

**RESOLUTION # _____ (2022) – ADOPT PUBLIC INTEREST ORDER IAWWTF
CAPITAL IMPROVEMENTS FOR BOILER REPLACEMENT**

_____ offered the following resolution and asked for its adoption:

RESOLVED, that Dryden Town Board hereby adopts the following Public Interest Order

In the Matter
of
the Proposed Boiler Replacement Project
Pursuant to Town Law §202-b for the
Wastewater Treatment Plant in the City of
Ithaca serving the Town of Dryden known as
the Boiler Replacement Capital Project

PUBLIC INTEREST ORDER

WHEREAS, a plan and proposal have been duly prepared in such manner and in such detail as heretofore has been determined by the Town Board of the Town of Dryden, Tompkins County, New York, relating to the Capital Project recommended by the Special Joint Committee (SJC) for Boiler Replacement, pursuant to Town Law § 202-b, at the Ithaca Wastewater Treatment Facility (IAWWTF) in the City of Ithaca owned and managed jointly by the City of Ithaca, Town of Ithaca and Town of Dryden (Owners), which wastewater treatment plant provides wastewater treatment services for the Town's Consolidated Sewer Districts served by such wastewater treatment plant, such improvement to be constructed and owned by Owners, and

WHEREAS, said plan and report have been prepared by MRB Consultants, duly licensed by the State of New York and have been filed in the office of the Town Clerk where they are available for public inspection, and

WHEREAS, on June 8, 2022, the Special Joint Committee (SJC) resolved to recommend to the Owners to establish IAWWTF Capital Project _____ Boiler Replacement in an amount not to exceed \$650,000.00, and

WHEREAS, the SJC thereby recommended authorization of this project contingent upon action by Owners committing their percentage of reimbursement shares to the Joint Activity Fund allocated per the Joint Sewer Agreement as follows:

Municipality	Percentage	Project Cost
City of Ithaca	57.14	\$371,410
Town of Ithaca	40.88	\$265,720
Town of Dryden	1.98	\$12,870
		=====
TOTAL:		\$650,000.00
		=====

WHEREAS, the IAWTTF serves the Town of Dryden Consolidated Sewer District, and

WHEREAS, the maximum proposed to be expended for the Boiler Replacement is \$650,000.00 of which Town of Dryden’s share is \$12,870, with the proposed method of payment being that the Town will reimburse the City of Ithaca for the former’s share pursuant to a contract between the Town and the City of Ithaca. The Town will not issue or co-issue any bonds but pay its share of expenses from sewer rents and charges from the Consolidated Sewer District, and

WHEREAS, the Town Board of the Town of Dryden adopted an Order on July 21, 2022 calling a public hearing upon said plan and report and the question of providing said Boiler Replacement, and the question of executing any related agreement, and to hear all persons interested in the subject thereof, all in accordance with the provisions of Town Law §202-b and applicable provisions of the General Municipal Law and Local Finance Law, and

WHEREAS, said public hearing was duly held on August 11, 2022 at the time and in the manner set forth in said Order, and continued to August 18, 2022, and all persons interested in the subject thereof were heard concerning the same, and

WHEREAS, The Town Clerk of the Town of Dryden, Tompkins, County, New York, caused a copy of the said order to be published once in the official newspaper of the Town, and also posted a copy thereof on the Town signboard maintained by the Clerk, not less than ten (10) nor more than 20 days before the day designated for the hearing as aforesaid.

WHEREAS, the Boiler Replacement project has heretofore been determined to be a "Type II Action" pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined, will not require any environmental review for the following reasons: the Boiler Replacement project includes the purchase of equipment; replacement in kind of facilities on the same site; maintenance or repair involving no substantial changes in an existing structure or facility; and construction of accessory/appurtenant non-residential structures or facilities involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls ; and

WHEREAS, it is now desired to authorize the Boiler Replacement to be known as IAWWTF Capital Project _____ Boiler Replacement,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Dryden, Tompkins County, New York, as follows:

Section 1. It is hereby determined that it is in the public interest to make the Boiler Replacement hereinafter described and such improvement is hereby authorized.

Section 2. The maximum proposed cost to be expended for the Boiler Replacement is \$650,000.00 of which Town of Dryden's share is \$12,870, with the proposed method of payment being that the Town will reimburse the City of Ithaca for the former's share pursuant to a contract between the Town and the City of Ithaca. The Town will not issue or co-issue any bonds but pay its share of expenses from sewer rents and charges from the Consolidated Sewer District.

Section 3. That this Order is subject to a permissive referendum in the manner provided in Town Law Article 7 and Town Law Section 209-q.

Section 4. That the permission of the State Comptroller is not required because the Town of Dryden does not propose to finance the cost of the Boiler Replacement by the issuance of bonds, notes, certificates, or other evidences of indebtedness of the Town.

Section 5. That pursuant to subdivision 6(d) of Section 209-q of the Town Law, the Town Clerk is hereby directed and ordered to cause a certified copy of this Order to be duly recorded in the Office of the Clerk of the County of Tompkins within ten days of the date this Order becomes effective pursuant to Town Law Section 91, which when so recorded, shall be presumptive evidence of the regularity of the proceedings and action taken by the Town Board in relation to the aforesaid Boiler Replacement.

Section 6. This order shall take effect immediately.

The question of the adoption of the foregoing Order was duly put to a vote on roll call,
which resulted as follows:

2nd _____

The question of the adoption of the foregoing Order was duly put to a vote on roll call, which
resulted as follows:

Roll Call Vote:

Supervisor Leifer	_____
Deputy Supervisor Lamb	_____
Councilmember Vargas-Mendez	_____
Councilmember Skaley	_____
Councilmember Sparling	_____

STATE OF NEW YORK)
COUNTY OF TOMPKINS) SS:
TOWN OF DRYDEN)

I Bambi Avery, Town Clerk for the Town of Dryden, do hereby certify that the above resolution
is an exact copy of the same adopted by the Dryden Town Board at a meeting on the 11th day of
August, 2022.

Bambi Avery, Town Clerk