

Chapter 69

UTILITY SERVICE

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[**HISTORY:** Adopted by the Board of Trustees of the Village of St. Johnsville 12-18-1984 by L.L. No. 4-1984; approved at the general election held 3-19-1985.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Sewer rents — See Ch. 204.
Sewer use — See Ch. 207.

Water — See Ch. 261.

§ 69-1. St. Johnsville Village Public Utility Service.

The Board of Trustees of the Village of St. Johnsville (hereinafter "Village") hereby creates a public utility service to be known as the St. Johnsville Village Public Utility Service (hereinafter "Service") pursuant to Article 14-A of the General Municipal Law of the State of New York.

§ 69-2. Authority of Village.

The Village shall operate, manage and otherwise control the Service in all respects.

§ 69-3. Powers and duties of Service.

The Service is empowered to construct, purchase, lease, own, acquire, use and/or operate any plant or facilities within or without the Village of St. Johnsville to generate and produce electricity to sell, for the purpose of furnishing for compensation in the Village of St. Johnsville any service similar to that furnished by any public utility company specified in Article 4 of the Public Service Law of the State of New York. In furtherance of this purpose, the Service may purchase gas or electric energy from the state or from any state agency or other municipal corporation or from any private or public corporation.

1. Editor's Note: This local law is numbered as L.L. No. 1-1985 by the Secretary of State, as it was filed in 1985 following approval by the electors of the Village.

§ 69-4. Plant and facilities.

The proposed method of the Service to construct, lease, purchase and/or acquire the plant and facilities for such Service shall consist of:

- A. The Village on behalf of the Service shall contract for construction of a generating station at Scudder Falls on Zimmerman Creek within the Village of St. Johnsville. The Village project and construction shall provide the generators, generation facilities including the dam, penstock, power house and transmission facilities, to transmit the electric power over its own power lines to the point of connection with the Niagara Mohawk Power Corp. system (hereinafter "NiMo").
- B. The Village on behalf of the Service shall negotiate a contract with NiMo whereby the Service shall pay NiMo to upgrade NiMo's distribution facilities to a three-phase configuration transmission line so that the Village's generated electricity may be transmitted to NiMo's system.
- C. The Village on behalf of the Service shall negotiate a contract with NiMo for installation of the requisite metering equipment and cost thereof as determined and approved by NiMo to monitor the flow of energy.
- D. Construction of such other facilities as may be necessary to accomplish the purposes of said Service as set forth herein.

§ 69-5. Rates and charges.

The rates and charges for the Service shall be fixed by the Village by a long-term agreement to be negotiated with NiMo, which agreement must be approved by the Public Service Commission of the State of New York.

§ 69-6. No net profit or cost to Village.

It is estimated that the purchase of energy and the use, lease, or acquisition of the transmission and distribution facilities by the Service will result in no net cost nor net profit to the inhabitants of the Village. The cost and resultant rates for furnishing energy to the inhabitants of the Village by the Service shall include all costs associated with the purchase and distribution of energy.

§ 69-7. Project cost; financing.

The Village shall spend the estimated amount of \$250,000 as the project cost but in no event shall the total cost exceed \$275,000. Obligations of the Village of St. Johnsville shall be issued to finance the cost of said hydroelectric power project to serve the Village and the incidental costs thereto, in accordance with the Local Finance Law of the State of New York.

§ 69-8. Severability.

If any provision hereunder is rendered illegal, invalid or unenforceable, the remainder of this chapter shall be given full force and effect as if said illegal, invalid or unenforceable provision was not made a part hereof.

§ 69-9. Effective date.

This chapter shall take effect immediately upon approval by a majority of the votes cast at the general Village election to be held on March 19, 1985 and to be called in the manner provided for in General Municipal Law § 360. The form of the proposition of this chapter to be submitted to the voters in said election shall read as follows:

PROPOSITION

“Shall Local Law No. 4 for 1984 creating the St. Johnsville Village Public Utility Service as provided by Article 14-A of the General Municipal Law and which authorizes the Village of St. Johnsville, Montgomery County, New York, to establish, own and operate a public utility power system to serve said Village, and which authorizes the construction and acquisition of additions to serve said system to generate electricity to sell, and in pursuance thereof to construct a hydroelectric generating project which shall provide the generators and generation facilities including the dam, penstock, powerhouse and transmission facilities at Scudder Falls to the point of connection with Niagara Mohawk Power Corporation lines, at an estimated cost of \$250,000.00 which project shall not exceed a maximum cost of \$275,000.00, and to authorize the issuance of obligations of said Village in accordance with the Local Finance Law to pay the cost thereof, be approved and adopted.”

