

RESOLUTION NO. 436 FOR 2025

A special meeting of the Town Board of the Town of Colonie was held at Town Hall on the 15th day of October, 2025 at 5:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Guzy
	Mark McCumber

ABSENT: None

Councilwoman ___ offered the following resolution and moved its adoption:

Resolution calling a Public Hearing Pursuant to §202 of the New York State Town Law Relative to the Annual Estimate of Expense of Improvements and Benefit Assessment Roll for the Town of Colonie Sewer Improvement Area.

WHEREAS, the Town Board of the Town of Colonie has heretofore dissolved certain sewer districts within the Town of Colonie, County of Albany, State of New York, and formed the Colonie Sewer Improvement Area; and

WHEREAS, the expense of constructing sewers, sewage disposal plants and drainage systems, and constructing lateral sewers within the Colonie Sewer Improvement Area, is to be borne by local assessment upon the several lots and parcels of land within said area in the manner provided by Chapter 950 of the Laws of 1973, and §202 of the Town Law; and

WHEREAS, the annual estimate of expense of improvements, along with the Assessment Roll for said Sewer Improvement Area, has been prepared and describes each lot or parcel of land contained within said Sewer Improvement Area and shows the names of the reputed owner or owners thereof and the aggregate amount of assessment to be levied upon each such lot or parcel of land; and

WHEREAS, the aforesaid estimates and Assessment Roll will be available for public inspection in the office of the Town Clerk of the Town of Colonie, County of Albany, State of New York and on the Town's website;

NOW, THEREFORE, IT IS ORDERED, RESOLVED AND DETERMINED, that a public hearing pursuant to New York State Town Law §§ 202 and 239, shall be held at the Town Hall, Latham, New York, on the 6th day of November 2025 at 6:30 p.m. to hear all persons interested in relation to the aforesaid estimates and Assessment Roll and to hear and consider any

objections to the aforesaid Assessment Roll and to take such other action on the part of the Town Board as may be required by law proper in the premises.

RESOLUTION NO. 437 FOR 2025

A special meeting of the Town Board of the Town of Colonie was held at Town Hall on the 15th day of October, 2025 at 5:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Kristen Blais
	Melissa Jeffers
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Guzy
	Mark McCumber

ABSENT: None

Councilwoman ___ offered the following resolution and moved its adoption:

Resolution establishing Sewer Rents for the Town of Colonie Sewer Improvement Area.

WHEREAS, the Town of Colonie Sewer Improvement Area is comprised of all parcels within the boundaries of the Town of Colonie and is classified as a “Special District” under New York State Real Property Tax Law; and

WHEREAS, the Town of Colonie Sewer Improvement Area (the “Sewer Improvement Area”) was established using a benefit-based assessment as the means to finance capital costs and the operation and maintenance of the sewerage system; and

WHEREAS, the Town has historically financed the expense of constructing sewers, its wastewater treatment plant, and laterals within the Sewer Improvement Area (capital improvements), as well as the costs for operating and maintaining the sewerage system through a special assessment based on the benefit derived by the parcel; and

WHEREAS, the Town desires to revise the manner in which the Sewer Improvement Area is financed so that operation and maintenance costs are no longer assessed against all properties and are, instead, charged based on a parcel’s use of the Town’s sewerage system; and

WHEREAS, pursuant to General Municipal Law Article 14-F and New York State Town Law § 198(1)(l), the Town may finance the costs of the Sewer Improvement Area through either benefit-based assessment or a combination of benefit-based assessment and sewer rents; and

WHEREAS, the Town desires to establish and impose sewer rents as an alternative to a benefit assessment to fund the operation and maintenance of the Sewer Improvement Area in a

manner which is proportionate and equitable to the use of parcels connected to the Town's sewerage system; and

WHEREAS, pursuant to General Municipal Law § 452, a notice of public hearing on the establishment of Sewer Rents in the Town of Colonie was duly noticed by Resolution No. 432 of 2025 dated October 2, 2025 and published in the Town's official newspaper; and

WHEREAS, a public hearing was held before the Town Board of the Town of Colonie on October 15, 2025 wherein all members of the public desiring to be heard on the establishment of Sewer Rents were heard in relation to same.

