

**A Town Board Meeting of the Town of Owasco was held on
September 5, 2018, at 4:00 PM in the Owasco Town Hall with the following
Members present:**

PRESENT: Supervisor Edward Wagner
Councilperson Tony Gucciardi
Councilperson Richard Knaul
Councilperson, Tim Kerstetter

ABSENT: Councilperson Ashley Melendez

OTHERS PRESENT: Riccardo Galbato, Megan Ehrhart

CALL TO ORDER: 4:00 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

RESOLUTION 18-122 to approval of Town Board Agenda for September 5, 2018

Motion by Councilperson Gucciardi; Second Councilperson Knaul

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

COMMUNICATIONS:

PUBLIC PARTICIPATION:

NEW BUSINESS:

OLD BUSINESS:

RESOLUTION 18-123 To open the Continuation of the Public Hearing for the Town of Owasco Water District for the Town of Owasco Water Quality Improvement Project for the Permanent Granular Activated Carbon Microcystin Treatment System Project.

Motion by Councilperson Knaul; Second Councilperson Gucciardi,

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>

Supervisor Wagner Yes

RESOLUTION 18- 124 to close the Public Hearing.

Motion by: Councilperson Kerstetter . Second Councilperson Gucciardi

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 18-125

BOND RESOLUTION DATED SEPTEMBER 5, 2018

BOND RESOLUTION OF THE TOWN OF OWASCO, NEW YORK,
AUTHORIZING THE ISSUANCE OF \$3,500,000 SERIAL BONDS TO FINANCE
THE COST OF TOWN OF OWASCO WATER DISTRICT IMPROVEMENTS.

BE IT RESOLVED by the Town Board of the Town of Owasco, Cayuga County, New York as follows:

Section 1. The Town of Owasco, New York (the “Town”) hereby approves the acquisition and construction of improvements for the Town of Owasco Water District, including the construction of a permanent granular activated carbon microcystin treatment system for the treatment of microcystin and other potential cyanotoxins, together with original furnishings, equipment, machinery or apparatus required in connection therewith at an estimated maximum cost of \$3,500,000.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose to be financed by the Town is \$3,500,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$3,500,000 in serial bonds (the “Bonds”) of the Town which are hereby authorized to be issued pursuant to this resolution and the provisions of the Local Finance Law.

Section 3. It is hereby determined that the periods of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to subparagraph 1 of Section 11.00(a) of the Local Finance Law. The proposed maturity of the Bonds will be in excess of five years.

Section 4. Pursuant to Section 107.00(d)(3)(a) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be apportioned and assessed upon the several lots and parcels of land within the Town of Owasco Water District, which the Town Board shall determine and specify to be especially benefited by the capital purpose described in Section 1 of this resolution, an amount sufficient

to pay the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, as the same becomes due and payable, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on such obligations.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver the Bonds and any bond anticipation notes providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town of Owasco Water District funds. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer, with the serial bonds and bond anticipation notes authorized by other bond resolutions previously or heretofore adopted by the Town Board for purposes of sale in to one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the consolidation of the serial bonds and the bond anticipation notes with other issues of the Town and the serial maturities of the bonds are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The Town is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). The Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved thereby, including, but not limited to, the SRF Project Financing Agreement.

Section 11. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution, or a summary thereof, shall be published in the official newspapers of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. This resolution is not subject to a permissive referendum in accordance with Section 35.00(b)(2) of the Local Finance Law.

Section 14. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond

anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 15. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 16. This resolution shall take effect immediately.

Motion by: Councilperson Kerstetter . Second Councilperson Gucciardi

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 18- 126 to approve the Proposal by GHD by letter from Stephen Waldvogel, PE of GHD dated 8.31.18 for the Town of Owasco Water District for the Town of Owasco Water Quality Improvement Project for the Permanent Granular Activated Carbon Microcystin Treatment System Project.

