

STATE OF NEW YORK

S. 7690--B

A. 9211--B

SENATE - ASSEMBLY
March 4, 1986

IN SENATE--Introduced by Sen. BRUNO--read twice and ordered printed, and when printed to be committed to the Committee on Finance--committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee--committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY--Introduced by M. of A. D'ANDREA--read once and referred to the Committee on Local Governments--committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee--committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT creating the Saratoga lake protection and improvement district in the towns of Malta, Saratoga, Stillwater and the city of Saratoga Springs in the county of Saratoga.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and intent. The legislature hereby
2 finds and determines consistent with the findings and recommendations of
3 the Saratoga lake phase I diagnostic feasibility study and management
4 plan that it is in the best interests of the people of New York state,
5 and that it will be a public benefit to the people of the state to form
6 a unit of local government which can supervise, manage and control the
7 body of water known as Saratoga lake, and the lands surrounding such
8 lake, and that the creation of the Saratoga lake protection and improve-
9 ment district is a public purpose. Towards this end, the establishment
10 of said district will ensure the preservation of real property values
11 within the proposed district, improve the water quality of Saratoga
12 lake, thereby enhancing the opportunities for public water-related re-
13 creational activities at this water body, conserve the fish and wildlife
14 of the lake, while also enhancing the scenic beauty of the towns of
15 Malta, Saratoga, Stillwater, the city of Saratoga Springs and the county
16 of Saratoga, and accordingly, legislation forming a special lake protec-

EXPLANATION: Matter in italics (underscored) is new; matter in brackets [] is old law to be omitted.

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tion and improvement district to be known as the Saratoga lake protection and improvement district is in the public interest.

2. Authorization. Notwithstanding any inconsistent provision of law, there is hereby authorized in the towns of Malta, Stillwater, and Saratoga, and the city of Saratoga Springs, county of Saratoga to be created by the referendum herein authorized, a special lake protection and improvement district to encompass the area located in the several towns and the city of Saratoga Springs, county of Saratoga, to be known as the Saratoga lake protection and improvement district.

The Saratoga lake protection and improvement district created herein shall be a political subdivision of the state. The area included in the Saratoga lake protection and improvement district shall continue to be part of the town of Malta, and a part of the town of Stillwater, and a part of the town of Saratoga and a part of the city of Saratoga Springs respectively located in the county of Saratoga, and the respective areas in such towns and city shall continue to be subject to the jurisdiction and authority of such towns, city and county of Saratoga and to all state and federal laws as were heretofore and are hereinafter applicable.

3. Location. The location of said district shall be in the towns of Malta, Stillwater, and Saratoga, and the city of Saratoga Springs, all respectively located in the county of Saratoga, and shall include the body of water known as Saratoga lake and the lands surrounding said body of water and described as follows:

All those parcels of land situate in the Town of Saratoga, and Town of Stillwater and the Town of Malta, County of Saratoga and State of New York as shown on the Saratoga County Real Property Tax Maps dated May 1, 1985 together with all that parcel of land situate in the Outside Tax District of the City of Saratoga Springs, County of Saratoga and State of New York as shown on the Saratoga County Real Property Tax Maps dated June 1, 1985, said parcels more particularly bounded and described as follows:

TOWN OF SARATOGA

Beginning at a point in Fish Creek at the intersection of the common bounds of the Town of Saratoga to the east and the City of Saratoga Springs to the west with the extension westerly of the northerly bounds of Parcel No.16 of Block No.1 of Top Map Section No.180.00; thence from said point of beginning easterly to and along the northerly bounds of said parcel No.16 to its northeast corner; thence continuing along the bounds of said Parcel No.16 southerly, easterly, southerly, westerly, southwesterly and westerly to a point in the northeasterly bounds of Tax Map Section No. 193.06; thence in a generally south direction along the easterly bounds of said Section No. 193.06, Tax Map Section No. 193.10 and Tax Map Section No. 193.14 to a point in the northerly bounds of Parcel No. 19 of Block No. 1 of Tax Map Section No. 193.00; thence easterly and southerly along the northerly and easterly bounds of said Parcel No. 19 to the northerly bounds of County Highway No.71; thence westerly along said northerly bounds to its intersection with the extension northerly of the easterly bounds of Parcel No.2 of Block No.1 of Tax Map Section No.193.18; thence southerly along said extension and continuing along the easterly bounds of said Parcel No.2 to the southeast corner of said Parcel No.2; thence westerly along the southerly bounds of said Parcel No.2 to a point in the easterly bounds of Parcel No.9 of said Block No.1; thence southerly along said easterly bounds to the northwest corner of Parcel No.48 of said Block