NOW, THEREFORE, IT IS ORDERED, RESOLVED AND DETERMINED, by the Town Board of the Town of Colonie, Albany County, New York, that the owner of any parcel of real property connected to the Town of Colonie Sewer Improvement Area shall pay a sewer rent for the use of the sewer system in the manner and amounts as set forth below:

- A. Factors upon which sewer rent shall be based. Sewer rents shall be equitably apportioned among the users of the Sewer Improvement Area based on any or all of the following: the estimated and/or actual consumption of water on the premises connected with and served by the Sewer Improvement Area; the actual net flow into the sewerage system, the number, size, and/or kind of plumbing fixtures, connections, and/or meters on the property; the number of persons served on the premises by the sewerage system or parts thereof; and/or volume and character of sewages, industrial waste, or other wastes discharged to the system.
- B. Sewer Rent Rate.
 - i. Residential Users. Sewer rents for residential properties shall be based on the estimated annual water consumption for the average single-family dwelling unit. Estimated consumption shall be revised annually based on available Town meter readings for the prior three years. A base sewer rent of \$259.27 shall be charged per dwelling unit for all residential properties as exemplified in the following table:

Dwelling Units per Property	Charge
1 (single-family)	\$259.27
2 (two-family)	\$518.54
3 (three-family)	\$777.81

Residential properties are defined as those properties with a real property class code category of 200, as well as 310, 311, 312, 322, 351, and *411 (*where ownership is classified as "condo"). All other Property Class Codes are deemed Nonresidential Users with the exception of Industrial Users set forth in section B(iii).

- ii. **Nonresidential Users.** Sewer rents for nonresidential properties shall be the total of (1) a basic sewer service charge determined by the size of the water meter connected to the property; and (2) a volumetric charge based on either metered consumption of water for the property or metered net flow into the sewerage system. Where available, volumetric charges shall be based on metered net flow rather than metered consumption of water. Volumetric charges shall be at a rate of \$3.65 per 1,000 gallons of metered water use or, where available, net flow into the sewerage system. Where a nonresidential property is connected only to the Town's sewerage system and does not have metered water consumption or sewage flow, the property will be charged for its connection to the system in an amount equivalent to a three-family dwelling unit.

Basic sewer service charge shall be determined using the following table of values:

Meter Size (diameter, inches)	Semi-Annual Charge
0.75	\$19.97
1.00	\$32.25
1.50	\$69.11
2.00	\$110.58
3.00	\$286.69
4.00	\$706.48
6.00	\$1331.04
8.00	\$2047.76

- iii. **Industrial Users.** Industrial users are those which discharge industrial waste to the sanitary sewer system that eventually reaches and has an impact on the Town's wastewater treatment plant that is distinct and more concentrated than domestic sewage. Sewer rents for Industrial properties shall be the total of (1) a basic sewer service charge determined by the size of the water meter connected to the property; and (2) net flow into the sewerage system. Volumetric charges shall be at a rate of \$3.65 per 1,000 gallons of net flow into the sewerage system.

Net flow from Industrial users is calculated based on BOD and TSS values using the following formula:

Discharge Gallons (DG) are calculated from the total annual gallons discharged based upon effluent flow meter	
Adjusted Flow for Volume:	DG x 40%
Adjusted Flow for BOD:	DG x (Average Annual BOD/250) x 35%

Adjusted Flow for TSS:	DG x (Average Annual SS/300) x 25%
Net Flow = DG + $\sum$ Adjusted Flows	

- C. Sewer rents shall be billed on at least a semi-annual basis, pursuant to a schedule adopted by the Town Board. Payments are due 25 days after the utility bill date or as otherwise stated on the utility bill. A late payment penalty of 10% will be applied to all unpaid balances on the 30th day after billing date. Sewer rents shall constitute a lien upon the property served by the sewerage system. Unpaid sewer rents shall be a levy against the real property liable therefor as part of the annual Town tax levy.

IT IS FURTHER RESOLVED AND DETERMINED, that this Resolution shall take effect immediately.