

**RESOLUTION # \_\_\_\_\_ (2023) – ADOPT PUBLIC INTEREST ORDER IAWWTF  
CAPITAL IMPROVEMENTS FOR ADDITIONAL BOILER REPLACEMENT AND  
FACILITY IMPROVEMENTS**

\_\_\_\_\_ 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 Additional Boiler Replacement and Facility  
Improvements

PUBLIC INTEREST ORDER

WHEREAS, on July 21, 2023, the Special Joint Committee (SJC) resolved to recommend, pursuant to Town Law § 202-b, that the City of Ithaca, Town of Ithaca and Town of Dryden (Owners), authorize and construct at their jointly owned and management wastewater treatment facility known as the Ithaca Wastewater Treatment Facility (IAWWTF), located in the City of Ithaca, a project known as Capital Project 423J Additional Boiler Replacement and Facility Improvements, in an amount not to exceed \$3,243,846.00 (Capital Project), such improvements to be constructed and owned by Owners, 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      | \$1,853,533.60 |
| Town of Ithaca | 40.88      | \$1,326,084.24 |
| Town of Dryden | 1.98       | \$64,228.15    |

=====

TOTAL: \$3,243,846.00

WHEREAS, Cody Stevens and Steve Cartwright, of John W. Danforth, and Terry Watters, of Encompass Group, have prepared a plan and report in such manner and detail as required by the Town Board of the Town of Dryden, Tompkins County, New York, about the Capital Project, which provides wastewater treatment services for portions of the Town's Consolidated Sewer Districts; and

WHEREAS, said plan and report are on file in the office of the Town Clerk, where they are available for public inspection, and

WHEREAS, the maximum proposed to be expended for the improvements is \$3,243,846.00 of which Town of Dryden's share is \$64,228.15, 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 August 17, 2023 calling a public hearing upon said plan and report and the question of providing said Capital Project, 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, 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 twenty (20) days before the day designated for the hearing as aforesaid;

WHEREAS, said public hearing was duly held on September 14, 2023 at the time and in the manner set forth in said Order and all persons interested in the subject thereof were heard concerning the same, and

WHEREAS, the Capital 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 Capital 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 Capital Project to be known as IAWWTF Capital Project 423J Additional Boiler Replacement and Facility Improvements;

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 Capital Project hereinafter described and such improvement is hereby authorized.

Section 2. The maximum proposed cost to be expended for the Capital Project is \$3,243,846.00 of which Town of Dryden's share is \$64,228.15, 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 Capital Project 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 Capital Project.

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:

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 Dravis        | _____ |
| Councilmember Vargas-Mendez | _____ |
| Councilmember Buck          | _____ |

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 14th day of September, 2023.

\_\_\_\_\_  
Bambi Avery, Town Clerk