

## **RESOLUTION – COLLECTION OF SEWER CONNECTION FEES**

At a meeting of the Rensselaer County Water and Sewer Authority, held at 1600 Seventh Avenue, Troy, New York, on the 30<sup>th</sup> day of March, 2017, at 3:00 p.m. local time, the following Members of the Authority were:

	<b>PRESENT:</b>	<b>ABSENT:</b>
Robert Pasinella, Jr.		X
Kenneth M. Harting	X	
John Mooney	X (via phone)	
John Fetscher	X (via phone)	

### **ALSO PRESENT:**

John J. Bonesteel, Chief Executive Officer  
Robert Hotz, Chief Financial Officer  
Jay H. Sherman, Secretary  
Philip H. Dixon, Authority Counsel  
Henry V. LaBarba, P.E., Authority Consulting Engineer

After the meeting had been duly called to order, the following Resolution was offered by Mr. Fetscher, and seconded by Mr. Harting, to wit:

**WHEREAS**, the Rensselaer County Water and Sewer Authority (the “Authority”) owns a (12-inch sewer main in Valley View Boulevard in the Town of North Greenbush (the “Town”) and the City of Rensselaer that transports sewage to a sewer force main of the Rensselaer County Sewer District; and

**WHEREAS**, the owners of property in the Town applied for approval of a 73-lot residential subdivision on the property (the “Mesko/Wehnav subdivision”, now known as Haywood Lane), the sewage from which was proposed to use the Authority’s sewer main; and

**WHEREAS**, the applicant’s engineer prepared a report on sewer infrastructure that stated that the project’s sewage would utilize the Authority’s main and noted that the Authority would impose connection fees as a condition of approval to use its main; and

**WHEREAS**, by resolution dated November 19, 2014, the Authority approved the project’s use of the Authority’s main subject to payment of connection fees of \$1,500 per lot for the project’s new home construction, to be paid prior to issuance by the Town of building permits for each lot, with connection fees of \$500 for existing homes and \$7,000 for an existing 14-unit apartment building; and

**WHEREAS**, in an exchange of correspondence in November and December 2014 between the Authority and the applicant’s engineer, the Authority conveyed its approval of the use of its main, subject to payment of the above-described connection fees; and

**WHEREAS**, notwithstanding the conditioning of its approval on the payment of

connection fees, the Authority has received no such connection fees, even though building permits have been issued for portions of the project.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the past and current owners and developers of the project or any portion thereof be notified of the failure to pay the connection fees and requested to remit such fees to the Authority within thirty (30) days of such notification; and it is further

**RESOLVED**, that the Town of North Greenbush be notified that required connection fees have not been paid, that no further building permits for any portion of the project should be issued, and that the Authority, by virtue of the failure to pay the required connection fees, considers its prior approval of the use of its sewer main to be null and void; and its further

**RESOLVED**, that, if the required connection fees are not received by the Authority within thirty (30) days of such request, the Authority hereby authorizes its attorney to take action, including litigation, to compel the payment of connection fees and/or the cessation of issuance of building permits for the project.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Robert Pasinella, Jr.	voting	<u>Absent</u>
Kenneth M. Harting	voting	<u>Yes</u>
John Mooney	voting	<u>Yes</u>
John Fetscher	voting	<u>Yes</u>

The foregoing Resolution was thereupon declared duly adopted.