

JOINT CONSOLIDATION AGREEMENT

THIS JOINT CONSOLIDATION AGREEMENT made the ____ day of _____, 2021, between the TOWN OF MOREAU, a municipal corporation existing by and under the laws of the State of New York and having its principal place of business located at 351 Reynolds Road, Moreau, New York, (hereinafter referred to as “Town”), and SEWER DISTRICT NO. 1; SEWER DISTRICT NO.1, EXT. NO. 1; SEWER DISTRICT NO.1, EXT. 2 ; SEWER DISTRICT NO. 1, EXT. NO. 3 (THE NEST); SEWER DISTRICT NO. 1, EXT. 3; SEWER DISTRICT NO. 1, EXT. NO. 4; and SEWER DISTRICT NO. 1, EXT. NO. 5;

Whereas, the Town of Moreau has previously established one sewer district and numerous extensions as set forth in the following chart:

Description	Year Established	#Taxable Parcels
Sewer District No. 1 (Moreau Industrial Park)	1998	28, improved by an industrial park
Sewer District No. 1 Extension No.1 (Leonelli Apartment Complex)	2008	2, consisting of 384 apartments of one and two bedrooms
Sewer District No. 1 Extension No. 2 (Bluebird Village Apartments)	2008	1, consisting of 244 apartments of two and three bedrooms
Sewer District No. 1 Extension No. 3 (The Nest)		1, broken into four lots; Lot 1 (Home of the Good Shepard) is improved by a 64 unit senior assisted living building; Lots 2, 3 and 4 are not presently developed.
Sewer District No. 1, Extension No. 3	2012	1, consisting of 26 apartments
Sewer District No. 1, Extension No. 4	2014	3, expecting to serve 29 four unit apartment buildings and a 70 unit senior living building
Sewer District No. 1, Extension No. 5	2019	Part of this Extension is located along Route 9 from Northway Exit 17 to approximately 1500 feet south of Butler Road; the

		other part of the Extension is located on Bluebird Road which serves a single parcel known as the Bluebird Terrace Mobile Home Park; in addition the Extension serves two other mobile home parks and 84 commercial properties
Contract Users		One single family home, one two family home and an assisted living center

and,

Whereas, the proposed sewer district consolidation will involve approximately 129 parcels by consolidating Sewer District No. 1; Sewer District No.1, Ext. No. 1; Sewer District No.1, Ext. 2; Sewer District No. 1, Ext. No. 3 (The Nest); Sewer District No. 1, Ext No. 3; Sewer District No. 1, Ext. No. 4; Sewer District No. 1, Ext. No. 5; into one consolidated sewer district; and,

Whereas, the proposed sewer district consolidation will not result in any additional costs or debt to the consolidated sewer district residents other than those costs presently existing in all the sewer districts or debt presently existing in one of the sewer district extensions or as hereafter incurred.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

- a. The names of the Local Government entities to be consolidated are:

Sewer Districts
Sewer District No. 1
Sewer District No. 1, Extension No.1
Sewer District No. 1, Extension No.2

Sewer District No. 1, Extension No. 3 (The Nest)
Sewer District No. 1, Extension No. 3
Sewer District No. 1, Extension No. 4
Sewer District No. 1, Extension No. 5

b. The name of the proposed local government entity which will result from this consolidation shall be “The Town of Moreau Consolidated Sewer District No. 1”, hereinafter referred to as “Consolidated Sewer District”.

c. The Consolidated Sewer District shall have the duty and obligation to furnish and to supply sanitary sewer service to the Consolidated Sewer District.

d. The territorial boundaries of the proposed Consolidated Sewer District of the Town of Moreau, Saratoga County, State of New York, are attached hereto and made a part hereof as Schedule A. SEE APPENDIX H OF MAP, PLAN & REPORT.

e. The proposed Consolidated Sewer District shall be of the type or class that would be formed as a sewer district pursuant to the laws of the State of New York under Articles 12 and/or 12A of the Town Law of the State of New York. However, the proposed Consolidated Sewer District shall be formed by the consolidation of the one sewer district and the six sewer district extensions (either existing or which should have been created by local law) under Article 17-A, Title 2 of the General Municipal Law of the State of New York. The proposed Consolidated Sewer District shall be operated and

administered by the Town Board of the Town of Moreau in the same fashion as sewer districts created under Articles 12 and 12A of the Town Law.

