

**Business of the Village Board
Village of Saranac Lake**

SUBJECT: Call for Public Hearing

Date: 10-10-2023

DEPT OF ORIGIN: Mayor Williams

Bill # 137-2023

DATE SUBMITTED 10-2-2023

EXHIBITS: _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED: \$

AMOUNT
BUDGETED: \$

APPROPRIATION
REQUIRED:

SUMMARY STATEMENT

Call for a Public Hearing on Monday, November 13, 2023 at 5:30 PM to repeal Local Law 7-2014

RECOMMENDED ACTION

Approval of Resolution

MOVED BY: Scollin

SECONDED BY: Catillaz

VOTE ON ROLL CALL:

MAYOR WILLIAMS

yes

TRUSTEE BRUNETTE

yes

TRUSTEE CATILLAZ

yes

TRUSTEE SCOLLIN

yes

TRUSTEE SHAPIRO

yes

yes

RESOLUTION AUTHORIZING THE REPEAL OF LOCAL LAW 7-2014, AND ANY/ALL
AMENDMENTS OF LOCAL LAW 7-2014

WHEREAS, in 2014, the Saranac Lake Village Board adopted Local Law 7-2014, to establish a policy of prohibiting, unless a property owner annexed into the Village, new or expanded water and/or sewer connections to any properties outside of the Village of Saranac Lake, and,

WHEREAS, amendments have been made to Local Law 7-2014 to allow for new or expanded water or sewer connections to properties outside the Village if property owners agreed to annual fee of the equivalent of the assessed taxable value of the property in a duly-established town water and sewer district recognized by the Village of Saranac Lake prior existing inter-municipal service agreements in certain circumstances, and,

WHEREAS, the repeal of Local Law 7-2014 would allow for new or expanded water and sewer connections outside water and sewer districts at the rate of twice the Village rate in recognized districts and three times the rate outside of the districts.

WHEREAS, Local law 7-2014 has reduced the number of new connections and resulted in lost revenue for the Village, and,

WHEREAS, the repeal of this law would increase value for both Village taxpayers and non-Village resident consumers.

NOW, THEREFORE, BE IT RESOLVED, the Board of Trustees considers the repeal of Local Law 7-2014.

**RESOLUTION OF THE VILLAGE BOARD INTRODUCING AND
PROVIDING FOR PUBLIC NOTICE TO SCHEDULE A PUBLIC HEARING
For Local Law "Village Annexation Required for future Water and/or Sewer Service"**

WHEREAS BE IT RESOLVED that the ordinance entitled
"Village Annexation Required for future Water and/or Sewer Service" be and it hereby is
introduced before the Village Board of the Village of Saranac Lake, New York, and

BE IT FURTHER RESOLVED that the Village Board shall hold a public hearing
in the matter of the adoption of the aforesaid changes June 14, 2010 at 7:00 P.M., and

LOCAL LAW# 4 **OF 2010**

**Village Water Service and/or Village Sewer Service shall only be provided to
lands that are part of the incorporated Village as of the enactment dates of this Local
Law.**

**Included under this requirement: Any new out-of-village water and/or sewer
installations or districts.**

**Excluded under this requirement: All existing districts and/or installations lying
outside the village.**

52-48

LOCAL LAW 002-2019 AMENDING LOCAL LAW 007-2014 WITH RESPECT TO THE PROVISION OF WATER AND SEWER SERVICES

SECTION 1. APPLICABILITY

This amendment to Local Law 007-2014 shall apply to the provision of water/sewer services to governmental properties outside the corporate boundaries of the Village of Saranac Lake (VSL) and duly-established town water and sewer districts recognized by VSL through prior existing inter-municipal service agreements (Town Districts) pursuant to a municipal services agreement (MSA).

SECTION 2. REQUIREMENTS

New or expanded water connections may occur outside VSL and Town Districts to serve governmental properties pursuant to an MSA.

SECTION 3. MUNICIPAL SERVICE AGREEMENTS

Any MSA developed pursuant to this amended local law shall provide terms including, but not limited to the following:

1. VSL shall charge the governmental property owner the village rate for water and sewer services;
2. The governmental property owner shall pay VSL, on an annual basis, a general municipal fee that is equal to twice the amount paid to VSL during that period for water and sewer services;
3. The governmental property owner shall own and be responsible for the installation and maintenance of all infrastructure necessary to connect with Village water/sewer infrastructure;
4. The MSA shall run with the land and may be terminated by the property owner upon cessation of the use of VSL water and/or sewer services or by VSL based on a determination that it no longer has the capacity to serve the property or that such service is no longer in VSL's interest; and
5. The MSA shall automatically expire after any annexation of the property into VSL.

SECTION 4. SEVERABILITY

If any part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Whereas, Local Law 007-2014 established a policy of prohibiting new or expanded water/sewer connections to any properties outside of the Village of Saranac Lake ("VSL") in order to encourage residential and commercial development within VSL boundaries; and

Whereas, Local Law 002-2015 amended Local Law 007-2014 to allow for new or expanded water or sewer connections to properties outside of the VSL in duly-established town water and sewer districts recognized by VSL through prior existing inter-municipal service agreements (Town Districts) in certain circumstances; and

Whereas, Local Law 007-2014 has the potential to limit the public services provided by governmental property owners outside of VSL and Town Districts; and

Whereas, it is appropriate to amend Local Law 007-2014 to allow for new or expanded water or sewer connections to serve governmental properties outside VSL and Town Districts pursuant to municipal service agreements under certain circumstances.

Now, therefore it is ordered:

Applicability

This amendment to Local Law 007-2014 shall apply to the provision of water/sewer services to governmental properties outside the corporate boundaries of VSL and Town Districts pursuant to a municipal services agreement.

Requirements

New or expanded water connections may occur outside VSL and Town Districts to serve governmental properties pursuant to an MSA.

Municipal service agreements ("MSA")

Any MSA developed pursuant to this amended local law shall provide terms including, but not limited to the following:

1. VSL shall charge the governmental property owner the village rate for water and sewer services;
2. The governmental property owner shall pay VSL, on an annual basis, a general municipal fee that is equal to twice the amount paid to VSL during that period for water and sewer services;
3. The governmental property owner shall own and be responsible for the installation and maintenance of all infrastructure necessary to connect with Village water/sewer infrastructure;
4. The MSA shall run with the land and may be terminated by the property owner upon cessation of the use of VSL water and/or sewer services or by VSL based on a determination that it no longer has the capacity to serve the property or that such service is no longer in VSL's interest; and
5. The MSA shall automatically expire after any annexation of the property into VSL

Severability:

If any part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its

operation to the part thereof directly involved in the controversy in which such judgment shall have been rendered.

Effective Date:

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

June 6, 2019

Village of Saranac Lake
39 Main St 2nd Floor Suite 9
Saranac Lake NY 12983-2294

RE: Village of Saranac Lake, Local Law #1 & #2 2019, filed on 5/31/2019

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



Department
of State

sent 5/29/19
KJ

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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

County City Town Village
(Select one.)

of Saranac Lake _____

Local Law No. 2 of the year 2019

A local law Provision of Water and Sewer Services Municipal Service Agreements
(insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Saranac Lake _____ as follows:

See attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2019 of the (County)(City)(Town)(Village) of Saranac Lake was duly passed by the Board of Trustees on May 28 2019, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

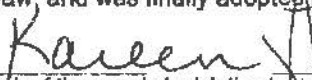
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

6. (County local law concerning adoption of Charter.)

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

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

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


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: May 29, 2019

(Seal)