RESOLVED that the Town approves the Proposal by GHD by letter from Stephen Waldvogel, PE of GHD dated 8.31.18 and the Standard Terms for Professional Services to provide professional engineering services for the Town of Owasco Water District for the Town of Owasco Water Quality Improvement Project for the Permanent Granular Activated Carbon Microcystin Treatment System Project and authorizes the Town Supervisor to execute same.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 18-127 To Authorize the Town Engineer GHD and Town Supervisor to submit and sign (1) the New York State Environmental Facilities Corporation New York State Revolving Funds Financing Application (Municipal) (DWSRF Financing Application) and (2) the Grant Application New York State Water Infrastructure Improvement Act (WIIA) & New York State Intermunicipal Water Infrastructure Grants Program (IMG) Drinking Water (WIIA Grant Application) and any other accompanying documents regarding the Town of Owasco Water District for the Town of Owasco Water Quality Improvement Project for the Permanent Granular Activated Carbon Microcystin Treatment System Project.

RESOLVED, that the Town Board authorizes the Town Engineer GHD and Town Supervisor to submit and sign (1) the New York State Environmental Facilities Corporation New York State Revolving Funds Financing Application (Municipal) (DWSRF Financing Application) and (2) the Grant Application New York State Water Infrastructure Improvement Act (WIIA) & New York State Intermunicipal Water Infrastructure Grants Program (IMG) Drinking Water (WIIA Grant Application) and any other accompanying documents regarding the Town of Owasco Water District for the Town of Owasco Water Quality Improvement Project for the Permanent Granular Activated Carbon Microcystin Treatment System Project.

Motion by: Councilperson Kerstetter . Second Councilperson Gucciardi

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 18-128 to approve the Permanent Granular Activated Carbon Microcystin Treatment System Engineering Report Town of Owasco from GHD and the Map, Plan and Report – Town of Owasco Permanent Granular Activated Carbon Microcystin Treatment System from GHD pursuant to Town Law Section 202-b and acquire and construct Water Improvements as set forth therein at a maximum amount to be expended of \$3,500,000.00.

Project: Town of Owasco Water District for the Town of Owasco Water Quality Improvement Project for the Permanent Granular Activated Carbon Microcystin Treatment System Project.

WHEREAS, the Town of Owasco owns and operates its own drinking water treatment plant. The Town has operated the water treatment plant for many years and provides potable water supply to approximately 1,573 service connections within the Town and 850 connections in the neighboring Town of Fleming;

WHEREAS, in 2016, harmful algal blooms contaminated the Town’s supply of raw water and cyanotoxins were detected in the finished drinking water. These toxins are very harmful to human health and are expected to be present in the Town’s water supply during future years. Moreover, it was observed that the existing water treatment plant technology is not effective at removing the toxins produced by the harmful algal blooms and that additional treatment will be required to protect public health;

WHEREAS, the Town of Owasco Engineer, GHD, has issued an Engineering Report titled Permanent Granular Activated Carbon Microcystin Treatment System Engineering Report Town of Owasco and a Map, Plan and Report – Town of Owasco Permanent Granular Activated Carbon Microcystin Treatment System;

WHEREAS, the Project is described as follows:

“The proposed improvements will include the construction of a new pumping station, a new below ground suction wet well, a new GAC service building, a new underground piping system, a new chlorine system, and various supporting elements.

To implement the permanent GAC upgrade, filtered water will be diverted from the anthracite filter effluent line to a new underground wet well. New pumps will be installed to boost the filtered water from the wet well to the pressurized GAC vessels. After passing through the GAC vessels, the treated water will be directed to the existing underground clearwells where a new chlorine feed system will provide disinfection. The new pumps and underground suction wet well will be generally located between the existing filter building and clearwells. The GAC vessels will be housed in a new above-grade building to provide protection from the elements and easy maintenance. A plan view of the proposed permanent GAC system is shown in Figure 2.

The Town’s two GAC vessels are approximately 19 feet tall and 10 feet in diameter and are currently supported by a temporary stone foundation. There is a temporary aboveground pipe and valve manifold that allows the vessels to be run in parallel or series and to be backwashed. To protect the vessels and piping manifold from the elements, a new service

building will be constructed. The new building will include power, lighting, HVAC, and a foundation to accommodate up to three GAC vessels and supporting electrical equipment. The proposed building will be designed to accommodate potential growth by providing a footprint large enough to install a third future GAC vessel, which could be operated in series with the existing vessels in future years.

