

7327

I N   S E N A T E

May 2, 2012

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Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to adding the town of Kendall, Orleans county to the towns served by the Monroe county water authority

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivisions 4, 6 and 7 of section 1096 of the public  
2 authorities law, as amended by chapter 411 of the laws of 2002, are  
3 amended to read as follows:

4     4. To purchase or lease, in the name of the authority, any water  
5 supply system, water distribution system, including plants, works,  
6 instrumentalities or parts thereof and appurtenances thereto, lands,  
7 easements, rights in land and water rights, rights-of-way, contract  
8 rights, franchises, approaches, connections, dams, reservoirs, water  
9 mains and pipe lines, pumping stations and equipment, or any other prop-  
10 erty incidental to and included in such system or part thereof, and any  
11 improvements, extensions, and betterments, situated within the county,  
12 or in Genesee county, or in the town or village of Victor and the towns  
13 of East Bloomfield and West Bloomfield in Ontario county, or in the  
14 village of Holley and the [town] TOWNS of Clarendon AND KENDALL in Orle-  
15 ans county for the purpose of supplying water for domestic, commercial,  
16 and public purposes at retail to individual consumers within the county  
17 of Monroe or in the manner provided by subdivision seven of this  
18 section; and as a means of so acquiring for such purposes, and subject  
19 to the approval of the public service commission, the authority may  
20 purchase all of the stock of any existing privately owned water corpo-  
21 ration or company, and thereafter, within a reasonable time, such water  
22 corporation or company shall be dissolved;

23     6. To construct and develop any water supply system, water distrib-  
24 ution system, including plants, works, instrumentalities, or parts ther-  
25 eof, and appurtenances thereto, dams, reservoirs, water mains, pipe  
26 lines, pumping stations and equipment, or any other property incidental

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 to or included in such system or part thereof within the county of  
2 Monroe, or in Genesee county, or in the town or village of Victor and  
3 the towns of East Bloomfield and West Bloomfield in Ontario county, or  
4 in the village of Holley and the [town] TOWNS of Clarendon AND KENDALL  
5 in Orleans county. To acquire, by condemnation, in the name of the  
6 authority in the counties of Monroe and Genesee, or in any other county  
7 or municipality specifically enumerated in the first sentence of this  
8 subdivision, or in the name of the county of Monroe in the case of any  
9 water facilities to be owned and financed by such county pursuant to  
10 subdivision sixteen-b of this section, lands, easements, rights in land  
11 and water rights, and rights-of-way within the counties of Monroe and  
12 Genesee, or in any other county or municipality specifically enumerated  
13 in the first sentence of this subdivision, in the manner provided by  
14 this title; or to purchase or lease lands, easements, rights in land and  
15 water rights, and rights-of-way in connection therewith within the coun-  
16 ty of Monroe or within Genesee county, or in any other county or munici-  
17 pality specifically enumerated in the first sentence of this subdivi-  
18 sion; and to own and operate, maintain, repair, improve, reconstruct,  
19 enlarge, and extend, subject to the provisions of this title, any of its  
20 properties acquired or constructed under this title, all of which,  
21 together with the acquisition of such properties, are hereby declared to  
22 be public purposes;

23 7. To sell water, however acquired, by volume and at retail to indi-  
24 vidual consumers within the county of Monroe for domestic, commercial,  
25 industrial, and public purposes, or by volume or in bulk and at whole-  
26 sale to any or all municipalities or privately owned public water supply  
27 and distribution systems in such county. The fact that any municipality  
28 has procured or is about to procure an independent source of water  
29 supply shall not prevent such municipality from purchasing water from  
30 the authority. To sell any water not needed in such county by volume and  
31 at retail to individual consumers within the county of Genesee, or in  
32 the town or village of Victor and the towns of East Bloomfield and West  
33 Bloomfield in Ontario county, or in the village of Holley and the [town]  
34 TOWNS of Clarendon AND KENDALL in Orleans county, for domestic, commer-  
35 cial, industrial, and public purposes, or by volume or in bulk and at  
36 wholesale to any municipality or privately owned public water supply and  
37 distribution system outside of the county; provided that any costs  
38 incurred by the authority related to the Genesee county project shall be  
39 recovered by the authority solely from Genesee county or from rates and  
40 charges collected from customers within Genesee county; and further  
41 provided that the authority shall not sell water in any area outside of  
42 the county unless the governing board of the municipality wherein such  
43 area is located shall enter into an agreement with the authority for  
44 service or sale of water by it in such area or shall by resolution  
45 request the authority to sell water within such area. Any agreement  
46 between a municipality outside of the county and the authority for the  
47 sale of water to or within such municipality shall be subject to the  
48 approval of the legislative body of the contiguous county wherein such  
49 municipality is located. Not only may the authority sell any surplus  
50 water it may have developed, but it may develop and provide a sufficient  
51 amount of water so as to supply water outside of the county to individ-  
52 ual consumers, any municipality, or privately owned public water supply  
53 and distribution system;

54 S 2. This act shall take effect immediately.