No.11 thence easterly along the northerly bounds of said Parcel No.48 and the northerly bounds of Parcel No.14 of said Block No.1 to the northeasterly corner of said Parcel No.14; thence southerly along the easterly bounds of said Parcel No.14 and the easterly bounds of Parcel No.51, Parcel No.17, Parcel No.26 and Parcel No.27 of said Block No.1 to the southeast corner of said Parcel No.27; thence westerly along the southerly bounds of said Parcel No.27 to the northeast corner of Parcel No.51 of Block No.2 of Tax Map Section No.206.06; thence southerly along the easterly bounds of said Parcel No.51 to the northwesterly corner of Block No.1 of Tax Map Section No.206.06; thence easterly along the northerly bounds of said Block No.1 to its northeast corner; thence in a generally southerly direction along the common bounds of Block Nos. 1 and 2 of said Section No.206.06 to the west and the common bounds of Block No.3 of said Section No.206.06 to the east and continuing south along the easterly bounds of Section No.206.06 to the common intersection of Section No.206.06 to the northwest, Section No.206.00 to the east and Section No. 206.09 to the southwest; thence in a generally south direction along the bounds of said Section No.206.09 to the northeast corner of Parcel No.22 of Block No.1 of Tax Map Section No.206.00; thence southerly along the easterly bounds of said Parcel No.22 to a point in the common bounds of the Town of Saratoga to the north and the Town of Stillwater to the south; thence westerly along said common bounds to the common intersection of the common bounds of the Town of Saratoga to the northeast, the Town of Stillwater to the southeast and the Town of Malta to the west; thence northerly along said common bounds and the common bounds with the City of Saratoga Springs to the point of beginning.

TOWN OF STILLWATER

Beginning at a point in Saratoga Lake at the common intersection of the common bounds of the Town of Stillwater to the south and the Town of Saratoga to the north with the common bounds of the Town of Stillwater to the east and the Town of Malta to the west; thence from said point of beginning easterly along the said common bounds of the Town of Saratoga and the Town of Stillwater to the southerly bounds of Brown Road; thence along said southerly bounds to its intersection with the westerly bounds of Parcel No.23 of Block No.1 of Tax Map Section No.206.00; thence southerly along said westerly bounds to its intersection with the southerly bounds of Parcel No.27 of said Block No.1; thence westerly No.206.13; thence southerly and westerly along the bounds of said Section No.206.13 to the northeasterly corner of Tax Map Section No.206.17; thence southerly, easterly and southerly along the bounds of said Section No.206.17 to the northerly bounds of Parcel No.24 of Block No.1 of said Tax Map Section No.206.00; thence easterly, southerly and westerly along the bounds of said Parcel No.24 to the northeast corner of Parcel No.5 of Block No.1 of Tax Map Section No.219.00; thence southerly, westerly and southwesterly along the bounds of said Parcel No.5 to the northerly bounds of New York State Highway Route 423; thence westerly along the northerly bounds of said highway to its intersection with the extension northerly of the easterly bounds of Parcel No.1 of Block No.2 of Section No.219.05; thence southerly along said extension and the easterly bounds of said Parcel No.1 and continuing southerly along the easterly bounds of Section Nos.219.05 and 218.12 to the northerly bounds of Parcel No.34 of Block No.2 of Tax Map Section No.219.00; thence easterly along said northerly

bounds to the northwest corner of Parcel No.31 of said Block No.2; thence southerly along the westerly bounds of said Parcel No.31 and its extension southerly to the southerly bounds of Luther Road; thence easterly along said southerly bounds to the northeast corner of Parcel No.24.1 of said Block No.2; thence southerly and westerly along the bounds of said Parcel No.24.1 to the northeast corner of Tax Map Section No.218.20; thence southerly along the easterly bounds of said Section No.218.20 to the southeast corner of Parcel No.8 of Block No.1 of Tax Map Section No.218.20; thence southwesterly through Parcel No.1 of Block No.1 of Tax Map Section No.231.00 to the northeast corner of Parcel No.6 of Block No.1 of Tax Map Section No.230.00; thence southwesterly along the northwesterly bounds of said Parcel No.6 to the northeasterly bounds of County Highway No.76; thence northwesterly along said highway to its intersection with the extension easterly of the southerly bounds of Parcel No.5 of said Block No.1; thence westerly along said extension and the southerly bounds of said Parcel No.5 to the intersection with the extension northerly of the easterly bounds of Parcel No.9 of said Block No.1; thence southerly through Parcel No.8 of said Block No.1 along said extension to the northeast corner of said Parcel No.9; thence southerly and westerly along the bounds of said Parcel No.9 and the extension westerly of said southerly bounds to the westerly bounds of Cold Springs Road; thence southerly along said westerly bounds to the southeast corner of Parcel No.11 of said Block No.1; thence westerly along the southerly bounds of said Parcel No.11 to its intersection with the common bounds of the Town of Stillwater to the east and the Town of Malta to the west; thence northerly along said common bounds to the point of beginning.

