SUMMARY

TOWN OF BALLSTON SEWER USE LAW AS PROPOSED

The following summary is meant to provide a brief synopsis of the proposed Sewer Use Law (“Law”) which is currently under consideration by the Town Board. The Sewer Use Law is not required until Ballston’s sewer system is constructed and available for use. In addition to the Town’s efforts to apprise the public of the contents of the proposed Law over the past several months, the Town Board felt it was appropriate to post the draft Law well in advance of the public hearing scheduled for May 8, 2018 so that members of the public could be fully informed as to its contents prior to the hearing. The Town Board has also received numerous requests to make this language available to the general public prior to the Route 50 vote.

Importantly, the draft Law that follows is only a proposal at this juncture and is subject to further revision by the Town Board after eliciting comments from the residents at the public hearing. While this summary is meant to provide an overview of the proposed Law, the contents of the finally approved and filed Law will govern as opposed to the draft Law or this summary.

If passed, the Law will govern the currently approved Ballston Lake Sewer District, as well as the potential Proposed Route 50 Southern Watershed Sewer District. The Law is also written to govern any sewer districts that may be approved in the future. As the Town does not have a sewer department, the operation and maintenance of all sewer systems subject to the Law will be handled by the Saratoga County Sewer District No. 1 (“SCSD”). SCSD has a separate law and additional rules and regulations which independently control the sewer systems within its jurisdiction. Those laws, rules and regulations will apply to the sewer districts made subject to this Law.

Generally speaking, properties within those sewer districts subject to the Law will be required to connect to the public sewer. Improved parcels requiring sewer service that have not yet been issued a Certificate of Occupancy by the date the sewer is available for connection (“Sewer Availability Date”) will be required to connect to the public sewer as a condition of receiving a Certificate of Occupancy. The Sewer Availability Date may be different for parcels within the same district and certainly will vary amongst parcels in separate districts. The Town will notify the property owner in writing as to the Sewer Availability Date.

For those properties having a Certificate of Occupancy on the Sewer Availability Date, connection to the public sewer is required within three (3) years of the Sewer Availability Date unless an exemption applies. Each parcel which qualifies for an exemption is still responsible to pay the debt service charge associated with the capital costs in the applicable district. (For the Ballston Lake Sewer District the debt service amount is reported as $685 in the Map, Plan & Report dated July 9, 2015, and for the Proposed Route 50 Southern Watershed Sewer District the debt service amount is $651 in the December 28, 2017 Map, Plan & Report.) Notable exemptions from connection within the proposed Law are as follows:
1. **Distance Exemption** – If the closest building requiring sewer service on the property is more than 300 feet from the closest available connection point to the public sewer then the parcel need not connect to the public sewer so long as the on-site septic system is maintained in accordance with the Law. Connection can be delayed until either (i) the septic system fails or (ii) waste-water discharge at the property increases due to construction of additional facilities.

2. **New Septic Exemption** – If the property owner installed a septic system within ten (10) years of the Sewer Availability Date, connection to the public sewer is not required for fifteen (15) years from the date of installation provided the septic system does not fail in the interim and is otherwise maintained in accordance with the Law.

3. **Economic Hardship Exemption** – Upon application by a property owner within three (3) years of the Sewer Availability Date, the Town Board will grant a five (5) year exemption from connection upon proof that the income of the property owner and his/her/their family falls below the threshold established in the Law which is three times the U.S. Census Bureau’s poverty threshold in the year the application is made. (See 2017 US Poverty Thresholds at the following site: [https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html](https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html)) Additional five (5) year exemptions are available upon re-application. Failure of the property’s septic system or improper maintenance will require connection notwithstanding the exemption.

Residents will be charged on behalf of the applicable sewer district for the annual debt service related to the capital costs of the district until the system is fully paid for. These charges will appear on the property’s County tax bill. SCSD will assess operation and maintenance charges to each parcel connected to the sewer system in amounts annually approved by the County. Enforcement of the Law will be a joint effort between the Town and SCSD with the Town handling matters relating to connection, exemptions and unpaid charges for capital costs. SCSD will enforce all other aspects of the Law including permitting and technical aspects.

The proposed effective date of the Law is January 1, 2019.