

---

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**VILLAGE OF MILLERTON**

**LOCAL LAW NO. C (Proposed) OF 2022**

**A Local Law to Add a New Section to the Code to be Designated as Section 162-34  
entitled “Penalty for Failure to Allow Access to Premises to Install, Connect,  
Inspect, Maintain, Repair, Alter, or Disconnect a Water Meter”**

Be it enacted by the Board of Trustees of the Village of Millerton as follows:

**SECTION 1. LEGISLATIVE INTENT**

It is the intent of the Village of Millerton to see that our previously stated public policy of requiring the metering of all properties which draw water from the Water District as expressed in Section 162-28 *et. seq.* be followed such that all properties in the Village which draw from the Water District are installed with water meters that are accurate, properly functioning, and are remotely readable.

A small number of property owners have either failed to respond to repeated attempts at contact or have refused to comply with requests to grant access to property which is served by the Water District to allow the installation of Water Meters. As a result, there are certain properties in the Village which continue to be served by antiquated or non-functional meters, or which are not being metered at all, allowing their continued potential use or misuse of water without paying a corresponding price based on their usage as other residents of the Village are required to.

The Village Board finds it is necessary and in the public interest to impose a monetary surcharge on the quarterly water bill for those properties whose owners have either neglected or refused to allow the installation of new water meters.

**SECTION 2. AUTHORITY**

This local law is adopted pursuant to New York State Village Law Art. 11 which provides Villages with broad discretion in establishing water works and in adopting local laws governing the same including for the enforcement of water rents and relating to the use and supply of the water, as well as Section 10 of the Municipal Home Rule Law which provides Villages broad discretion to enact local laws and to provide for their enforcement.

### **SECTION 3. CODE AMENDMENT**

The Code shall be amended by the addition of a new Section to be designated as Section 162-34 which shall read as follows:

**Section 162-34           Penalty for Failure to Allow Access to Premises to Install, Connect, Inspect, Maintain, Repair, Alter, or Disconnect a Water Meter**

Any Person(s) who are the owner of premises using water supplied by the Village Water District who do not arrange for or allow for the installation, connection, inspection, maintenance, repair, alteration, or disconnection of a water meter upon or within their property after three months of the requirement for the same arising and being uncompleted shall be liable for a fine of \$250.00 per quarter for each quarter, or portion thereof, that the said owner refuses and/or neglects to allow the installation, connection, inspection, maintenance, repair, alteration, or disconnection of a water meter.

### **SECTION 4. SEVERABILITY**

The provisions of this local law are severable. If any provision of this local law or the application thereof to any person, firm, corporation, or circumstance is adjudged invalid by a court of competent jurisdiction, such order or judgment shall not affect or impair the validity of the other provisions of this local law or the application thereof to other persons and circumstances.

### **SECTION 5. EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Municipal Home Rule Law § 27(1).

**VILLAGE OF MILLERTON**  
**RESOLUTION NO. \_\_\_\_\_**  
**DATED \_\_\_\_\_**

RESOLUTION CLASSIFYING THE ACTION AND ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING THE ADOPTION OF LOCAL LAW C (PROPOSED) OF 2022, A LOCAL LAW TO ADD A NEW SECTION TO THE CODE TO BE DESIGNATED AS SECTION 162-34 ENTITLED "PENALTY FOR FAILURE TO ALLOW ACCESS TO PREMISES TO INSTALL, CONNECT, INSPECT, MAINTAIN, REPAIR, ALTER, OR DISCONNECT A WATER METER"

WHEREAS, a proposed form of Local Law C (Proposed) of 2022 entitled, "A Local Law to Add a New Section to the Code to be Designated as Section 162-34 entitled 'Penalty for Failure to Allow Access to Premises to Install, Connect, Inspect, Maintain, Repair, Alter, or Disconnect a Water Meter'" (the "Proposed Local Law") has been submitted to the Village Board of Trustees of the Village of Millerton (the "Board"); and,

WHEREAS, pursuant to Article 11 of the New York State Village Law, a Village may provide for water to be supplied to it, and/or for a local water works to be established to provide water for itself, and to legislate any "rules, regulations and local laws not inconsistent with law, for enforcing the collection of water rents and relating to the use of the water" pursuant to Village Law § 11-1116; and,

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), a Full Environmental Assessment Form ("EAF") regarding the Proposed Local Law, dated June 20, 2022, has been prepared and is on file with the Village Clerk; and

WHEREAS, the Board of Trustees is required to determine the classification of the Proposed Local Law pursuant to SEQRA; and

WHEREAS, pursuant to 6 NYCRR 617.5c(26), routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment, is a Type II SEQRA action.

NOW THEREFORE BE IT RESOLVED, by the Village Board of Trustees of the Village of Millerton as follows:

1. The Village Board of Trustees determines that the Proposed Local Law constitutes a Type II action under SEQRA.
2. The Village Board of Trustees shall hold a public hearing on **July \_\_\_\_ 2022 at 6:00 p.m.**, Village Hall, 5933 North Elm Avenue, Millerton New York, to hear all interested parties on said proposed local law and at which time and place it shall be determined by the said Village Board whether to adopt the proposed local law; and

3. The Village Clerk is hereby authorized and directed to publish notice of said public hearing in the Millerton News/Lakeville Journal and Poughkeepsie Journal, the official newspapers of said Village, on or before **July \_\_, 2022** which is not less than five days prior to the date of said public hearing.