TOWN OF MALTA

Beginning at a point in Saratoga Lake at the common intersection of the common bounds of the Town of Malta to the south and the City of Saratoga Springs to the north with the westerly bounds of the Town of Saratoga; thence southerly along the common bounds of the Town of Malta to the west and the Town of Saratoga to the east to its common intersection with the common bounds of the Town of Malta to the west and the Town of Stillwater to the east; thence southerly along said common bounds to the southeast corner of Parcel No.11 of Block No.1 of Tax Map Section No.230.00; thence westerly and northeasterly along the bounds of said Parcel No.11 to the southerly bounds of Parcel No.10 of said Block No.1; thence westerly along said southerly bounds and its extension westerly to a point in the westerly bounds of Parcel No.16 of said Block No.1; thence northerly along said westerly bounds to its intersection with the extension easterly of the southerly bounds of Parcel No.58 of Block No.2 of Tax Map Section No.230.00; thence westerly along said extension and along the southerly bounds of said Parcel No.58, Parcel No.57.2 and Parcel No.63 of said Block No.2 to the southwest corner of said Parcel No.63; thence westerly along the extension westerly of the southerly bounds of said Parcel No.63, through Parcel No.13.1 of Block No.1 of Tax Map Section No.230.00 to the westerly bounds of County Highway No.108 (Plains Road); thence northerly along said westerly bounds to the southerly bounds of Tax Map Section No.218.18; thence northwesterly and northerly along the bounds of said Section No.218.18 to the northwest corner of Parcel No.35 of Block No.1 of said Section No.218.18; thence northerly through Parcel No.13.1 of Block No.1 of Tax Map Section No.230.00 to the southwest corner of

Parcel No.2 of Block No.1 of Tax Map Section No.218.18; thence northerly along the westerly bounds of said Section No.218.18 to the southeast corner of Parcel No.20 of Block No.1 of Tax Map Section No.218.00; thence westerly and northerly along the bounds of said Parcel No.20 and the extension northerly of the westerly bounds of said Parcel No.20 to the northerly bounds of New York State Highway Route No.9P; thence westerly along said northerly bounds to the southwest corner of Parcel No.15 of said Block No.1; thence northerly, westerly and northerly along the bounds of said Parcel No.15 to the southwesterly corner of Parcel No.14 of said Block No.1; thence westerly along the northerly bounds of said Parcel No.13.1 to its intersection with the extension southerly of the westerly bounds of Parcel No.31 of Block No.1 of Tax Map Section No.218.10 through Parcel No.5 and Parcel No.6 of Block No.1 of Tax Map Section No.218.00; thence northerly on said extension of said Parcel No.31 and continuing northerly along the westerly bounds of Tax Map Section No.218.10 to the common corner of said Section No.218.10 to the southeast with Section No.218.00 to the west and Parcel No.5 of Block No.2 of Section No.218.05 to the north; thence northerly, westerly and northerly along the bounds of said Parcel No.5 of said Block No.2 to the southwest corner of Tax Map Section No.218.09; thence northerly, easterly, northerly, easterly, northerly and easterly along the bounds of said Section No.218.05 to the northwest corner of Tax Map Section No.218.06; thence easterly along the northerly bounds of said Section No.218.06 to the southwest corner of Tax Map Section No.205.18; thence generally north along the westerly bounds of said Section No.205.18 to the northwest corner of Parcel No.1 of Block No.2 of Tax Map Section No.205.18; thence northerly through Parcel No.8.1 of Block No.1 of Tax Map Section No.205.00 to the southeast corner of Parcel No.4 of Block No.1 of Tax Map Section No.205.18; thence westerly, northerly, easterly and northerly along the bounds of said Block No.1 of said Section No.205.18 to the northwest corner of said Block No.1; thence northerly through Parcel No.8.1 of Block No.1 of Tax Map Section No.205.00 to the southwest corner of Tax Map Section No.205.14; thence generally north along the westerly bounds of said Section No.205.14 to the northwest corner of Parcel No.1 of Block No.2 of said Section No.205.14; thence easterly along the northerly bounds of said Parcel No.1 to its northeast corner; thence northerly on the extension northerly of the easterly bounds of said Parcel No.1 through Parcel No.8.1 of Block No.1 of Section No.205.00 to the southerly bounds of Block No.1 of Tax Map Section No.205.14; thence easterly, northerly, westerly and northerly along the bounds of said Block No.1 to its northeast corner; thence northerly, easterly, southerly, southeasterly and easterly along the bounds of Parcel No.6.1 of Block No.1 of Tax Map Section No.205.00 to the common corner of said Parcel No.6.1 to the southwest, Parcel No.7 of said Block No.1 to the north and Tax Map Section No.205.10 to the southeast; thence northeasterly, northerly and easterly along the bounds of said Section No.205.10 to its intersection with the westerly bounds of Parcel No.26 of Block No.1 of Tax Map Section No.205.11; thence northerly, easterly, northerly, northeasterly and northerly along the bounds of said Section No.205.11 to a point in the southerly bounds of Parcel No.16 of Block No.1 of Tax Map Section No.192.00; thence northerly and westerly along the said bounds of Parcel No.16 to the easterly bounds of Manning Road; thence northerly along said easterly bounds to the northwest corner of said Parcel No.16; thence easterly along the nor-

therly bounds of said Parcel No. 16 to the southwesterly corner of Parcel No. 14 of said Block No. 1; thence northerly along the westerly bounds of said Parcel No. 14 to its northwest corner; thence generally northeast parallel with the shore at Saratoga Lake through Parcel No. 13, Parcel No. 10.1, Parcel No. 10.2, Parcel No. 11 and Parcel No. 12 of said Block No. 1 to a point in the common bounds of the Town of Malta to the south and the City of Saratoga Springs to the north, thence easterly along said common bounds to the point of beginning.

