

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Wednesday, September 15, 2004, in the Village Office.

Present: Mayor Donald Hartill, Trustees Larry Fresinski, John O'Neill, Lynn Leopold, Frank Moore; Clerk/Treasurer Jodi Dake; Supt. Of Public Works, Dennis Reinhart; Ben Curtis, Code & Zoning Officer; Carol Willard, Clerk PT.

Larry Fresinski called the meeting to order at 12:20P.M.

Carol is putting together the newsletter and is still waiting on articles. Either Don or Rich Brauer will be doing an article on the N. Tripphammer Road Project. Larry would like to send out an email to let people know what will be done this year on the project. Dennis stated that there are only 4 weeks left in the season. Suite-Kote is wrapping up their current Route 81 rest stop project and would like to start on N. Tripphammer Rd. however the contract still has not been officially awarded. Suite-Kote would like to get in the cross culverts this season since they will settle. Verizon will be installing utility poles before the ground freezes in December.

Carol has done about 35 inspections at Village Meadows. There is a voucher for her to attend a session at the NYSBOC Conference over at the Ramada tomorrow on Mold. Mayor Hartill arrived.

Floyd Ferris, our Electrical Inspector, was present to meet the trustees. Floyd has been doing electrical inspections for the Village since June 1st. He is busier than he thought he would be. There are many renovations happening.

John O'Neill stated that he went on a tour of the CU Heating Plant. Apparently, CU sells their coal cinders to Cortland to use in their winter mix for the roads. John wondered if this was something we would be interested in doing. Lynn wondered about the possibility of heavy metals in the ash and how clean it was. It was decided that this probably wasn't an environmentally good idea for the Village.

John was concerned with people crossing by Tops near the partial driveway that goes down to the sidewalk. He suggested that we do pedestrian sidewalk striping there. It is Pyramid's "End of Sidewalk" sign there. Don stated that we must be cautious here because making a crossing creates a liability. Dennis explained that there are ADA requirements that also need to be met.

All of the rain we have had has left our trails in terrible shape. John asked Dennis if anything would be done. Dennis reported that he has contacted John at Cascadilla Tree Removal about coming in and removing the dead trees on the Lansing Trail. This summer has previously been too wet for them to get in with their equipment. Dennis let them know last week that the swale is now dry enough for them to get in without damage. There were other areas of the trail that were washed out and Rick and a couple of guys from the Village of Cayuga Heights are fixing that today.

The paved shoulder on Ayla Way is complete. Dennis coordinated it so that Ottenscott did it at the same time they paved the road. There is still a section of Janivar Drive that was built two years ago that still doesn't have a paved shoulder. With the weather, it is very doubtful that RC Wilson will get it done this season. RC Wilson will be in the Village next week to get ready for the overlay on Dart Drive.

John questioned the \$680 that was charged by CNY Sweeping to clean the bridge and entrance ramps from Rt. 13. Dennis will call to get a detail of what we were charged for. John was under the understanding that we don't own this area. Dennis stated that we have a maintenance responsibility for the road. John asked if Dennis contacted NYSDOT about cleaning up the land around the bridges. Dennis stated that it has to do with the availability of one piece of special equipment. The highest priority for them is keeping the line of sight clear. Don will write a letter asking them to take care of our area.

Dennis stated that the streetlights are up on Ayla Way but aren't working. We haven't accepted the road yet so it is Ivar Jonson's responsibility to get them energized and pay for them until we accept the road.

Lynn attended the Stormwater Group meeting this morning. Tompkins County Soil & Water Conservation District, USDA/Rural Development and Natural Resource Conservation Service will be sponsoring an open house at the USDA Service Center in the Community Corners Shopping Center on Saturday from 10-1pm. At the open house you will be able to meet managers and staff members from each agency, learn more about their programs and get a tour of the office. SWCD is also sponsoring an event at the Town of Caroline where you can bring your old tires. This is Oct. 2nd from 8am to 1:30pm. Currently a plan is being put together for the Environmental Protection Grant. John O'Neill agreed to attend the IO meeting while Lynn is out of town. She will not be at Monday's Board meeting. Lynn needed to leave so the Board discussed the resolutions that were needed for the SCLIWC addition and the East Hill Tank.

Resolution #4086 - To Authorize the Mayor to Sign the Following Agreement

**SUPPLEMENT TO AGREEMENT OF MUNICIPAL COOPERATION FOR
CONSTRUCTION, FINANCING AND OPERATION OF AN INTER MUNICIPAL
WATER SUPPLY AND TRANSMISSION SYSTEM RELATING TO 2003 PLANT EXPANSION PROJECT**

THIS SUPPLEMENT TO AGREEMENT of municipal cooperation, dated as of the 16th day of August, 2004, by and among the Town of Dryden, Tompkins County, New York, on its own behalf and on behalf of all of the water districts in the Town of Dryden served by the Southern Cayuga Intermunicipal Water Commission ("SCLIWC") water treatment plant and transmission mains (the Town of Dryden and such districts are hereinafter collectively referred to as "Dryden"), the Town of Ithaca, Tompkins County, New York (hereinafter referred to as "Ithaca"), the Town of Lansing, Tompkins County, New York, on its own behalf and on behalf of the Town of Lansing Consolidated Water District (the Town of Lansing and such district are hereinafter collectively referred to as "Town of Lansing"), the Village of Lansing, Tompkins County, New York (hereinafter referred to as "Village of Lansing") and the Village of Cayuga Heights, Tompkins County, New York (hereinafter referred to as "Cayuga Heights"), all of the parties hereto sometimes collectively referred to herein as the "municipalities" or individually as a "municipality."

WITNESSETH

WHEREAS, Dryden, Ithaca, Town of Lansing (acting at that time for Lansing Water District 1, McKinney's Water District and for itself) and Cayuga Heights, prior to the incorporation of the Village of Lansing, entered into an Agreement of Municipal Cooperation for Construction, Financing and Operation of an Inter Municipal Water Supply and Transmission System dated as of February 25, 1974 (the "Original Agreement"), which Original Agreement was modified by a Modification of Agreement of Municipal Cooperation for Construction, Financing and Operation of an Inter Municipal Water Supply and Transmission System dated as of December 16, 1974, and by a Written Agreement as to Water Rates Schedule dated as of December 1, 1976, and by a Amended, Supplemental, Restated and Consolidated Agreement of Municipal Cooperation for Construction, Financing and Operation of an Inter Municipal Water Supply and Transmission System dated as of June 5, 1979 and by further amendments adopted thereafter from time to time (the foregoing agreements are together referred to hereinafter as the "Existing Agreement"); and

WHEREAS, in accordance with the Existing Agreement, the Villages of Cayuga Heights and Lansing and the Towns of Dryden, Ithaca, and Lansing (collectively the "Municipalities") are members of the Southern Cayuga Lake Intermunicipal Water Commission ("SCLIWC"); and

WHEREAS, SCLIWC and the Municipalities have heretofore determined that there existed a need to expand and remodel certain areas of the SCLIWC water treatment plant, as more fully described below (the "SCLIWC 2003 Plant Expansion Project"); and

WHEREAS, the SCLIWC 2003 Plant Expansion Project was duly authorized by the Municipalities and by an amendment to the Existing Agreement executed by all of the Municipalities, at a cost originally anticipated as being no more than \$2,310,835.00; and