The new pumps will be incorporated into the Town's existing treatment system and be synchronized with the Town's existing raw water and high service pumping sequences. There will be three pumps for redundancy, each sized for approximately 800 gpm to match capacity of the raw water pump station.

The addition of a permanent GAC treatment system will require a new sodium hypochlorite feed system and location such that the GAC media is not regularly exposed to chlorinated water. If the GAC is in contact with chlorinated water for prolonged periods or at high concentrations, the media can be damaged and treatment capacity impaired. Furthermore, the chlorine may be consumed more rapidly when in contact with the GAC. To avoid these issues, the sodium hypochlorite injection point will be relocated downstream of the GAC vessels but prior to the clearwells.

In addition, the sodium hypochlorite system will be upgraded to improve performance and health and safety conditions for the Town's WTP staff. Since the new injection point will require a much longer run of chemical piping, the chemical pumps will be upgraded and integrated with the existing SCADA system. A bulk storage will be installed in the existing chlorine room which will eliminate the frequent loading/unloading of multiple 55-gallon drums into the WTP each week. Currently, the Town uses approximately 25 gallons of sodium hypochlorite per day, averaging 3.5 drums per week. To accommodate the bulk storage tanks, several building improvements may be required, such as installation of an overhead door and modification/relocation of existing electrical and HVAC equipment.” Map, Plan and Report – Town of Owasco Permanent Granular Activated Carbon Microcystin Treatment System pages 2 and 3”;

WHEREAS, on 8.9.18 by Resolution 18-112 the Owasco Town Board declared itself Lead Agency for the purpose of conducting the environmental review of said proposed action;

WHEREAS, on 8.9.18 by Resolution 18-112 the Owasco Town Board has determined that the proposed action for the Town of Owasco Water Quality Improvement Project 2018 for the 2018 Permanent Granular Activated Carbon Treatment for Microcystin Project is a Type II Action under the State Environmental Quality Review (SEQR) Regulations;

WHEREAS, the proposed project does not require review by the Cayuga County Planning Board pursuant to General Municipal Law 239-l, m & n;

WHEREAS, by letter dated 7.12.18 the Town Engineer, GHD, advised New York State Office of Parks, Recreation and Historic Preservation (SHPO) and requested SHPO to initiate a review for potential impacts on historic properties and resources for the proposed construction of a permanent treatment system at the existing Town Water Treatment Plant;

WHEREAS, by letter dated 7.13.18 from Michael F. Lynch, P.E., AIA, Director, Division for Historic Preservation of SHPO stated that “Based upon this review, the New York SHPO has determined that no historic properties will be affected by this undertaking;”

WHEREAS, on 8.9.18 by Resolution 18-112 the Owasco Town Board hereby determines that the action under SEQRA does not involve any other agencies apart from the Owasco Town Board itself;

WHEREAS, on 8.9.18 by Resolution 18-112 the Owasco Town Board determined that the proposed action for the Town of Owasco Water Quality Improvement Project for the Permanent Granular Activated Carbon Microcystin Treatment System Project is a Type II action under SEQRA and as such is not subject to review pursuant to 6 NYCRR 617.5 and does/will not have a significant adverse impact on the environment and issues a Negative Declaration;

WHEREAS, a Notice of Public Hearing was duly published in the The Citizen on 8.12.18 which stated:

“The Town Board of the Town of Owasco (the “Town”) proposes to undertake the acquisition and construction of improvements for the Town of Owasco Water District for the Town of Owasco Water Quality Improvement Project for the Permanent Granular Activated Carbon Microcystin Treatment System Project, including the construction of a permanent granular activated carbon microcystin treatment system for the treatment of microcystin and other potential cyanotoxins, together with original furnishings, equipment, machinery or apparatus required in connection therewith (the “Project”), as described in the Engineering Report prepared by the Town of Owasco Engineer, GHD, which is on file in the Town Clerk’s office.

The total estimated maximum cost of the Project is \$2,260,000 funded with proceeds of obligations to be issued by the Town, the debt service on which will be paid from real property taxes and assessments levied on properties in the Town of Owasco Water District.