CITY OF SARATOGA SPRINGS

Beginning at a point in Saratoga Lake at the common intersection of the common bounds of the City of Saratoga Springs to the northwest and the Town of Malta to the southwest with the westerly bounds of the Town of Saratoga; thence westerly along the said common bounds with the Town of Malta to its intersection with the common corner of Parcel No. 13.1 and 23.1 of Block No. 1 of Tax Map Section No. 192.00; thence easterly and northerly along the bounds of said Parcel No. 13.1 to the southwesterly corner of Parcel No. 14.2 of said Block No. 1; thence easterly along the southerly bounds of said Parcel No. 14.2 and the southerly bounds of Parcel No. 38 of said Block No. 1 and its extension easterly to the westerly bounds of Tax Map Section No. 192.08; thence northerly, easterly and northeasterly along the bounds of said Section No. 192.08 to the southwest corner of Parcel No. 13 of Block No. 1 of Tax Map Section No. 180.19; thence generally northeast along the bounds of said Section No. 180.17 to its northwest corner; thence southeasterly along the bounds of said Section No. 180.17 to the southwesterly corner of Parcel No. 12 of Block No. 4 of Tax Map Section No. 180.00 in the southeast bounds of Union Avenue; thence northeasterly along the southeasterly bounds of Union Avenue to the southwesterly bounds of New York State Highway Route No. 9P; thence easterly and southeasterly along said highway bounds to its intersection with the extension southwesterly of the northwesterly bounds of Parcel No. 17 of Block No. 2 of Tax Map Section No. 180.00; thence northeasterly along said extension and the northwesterly bounds of said Parcel No. 17 and along the northwesterly bounds of Parcel No. 13 of said Block No. 2 to the northwesterly corner of said Parcel No. 13; thence easterly along the northerly bounds of said Parcel No. 13 and its extension easterly to the common bounds of the City of Saratoga Springs to the northwest and the Town of Saratoga to the southeast; thence generally southwest along said common bounds to the point of beginning.

4. Conduct of referendum to vote upon proposition to establish the Saratoga lake protection and improvement district. Upon petition of the owners of real property situated within said district and qualified voters as defined in this act the supervisor of the Town of Malta, the supervisor of the town of Stillwater; the supervisor of the town of Saratoga and the mayor of the city of Saratoga Springs shall jointly conduct a referendum for the establishment of Saratoga lake protection and improvement district.

Such petition shall be signed by the owners of taxable real property situate in the proposed district owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed district; provided, however, that said petition should also include the signatures of at least one-half of the qualified voters resident in the proposed district as set forth herein, to the intent that the owners of at least one-half of the assessed valuation of real property thereof and at least one-half of the qualified voters within

the district shall sign such petition. A single signature of a resident owner may be counted for purposes of determination that at least one-half of the assessed valuation and at least one-half of the qualified voters have so petitioned. Such petition shall be filed with the county clerk of the county of Saratoga who shall thereupon notify such supervisors and mayor who shall then proceed within thirty days from such filing to take the following action:

(a) Said supervisors and mayor shall, within thirty days of such filing, set a date to conduct a hearing at a place to be determined by the supervisors and mayor upon the question of the formation of such district. Such meeting shall be held after notice given with the same times and publications as provided herein for notice of the referendum. Such notice shall state that the hearing shall be held to consider the formation of the Saratoga lake protection and improvement district and that copies of this act may be inspected at the office of the county clerk of the county of Saratoga where a map of said district will be on file.

(b) Said supervisors and mayor shall jointly determine, prior to such hearing, that sufficient parties have signed the petition.

(c) Said supervisors and mayor shall jointly conduct such public hearing.

Upon the completion of the acts prescribed in the foregoing subdivisions (a), (b) and (c), the said supervisors and mayor shall provide the conduct of a referendum. Notice of such referendum shall be published in at least two newspapers circulated in the area of the proposed district once each week for at least three weeks, the first publication to be not more than forty days or less than twenty-five days prior to such referendum.

Such referendum shall be held solely in the proposed district and only those persons qualified to vote as provided herein on such proposed district shall be entitled to vote on any such proposition to create the district.

All costs incurred in connection with the establishment of such district shall be charged solely against property in the proposed district. The costs of such referendum shall be paid equally by the towns of Malta, Saratoga and Stillwater and the city of Saratoga Springs, and reimbursement made to said towns from the first annual budget and ad valorem levy of the district. Such towns and city are hereby authorized to accept a gift or gifts, on condition such be used for part or all of the costs of conduct of such referendum.