WHEREAS, as a result of higher than expected bids and the need for a larger contingency reserve, the Engineers for SCLIWC, and SCLIWC itself, have recommended that the maximum cost of the SCLIWC 2003 Plant Expansion Project be increased to \$2,600,000; and

WHEREAS, as a result of the increased costs and the need to use portions of surplus funds originally planned to be used for the SCLIWC 2003 Plant Expansion Project for other SCLIWC capital projects, SCLIWC is recommending that the indebtedness to be incurred in connection with the SCLIWC 2003 Plant Expansion Project be increased by \$500,000; and

WHEREAS, the Municipalities concur in the recommendations of SCLIWC with respect to such increases; and

WHEREAS, the SCLIWC 2003 Plant Expansion Project consists substantially of the following:

Construction of a 7616 square foot, two story office and work space addition on the east end of the SCLIWC water treatment facility at 1402 East Shore Drive in the Village of Lansing and renovation of 4332 square feet of existing office space to provide increased office space for

SCLIWC's Administration and Distribution personnel, workshops for SCLIWC's electrical and mechanical technicians and production department personnel, handicapped accessibility, an archive room for long term storage of SCLIWC's files and documents, an expansion of the facilities laboratory to meet increased water quality monitoring requirements, and additional fire suppression systems in the new and renovated areas of the facility; upgrading the HVAC systems to bring them into compliance with current building codes; upgrading the north entrance to the facility; and adding four additional parking spaces to accommodate the public; and

WHEREAS, the maximum amount necessary to construct the SCLIWC 2003 Plant Expansion Project is now estimated as being Two Million Six Hundred Thousand and 00/100 (\$2,600,000.00) Dollars; and

WHEREAS, the municipalities intend to finance the expense of said construction by issuance of a joint statutory installment bond not to exceed \$1,500,000 to mature in annual installments over a period not to exceed twenty (20) years, such bond to be paid from water rent revenue receipts collected from all users of the SCLIWC water supply facility in proportion to the amount of water consumed, and the balance of said cost to be paid out of surplus funds presently held by SCLIWC; and

WHEREAS, it is the intention of the municipalities and SCLIWC that SCLIWC contract for and oversee the construction of the aforesaid improvements and administer the operation, maintenance and repair of said improvements, and that the municipalities delegate to SCLIWC all such power and authority as is necessary in order to accomplish same; and

WHEREAS, the municipalities wish to supplement the Existing Agreement to reflect the, foregoing circumstances and to set forth the terms and provisions of their agreement concerning the development, implementation, construction, operation, administration, maintenance, repair and financing of the SCLIWC 2003 Plant Expansion Project.

NOW, THEREFORE, it is agreed among the parties hereto as follows:

1. SCLIWC, in so far as is permitted by law, shall have all of the powers and duties delegated to SCLIWC by the municipalities as stated in Section 1 of the Original Agreement in regard to Projects I and II, as defined therein, in connection with all aspects of the development, implementation, construction, operation, administration, financing, maintenance and repair of the SCLIWC 2003 Plant Expansion Project. Without limiting the foregoing, SCLIWC, acting through its duly elected Chairperson or Vice-Chairperson, shall have the authority to contract, on behalf of the municipalities, for the construction of the SCLIWC 2003 Plant Expansion Project and to solicit bids and enter into construction contracts for same, and the Treasurer of SCLIWC shall have all the authorities of a chief financial officer of any member municipality in connection with the issuance of indebtedness including the authority to negotiate for a private sale of a statutory installment note on behalf of the municipalities, and the authority to arrange for the issuance of any bond anticipation notes or similar instruments.

2. (a) The costs of construction of the SCLIWC 2003 Plant Expansion Project shall be financed by the issuance of not more than \$1,500,000 of joint indebtedness for such project for which the joint faith and credit of the municipalities shall be pledged, and the balance of the amounts not financed by bonds shall be paid out of SCLIWC surplus funds. The obligation for such indebtedness shall be allocated among the parties hereto as stated below. Each of the municipalities shall take all steps necessary to provide for repayment of such obligations, including, without limitation, authorization of appropriate resolutions by each of the respective governing boards of each of the municipalities, raising of the appropriate funds by taxation or otherwise, and all related matters. It is the intention of the municipalities that the payment of principal and interest on said obligations shall be made by SCLIWC from its operating revenues as generated by the collection of water rents at the current, uniform water rates, to the extent that such revenues are available during the payment term. If the current operating revenues are insufficient in any one year to make the payments of principal and interest, each of the municipalities shall pay its proportionate share of the principal and interest in proportion to the amount of water consumed in each municipality during the last twelve month period for which figures are available as of September 15 each year. Until SCLIWC determines otherwise, the allocation shall be in accordance with the schedule provided below. Such payment shall be made to the Treasurer of SCLIWC at such times as SCLIWC shall determine, in order that payments are timely made on the principal and interest of the indebtedness incurred to finance the SCLIWC 2003 Plant Expansion Project. The funds so received by the Treasurer of SCLIWC shall be paid to the bond holders or to the paying agent for the bond holders.

(b) For the purposes of debt allocation as required by the Local Finance Law, the joint debt for the financing of the SCLIWC 2003 Plant Expansion Project shall be allocated annually among the municipalities in proportion to the water consumed by each of them from the SCLIWC water supply facilities during the last twelve (12) month period for which figures are available as of September 15 of each year. The allocation shall be determined by SCLIWC based upon such figures. Until SCLIWC determines otherwise, the debt allocation shall be as follows:

<u>NAME OF MUNICIPALITY</u>	<u>PERCENTAGE OF DEBT</u>
Dryden	4.577
Ithaca	44.031
Town of Lansing	18.186

Village of Lansing	21.941
Cayuga Heights	11.265

3. Annually, on or before September 15 of each year, SCLIWC shall prepare a budget for the operation and maintenance costs of the SCLIWC 2003 Plant Expansion Project which shall be filed with SCLIWC's Treasurer and with the fiscal officers of each of the municipalities. SCLIWC shall also ascertain the amounts of water from the SCLIWC water supply facilities used in each municipality during the last twelve (12) month period preceding September 15 for which such figures are available. The operating costs of the SCLIWC 2003 Plant Expansion Project shall be paid out of the operating revenues of SCLIWC. If such operating revenues are insufficient to pay the operating costs of the Project, SCLIWC shall allocate the costs of operation and maintenance of the SCLIWC 2003 Plant Expansion Project for the next year among the municipalities based upon such water usage during such preceding twelve (12) month period. The municipalities shall then pay their respective shares of such costs to the Treasurer of SCLIWC, who shall in turn pay the operating and maintenance costs out of the funds so received. The payments due to the Treasurer shall be made on January 1 following the September 15 date upon which the calculation is based, unless SCLIWC and the Treasurer consent in writing to a different date. Until SCLIWC determines otherwise, the allocation of the operating costs shall be in the proportions set forth in paragraph 2(b) above.

4. Except as expressly stated to the contrary in this agreement, each of the terms and provisions of the Existing Agreement in regard to the Projects as defined therein, shall apply to the SCLIWC 2003 Plant Expansion Project and to the relationship among the municipalities in connection with the SCLIWC 2003 Plant Expansion Project. Except as expressly amended by the terms and provisions of this agreement, the Existing Agreement shall remain in full force and effect and shall be binding upon the parties thereto in accordance with the terms thereof.

