

STATE OF NEW YORK

5877

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

Introduced by M. of A. BRABENEC -- read once and referred to the Committee on Local Governments

AN ACT to ratify and confirm the creation of water district no. 14 of the town of Monroe and to authorize the issuance of bonds or notes by the town of Monroe to finance certain inter-fund borrowings by water district no. 14 from such town's general fund

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

1 Section 1. It is hereby found and determined that the Town of Monroe,
2 Orange County, New York, hereinafter known as the town, spent General
3 Fund money in the amount of \$577,539 to make improvements to the former
4 water system owned and operated by Orchard Hill Water Company prior to
5 the establishment of Water District No. 14 in accordance with the
6 provisions of Article 12-A of the town law. The expenditure of such
7 funds by the town board as described above was in violation of the town
8 law requiring the submission of an application to the state comptroller
9 and the permission of the state comptroller for the establishment of
10 Water District No. 14 prior to the expenditure of such funds. Further,
11 the failure by the town board to adopt a valid bond resolution prohibits
12 the town from financing with bonds or notes the cost of said improve-
13 ments. The specific actions taken by the town in furtherance of estab-
14 lishment of Water District No. 14 and the construction and financing of
15 improvements therein are more fully described as follows:

16 Upon the death of the owners of the Orchard Hill Water Company, the
17 water system fell into disrepair leading to the enactment of a Boil
18 Water Notice on May 10, 2011 for the residents of the water system. The
19 land of the Orchard Hill Water Company fell into receivership. Residents
20 of the water system petitioned the town to assume operation of the water
21 system and to form a water district. The town board adopted an Order
22 Calling a Public Hearing and held said Public Hearing on December 17,
23 2012. The town's petition to be named as a temporary operator of the
24 system was approved by the Public Service Commission on June 17, 2013.
25 The town submitted an application to the state comptroller for the
26 approval of the establishment of Water District No. 14 and the

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

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1 construction of improvements required by the Department of Health to
2 operate the system. Various discussions between representatives of the
3 state comptroller and the town followed regarding the application
4 submitted by the town. The town decided to amend the scope of the
5 improvements to be undertaken to reduce the impact to the residents
6 served by the former Orchard Hill Water Company. The land owned by the
7 Orchard Hill Water Company remained in receivership following the death
8 of the owners and the town withdrew its application submitted to the
9 state comptroller. The town ultimately took ownership of the land in
10 2019.

11 In 2019, the town's engineer prepared a map, plan and report for Water
12 District No. 14. On July 1, 2019, the town board held a public hearing
13 with respect to Water District No. 14 and adopted an Order Following
14 Public Hearing. The town filed said order with the county clerk; howev-
15 er, the town board did not obtain the permission of the state comp-
16 troller for the establishment of the district.

17 The town has operated Water District No. 14 as a de-facto water
18 district in violation of town law since 2013, including requiring the
19 residents of Water District No. 14 to repay a portion each year of the
20 money spent for the improvements. As of December 31, 2024, the total
21 amount of the initial payment by the town that remains outstanding is
22 \$577,539.

23 The failure of the town board to adopt a bond resolution prior to the
24 expenditure of such money for the water system improvements was contrary
25 to the provisions of Section 165.00 of the Local Finance Law.

26 § 2. Notwithstanding the defects described in section 1 of this act,
27 the establishment of Water District No. 14 is hereby legalized, vali-
28 dated, ratified and confirmed. Said water district established pursuant
29 to this act shall be funded, operated, expanded and otherwise controlled
30 in accordance with the provisions of articles 12 and 12-A of the town
31 law and the provisions of this act. To the extent that the provisions of
32 this act shall any in way be in conflict with articles 12 and 12-A of
33 the town law, the provisions of this act shall be controlling. The im-
34 position of any special assessments by the town upon the properties previ-
35 ously served by the Orchard Hill Water Company are hereby validated.

36 § 3. The town is authorized to issue bonds or notes in the principal
37 amount of \$577,539 on behalf of Water District No. 14 for the purpose of
38 reimbursing the general fund of the town from which money have been
39 temporarily diverted in 2013 to pay certain of the costs incurred in the
40 improvement of the water system acquired by the town in accordance with
41 mandate of the public service commission, notwithstanding the provisions
42 of section 165.00 of the local finance law which, provide, in effect
43 that a bond resolution shall have first adopted before any such tempo-
44 rary diversion of funds shall have been so made. The period of probable
45 usefulness for such improvements is forty (40) years from the date of
46 the initial construction, which occurred in 2013. In anticipation of
47 such bonds, bond anticipation notes are hereby authorized.

48 § 4. Except as provided herein, any obligations issued pursuant to
49 this act shall be issued in accordance with the local finance law.

50 § 5. If any clause, sentence, subdivision, paragraph, section, or part
51 of this act be adjudged by any court of competent jurisdiction to be
52 invalid, judgment shall not affect, impair, or invalidate the remainder
53 thereof, but shall be confined in its operation to the clause, sentence,
54 subdivision, paragraph, section, or part thereof directly involved in
55 the controversy in which such judgment shall have been rendered.

56 § 6. This act shall take effect immediately.