

CONSOLIDATION AGREEMENT BETWEEN ROLLING ACRES DISTRICT (ACCT 702), BIG RIDGE ROAD SEWER DISTRICT (ACCT 703), BROCKPORT SPENCERPORT ROAD SEWER DISTRICT (ACCT 706), TIMBER RIDGE SEWER DISTRICT (ACCT 709), HICKORY HOLLOW SEWER DISTRICT (ACCT 713), ROLLING ACRES SEWER DISTRICT EXT. #1 (ACCT 715), CANALTOWN LANDING SEWER DISTRICT (ACCT 718), HICKORY HOLLOW SEWER DISTRICT EXT. #1 (ACCT 721), SPENCERPORT ROAD SANITARY SEWER DISTRICT (ACCT 722), STONEWALL ESTATES SEWER DISTRICT (ACCT 724), BIG RIDGE ROAD SEWER DISTRICT EXT. #3 (ACCT 725), CONSOLIDATED NORTHEAST QUADRANT SANITARY SEWER DISTRICT (ACCT 743), BIG RIDGE ROAD SANITARY SEWER DISTRICT EXT #4 (ACCT 745), AND THE NICHOLS STREET SEWER DISTRICT EXT #1 (ACCT 746) REGARDING THEIR CONSOLIDATION INTO A SINGLE DISTRICT

This Agreement (“the Agreement”) is entered into this ____ day of _____, 2018, between the Rolling Acres District (Acct 702), Big Ridge Road Sewer District (Acct 703), Brockport Spencerport Road Sewer District (Acct 706), Timber Ridge Sewer District (Acct 709), Hickory Hollow Sewer District (Acct 713), Rolling Acres Sewer District Ext. #1 (Acct 715), Canaltown Landing Sewer District (Acct 718), Hickory Hollow Sewer District Ext. #1 (Acct 721), Spencerport Road Sanitary Sewer District (Acct 722), Stonewall Estates Sewer District (Acct 724), Big Ridge Road Sewer District Ext. #3 (Acct 725), Consolidated Northeast Quadrant Sanitary Sewer District (Acct 743), Big Ridge Road Sanitary Sewer District Ext #4 (Acct 745), and The Nichols Street Sewer District Ext #1 (Acct 746), Special Districts within the Town of Ogden, New York (hereinafter collectively “**THE DISTRICTS**”) with a mailing address of 269 Ogden Center Road, Spencerport, New York 14559

WITNESSETH:

WHEREAS, **THE DISTRICTS** were duly formed and from time to time extended in accordance with New York State Town Law; and

WHEREAS, the purpose of **THE DISTRICTS** is to prevent contamination of water supplies and provide for the health, welfare and safety of the residents of the Town of Ogden and certain adjacent communities by collecting, transporting and treating wastewater from the community’s neighborhoods and business districts; and

WHEREAS, New York State General Municipal Law Article 17-A, Section 751 provides that two or more local governmental entities may be consolidated into a single local governmental entity if together the consolidated local government entity forms a local government entity of a kind or class that is authorized under the laws of the State of New York; and

WHEREAS, the Ogden Town Board has the overall authority for managing the operation, maintenance and finances of each sanitary sewer district serving the Town; and

WHEREAS, the Finance Director and Highway Superintendent have recommended that The Districts be consolidated; and

WHEREAS, on January 24, 2018, the Ogden Town Board adopted a Resolution #18-1.24.18 (**Merging Sanitary Sewer Districts**) directing the preparation of an agreement for the consolidation of **THE DISTRICTS**;

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NOW, THEREFORE, the Town Board of the Town of Ogden, acting as the governing body of **THE DISTRICTS**, finds and agrees as follows:

1. Re: Naming

The name of the proposed consolidated sanitary sewer district shall be “Town of Ogden Consolidated Sanitary Sewer District” (hereinafter “CSSD”).

2. Re: Rights, Duties and Functions of Existing and Consolidated District

In accordance with New York State Town Law, The Districts were established by the Ogden Town Board for the purpose of conveying and disposing, or conveying, treating and disposing of wastewater generated within designated areas of the Town. More specifically the districts:

- a) establish standards for the addition, upgrading and maintenance of sewer infrastructure
- b) approve and oversee construction of new sewer infrastructure by third parties
- c) manage contracts to replace and upgrade existing sewer infrastructure
- d) oversee/perform maintenance on existing facilities
- e) monitor the condition of sewer infrastructure
- f) establish priorities and budget estimates for sewer infrastructure improvements
- g) operate lift stations
- h) ensure compliance with environmental regulations and permits
- i) develop district’s operating and capital budget
- j) coordinate budget development with the Town of Ogden capital and operating budget

The CSSD will perform these duties and functions in the same manner as the existing districts.