Trustee Leopold moved that this resolution be adopted and Trustee Fresinski seconded the motion. A vote was taken:

Trustee Larry Fresinski-Aye	Trustee Frank Moore-Aye	Trustee Lynn
Leopold-Aye	Trustee John O'Neill-Aye	
Mayor Donald Hartill-Aye		

Resolution #4087- Bond and Authorizing Resolution For the Year 2004

RESOLUTION AUTHORIZING THE INCREASE IN THE COSTS OF THE EXPANSION AND RENOVATION OF THE SOUTHERN CAYUGA LAKE INTERMUNICIPAL WATER TREATMENT PLANT, AUTHORIZING THE INCREASED EXPENDITURE OF FUNDS FOR SUCH PURPOSE, AUTHORIZING THE INCREASE IN THE AMOUNT OF JOINT AND SEVERAL SERIAL BONDS TO BE ISSUED FOR A PORTION OF THE COSTS OF SUCH PROJECT, AND AUTHORIZING EXECUTION OF AN AMENDMENT TO THE AGREEMENT OF MUNICIPAL COOPERATION RELATING TO SUCH INCREASES.

WHEREAS, the Board of Trustees of the Village of Lansing, in conjunction with the Towns of Dryden, Ithaca, and Lansing and the Village of Cayuga Heights, has determined and agreed to participate in the expansion and renovation of the Southern Cayuga Lake Intermunicipal Water Commission ("SCLIWC") water treatment plant and to contract indebtedness therefore in accordance with Section 15 of the Local Finance Law pursuant to a Supplement to Agreement of Municipal Cooperation for Construction, Financing and Operation of an Intermunicipal Water Supply and Transmission System Relating to 2003 Plant Expansion Project dated as of July 7, 2003 (the "Intermunicipal Agreement Supplement"); and

WHEREAS, a plan, report and map was duly prepared in such manner and in such detail as this Board determines to be necessary, relating to the construction and equipping of a two-story office and work space addition to the Southern Cayuga Lake Intermunicipal Water Commission ("SCLIWC") water treatment plant, pursuant to Article 5-G of the General Municipal Law and relevant provisions of the Town Law and Village Law, such project to be known and identified as the SCLIWC 2003 Plant Expansion Project, and hereinafter also referred to as

"Improvement", to provide expanded space in the water treatment plant owned in common by the Towns of Dryden, Ithaca and Lansing and the Villages of Cayuga Heights and Lansing (collectively the "Municipalities" and sometimes individually the "Municipality"), such improvement to be constructed and owned by the Municipalities, and

WHEREAS, based upon said plan and report SCLIWC and the Municipalities authorized the expenditure of \$2,310,835 for the Improvement and authorized the issuance of joint and several serial bonds in the amount of \$1,000,000 to pay for part of the costs of said Improvement; and

WHEREAS, the bids for the Improvement received from the lowest responsible bidders for each segment of the project were considerably higher than the estimates for same from the Engineers; and

WHEREAS, as a result the Engineers for SCLIWC and SCLIWC itself have recommended that the amount to be authorized for expenditure for the Improvement be increased by \$289,165.00 to cover the increased amounts of such bids and to provide a reasonable contingency for future unanticipated expenses; and

WHEREAS, SCLIWC has also recommended that because of the increased costs and the desire to possibly authorize other projects in the future that would utilize some of the surplus funds that had initially been proposed for the Improvement, the amount of the bonds to be issued in connection with the Improvement be increased by \$500,000; and

WHEREAS, the proposed SCLIWC 2003 Plant Expansion Improvement consists of the improvements set forth below, and as more particularly shown and described in said map, plan and report presently on file in the Office of the Municipality Clerk:

Construction of a 7616 square foot, two story office and work space addition on the east end of the SCLIWC water treatment facility at 1402 East Shore Drive in the Village of Lansing and renovation of 4332 squarefeet of existing office space to provide increased office space for SCLIWC's Administration and Distribution personnel, workshops for SCLIWC's electrical and mechanical technicians and production department personnel, handicapped accessibility, an archive room for long term storage of SCLIWC's files and documents, an expansion of the facility's laboratory to meet increased water quality monitoring requirements, and additional fire suppression systems in the new and renovated areas of the facility; upgrading the HVAC systems to bring them into compliance with current building codes; upgrading the north entrance to the facility; and adding four additional parking spaces to accommodate the public; and

WHEREAS, the maximum now proposed to be expended for the aforesaid improvement is \$2,600,000.00; and

WHEREAS, the proposed method of financing to be employed for the aforesaid improvement is issuance by the Municipalities of joint and several serial bonds not to exceed \$1,500,000 and payment of the balance of the costs of said improvement by the expenditure of current revenues and surplus funds held by SCLIWC; and

WHEREAS, the project herein described has been determined to be an Unlisted 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, it has been determined will not result in any significant environmental effects; and

WHEREAS, all other actions precedent to the financing of the capital project hereinafter described have been performed; and

WHEREAS, it is now desired to authorize the increase in the maximum amount to be expended for the SCLIWC 2003 Plant Expansion Project, the increase in the amount of bonds to be issued in connection with the Improvement, and the execution of the Intermunicipal Agreement Supplement authorizing such increases;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Lansing, conditional on the within resolution in substantially the same form being adopted, approved and made effective by the other member municipalities of SCLIWC to the extent applicable to such municipalities, as follows:

Section 1. The Village of Lansing hereby authorizes the expenditure of an additional \$289,165.00 for the previously authorized renovation of the previously authorized SCLIWC 2003 Plant Expansion Project by the construction of the improvements to the plant described above and the payment of all costs incident thereto, including architects fees, consulting fees, attorneys fees, bidding costs and any other related costs, all of said actions being hereinafter collectively referred to as the "Project", and all of said actions being authorized pursuant to Article 11 of the Village Law and Article 5-G of the General Municipal Law.

Section 2. The Board of Trustees hereby authorizes the Mayor, on behalf of the Village, to execute the Intermunicipal Agreement Supplement pursuant to which the Village authorizes the increase in the costs of the SCLIWC 2003 Plant Expansion Project, the increase in bonding, and reaffirms the delegation to SCLIWC and its officers and Treasurer the authority to contract for and construct said Project, and to finance the same in the manner set forth herein.

Section 3. The Village of Lansing, subject to the approval of the voters of the Village if a referendum is requested, hereby authorizes the issuance of an additional \$500,000 of joint and several serial bonds to pay for a portion of the cost of such Project, pursuant to the Local Finance Law and Article 5-G of the General Municipal Law.

Section 4. \$2,600,000 is now estimated as the maximum cost for Project.

Section 5. The plan for the financing of the Project is amended, and as so amended is hereby authorized, to consist of

(a) The issuance of General Obligation Joint and Several Serial Bonds of the Municipalities in the principal sum of not more than \$1,500,000.00, to be issued pursuant to the Local Finance Law and the General Municipal Law for a portion of the costs of the Project; and

(b) Payment from budgeted revenues and from surplus funds of SCLIWC of the balance of the remaining costs of such Improvement.