5. Qualified voters. (a) Persons qualified to vote on any and all propositions and questions shall be only those persons who are citizens of the United States and who are eighteen years of age or over and who either:

(1) Permanently reside in the proposed district, and are duly registered to vote from that residence in accordance with the provisions of article five of the election law, or

(2) Own real property in the proposed district or when established, own property in the district.

(b) Only natural persons shall be entitled to vote, except that a corporate owner of such taxable real property shall be considered one owner for the purposes of the petition requesting a referendum on the establishment of the Saratoga lake protection and improvement district and shall be entitled to one vote to be cast by an officer or an agent of this corporation or other duly authorized person designated by appropri-

1 ate resolution of said corporation on the proposition to establish the
2 Saratoga lake protection and improvement district. At the referendum
3 those persons entitled to vote are entitled to vote on all questions.

4 Propositions receiving more yes votes than no votes shall pass and be
5 effective. Upon approval by referendum of the proposition authorizing
6 and approving the establishment of the Saratoga lake protection and im-
7 provement district, said supervisors and mayor shall within ten days of
8 such approval certify the results of such referendum and file an exe-
9 cuted copy of such certificate with the clerk of the county of Saratoga,
10 and with the office of the state department of audit and control in Al-
11 bany, New York unless otherwise provided by section fourteen of this
12 act.

13 Any person aggrieved by any final determination or order made pursuant
14 to this act may review the same as provided in article seventy-eight of
15 the civil practice law and rules. The regularity of the proceedings es-
16 tablishing the district shall be final and conclusive unless an action
17 or proceedings to contest or review such shall have been commenced
18 within thirty days of the time such filing is completed.

19 # 6. Officers. All district officers shall before entering upon the
20 duties of office, each take and file their oath of office in accordance
21 with section ten of the public officers law. The district shall have the
22 following:

23 (a) The Saratoga lake protection and improvement district shall be
24 managed by five commissioners, who shall be appointed by the chairman of
25 the board of supervisors of Saratoga county subject to the approval of
26 the supervisors at their first regularly scheduled meeting held sixty
27 days next succeeding the establishment of the district.

28 (b) One commissioner each shall be appointed to represent the towns of
29 Malta, Saratoga, Stillwater and the city of Saratoga Springs, respec-
30 tively, and one commissioner-at-large shall represent the county of
31 Saratoga.

32 (c) The term of office of two commissioners first appointed shall be
33 three years dating from January first, nineteen hundred eighty-seven;
34 the term of office of two commissioners first appointed shall be two
35 years dating from January first, nineteen hundred eighty-seven and the
36 term of office of one commissioner first appointed shall be one year
37 dating from January first, nineteen hundred eighty seven.

38 (d) The commissioners shall receive no compensation for their services
39 and shall hold their office until their successors representing the same
40 municipality are appointed and qualified.

41 (e) Upon the expiration of the terms of office of a commissioner, or
42 upon a commissioner's vacancy which occurs during an unexpired term, the
43 board of supervisors shall appoint a successor representing the same
44 municipality for a term of three years to fill the office of commis-
45 sioner and such appointee shall be from the same municipality as the
46 commissioner he succeeded. Any appointment made to fill a vacancy which
47 occurs during an unexpired term shall be only for the duration of the
48 unexpired term.

49 (f) A proposed slate of candidates for the commissioners first ap-
50 pointed shall be selected by the Saratoga lake property owner's associa-
51 tion at their first scheduled meeting held next succeeding the date upon
52 which this act becomes a law. Such slate shall include one nomination
53 for each vacancy for the office of commissioner to be filled. Such slate
54 shall be transmitted forthwith to the board of supervisors of Saratoga
55 county.

1 (g) Appointments to the office of commissioner shall only be made from
2 among persons who are qualified voters and/or owners of real property
3 within the proposed district, and who shall continue as such during
4 their term of office.

5 (h) The district treasurer shall, before entering upon the duties of
6 office, execute and file with the district secretary an official under-
7 taking in the form required by section eleven of the public officers
8 law, provided however, that the undertaking shall be in such form, in
9 such sum and with such sureties as the commissioners shall direct and
10 approve and such approval shall be indicated upon such undertaking. The
11 district treasurer must be and continue as such during the term of of-
12 fice, a resident of the district.

13 (i) The district secretary need not be a qualified voter of the dis-
14 trict and need not be a resident of the district.

15 (j) The district treasurer or any commissioner of the district may
16 also act as the district secretary in the absence or disability of the
17 secretary, without being compensated for such acts. A person shall not
18 hold the offices of district commissioner, district treasurer, or dis-
19 trict secretary at the same time.

20 # 7. Authority of the board of commissioners. The commissioners of
21 the Saratoga lake protection and improvement district shall have, in ad-
22 dition to any other powers conferred by this act, the authority and
23 power, by action of the commissioners:

24 (a) To appoint a district treasurer and a district secretary and to
25 hire whatever employees, advisors and consultants deemed required, from
26 time to time, to accomplish the district purposes including, but not
27 limited to, full-time employees, part-time employees and professional
28 persons as it may deem necessary, to fix their compensation and
29 prescribe their duties which duties shall not be inconsistent with this
30 act.