3. Re: Description of the Jurisdictional Area of Existing and Consolidated Districts

The Districts generally serve the area of the Town located north of NY State Route 31 and easterly of NY State Route 259, excluding the lands within the geographic boundaries of the Village of Spencerport. Only Timber Ridge (Acct 709) and the Northeast Quadrant Sanitary Sewer District (Acct 746) are located south of NY State Route 31. There is presently no sanitary sewer service available to the lands lying west of NY State Route 259 and south of NY State Route 31, with the exception of lands serviced by the Gates-Chili Ogden Sewer District. The Districts transport raw wastewater to a tertiary sewage treatment plant presently operated by the County of Monroe.

The CSSD will provide wastewater collection and management services for the same geographic area currently served by **THE DISTRICTS**. In addition, all wastewater flows currently sent to the existing wastewater treatment plant will continue to be transported to that facility. No changes to sewer service areas will be made in the process of consolidation.

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4. Re: the governmental (administrative) organization of each district including a transitional plan and schedule for appointment of officials

All **THE DISTRICTS** are governed by the Ogden Town Board. That Board is responsible for all policy, management and financial decisions for **THE DISTRICTS**. In that role, they approve the Capital Improvement Program and funding decisions related to capital projects and operations and maintenance. On the operational level, the Board approves contracts necessary for third-party contractors to provide services and undertake system improvements. The Town Highway Superintendent is responsible for carrying out the day-to-day operation of and improvement to the districts' facilities. The operations include but are not limited to ensuring that all facilities are functioning in accordance with their design, repairing or replacing substandard facilities, and soliciting contractor assistance in replacing or repairing major wastewater collection facilities. The department also plays a critical role in the development of operating budget proposals for Town Board consideration.

The Ogden Town Board and the Town Highway Superintendent will perform the identical roles for the CSSD. No additional authority or responsibility will be required of either entity.

5. Re: inventory of districts' assets and estimate of current value

Table 1 (*Town of Ogden Inventory of Sanitary Sewer Facilities – By District & Proposed Consolidated Sewer District – 2018*) provides a breakdown of the quantity and replacement costs of **THE DISTRICTS** components. In total, **THE DISTRICTS** own and maintain 61,561 lineal feet (11.66 miles) of sewer line valued at \$3,148,387.00. In addition, **THE DISTRICTS** own and maintain 209 manholes with a total replacement value of \$685,750.00 and 5 sewer pump stations with a total replacement value of \$460,000.00. The total combined value of the facilities in **THE DISTRICTS** is \$4,294,137.00. Under the agreement, the proposed CCSD will own and maintain all of the assets at their current value. None of **THE RESIDENTS** assets will be disposed of and no other assets will be added to the CSSD.

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**Table 1
Town of Ogden
Inventory of Sanitary
Sewer Facilities – By District &
Proposed Consolidated Sanitary Sewer District
2018**

District	Sewer Line Length (Feet)	Sewer Line Replacement Value	Manholes (number)	Manhole Replacement Value	Pump Stations (number)	Pump Station Value	Total Value
SSD-702	17,450	\$728,434	48	\$132,000	2	\$220,000	\$1,080,434
SSD-703	14,724	\$1,029,950	64	\$240,000	1	\$80,000	\$1,349,950
SSD-706	460	\$20,700	2	\$5,500	0	\$0	\$26,200
SSD-709	4,817	\$313,105	21	\$78,750	0	\$0	\$391,855
SSD-713	8,865	\$398,925	41	\$112,750	0	\$0	\$511,675
SSD-715	0	\$0	0	\$0	0	\$0	\$0
SSD-718	894	\$40,230	5	\$13,750	0	\$0	\$53,980
SSD-721	0	\$0	0	\$0	0	\$0	\$0
SSD-722	193	\$8,685	1	\$2,750	0	\$0	\$11,435
SSD-724	0	\$0	0	\$0	0	\$0	\$0
SSD-725	2,098	\$75,138	4	\$15,000	1	\$80,000	\$170,138
SSD-743	11,960	\$528,720	22	\$82,500	1	\$80,000	\$691,220
SSD-745	100	\$4,500	1	\$2,750		\$0	\$7,250
SSD-746	0	\$0	0	\$0	0	\$0	\$0
TOTAL VALUE	61,561	\$3,148,387	209	\$685,750	5	\$460,000	\$4,294,137

6. Re: statement of districts’ financial condition including liabilities and indebtedness

Budget allocations and revenue estimates have been extracted from the Town of Ogden 2018 Adopted Budget while Outstanding Debt has been calculated for each district based on the outstanding Bond and Bond Anticipation Note Principal Balances as of December 31, 2017.