Section 6. For the purposes of Section 15.10 of the Local Finance Law relating to the allocation of joint indebtedness, the amount of joint indebtedness to be apportioned and allocated to each of said Towns and Villages shall be in the same proportion as the consumption of water from the SCLIWC facility in each of the Towns of Dryden, Ithaca, and Lansing and the Villages of Cayuga Heights and Lansing shall bear to the total consumption of water from the SCLIWC water distribution facility, which is estimated to be, and for the purposes of determining gross indebtedness of each of said municipalities in their respective debt statements pursuant to Section 15.10 of the Local Finance Law and therefore the amount to be allocated for the purpose of ascertaining each of the municipalities debt contracting powers shall be, as follows:

<u>MUNICIPALITY</u>	<u>PERCENTAGE OF DEBT ALLOCATED PORTION OF DEBT</u>	
Town of Dryden	4.577	\$ 68,655.00
Town of Ithaca	44.031	\$660,465.00
Town of Lansing	18.186	\$272,790.00
Village of Lansing	21.941	\$329,115.00
Village of Cayuga Heights	11.265	\$168,975.00

Nothing in this section shall be deemed to be in conflict with or to supercede the provisions of this resolution hereinafter set forth relating to the annual apportionment of the amount of principal and interest on the bonds herein authorized to be issued as among said Towns and said Villages, nor the manner of collection and payment of the amounts of annual debt serviced provided to be apportioned annually by said provisions. The

Supervisors of said Towns and the Treasurers of said Villages are hereby authorized and directed to act jointly to make application to the State Comptroller as appropriate for the allocation and apportionment of said joint indebtedness in accordance with the provisions of this section and to perform all acts and furnish all information required in connection with such application.

Section 7. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is 40 years, pursuant to Subdivision 1 of Paragraph a of Section 11.00 of the Local Finance Law. It is further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 8. The full faith and credit of said Town of Dryden, said Town of Ithaca, said Town of Lansing, said Village of Cayuga Heights, and said Village of Lansing, all of Tompkins County, New York, are hereby jointly pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. The principal of and interest on said joint bonds shall be apportioned annually among said Towns and said Villages in accordance with the Intermunicipal Agreement Supplement hereinabove referred to, in the ratio which the consumption of water from the SCLIWC system in each of said municipalities bears to the full consumption from the entire SCLIWC water distribution system, such ratio to be annually determined in accordance with the aforesaid Intermunicipal Agreement Supplement, the share of said principal and interest to be borne by the aforesaid Towns, shall be annually assessed, levied and collected within said Towns as follows:

- (a) From the several lots and parcels of land in each of the water districts in the Town of Dryden and in the Town of Lansing, in the manner provided by law.
- (b) From the several lots and parcels in the Town of Ithaca Town-wide water improvement area, in the manner provided by law.

The Village of Cayuga Heights shall annually levy and collect a tax sufficient to pay the share of said principal and interest to be borne by said Village, as the same may become due and payable, and the Village of Lansing shall annually levy and collect a tax sufficient to pay the share of said principal and interest to be borne by said Village, as the same may become due and payable.

If not paid from the aforesaid sources, all the taxable real property in said Town of Dryden, and all the taxable real property in said Town of Ithaca, and all the taxable real property in said Town of Lansing and all the taxable real property in said Village of Cayuga Heights, and all the taxable real property in said Village of Lansing shall be jointly subject to the levy of an ad valorem tax, without limitation as to the rate or amount, sufficient to pay the principal of and interest on said bonds as the same become due and payable.

Section 9. Subject to the provisions of the Local Finance Law and this section, the power to authorize the issuance of and to sell joint bond anticipation notes in anticipation of the issuance and sale of the joint serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of the Town of Ithaca, the Chief Fiscal Officer of said Town, acting on behalf of the chief fiscal officers of the Towns of Dryden and Lansing and the Villages of Cayuga Heights and Lansing. Such joint bond anticipation notes shall be of such terms, form and contents, and shall be sold in such manner as may be prescribed by a bond anticipation note certificate, as authorized by Section 30.00 of the Local Finance Law; provided, however, that any bond anticipation notes so issued shall be the joint indebtedness of said Towns and said Villages and shall be executed in the names of Town of Dryden, the Town of Ithaca, the Town of Lansing, the Village of Cayuga Heights and the Village of Lansing, and shall be signed by the Supervisor of the Town of Dryden on behalf of said Town and shall have affixed thereto the seal of the Town of Dryden, attested by the Town Clerk of said Town, shall be signed by the Supervisor of the Town of Ithaca on behalf of said Town and shall have affixed thereto the seal of the Town of Ithaca attested by the Town Clerk of said Town, shall be signed by the Supervisor of the Town of Lansing on behalf of said Town and shall have affixed thereto the seal of the Town of Lansing, attested by the Town Clerk of said Town, shall be signed by the Treasurer of the Village of Cayuga Heights on behalf of said Village and shall have affixed thereto the seal of the Village of Cayuga Heights, attested by the Village Clerk of said Village, and shall be signed by the Treasurer of the Village of Lansing on

behalf of said Village and shall have affixed thereto the seal of the Village of Lansing, attested by the Village Clerk of said Village. The chief fiscal officer of the Town of Ithaca to whom is hereby delegated the power to authorize the issuance of and to sell such joint bond anticipation notes, shall file an executed copy of each such bond anticipation note certificate with the finance board of each of the aforesaid municipalities prior to the issuance of the bond anticipation note or notes authorized by such certificate.

Section 10. The validity of such joint serial bonds and joint bond anticipation notes may be contested only if:

1. Such joint bonds are authorized for an object or purchase for which said Towns or said Villages are not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

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

3. Such joint bonds are authorized in violation of the provision of the Constitution.

Section 11. Upon the adoption of this resolution by each of the aforesaid Towns and the aforesaid Villages, and the publication thereof with the notice provided for herein, the Clerks of each such Town and each such Village shall file with the Clerk of each of the other Towns and of the Villages, a certified copy of this resolution and a printer's affidavit or affidavits, as the case may be, of publication thereof with the required noticed or notices, as the case may be.

Section 12. Pursuant to Section 15.00(m) of the Local Finance Law, the powers and duties of advertising such joint bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor of the Town of Ithaca, Tompkins County, New York, who on her own behalf and on behalf of the chief fiscal officers of the Towns of Dryden and Lansing and the Villages of Cayuga Heights and Lansing, shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of the aforesaid Towns and Villages, provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of said Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 13. All other matters, except as provided herein relating to such joint bonds, including determining whether to issue such joint serial bonds having substantially level or declining debt service and all matters related thereto, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds, the date, denominations, maturities and interest payment dates, place or places of payment, shall be determined by said Supervisor on behalf of the chief fiscal officers of the Towns of Dryden, Ithaca, and Lansing, and the Villages of Cayuga Heights and Lansing. It is hereby determined that it is to the financial advantage of the issuers not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Town Supervisor shall determine. Said bonds shall be signed in the name of each Town and Village by the manual signature of each respective chief fiscal officer and a facsimile or original of the corporate seal of each Town and Village shall be imprinted thereon and shall be attested by the manual signatures of each respective Town or Village Clerk.

Section 14. Pursuant to Local Finance Law Section 15, the Supervisor of the Town of Ithaca is designated as the chief fiscal officer to maintain the records relating to the joint bonds, the paying agent on the bonds, and the registration agent if she does not appoint such an agent pursuant to the authority granted elsewhere in this resolution.

Section 15. Any obligation issued under authority of this resolution shall contain on it's face a recital in substantially the following form: "This obligation evidences the joint indebtedness of the Town of Ithaca, Tompkins County, New York, the Town of Dryden, Tompkins County, New York, the Town of Lansing, Tompkins County, New York, the Village of Cayuga Heights, Tompkins County, New York, and the Village of Lansing, Tompkins County, New York."

