits and approvals.

You ask whether a town may contract with a bank to collect, either by payment in person or payment by electronic funds transfer, water rents imposed on behalf of a water district. You also ask whether a town on behalf of a water district may provide service to users located outside the district.

This Office has expressed the opinion that, as a rule, the function of collection and custody of public funds are duties that are attended with a high degree of public trust and, therefore, in the absence of express statutory authority, they may not be delegated to an independent contractor (see, e.g., 24 Opns St Comp, 1968, p 888). General Municipal Law §99-t provides the necessary express authority for municipal corporations to contract with one or more banks or trust companies, as defined in section 10 of the General Municipal Law¹, for the collection of water or sewer user fees, charges, rates or rentals, or special assessments not collected together with real property taxes (see also Real Property Tax Law §996, providing similar authority for the collection of real property taxes and special assessments that are collected with real property taxes).

Under section 99-t, the bank or trust company collects these amounts in accordance with the terms of the contract (General Municipal Law §99-t [2]). The contract, at a minimum, must contain provisions relating to (1) the period during which payments may be collected, (2) any authorized prompt payment discounts, penalties and interest and the acceptance of partial payments, (3) the furnishing of receipts to each person paying

the fees, charges, rentals, rates or assessments, (4) the deposit of all monies collected in the account or accounts designated by the municipal corporation, (5) the maintenance of appropriate records of deposits showing the dates and amounts of all monies collected and the individuals from whom collected, and (6) the transmission to the appropriate municipal official of a daily report of amounts collected, accompanied by a statement showing deposits credited to the account of the municipal corporation (General Municipal Law §99-t[2][a-g]).

The contracting bank or trust company, pursuant to section 99-t, is liable to the municipal corporation for loss or damage that may result from any failure of officers, employees and agents of the bank or trust company to discharge their duties, or from improper or incorrect discharge of those duties, and is required to save the municipal corporation harmless from any loss occasioned by or incurred in the performance of services under the contract (General Municipal Law §99-t[3][a]). Additionally, the bank or trust company would be liable to any person from whom it accepts payment for the failure to properly credit such payment, for the amount of the payment plus any interest and penalties imposed thereon (General Municipal Law §99-t[3][b]).

Monies deposited with a bank or trust company pursuant to section 99-t are required to be secured in the manner provided by section ten of the General Municipal Law (General Municipal Law §99-t[4]). The statutory powers and duties of the municipal officer responsible for collecting water or sewer user fees, charges, rates or rentals, or special assessments, are not to be affected by the agreement with the bank or trust company, except that the official, in addition to existing statutory duties, must (1) notify the bank or trust company of the commencement of the collection period for payments, (2) include in the appropriate notices the fact that payment may be made to the bank or trust company, (3) notify the bank or trust company of the date on which the interest-free or penalty-free collection period expires, and (4) make the appropriate entries in the official records of the municipal corporation upon receiving the required daily report from the bank or trust company (General Municipal Law §99-t[5][a-d]). A contract entered into pursuant to section 99-t is subject to the procurement requirements of article 5-A of the General Municipal Law (§100 *et seq.*) (General Municipal Law §99-t[6]). In addition, the contract may be for a term not to exceed 5 years and may be canceled by the municipal corporation at any time upon 30 days' notice to the bank or trust company (*id.*).

We find nothing in section 99-t that suggests that payments to the bank or trust company must be effectuated in person. In the absence of such a requirement, it is our opinion that the municipal corporation's agreement with the bank or trust company may provide for the bank or trust company to receive either payment in person or payment by electronic funds transfer, if there is compliance with all the other statutory requirements in section 99-t, including the requirement to furnish receipts, maintain appropriate records, and properly deposit and secure all monies.²

As to the provision of water service to outside users, Town Law §198(3) (b) generally provides that a town board may permit any person or

corporation owning real property outside of a town water district to use water from the district system for a rental, subject to the restrictions prescribed by the board. The town board may not permit such outside use if the use will reduce the water supply so that it will be insufficient for the district or its inhabitants (Town Law §198[3][b]). In addition, if the property to which the outside service is provided is located in a territory served by another water district, a water supply company, city, village or joint water works system, approval of the "water power and control commission" ² must first be obtained (*id.*).

There are also additional permit requirements in section 15-1501(1) of the Environmental Conservation Law that must be considered with respect to the provision of service to outside users. Section 15-1501(1) generally provides that, under certain circumstances, a public corporation, including a town (Environmental Conservation Law §15-0107[2]), that is authorized and engaged in, or proposing to engage in, the acquisition, conservation, development, use and distribution of water for potable purposes or certain other purposes must first obtain a permit from the Department of Environmental Conservation (DEC). Procedures for applying for a permit are set forth in regulations promulgated by the DEC (6[A-3] NYCRR §601.5). There are several exemptions from the permit requirement (Environmental Conservation Law §15-1501[2]; 6 [A-3] NYCRR §601.4). When a permit is required, the DEC may determine to grant or deny a permit, or grant a permit with conditions (6[A-3] NYCRR §601.6). For further information as to the need to obtain a water permit as a condition precedent to providing water to users outside the water district in the instant situation, the Department of Environmental Conservation, Bureau of Water Resources should be contacted.

Accordingly, a town may enter into an agreement with a bank or trust company, in accordance with the provisions of section 99-t of the General Municipal Law, for the collection, either by payment in person or payment by electronic funds transfer, of water rents imposed on behalf of a town water district. A town water district may provide service to users located outside the district pursuant to Town Law §198(3)(b), so long as the use will not reduce the water supply so that it will be insufficient for the district or its inhabitants and all required approvals and permits are obtained. We recommend that the town contact the Department of Environmental Conservation to obtain information about any required permits and approvals.

November 3, 2005

Thomas J. Ruda, Water Superintendent
Town of Hector Water District

¹ Section 99-t(1) references the definitions of "bank" and "trust company" in paragraphs d and e of subdivision one of section ten of "this article" (i.e., article 5). It is obvious, however, the reference was intended to be to section ten of "this chapter", since section 10, which contains the pertinent definitions, is contained in article 2, not article 5,

of the General Municipal Law (compare General Municipal Law §99-t[4], containing the proper reference).

² Although beyond the scope of this opinion, we note that the bank's acceptance of payments electronically also would be subject to other laws as may govern such payments (see, e.g., 15 USC §1693, et seq., Electronic Funds Transfer Act.; Uniform Commercial Code, article 4-A, "Uniform Commercial Code-Funds Transfers").

³ The functions, powers and duties of the Water Power and Control Commission are now exercised by the Department of Environmental Conservation (Environmental Conservation Law §15-0317).