- a) Table 2 entitled *Town of Ogden Existing & Sanitary Sewer District Budgets and Revenue – 2018*, presents the budget expenditures and anticipated revenues for **THE DISTRICTS**. In addition, it presents the anticipated budget for the CSSD). Capital appropriations for the existing districts total \$3,000 while maintenance appropriations amount to \$348,335. Total appropriations for **THE DISTRICTS** are therefore \$352,865. Total appropriations for the CSSD will also be \$352,865. No increases in capital and maintenance costs will accrue from the consolidation. In addition, revenues and appropriations from the fund balances will remain at

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current levels. The amount of the capital and maintenance costs raised in taxes will also remain at the current levels.

**Table 2
Town of Ogden
Existing & Proposed Sanitary Sewer
District Budgets & Revenues
2018**

District	Capital Debt	Capital Equipment	Maintenance (O & M)	Total Appropriations	Revenues	Appropriated Fund Balance	Total District Tax Levy
SSD-702	\$0	\$2,500	\$89,680	\$92,180	\$0	\$5,000	\$87,180
SSD-703	\$0	\$500	\$170,470	\$170,970	\$60	\$10,000	\$160,910
SSD-706	\$0	\$0	\$1,830	\$1,830	\$0	\$500	\$1,330
SSD-709	\$0	\$0	\$23,915	\$23,915	\$0	\$3,410	\$20,505
SSD-713	\$0	\$0	\$31,470	\$31,470	\$0	\$720	\$30,750
SSD-715	\$0	\$0	\$5,455	\$5,455	\$0	\$915	\$4,540
SSD-718	\$0	\$0	\$12,075	\$12,075	\$0	\$395	\$11,680
SSD-721	\$0	\$0	\$170	\$170	\$0	\$0	\$170
SSD-722	\$1,530	\$0	\$1,755	\$3,285	\$0	\$0	\$3,285
SSD-724	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SSD-725	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SSD-743	\$0	\$0	\$11,515	\$11,515	\$0	\$0	\$11,515
SSD-745	\$0	\$0	\$0	\$0	\$0	\$0	\$0
SSD-746	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL PROPOSED CONSOLIDATED SEWER DISTRICT BUDGET	\$1,530	\$3,000	\$348,335	\$352,865	\$60	\$20,940	\$331,865

b) Table 3 entitled *Town of Ogden Existing & Sanitary Sewer District Outstanding Debt Summary – 2018*, presents the Outstanding Principal on Bonds and Bond Appreciation Notes as of December 31, 2017. The total outstanding principal balance on these bonds and notes for **THE DISTRICTS** is \$20,385.00. The Town of Ogden Consolidated Drainage District (CSSD) will assume full responsibility for bond amortization payments on these bonds and notes up to the amount of \$20,385.00. No additional bonded indebtedness will be incurred as a result of the consolidation.

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c)

**Table 3
Town of Ogden
Existing & Proposed
Sanitary Sewer Districts
Outstanding Debt Summary
2018**

SSD-722	Proposed Consolidated Sewer District (CSSD)
\$20,385	\$20,385

7. Re: terms of disposition of assets, liabilities and indebtedness and indebtedness

The assets, liabilities and indebtedness of **THE DISTRICTS** as described herein will become the assets, liabilities of the CSSD. No assets will be acquired or disposed of in the course of consolidation. All existing liabilities and indebtedness as described herein will become the liabilities and indebtedness as described herein will become the liabilities and indebtedness of the CSSD.

8. Re: terms for the administration and enforcement of regulations

Ensuring the proper administration and the enforcement of regulations that apply to the financing, accounting, operation and maintenance of **THE DISTRICTS** is the responsibility of the Ogden Town Board. Specific operations and maintenance tasks necessary for compliance with applicable regulations are the responsibility of the Town Engineer.

The Town Board and the Town of Ogden Engineer will continue to exercise the responsibilities for the administration and enforcement of regulations in the manner currently employed for **THE DISTRICT**.

9. Re: estimate of cost savings accruing from consolidation

No additional costs will accrue from the consolidation of **THE DISTRICTS**. No cost savings associated with the consolidation have been calculated although an undetermined amount of administrative cost savings are expected. Such saving would result from the elimination of duplication of administrative costs associated with planning, budgeting and accounting.

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10. Re: Public Hearing

A public hearing on the proposed joint consolidation agreement will be at the Ogden Community Center, 269 Ogden Center Road, Spencerport, NY 14559.

11. Re: Effective Date

The effective date of the joint consolidation agreement is to be determined. Property taxes for the Town of Ogden Consolidated Drainage District will be levied in the January 2019 Property Tax Bill.

In witness whereof, Town of Ogden acting in the capacity of the duly authorized governing body for **THE DISTRICT** hereby executes this agreement on the date set forth below.

Town of Ogden

By: _____
Gay Lenhard, Supervisor

Dated: _____

STATE OF NEW YORK }
COUNTY OF MONROE } SS.:

On the ____ day of _____ in the year 2018 before me, the undersigned, a Notary Public, in and for said State personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) who(se) name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they execute the same in his/her/their capacity and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted executed the instrument.

NOTARY PUBLIC