4. The Village Clerk is hereby authorized and directed to post a copy of the Proposed Local Law on the Village website.

#### EXTRACT OF MINUTES

A regular meeting of the Village Board of the Village of Millerton, Dutchess County, New York was convened in public session at the Village Hall, 5933 North Elm Avenue, Millerton, New York on June 20, 2022 at 6:00 p.m., local time.

The meeting was called to order by Mayor Najdek, and, upon roll being called, the following members were:

#### PRESENT:

Jennifer Najdek  
Alicia Sartori  
Matthew Hartzog  
Laurie Kerr  
David Sherman

Mayor  
Deputy Mayor  
Trustee  
Trustee  
Trustee

#### ABSENT:

The following persons were ALSO PRESENT:

The following resolution was offered by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, to wit;

**RESOLUTION NO. \_\_\_\_\_**  
**DATED \_\_\_\_\_**

RESOLUTION CLASSIFYING THE ACTION AND ESTABLISHING A DATE FOR A PUBLIC HEARING REGARDING THE ADOPTION OF LOCAL LAW C (PROPOSED) OF 2022, A LOCAL LAW TO ADD A NEW SECTION TO THE CODE TO BE DESIGNATED AS SECTION 162-34 ENTITLED "PENALTY FOR FAILURE TO ALLOW ACCESS TO PREMISES TO

INSTALL, CONNECT, INSPECT, MAINTAIN, REPAIR, ALTER, OR  
DISCONNECT A WATER METER”

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

Jennifer Najdek	Voting ____
Alicia Sartori	Voting ____
Matthew Hartzog	Voting ____
Laurie Kerr	Voting ____
David Sherman	Voting ____

The foregoing resolution was thereupon declared duly adopted.

VILLAGE OF MILLERTON

RESOLUTION NO. \_\_\_\_\_

BOND RESOLUTION DATED JUNE 20, 2022

A RESOLUTION AUTHORIZING A SIDEWALK PROJECT WITH AN ESTIMATED MAXIMUM COST OF \$400,000, AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE VILLAGE OF MILLERTON, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$275,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE PORTION OF SUCH COST, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TREASURER

BE IT RESOLVED, by the Village Board of the Village of Millerton, Dutchess County, New York (the "Village") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the reconstruction and replacement of the sidewalks in the Village. The estimated maximum cost of said purpose is \$400,000 and said amount is hereby appropriated therefor. It is hereby determined that said purpose is an object or purpose described in subdivision 24 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is ten (10) years.

SECTION 2. The aforesaid purpose constitutes a Type II action as defined under the State Environmental Quality Review Regulations, 6 NYCRR Part 617, which has been determined in accordance with SEQRA not to have a significant impact on the environment.

SECTION 3. The Village Board plans to finance a portion of the total cost of said purpose by the issuance of serial bonds of the Village in an amount not to exceed \$275,000 hereby authorized to be issued therefor pursuant to the Local Finance Law. Such amount is expected to be paid or reimbursed from the proceeds of certain CDBG grants awarded to the Village. The remaining portion of the project cost is to be paid from other available funds.

SECTION 4. It is hereby determined that the proposed maturity of the serial bonds authorized hereby will not be in excess of five years.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. This resolution shall constitute a statement of official intent for purposes of Sec 1.150-2 of the Treasury Regulations.

SECTION 7. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds, shall contain the recital of validity prescribed by Section 52.00

of the Local Finance Law. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including without limitation the date, denominations, maturities, interest payment dates, consolidation with other issues, and redemption rights), the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds, (including statutory installment bonds), and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Treasurer, the Chief Fiscal Officer of the Village. The Treasurer is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Clerk is hereby authorized to affix the corporate seal of the Village to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(I) of the Code.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with;

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Millerton News and the Poughkeepsie Journal, each being newspapers having a general circulation in the Village and hereby designated as the official newspapers of the Village for such publication.

SECTION 12. This resolution shall take effect immediately.



## EXTRACT OF MINUTES

A regular meeting of the Village Board of the Village of Millerton, Dutchess County, New York was convened in public session at the Village Hall, 5933 N. Elm Avenue, Millerton, New York on June 20, 2021 at 6:00 p.m., local time.

The meeting was called to order by Mayor Najdek, and, upon roll being called, the following members were:

### PRESENT:

Jennifer Najdek	Mayor
Alicia Sartori	Deputy Mayor
Matthew Hartzog	Trustee
Laurie Kerr	Trustee
David Sherman	Trustee

### ABSENT:

The following persons were ALSO PRESENT:

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit;

RESOLUTION NO. \_\_\_\_\_

### BOND RESOLUTION DATED JUNE 20, 2022

A RESOLUTION AUTHORIZING A SIDEWALK PROJECT WITH AN ESTIMATED MAXIMUM COST OF \$400,000, AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE VILLAGE OF MILLERTON, DUTCHESS COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$275,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE PORTION OF SUCH COST, AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TREASURER

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

Jennifer Najdek	VOTING ____
Alicia Sartori	VOTING ____
Matthew Hartzog	VOTING ____
Laurie Kerr	VOTING ____
David Sherman	VOTING ____

The foregoing resolution was thereupon declared duly adopted.