Section 16. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-1. Other than as specified in this resolution, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 17. SCLIWC is hereby authorized to pay, out of unreserved surplus, the costs of the SCLIWC 2003 Plant Expansion Project in excess of the bond proceeds authorized by this resolution, provided, however, the maximum cost of said project does not exceed the maximum authorized in this resolution.

Section 18. Within 10 days after the adoption of this resolution by the Board of Trustees, the Village Clerk shall, as set forth in Section 9-900 of the Village Law, post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of this resolution concisely stating the purpose and effect thereof. Such notice shall specify that such resolution was adopted subject to a permissive referendum.

Section 19. If no referendum is requested, or if requested, a referendum is held and the referendum approves the resolution, this resolution, or a summary thereof, shall be published by the Village Clerk, together with a notice in substantially the form prescribed, and containing the information required, by Section 81.00 of said Local Finance Law, such publication to be in the Ithaca Journal, a newspaper published in the City of Ithaca and having a general circulation within such Village.

Section 20. This resolution shall take effect immediately, unless a referendum is requested, in which event it shall take effect, if approved at such referendum, upon such approval.

Section 21. This resolution is adopted subject to a permissive referendum pursuant to Local Finance Law Section 36.

The question of adoption of the foregoing resolution was duly put to a vote on a roll call. Trustee Leopold moved that this resolution be adopted and Trustee Fresinski seconded the motion. A vote was taken:

Trustee Larry Fresinski-Aye Trustee Frank Moore-Aye Trustee Lynn
Leopold-Aye Trustee John O'Neill-Aye
Mayor Donald Hartill-Aye

Resolution # 4088-To Authorize the Mayor to Sign the Following Agreement

**SUPPLEMENT TO AGREEMENT OF MUNICIPAL COOPERATION FOR
CONSTRUCTION, FINANCING AND OPERATION OF AN INTER MUNICIPAL
WATER SUPPLY AND TRANSMISSION SYSTEM RELATING TO 2004 EAST HILL TANK AND WATER MAIN PROJECT**

THIS SUPPLEMENT TO AGREEMENT of municipal cooperation, dated as of the 1st day of October, 2004, by and among the Town of Dryden, Tompkins County, New York, on its own behalf and on behalf of all of the water districts in the Town of Dryden served by the Southern Cayuga Intermunicipal Water Commission ("SCLIWC") water treatment plant and transmission mains (the Town of Dryden and such districts are hereinafter collectively referred to as "Dryden"), the Town of Ithaca, Tompkins County, New York (hereinafter referred to as "Ithaca"), the Town

of Lansing, Tompkins County, New York, on its own behalf and on behalf of the Town of Lansing Consolidated Water District (the Town of Lansing and such district are hereinafter collectively referred to as "Town of Lansing"), the Village of Lansing, Tompkins County, New York (hereinafter referred to as "Village of Lansing") and the Village of Cayuga Heights, Tompkins County, New York (hereinafter referred to as "Cayuga Heights"), all of the parties hereto sometimes collectively referred to herein as the "Municipalities" or individually as a "Municipality."

WITNESSETH

WHEREAS, Dryden, Ithaca, Town of Lansing (acting at that time for Lansing Water District 1, McKinney's Water District and for itself) and Cayuga Heights, prior to the incorporation of the Village of Lansing, entered into an Agreement of Municipal Cooperation for Construction, Financing and Operation of an Inter Municipal Water Supply and Transmission System dated as of February 25, 1974 (the "Original Agreement"), which Original Agreement was modified by a Modification of Agreement of Municipal Cooperation for Construction, Financing and Operation of an Inter Municipal Water Supply and Transmission System dated as of December 16, 1974, and by a Written Agreement as to Water Rates Schedule dated as of December 1, 1976, and by a Amended, Supplemental, Restated and Consolidated Agreement of Municipal Cooperation for Construction, Financing and Operation of an Inter Municipal Water Supply and Transmission System dated as of June 5, 1979 and by further amendments adopted thereafter from time to time (the foregoing agreements are together referred to hereinafter as the "Existing Agreement"); and

WHEREAS, in accordance with the Existing Agreement, the municipalities are members of the Southern Cayuga Lake Intermunicipal Water Commission ("SCLIWC"); and

WHEREAS, SCLIWC has determined that there is a need to expand its water storage capacity and to enlarge and extend its transmission mains, as more fully described below; and

WHEREAS, the Municipalities and SCLIWC are in receipt of a map, plan and report (collectively, the "report") prepared by Daniel Walker, professional engineer duly licensed by the State of New York, which describe the proposed Project; and

WHEREAS, the Municipalities concur in the determination of SCLIWC that there is a need for the project; and

WHEREAS, the Municipalities, pursuant to the authority contained in Article 5G of the General Municipal Law of the State of New York and in Title I A of the Local Finance Law and pursuant to the authority granted generally to municipalities and water districts wish to provide for the construction, operation, maintenance and financing jointly of the improvements to the water supply and transmission system described in the report (collectively, the "2004 East Hill Tank and Transmission Main Project"); and

WHEREAS, the Municipalities believe that the benefits to be conferred by the construction and operation of the SCLIWC 2004 East Hill Tank and Transmission Main Project shall assure adequate water supply for the Municipalities and their respective needs, shall improve the ability of SCLIWC to provide high quality water to areas not presently as well served as is desirable, and in general shall accomplish the goals stated in the Existing Agreement; and

WHEREAS, the SCLIWC 2004 East Hill Tank and Transmission Main Project consists substantially of the following:

Construction of a 3,000,000 gallon prestressed concrete water storage tank on Hungerford Hill in the Town of Ithaca, construction of 3600 feet of sixteen inch diameter ductile iron pipe and appurtenances running from SCLIWC's existing transmission main on Ellis Hollow Road east of its intersection with Pine Tree Road easterly along Ellis Hollow Road to its intersection with Hungerford Hill Road then southerly along Hungerford Hill Road and then southeasterly across lots to the proposed new storage tank on Hungerford Hill, and construction of a twelve inch diameter ductile iron water distribution main and appurtenances running northerly from the intersection of Ellis Hollow Road and Hungerford Hill Road across lots approximately 1500 feet to the vicinity of the Cornell University Athletic Fields located off of Game Farm Road.

WHEREAS, the maximum amount necessary to construct these improvements is estimated as being Two Million Two Hundred Thousand and 00/100 (\$2,200,000.00) Dollars; and

WHEREAS, the Municipalities intend to finance the expense of said construction by issuance of a joint and several serial bonds in an amount not to exceed \$1,500,000 to mature in annual installments over a period not to exceed twenty (20) years, such bonds to be paid from water rent revenue receipts collected from all users of the SCLIWC water supply facility in proportion to the amount of water consumed, and the balance of said cost to be paid out of surplus funds presently held by SCLIWC; and

WHEREAS, it is the intention of the Municipalities and SCLIWC that SCLIWC contract for and oversee the construction of the aforesaid improvements and administer the operation, maintenance and repair of said improvements, and that the Municipalities delegate to SCLIWC all such power and authority as is necessary in order to accomplish same; and

WHEREAS, the Municipalities wish to supplement the Existing Agreement to reflect the, foregoing circumstances and to set forth the

terms and provisions of their agreement concerning the development, implementation, construction, operation, administration, maintenance, repair and financing of the SCLIWC 2004 East Hill Tank and Transmission Main Project.