31 (b) To manage and control the property of the district and to insure
32 the same against loss or damage from any risk whatsoever.

33 (c) To acquire, manage, operate, maintain, repair and replace aquatic
34 weed control equipment.

35 (d) Upon the determination by the board of commissioners that
36 district-owned real property is not required for district use, such
37 property may be leased, licensed or used for a term not to exceed five
38 years upon such terms and conditions as may be prescribed by the board
39 of commissioners in the same manner and with the same rights and priv-
40 ileges as if owned by an individual, subject to the condition that reas-
41 onable classifications of lands shall be made and all lands of the same
42 class shall be treated equally.

43 (e) To contract with other town, county, village, state and federal
44 governments and agencies for services or to participate with such for
45 services authorized to be furnished by the district.

46 (f) To make appropriate applications to other governments for gifts,
47 grants, aid and assistance in such forms and in such amounts as shall
48 further the purposes of the district.

49 (g) To sell personal property of a value of not more than ten thousand
50 dollars.

51 (h) To purchase personal property not exceeding ten thousand dollars
52 in cost, subject to the requirements of article five-A of the general
53 municipal law.

54 (i) To provide for a special election on a proposition under section
55 eight of this act upon four-fifths vote of the board of commissioners,

1 subject to the notification requirements specified in subdivision (c) of
2 section four of this act.

3 (j) To purchase liability insurance to provide for the expense of
4 defense and to indemnify any officers or employees of the district for
5 claims based upon their actions in the course of their official duties
6 or employment.

7 (k) To purchase all types of insurance for the district reasonably
8 required to protect the personnel and property of the district and to
9 provide for the defense of actions and claims, and for the payment
10 thereof.

11 (l) To establish liability and casualty insurance reserve funds as
12 authorized by section six-n of the general municipal law.

13 (m) To audit all claims against the district and shall order the
14 payment thereof by the district treasurer in the amounts allowed. Except
15 as otherwise provided by this subdivision, no such claim shall be au-
16 dited or ordered paid by the board of commissioners unless an itemized
17 voucher therefor, verified, or certified under the penalties of perjury,
18 by or on behalf of the claimant, in such form as the board of commis-
19 sioners shall prescribe, shall have been presented to the board of com-
20 missioners for audit and allowance. The provisions of this subdivision
21 shall not be applicable to claims for the payment of fixed salaries,
22 compensation for services of officers or employees regularly engaged by
23 the district at agreed wages by the hour, day, week, month or year, the
24 principal of or interest on obligations issued on behalf of the dis-
25 trict, and fixed amounts becoming due on lawful contracts. The board of
26 commissioners may, further, by resolution authorize the payment in ad-
27 vance of audit of claims; to utility companies for services for light,
28 heat and communications, and the payment in advance of audit for
29 postage, freight and express charges. All such claims shall be presented
30 at the next regular meeting for audit, and the claimant and the officer
31 incurring or approving the same shall be jointly and severally liable
32 for any amount disallowed by the board of commissioners.

33 (n) To establish a petty cash fund for the district treasurer. The
34 amount of such petty cash fund shall not exceed one hundred dollars.

35 (o) To accept gifts of money and personalty.

36 (p) Take any and all other actions reasonably necessary and proper to
37 further the purposes of the district.

38 # 8. Powers of the district upon vote of the electors. The Saratoga
39 lake protection and improvement district, when authorized by a majority
40 vote of the electors voting upon a proposition, shall have the power:

41 (a) To acquire personal property with a cost in excess of ten thousand
42 dollars and all kinds of real property by purchase, gift, devise, con-
43 demnation pursuant to the eminent domain procedure law, or otherwise at
44 prices or amounts authorized by duly adopted propositions.

45 (b) To sell, transfer, and dispose of: (1) any real property; or (2)
46 any personal property having a value in excess of ten thousand dollars.
47 Such dispositions shall be on such terms and conditions and at such
48 prices as shall by proposition be authorized.

49 (c) To take any other, further or additional action or perform any
50 other or additional service or function as shall be authorized by adop-
51 tion of a proposition for such, subject to the provisions of this act.

52 (d) To adopt restrictions and controls as to the type of uses of
53 property owned by the district and type of structures that may be
54 erected on lands of the district and into the waters of the Saratoga
55 lake protection and improvement district and may provide that such res-

1 trictions shall apply to such lands when transferred by the district and
2 thereafter shall continue as restrictions running with such lands, which
3 restrictions and controls shall be subject to the provisions of any
4 other applicable statute, ordinance or local law.