The Town Board will hold a Public Hearing to hear all persons interested in the Project, as required by Town Law Section 202-b, which public hearing shall be held at Town of Owasco Town Hall, 2 Bristol Avenue, Auburn, New York on August 23, 2018 at 1 p.m.;”

WHEREAS, a Notice of Public Hearing was duly published in the The Citizen on 8.24.18 which stated:

“The Town Board of the Town of Owasco (the “Town”) proposes to undertake the acquisition and construction of improvements for the Town of Owasco Water District for the Town of Owasco Water Quality Improvement Project for the Permanent Granular Activated Carbon Microcystin Treatment System Project, including the construction of a permanent granular activated carbon microcystin treatment system for the treatment of microcystin and other potential cyanotoxins, together with original furnishings, equipment, machinery or apparatus required in connection therewith (the “Project”), as described in the Engineering Report prepared by the Town of Owasco Engineer, GHD, which is on file in the Town Clerk’s office.

The total estimated maximum cost of the Project is \$3,500,000.00 funded with proceeds of obligations to be issued by the Town, the debt service on which will be paid from real property taxes and assessments levied on properties in the Town of Owasco Water District.

The Town Board will hold a Public Hearing to hear all persons interested in the Project, as required by Town Law Section 202-b, which public hearing shall be held at Town of Owasco Town Hall, 2 Bristol Avenue, Auburn, New York on September 5, 2018 at 4 p.m.;”

WHEREAS, a Public Hearing was held on 8.23.18 and adjourned and continued on this date, 9.5.18; and

WHEREAS, on this date by Resolution 18-125 the Town Board adopted a Bond Resolution for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed improvements will include the construction of a new pumping station, a new below ground suction wet well, a new GAC service building, a new underground piping system, a new chlorine system, and various supporting elements.

The maximum amount to be expended by Owasco Water District would be \$3,500,000.00. The estimated increases in annual user costs for the typical property in the Owasco Water District based on the proposed improvements is \$104.23 per year for 30 years or if the Town receives a \$1,800,000.00 grant, \$41.69 per year for 30 years.

FURTHER RESOLVED, that the Town Board **approves** the Permanent Granular Activated Carbon Microcystin Treatment System **Engineering Report** Town of Owasco from GHD and the **Map, Plan and Report** – Town of Owasco Permanent Granular Activated Carbon Microcystin Treatment System from GHD pursuant to Town Law Section 202-b and acquires and constructs Water Improvements as set forth therein at a maximum amount to be expended of \$3,500,000.00.

FURTHER RESOLVED, that the Town Board determines that it is in the public interest to acquire or construct the proposed Water District Improvements.

Motion by: Councilperson Kerstetter . Second Councilperson Gucciardi

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 18-129 to Approve the Settlement Agreement between Samuel Schoonmaker, CSEA, and the Town of Owasco.

RESOLVED that the Town Board ratifies and approves the Settlement Agreement between Samuel Schoonmaker, CSEA Town of Owasco Unit 6255-00 of Cayuga County Local 806, and the Town of Owasco, a copy of which is incorporated into the minutes of this meeting, and authorizes and directs the Town Supervisor and the Town’s legal counsel to execute same on behalf of the Town and the Town Board.

Motion by Councilperson Gucciardi; Second Councilperson Knaul

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

RESOLUTION 18-130 To Reinstate and employ Samuel Schoonmaker as a Motor Equipment Operator assigned solely to duties within the Town’s Water and Sewer Departments pursuant to the Settlement Agreement.

RESOLVED that the Town Board reinstates and employs Samuel Schoonmaker as a Motor Equipment Operator assigned solely to duties within the Town’s Water and Sewer Departments beginning on 9.6.18 pursuant to the Settlement Agreement approved by **Resolution 18-_____**.

Motion by Councilperson Kerstetter; Second Councilperson Knaul

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

ADJOURNMENT:

ADJOURNMENT:

RESOLUTION 18-131 to adjourn the meeting:

Motion by Councilperson Knaul; Second Councilperson Gucciardi,

Roll call vote:	Councilperson Knaul	<u>Yes</u>	Councilperson Gucciardi	<u>Yes</u>
	Councilperson Kerstetter	<u>Yes</u>	Councilperson Melendez	<u>Absent</u>
	Supervisor Wagner	<u>Yes</u>		

Meeting adjourned a 4:23 PM

Respectfully Submitted,
Tammy Flaherty