NOW, THEREFORE, it is agreed among the parties hereto as follows:

1. SCLIWC, in so far as is permitted by law, shall have all of the powers and duties delegated to SCLIWC by the Municipalities as stated in Section 1 of the Original Agreement in regard to Projects I and II, as defined therein, in connection with all aspects of the development, implementation, construction, operation, administration, financing, maintenance and repair of the SCLIWC 2004 East Hill Tank and Transmission Main Project. Without limiting the foregoing, SCLIWC, acting through its duly elected Chairperson or Vice-Chairperson, shall have the authority to contract, on behalf of the Municipalities, for the construction of the SCLIWC 2004 East Hill Tank and Transmission Main Project and to solicit bids and enter into construction contracts for same, and the Treasurer of SCLIWC shall have all the authorities of a chief financial officer of any member Municipality in connection with the issuance of indebtedness including the authority to negotiate for a private sale of a statutory installment bond on behalf of the Municipalities, and the authority to arrange for the issuance of any bond anticipation notes or similar instruments.

2. (a) The costs of construction of the SCLIWC 2004 East Hill Tank and Transmission Main Project shall be financed by the issuance of not more than \$1,500,000 of joint indebtedness for such project for which the joint faith and credit of the Municipalities shall be pledged, and the balance of the costs of the SCLIWC 2004 East Hill Tank and Transmission Main Project shall be financed by payments out of SCLIWC surplus funds. The obligation for such indebtedness shall be allocated among the parties hereto as stated below. Each of the Municipalities shall take all steps necessary to provide for repayment of such obligations, including, without limitation, authorization of appropriate resolutions by each of the respective governing boards of each of the Municipalities, raising of the appropriate funds by taxation or otherwise, and all related matters. It is the intention of the Municipalities that the payment of principal and interest on said obligations shall be made by SCLIWC from its operating revenues as generated by the collection of water rents at the current, uniform water rates, to the extent that such revenues are available during the payment term. If the current operating revenues are insufficient in any one year to make the payments of principal and interest, each of the Municipalities shall pay its proportionate share of the principal and interest in proportion to the amount of water consumed in each municipality during the last twelve month period for which figures are available as of September 15 each year. Until SCLIWC determines otherwise, the allocation shall be in accordance with the schedule provided below. Such payment shall be made to the Treasurer of SCLIWC at such times as SCLIWC shall determine, in order that payments are timely made on the principal and interest of the indebtedness incurred to finance the SCLIWC 2004 East Hill Tank and Transmission Main Project. The funds so received by the Treasurer of SCLIWC shall be paid to the bond holders or to the paying agent for the bond holders.

(b) For the purposes of debt allocation as required by the Local Finance Law, the joint debt for the financing of the SCLIWC 2004 East Hill Tank and Transmission Main Project shall be allocated annually among the Municipalities in proportion to the water consumed by each of them from the SCLIWC water supply facilities during the last twelve (12) month period for which figures are available as of September 15 of each year. The allocation shall be determined by SCLIWC based upon such figures. Until SCLIWC determines otherwise, the debt allocation shall be as follows:

<u>NAME OF MUNICIPALITY</u>	<u>PERCENTAGE OF DEBT</u>
Dryden	4.577
Ithaca	44.031
Town of Lansing	18.186
Village of Lansing	21.941
Cayuga Heights	11.265

3. Annually, on or before September 15 of each year, SCLIWC shall prepare a budget for the operation and maintenance costs of the SCLIWC 2004 East Hill Tank and Transmission Main Project which shall be filed with SCLIWC's Treasurer and with the fiscal officers of each of the Municipalities. SCLIWC shall also ascertain the amounts of water from the SCLIWC water supply facilities used in each municipality during the last twelve (12) month period preceding September 15 for which such figures are available. The operating costs of the SCLIWC 2004 East Hill Tank and Transmission Main Project shall be paid out of the operating revenues of SCLIWC. If such operating revenues are insufficient to pay the operating costs of the Project, SCLIWC shall allocate the costs of operation and maintenance of the SCLIWC 2004 East Hill Tank and Transmission Main Project for the next year among the Municipalities based upon such water usage during such preceding twelve (12) month period. The Municipalities shall then pay their respective shares of such costs to the Treasurer of SCLIWC, who shall in turn pay the operating and maintenance costs out of the funds so received. The payments due to the Treasurer shall be made on January 1 following the September 15 date upon which the calculation is based, unless SCLIWC and the Treasurer consent in writing to a different date. Until SCLIWC determines otherwise, the allocation of the operating costs shall be in the proportions set forth in paragraph 2(b) above.

4. Except as expressly stated to the contrary in this agreement, each of the terms and provisions of the Existing Agreement in

regard to the Projects as defined therein, shall apply to the SCLIWC 2004 East Hill Tank and Transmission Main Project and to the relationship among the Municipalities in connection with the SCLIWC 2004 East Hill Tank and Transmission Main Project. Except as expressly amended by the terms and provisions of this agreement, the Existing Agreement shall remain in full force and effect and shall be binding upon the parties thereto in accordance with the terms thereof.

Trustee Leopold moved that this resolution be adopted and Trustee Fresinski seconded the motion. A vote was taken:

Trustee Larry Fresinski-Aye Trustee Frank Moore-Aye Trustee Lynn
Leopold-Aye Trustee John O'Neill-Aye
Mayor Donald Hartill-Aye

Resolution #4089- Bond and Authorizing Resolution for the East Hill Water Tank
Project for the Year 2004

RESOLUTION AUTHORIZING THE CONSTRUCTION OF THE SOUTHERN CAYUGA LAKE INTERMUNICIPAL COMMISSION EAST HILL WATER TANK AND WATER MAINS, AUTHORIZING THE EXPENDITURE OF FUNDS FOR SUCH PURPOSE, AUTHORIZING THE ISSUANCE AND SALE OF JOINT AND SEVERAL SERIAL BONDS FOR A PORTION OF THE COSTS OF SUCH PROJECT AND AUTHORIZING EXECUTION OF AN AMENDMENT TO THE AGREEMENT OF MUNICIPAL COOPERATION GOVERNING SUCH WATER TANK AND WATER MAINS.

WHEREAS, the Board of Trustees of the Village of Lansing, in conjunction with the Towns of Dryden, Ithaca, and Lansing and the Village of Cayuga Heights, has determined and agreed to participate in the construction of a water tank and an extension of water mains to be constructed by and operated by the Southern Cayuga Lake Intermunicipal Water Commission ("SCLIWC") and to contract indebtedness therefore in accordance with Section 15 of the Local Finance Law pursuant to a Supplement to Agreement of Municipal Cooperation for Construction, Financing and Operation of an Intermunicipal Water Supply and Transmission System Relating to 2004 East Hill Tank and Water Main Project dated as of October 1, 2004 (the "Intermunicipal Agreement Supplement"); and

WHEREAS, a plan, report and map has been duly prepared in such manner and in such detail as this Board determines to be necessary, relating to the construction of a water tank on Hungerford Hill in the Town of Ithaca and construction of additional water transmission mains in part in connection with such new water tank all to be a part of the SCLIWC water system, and all pursuant to Article 5-G of the General Municipal Law and relevant provisions of the Town Law and Village Law, such project to be known and identified as the SCLIWC 2004 East Hill Tank and Water Main Project, and hereinafter also referred to as "Improvement", to provide improved water storage capacity and water transmission capabilities for SCLIWC and the system owned in common by the Towns of Dryden, Ithaca and Lansing and the Villages of Cayuga Heights and Lansing (collectively the "Municipalities") and sometimes individually the "Municipality"), such Improvement to be constructed and owned by the Municipalities, and