f. The governmental organization of the proposed Consolidated Sewer District shall consist of the present members of the Moreau Town Board and town employees assigned to work in the town's water and sewer department. The present members of the Moreau Town Board, including the Supervisor, shall serve for the balance of their present terms, and upon termination of their present terms, successors shall be elected as set forth in the Town Law and Election Law of the State of New York. Should any vacancy develop because of any reason, the vacancy shall be filled in accordance with the Town Law and Election Law of the State of New York.

All public employees working in the town's water and sewer department shall be appointed by the Town Board of the Town of Moreau and shall be selected in accordance with the Civil Service Law of the State of New York. The proposed sewer district consolidation does not require a transitional plan and schedule for elections and the appointments of any officials.

g. As of the date of this Joint Consolidation Agreement Sewer District No. 1, Ext. No. 5 is the only district to have incurred debt. The debt amounts to \$12,000,000, there is no interest charged and the annual debt service equals \$400,000. This obligation was incurred in 2017. The bond holder is the New York State Environmental Facilities Corporation. The debt was incurred in order to pay for the cost of the construction, equipment and supplies for the sanitary sewer infrastructure

There is no other indebtedness.

The Consolidated Sewer District will result in a single budget as follows:

Debt Service	Ninety percent of the annual debt service will be collected based on the assessed value within the consolidated sewer district (\$3.63 per \$1000 of assessed value), while the remaining ten percent will be based on acreage (\$41.57 per acre) distributed annually among all parcels or any additional parcels contained within the consolidated sewer district.
Operation and Maintenance	Divided into district costs and treatment costs and distributed annually among all parcels or any additional parcels contained within the consolidated sewer district based upon assessed value for district costs (\$1.07 per \$1000 of assessed value) and water use for treatment costs (\$3.68 per 1000 gallons)

District No. 1 sewer infrastructure and reserve capacity purchases were funded by the town of Moreau using general tax revenues in an effort to serve the Industrial Park and to encourage economic growth in the area. This forcemain now serves as the backbone to all sewer district extensions although Extensions 1 through 4 have not contributed towards the shared infrastructure or improvements.

The cost of consolidation is expected to be less than Fifty Thousand and 00/100 (\$50,000.00) Dollars.

h. The assets of the sewer district and its extensions consist of, among other items, lift stations, sewer lines, forcemains, gravity collection systems and grinder pumps. The consolidated sewer district will have a total taxable value of approximately \$99,200,000.00. The total value of all district assets is approximately \$1,000,000.00.

i. Each entity's liabilities and indebtedness together with the fair value thereof are as set forth in subparagraph (g) hereof.

j. The existing liabilities of each sewer district and their extensions will be assumed by the proposed consolidated sewer district and paid in the manner set forth in

subparagraph (g) hereof. There will be no disposition of existing assets. All the assets of the sewer district and extensions will remain in place.

k. The administration and uniform enforcement of local laws and ordinances, resolutions, and orders will be carried out in the proposed consolidated sewer district during the two years following the effective date of consolidation and be enforced in the same fashion and to the same extent as heretofore existed in the various sewer districts. Not later than two years following the effective date of consolidation, the Town Board of the Town of Moreau shall adopt any new laws, ordinances, rules, and regulations as may be necessary to redress any conflicts and to redress ambiguities, if any, among the then existing laws, ordinances, rules, and regulations in order to provide for consolidating the administrative and uniform government of the consolidated sewer district.

l. The effective date of the proposed consolidation shall be January 1, 2022.

m. The place or places for the public hearings on the Joint Consolidation Agreement shall be the Town Hall, Town of Moreau, 351 Reynolds Road, Moreau, New York. The public hearings will be noticed and conducted pursuant to the requirements of Section 754 of the General Municipal Law.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

TOWN OF MOREAU, SARATOGA COUNTY,
STATE OF NEW YORK

By: _____,
Supervisor

SEWER DISTRICT NO. 1