5 # 9. Indebtedness. The towns of Malta, Saratoga, Stillwater, and the
6 city of Saratoga Springs are hereby authorized to contract indebtedness
7 on behalf of the Saratoga lake protection and improvement district in
8 accordance with the provisions of the local finance law; provided, how-
9 ever, that indebtedness for any capital improvement in an amount to ex-
10 ceed the sum of ten thousand dollars shall not be contracted on behalf
11 of such district unless and until such capital expenditure is approved
12 by a majority vote of the electors of such district voting on the propo-
13 sition at a special election of the district which shall be conducted in
14 the district in the same manner as prescribed for a referendum under
15 section four of this act, and all proceeds of such obligations issued
16 for district improvements shall be paid over to such district. The
17 proceeds of all obligations shall be deposited and used in the manner
18 prescribed by section 165.00 of the local finance law.

19 # 10. Annual taxing authority. (a) The board of commissioners shall by
20 July thirty-first of each year, prepare and file with the secretary of
21 the district a preliminary annual budget setting forth the amount of
22 money estimated to be on hand for the fiscal year beginning with the
23 succeeding first day of January and an estimate of the proposed expendi-
24 tures for and revenues of such district for such fiscal year. Such
25 preliminary budget shall specify by items, all proposed expenditures for
26 general purposes, including expert and professional services, and for
27 debt service, in accordance with any appropriate rules, regulations,
28 procedures and forms promulgated by the state comptroller, and shall
29 specify the amount to be raised by special ad valorem levies.

30 (b) The board of commissioners shall hold a public hearing on the
31 preliminary budget. Notice of such public hearing shall be published at
32 least ten days before the hearing once in at least two newspapers having
33 general circulation in the district and may be published in such other
34 newspapers and for such other additional times as the board by resolu-
35 tion shall direct. The notice of hearing shall state the time when and
36 the place where the public hearing will be held, the purpose thereof and
37 that a copy of the preliminary budget is available at the office of the
38 county clerk of the county of Saratoga where it may be inspected by any
39 interested person during office hours. At such hearing, any person may
40 be heard in favor of or against the preliminary budget as compiled, or
41 for or against any item or items therein contained. After the public
42 hearing, the board of commissioners may further change, alter, and
43 revise the preliminary budget; provided, however, that such amended
44 budget shall be in accordance with any applicable rules, regulations,
45 procedures and forms promulgated by the state comptroller. The prelimi-
46 nary budget as submitted or amended shall be finally adopted by resolu-
47 tion of the board of commissioners and shall be known as the annual
48 budget for the district for the fiscal year beginning on the first day
49 of January next succeeding and it shall be entered in the minutes of the
50 board.

51 (c) The amount to be raised by special ad valorem levies for the an-
52 nual budget for the district shall not exceed an amount equal to one
53 dollar and fifty cents per one thousand dollars of the aggregate full
54 value of the taxable real property situated within the district. Such
55 full valuation shall, for the purposes of this subdivision be computed

1 by dividing the assessed valuation of the real property subject to taxa-
2 tion of the district, as shown on the assessment rolls upon which the
3 real property included within the district was assessed for town and
4 city purposes and which was completed in the fiscal year prior to the
5 fiscal year for which the annual budget was made, by the equalization
6 rates established for such rolls by the state board of equalization and
7 assessment.

8 (d) After the final adoption of the annual budget, the board of com-
9 missioners shall transmit copies thereof to the supervisors of the towns
10 of Malta, Saratoga, Stillwater and the mayor of the city of Saratoga
11 Springs, on or before the first day of November. The supervisors of each
12 town and such mayor shall thereafter present such annual budget to the
13 board of supervisors of Saratoga county at the same time the annual town
14 budgets are presented pursuant to section one hundred fifteen of the
15 town law. The board of supervisors of Saratoga county shall levy and
16 cause to be raised the amounts specified in the annual budget of the
17 district to be levied by special ad valorem levies upon the real
18 property of the district liable therefor in each such town and city, at
19 the time and in the manner provided by law for the levy of town and
20 county taxes. The Saratoga county board of supervisors shall proportion
21 the total amount of ad valorem levies to be raised in such district in
22 the manner set forth in section eight hundred six of the real property
23 tax law. Special ad valorem levies assessed upon the real property in
24 the district shall be collected from the real property in the district
25 in the same manner and at the same time as town and city charges. The
26 town supervisors of the respective towns and the mayor of such city
27 shall pay over to the treasurer of the district all special ad valorem
28 levies levied for district purposes.

29 (e) Notwithstanding subdivisions (b) and (c) of this section, if the
30 establishment of the district, occurs on or after the date set forth in
31 this section for final adoption of the budget for the fiscal year next
32 succeeding the year in which the district is established, the board of
33 commissioners is authorized to adopt a budget for such fiscal year. Such
34 budget shall be in the form required by subdivision (a) of this section
35 and shall specify the amount of taxes to be raised by special ad valorem
36 levies; provided however, such amount shall not exceed the sum of twenty
37 thousand dollars. Such special ad valorem levies shall be levied in ac-
38 cordance with the provisions of subdivision (d) of this section;
39 provided however, in the event that a parcel separately assessed for
40 town or city purposes lies partially within the district, the assessor
41 of the towns of Malta, Saratoga or Stillwater or the city of Saratoga
42 Springs, as the case may be, shall apportion the assessment on such par-
43 cel and shall certify the assessment within the district.