WHEREAS, the proposed SCLIWC 2004 East Hill Tank and Water Main Project consists of the improvements set forth below, and as more particularly shown and described in said map, plan and report presently on file in the Office of the Municipality Clerk; and

WHEREAS, the maximum proposed to be expended for the aforesaid improvement is \$2,200,000.00; and

WHEREAS, the proposed method of financing to be employed for the aforesaid improvement is issuance by the Municipalities of joint and several serial bonds not to exceed \$1,500,000 and payment of the balance of the costs of said improvement by the expenditure of current revenues and surplus funds held by SCLIWC; and

WHEREAS, the project hereinafter described has been determined to be an Unlisted 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, it has been determined will not result in any significant environmental effects; and

WHEREAS, all other actions precedent to the financing of the capital project hereinafter described have been performed; and

WHEREAS, it is now desired to authorize the SCLIWC 2004 East Hill Tank and Water Main Project, the execution of the Intermunicipal Agreement Supplement, and the financing of such capital project;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Lansing, conditional upon the within resolution in substantially the same form being adopted, approved and made effective by the other member municipalities of SCLIWC to the extent applicable to such municipalities, as follows:

Section 1. The Village of Lansing hereby authorizes the SCLIWC 2004 East Hill Tank and Water Main Project, consisting of construction of a 3,000,000 gallon prestressed concrete water storage tank and appurtenant facilities on Hungerford Hill in the Town of Ithaca, construction of 3600 feet of sixteen inch diameter ductile iron pipe and appurtenances running from SCLIWC's existing transmission main on Ellis Hollow Road east of its intersection with Pine Tree Road easterly along Ellis Hollow Road to its intersection with Hungerford Hill Road then southerly along Hungerford Hill Road and then southeasterly across lots to the proposed new storage tank on Hungerford Hill, and construction of a twelve inch diameter ductile iron water distribution main and appurtenances running northerly from the intersection of Ellis Hollow Road and Hungerford Hill Road across lots approximately 1500 feet to the vicinity of the Cornell University Athletic Fields located off of Game Farm Road, all of said actions being authorized pursuant to Article 11 of the Village Law and Article 5-G of the General Municipal Law.

Section 2. The Board of Trustees hereby authorizes the Mayor, on behalf of the Village, to execute the Intermunicipal Agreement Supplement pursuant to which the Village authorizes the SCLIWC 2004 East Hill Tank and Water Main Project, delegates to SCLIWC the authority to contract for and construct said Project, and agrees to the manner of financing the same as set forth herein.

Section 3. The Board of Trustees hereby authorizes the expenditure of up to \$2,200,000.00 for the SCLIWC 2004 East Hill Tank and Water Main Project and the payment of all costs incident thereto, including architects fees, consulting fees, attorneys fees, bidding costs and any other related costs, all of said actions being hereinafter collectively referred to as the "Project."

Section 4. There are authorized to be issued in connection with the Project, \$1,500,000 joint serial bonds of the Village of Lansing, Village of Cayuga Heights, Town of Dryden, Town of Ithaca, and Town of Lansing, all of Tompkins County, New York, pursuant to the provisions of Section 1 of Article VIII of the Constitution of the State of New York as amended and Title 1A of the Local Finance Law.

Section 5. \$2,200,000.00 is estimated as the maximum cost for Project, and the plan for the financing of the Project, which plan is hereby authorized, consists of

- (a) The issuance of not more than \$1,500,000 joint and several serial bonds as aforesaid, the amount of which is initially estimated to be allocated and apportioned to each of the municipalities as set forth below; and
- (b) Payment from the surplus fund balance of SCLIWC of the balance of the remaining costs of such SCLIWC 2004 East Hill Tank and Water Main Project.

Section 6. For the purposes of Section 15.10 of the Local Finance Law relating to the allocation of joint indebtedness, the amount of joint indebtedness to be apportioned and allocated to each of said Towns and Villages shall be in the same proportion as the consumption of water from the SCLIWC facility in each of the Towns of Dryden, Ithaca, and Lansing and the Villages of Cayuga Heights and Lansing shall bear to the total consumption of water from the SCLIWC water distribution facility, which is estimated to be, and for the purposes of determining gross indebtedness of each of said municipalities in their respective debt statements pursuant to Section 15.10 of the Local Finance Law and therefore the amount to be allocated for the purpose of ascertaining each of the municipalities debt contracting powers shall be, as follows:

<u>MUNICIPALITY</u>	<u>PERCENTAGE OF DEBT</u>	<u>ALLOCATED PORTION OF DEBT</u>
Town of Dryden	4.557	\$ 68,655.00
Town of Ithaca	44.031	\$660,465.00
Town of Lansing	18.186	\$272,790.00
Village of Lansing	21.941	\$329,115.00
Village of Cayuga Heights	11.265	\$168,975.00

Nothing in this section shall be deemed to be in conflict with or to supercede the provisions of this resolution hereinafter set forth relating to the annual apportionment of the amount of principal and interest on the bonds herein authorized to be issued as among said Towns and said Villages, nor the manner of collection and payment of the amounts of annual debt serviced provided to be apportioned annually by said provisions. The Supervisors of said Towns and the Treasurers of said Villages are hereby authorized and directed to act jointly to make application to the State Comptroller as appropriate for the allocation and apportionment of said joint indebtedness in accordance with the provisions of this section and to perform all acts and furnish all information required in connection with such application.

Section 7. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is 40 years, pursuant to Subdivision 1 of Paragraph a of Section 11.00 of the Local Finance Law. It is further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 8. The full faith and credit of said Town of Dryden, said Town of Ithaca, said Town of Lansing, said Village of Cayuga Heights, and said Village of Lansing, all of Tompkins County, New York, are hereby jointly pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. The principal of and interest on said joint bonds shall be apportioned annually among said Towns and said Villages in accordance with the Intermunicipal Agreement Supplement hereinabove referred to, in the ratio which the consumption of water from the SCLIWC system in each of said municipalities bears to the full consumption from the entire SCLIWC water distribution system, such ratio to be annually determined in accordance with the aforesaid Intermunicipal Agreement Supplement, the share of said principal and interest to be borne by the aforesaid Towns, shall be annually assessed, levied and collected within said Towns as follows:

- (a) From the several lots and parcels of land in each of the water districts in the Town of Dryden and in the Town of Lansing, in the manner provided by law.
- (b) From the several lots and parcels in the Town of Ithaca Town-wide water improvement area, in the manner provided by law.

The Village of Cayuga Heights shall annually levy and collect a tax sufficient to pay the share of said principal and interest to be borne by said Village, as the same may become due and payable, and the Village of Lansing shall annually levy and collect a tax sufficient to pay the share of said principal and interest to be borne by said Village, as the same may become due and payable.

If not paid from the aforesaid sources, all the taxable real property in said Town of Dryden, and all the taxable real property in said Town of Ithaca, and all the taxable real property in said Town of Lansing and all the taxable real property in said Village of Cayuga Heights, and all the taxable real property in said Village of Lansing shall be jointly subject to the levy of an ad valorem tax, without limitation as to the rate or amount, sufficient to pay the principal of and interest on said bonds as the same become due and payable.

