

## SPECIAL TOWN BOARD MEETING

The Special Meeting of the Town Board of the Town of Cortlandville was held at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, with Supervisor Tupper presiding.

Members present:

Supervisor, Richard C. Tupper  
Councilman, Theodore V. Testa  
Councilman, Ronal L. Rocco  
Councilman, John C. Proud  
Councilman, Gregory K. Leach  
Town Clerk, Karen Q. Snyder, RMC

Others present were: Town Attorney, John Folmer.

Supervisor Tupper called the Special Meeting to order.

Attorney Folmer apprised the Board they must adopt an Order calling for a Public Hearing on January 28, 2013 in connection with the NYS Route 13 Sewer Rehabilitation Project.

Supervisor Tupper reminded the Board they were working with the EFC for funding. The Town must have an application in by the 1<sup>st</sup> of February, which must contain several items including the Order for a Public Hearing. He explained that if the Town misses the deadline they would be ineligible to apply to the EFC for another year. In order to meet the deadline, the Board would have to conduct another Special Meeting for the purpose of the Public Hearing and to adopt a Bond Resolution.

## RESOLUTION #22

ADOPT ORDER FOR A PUBLIC HEARING FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE TOWNWIDE SEWER DISTRICT (ROUTE 13 SEWER PROJECT), IN THE TOWN OF CORTLANDVILLE, IN THE COUNTY OF CORTLAND, NEW YORK, PURSUANT TO SECTION 202-B OF THE TOWN LAW

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Motion by Councilman Proud  
Seconded by Councilman Leach

VOTES: Supervisor Tupper	Aye
Councilman Testa	Aye
Councilman Rocco	Aye
Councilman Proud	Aye
Councilman Leach	Aye
ADOPTED	

WHEREAS, the Town Board of the Town of Cortlandville (herein called the "Town"), in the County of Cortland, New York, on behalf of the Townwide Sewer District, in the Town (herein called the "District"), has caused an engineer duly licensed by the State of New York (the "Engineer") to prepare a preliminary map and plan for the increase and improvement of facilities of the District, consisting of the replacement or rehabilitation of existing sanitary sewer facilities along NYS Route 13, including ancillary work in connection therewith; and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such map and plan for said increase and improvement of facilities of the District and has estimated the total cost thereof to be \$4,227,000; and

WHEREAS, the Town Board has given due consideration to the impact that the increase and improvement of the facilities of the District may have on the environment and on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, constituting Article 8 of the Environmental Conservation Law and the Town Board has determined that the proposed project is a Type I action for purposes of SEQRA;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 3577 Terrace Road, Cortland, New York, on the 28<sup>th</sup> day of January, 2013 at 9 o'clock A.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in the "*The Cortland Standard*," hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

Attorney Folmer stated that the Town is in the process of negotiating an extension of the agreement with the City for the treatment of water and sewer. He explained that the contract the Town had with the City ran out in November 2012 and had not been renewed. The Town would get a simple "letter agreement" that would extend the contract for another 30 years, and give the Town the opportunity to "open the charges and maybe reopen the whole thing after 18 months" when the City believed that renovations to the Wastewater Treatment Plant would be complete. Attorney Folmer apprised the Board the agreement would be on the Common Council's January 15, 2013 meeting agenda for discussion. He would attend their meeting to answer any questions. If the Common Council adopts the agreement, the Town could discuss the agreement at their January 16<sup>th</sup> meeting.

Supervisor Tupper stated that the Town did not like the idea of a 30-year contract with the Wastewater Treatment Plant, but with the reopen clause the Town could revisit the contract. Supervisor Tupper noted that he discussed the matter with Mack Cook, who informed him that when the renovation of the treatment plant is complete the sewer rates would drop. Mr. Cook would like to have a much simpler contract, however it was not a simple contract to draw. Supervisor Tupper explained that the problem with the expired contract was the formula, which the Town does not understand. When the Town receives the bill there is no way to double check the figure that is being billed because the formula is not understood.

Councilman Leach questioned whether the Town had any way to get out of the contract or a way to negotiate the contract if the Town does not like what the City comes up with.

Attorney Folmer explained that the contract must be for thirty years. The Town must have a contract in place for the term of the loan that the Town will have for the Route 13 Sewer Project, which would be for 30 years. In that case, the 30-year contract may expire prior to the expiration of the loan, which could create a problem. Attorney Folmer suggested that the Town may have to ask the City for a 31-year contract to cover the Town.

Councilman Rocco anticipated that the City would probably have a new sewage treatment plant within the next 30 years. Supervisor Tupper stated that the renovations to the Wastewater Treatment Plant would meet the Chesapeake Bay watershed restrictions. He stated that the City's plant was not a bad treatment plant and that updates had been made.

Councilman Proud stated that in terms of negotiating the contract, it would not just be the town and villages negotiating the contract with the City. The EFC and DEC would be looking at the books to make sure that the City was not making money off of the sewage treatment plant by charging too much for treatment. Councilman Proud stated that the Town has not found anybody that can understand the current contract, and if they do not get a plain language contract that the Town can understand they would have to rely on a technical expert.

Attorney Folmer stated that the language of the contract was not necessarily complicated, but rather the formula was. Supervisor Tupper stated that according to Mr. Cook the engineering firm hired by the City to re-write the contract would put the contract in plain language. Mr. Cook does not like the fact that he can't verify the formula to determine whether the Town is being over or under billed.

Councilman Proud added that when the City checks the meter reading for consumption it comes up with a different reading than what the Town has read, which Water & Sewer Sup't. Alteri cannot understand. Councilman Proud suggested that in addition to the formula, the Town must have a procedure in place so that two people read the meter at the same time. Town Clerk Snyder added that the only reading the Town can verify is that of Pall Trinity. The Town reports its consumption as well, which never matches the reading the City comes up with.

Supervisor Tupper suggested that perhaps the Town and the Villages of McGraw and Homer could hire an engineer together to help negotiate with the City's engineer to get a contract in place.

Councilman Leach questioned how many trunk lines the Town has that feed into the City, and whether there was a meter on the lines. Supervisor Tupper explained that the Town has two sewer trunk lines: one on Tompkins Street at the city line, and one on Groton Avenue at the city line. Both trunk lines have Town meters. With the help of Town Engineer Hayne Smith the Town installed a new meter pit on Vernon Drive a few years ago. The Groton Avenue meter pit was also recently updated. Councilman Proud stated that the Town has two trunks, but there are other lines the Town pays for that feed into the City such as on Route 215.

Supervisor Tupper stated that the Town should make sure the contract is written correctly since it is something that is done once every thirty years.

No further comments or discussion were heard.

Councilman Proud made a motion, seconded by Councilman Leach, to adjourn the Special Meeting. All voting aye, the motion was carried.

The meeting was adjourned at 9:20 a.m.

Respectfully submitted,

Karen Q. Snyder, RMC  
Town Clerk  
Town of Cortlandville

\*Note:

The draft version of this meeting was submitted to the Town Board for their review on March 1, 2013.

The draft version of this meeting was approved as written at the Town Board meeting of March 6, 2013.