44 # 11. Powers and duties of district treasurer. The district treasurer
45 shall be the fiscal officer of the district and shall receive and have
46 the custody of the funds of the district and shall disburse the same for
47 the purposes herein authorized on the order of the board of commis-
48 sioners, except that no order of the board of commissioners shall be
49 required for the payment of fixed salaries, compensation for services of
50 officers or employees regularly engaged by the district or agreed wages
51 by the hour, day, week, month or year, the principal of or interest on
52 obligations issued on behalf of the district and fixed amounts becoming
53 due on lawful contracts. All such disbursements shall be made by check
54 payable to the order of the party entitle thereto. The board of commis-
55 sioners shall designate by resolution the banks or trust companies

1 within the municipalities of the district in which the district treas-
2 urer shall, within ten days, deposit all moneys coming into the hands of
3 the treasurer by virtue of the office. Such designation and deposit of
4 the moneys shall release the district treasurer and other district of-
5 ficers and their sureties from any liability for loss of such moneys by
6 reason of default or insolvency of any such depository. At the an-
7 nual organization meeting of the board of commissioners of the district
8 the district treasurer for the preceding year shall account with the
9 board of commissioners for all moneys received and disbursed by the
10 treasurer during the preceding fiscal year and shall produce all books,
11 records, receipts, orders, vouchers and canceled checks respecting the
12 same. At such meeting the district treasurer shall file with the board
13 of commissioners a statement in writing showing all receipts and disbur-
14 sements for the preceding fiscal year. Such statement shall be in detail
15 and shall be entered in the minutes of the meeting by the district
16 secretary. The board of commissioners may require the district treasurer
17 to submit to the board of commissioners at any time for examination all
18 books, records, receipts, orders, vouchers and canceled checks.

19 # 12. Powers and duties of the district secretary. The district sec-
20 retary shall have the custody of all records, books and papers of the
21 district. The district secretary shall attend all meetings of the board
22 of commissioners, act as clerk thereof, and keep a complete and accurate
23 record of the proceedings of each meeting and of all propositions, rules
24 and regulations adopted. The district secretary shall have such addi-
25 tional powers and perform such additional duties as the board of commis-
26 sioners may determine, not inconsistent with law.

27 # 13. Claims against district. (a) Sections fifty-e, fifty-h and
28 fifty-i of the general municipal law shall be applicable to all actions
29 or special proceedings founded upon tort that are commenced against the
30 Saratoga lake protection and improvement district, provided, however,
31 that the notice of claims and other legal process must be served upon
32 either the district secretary or the district treasurer and no other
33 person shall be competent to accept such service.

34 (b) Notwithstanding the provisions of subdivision thirty-three of
35 paragraph (a) of section 11.00 of the local finance law to the contrary,
36 the towns of Malta, Saratoga, Stillwater and the city of Saratoga
37 Springs may contract indebtedness on behalf of the Saratoga lake protec-
38 tion and improvement district for the payment of any judgments, com-
39 promised claims or settled claims for a period not to exceed thirty
40 years, where such judgments, compromised claims or settled claims fall
41 due in a single fiscal year and amount to more than five per centum of
42 the average full valuation of the district.

43 # 14. If immediately after the conduct of the referendum to establish
44 the Saratoga lake protection and improvement district, an inter-
45 municipal cooperative funding agreement pursuant to article five-C of
46 the general municipal law providing funds for the purposes of said dis-
47 trict is not signed and in effect by the county of Saratoga, the towns
48 of Malta, Saratoga and Stillwater and the city of Saratoga Springs, the
49 district shall not be established and no certificate shall be filed pur-
50 suant to section five of this act. If such an agreement once in effect
51 shall expire or terminate and not be renewed for a period of two succes-
52 sive years or if renewed provide for municipal contributions in an
53 amount of money less than that provided in the last year of such
54 previous agreement, the district established by this act shall terminate
55 by operation of law and all rights, titles and interest, and all obliga-

1 tions and liabilities of the district shall thereupon vest in and be
2 possessed by the towns of Malta, Saratoga and Stillwater, and the city
3 of Saratoga Springs in proportion to the assessed valuations of proper-
4 ties within the district as shown on the last completed assessment rolls
5 upon which the real property within the district was assessed for town
6 and city purposes.

7 # 15. Severability. If any provision of any section of this act or
8 the application thereof to any person or circumstance shall be adjudged
9 invalid by a court of competent jurisdiction, such order or judgment
10 shall be confined in its operation to the controversy in which it was
11 rendered, and shall not affect or invalidate the remainder of any provi-
12 sion of any section of this act or the application of any part thereof
13 to any other person or circumstance and to this end the provisions of
14 each section of this act are hereby declared to be severable.

15 # 16. This act shall take effect immediately.