§ 192-a. Provision for excess sewer, drainage or water facilities. 1. The town board, in causing maps and plans to be prepared or in approving the establishment or extension of a sewer, drainage or water district may provide by resolution that the map and plan include sewer, drainage or water facilities in excess of those required for the proposed district or extension. Such resolution providing for or requiring excess facilities shall include the estimated expense for such excess facilities and shall be subject to permissive referendum. The necessity for and the extent of the excess capacity shall be determined by the town board and it shall be reserved for utilization by future districts or extensions in the town.

2. The expense of any excess sewer, drainage or water facilities authorized pursuant to this section shall be a town charge and shall be assessed, levied and collected in the same manner and at the same time as other town charges; provided, however, that nothing herein contained shall be construed to prevent the financing in whole or in part, pursuant to the local finance law, of any excess sewer, drainage or water facilities authorized pursuant to this section. Any such excess sewer, drainage or water facilities shall be deemed to be a district or special improvement authorized by article twelve or twelve-a of this chapter within the meaning of paragraph b of section 35.00 of the local finance law.

3. In the event the petition shall contain a statement that the improvement in the proposed district or extension shall be constructed at the expense of a petitioning owner of taxable real property in the proposed district or extension, the expense of all excess sewer, drainage or water facilities shall be borne originally as a town charge as provided in this section. If the improvement is to be constructed by or on the behalf of the petitioning owner, such owner shall be compensated by the town for the cost of the excess sewer, drainage or water facilities. In this event the provisions of section one hundred ninety-seven of this chapter relating to competitive bidding shall not apply. If the improvement is to be constructed by the town or by the accepted competitive bidder, the town and not the petitioning owner shall be liable for the cost of the excess facilities.

4. The cost of the excess sewer, drainage or water facilities shall be determined by the town board. In addition to the information required by section one hundred ninety-two of this chapter, the maps and plans shall include an estimate of the cost of the excess facilities. If the improvement is to be constructed by or on behalf of the petitioning owner, an agreement shall be entered into between the town board and such owner which shall state the total cost of the improvement and of the excess facilities or the method by which such costs shall be determined and the date of payment for such excess facilities. If the improvement is to be constructed by the town or by the accepted competitive bidder, the town board, in determining the cost of the excess facilities, shall consider the estimate of the cost of the excess facilities set forth in the maps and plans, the percentage increase in the capacity of the facilities, the maximum amount stated in the petition as the cost of the required facilities and the reduction, if any, in the per unit cost. In no event shall the expense of the excess sewer, drainage or water facilities as determined or agreed to by the town board be less than the difference between the total cost of the improvement as set forth in or determined pursuant to the agreement or the accepted bid and the maximum amount stated in the petition.

5. The town board may authorize the use of any excess facilities acquired pursuant to this section by any district, districts or extensions thereof, thereafter established in such town, in the manner provided in section two hundred eight of this chapter, provided the expense of such acquisition or the proportionate share of the expense as shall be allocated to a district or extension thereof by the town board, together with the expense of the construction of the original improvement for such district or extension, shall not exceed the maximum amount authorized to be expended in such district or extension. Whenever the town board shall authorize the use of any excess facilities acquired pursuant to this section by any district, districts or extension thereof, the same shall be deemed to be a part of the improvement authorized by such district or extension thereof and the entire cost of such acquisition and the maintenance thereof as apportioned to such district or extension, shall be deemed to be a part of such improvement

and shall be assessed, levied and collected in the same manner as other charges against such district or extension.