Section 9. Subject to the provisions of the Local Finance Law and this section, the power to authorize the issuance of and to sell joint bond anticipation notes in anticipation of the issuance and sale of the joint serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of the Town of Ithaca, the Chief Fiscal Officer of said Town, acting on behalf of the chief fiscal officers of the Towns of Dryden and Lansing and the Villages of Cayuga Heights and Lansing. Such joint bond anticipation notes shall be of such terms, form and contents, and shall be sold in such manner as may be prescribed by a bond anticipation note certificate, as authorized by Section 30.00 of the Local Finance Law; provided, however, that any bond anticipation notes so issued shall be the joint indebtedness of said Towns and said Villages and shall be executed in the names of Town of Dryden, the Town of Ithaca, the Town of Lansing, the Village of Cayuga Heights and the Village of Lansing, and shall be signed by the Supervisor of the Town of Dryden on behalf of said Town and shall have affixed thereto the seal of the Town of Dryden, attested by the Town Clerk of said Town, shall be signed by the Supervisor of the Town of Ithaca on behalf of said Town and shall have affixed thereto the seal of the Town of Ithaca attested by the Town Clerk of said Town said Supervisor, shall be signed by the Supervisor of the Town of Lansing on behalf of said Town and shall have affixed thereto the seal of the Town of Lansing, attested by the Town Clerk of said Town, shall be signed by the Treasurer of the Village of Cayuga Heights on behalf of said Village and shall have affixed thereto the seal of the Village of Cayuga Heights, attested by the Village Clerk of said Village, and shall be signed by the Treasurer of the Village of Lansing on behalf of said Village and shall have affixed thereto the seal of the Village of Lansing, attested by the Village Clerk of said Village. The chief fiscal officer of the Town of Ithaca to whom is hereby delegated the power to authorize the issuance of and to sell such joint bond anticipation notes, shall file an executed copy of each such bond anticipation note certificate with the finance board of each of the aforesaid municipalities prior to the issuance of the bond anticipation note or notes authorized by such certificate.

Section 10. The validity of such joint serial bonds and joint bond anticipation notes may be contested only if:

1. Such joint bonds are authorized for an object or purchase for which said Towns or said Villages are not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

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

3. Such joint bonds are authorized in violation of the provision of the Constitution.

Section 11. Upon the adoption of this resolution by each of the aforesaid Towns and the aforesaid Villages, and the publication thereof with the notice provided for herein, the Clerks of each such Town and each such Village shall file with the Clerk of each of the other Towns and of the Villages, a certified copy of this resolution and a printer's affidavit or affidavits, as the case may be, of publication thereof with the required noticed or notices, as the case may be.

Section 12. Pursuant to Section 15.00(m) of the Local Finance Law, the powers and duties of advertising such joint bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor of the Town of Ithaca, Tompkins County, New York, who on her own behalf and on behalf of the chief fiscal officers of the Towns of Dryden and Lansing and the Villages of Cayuga Heights and Lansing, shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of the aforesaid Towns and Villages, provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of said Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 13. All other matters, except as provided herein relating to such joint bonds, including determining whether to issue such joint serial bonds having substantially level or declining debt service and all matters related thereto, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds, the date, denominations, maturities and interest payment dates, place or places of payment, shall be determined by said Supervisor on behalf of the chief fiscal officers of the Towns of Dryden, Ithaca, and Lansing, and the Villages of Cayuga Heights and Lansing. It is hereby determined that it is to the financial advantage of the issuers not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Town Supervisor shall determine. Said bonds shall be signed in the name of each Town and Village by the manual signature of each respective chief fiscal officer and a facsimile or original of the corporate seal of each Town and Village shall be imprinted thereon and shall be attested by the manual signatures of each respective Town or Village Clerk.

Section 14. Pursuant to Local Finance Law Section 15, the Supervisor of the Town of Ithaca is designated as the chief fiscal officer to maintain the records relating to the joint bonds, the paying agent on the bonds, and the registration agent if she does not appoint such an agent pursuant to the authority granted elsewhere in this resolution.

Section 15. Any obligation issued under authority of this resolution shall contain on its face a recital in substantially the following form: "This obligation evidences the joint indebtedness of the Town of Ithaca, Tompkins County, New York, the Town of Dryden, Tompkins County, New York, the Town of Lansing, Tompkins County, New York, the Village of Cayuga Heights, Tompkins County, New York, and the Village of Lansing, Tompkins County, New York."

Section 16. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-1. Other than as specified in this resolution, no moneys are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 17. SCLIWC is hereby authorized to pay, out of unreserved surplus, the costs of the SCLIWC 2004 East Hill Tank and Water Main Project in excess of the bond proceeds authorized by this resolution, provided, however, the maximum cost of said project does not exceed the maximum authorized in this resolution.

Section 18. Within 10 days after the adoption of this resolution by the Board of Trustees, the Village Clerk shall, as set forth in Section 9-900 of the Village Law, post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of this resolution concisely stating the purpose and effect thereof. Such notice shall specify that such resolution was adopted subject to a permissive referendum.

Section 19. If no referendum is requested, or if requested, a referendum is held and the referendum approves the resolution, this resolution, or a summary thereof, shall be published by the Village Clerk, together with a notice in substantially the form prescribed, and containing the information required, by Section 81.00 of said Local Finance Law, such publication to be in the Ithaca Journal, a newspaper published in the City of Ithaca and having a general circulation within such Village.

Section 20. This resolution shall take effect immediately, unless a referendum is requested, in which event it shall take effect, if approved at such referendum, upon such approval.

Section 21. This resolution is adopted subject to a permissive referendum pursuant to Local Finance Law Section 36.

The question of adoption of the foregoing resolution was duly put to a vote on a roll call. Trustee Leopold moved that this resolution be adopted and Trustee Fresinski seconded the motion. A vote was taken:

Trustee Larry Fresinski-Aye	Trustee Frank Moore-Aye	Trustee Lynn
Leopold-Aye	Trustee John O'Neill-Aye	
Mayor Donald Hartill-Aye		

Paul Tunison will send up abstracts to be published in the Ithaca Journal on Saturday.

Larry Fresinski introduced the following:

Resolution #4090- Abstracts of Audited Vouchers

Be it RESOLVED, that Abstract of Audited Vouchers No. 4 for the General Fund, in the amount of \$18,997.23, is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 4 for the Water Fund, in the amount of \$3,280.23, is hereby approved for payment, and

Be it RESOLVED, that Abstract of Audited Vouchers No. 4 for the Sewer Fund, in the amount of \$373.69, is hereby approved for payment

Trustee Leopold moved that this resolution be adopted and Trustee Fresinski seconded the motion. A vote was taken:

Trustee Larry Fresinski-Aye	Trustee Frank Moore-Aye	Trustee
Lynn Leopold-Aye	Trustee John O'Neill-Aye	
Mayor Donald Hartill-Aye		

The Board asked Jodi to hold the CNY Sweeping check until Dennis got a detailed breakdown of what was done & how much time was spent.

Lynn left the meeting.

Frank stated that the Town of Lansing has begun a study to decide the proper route for the sewer line from the Village of Cayuga Heights plant to the Town. Stearns & Wheeler and the engineer will do a presentation to this committee and they will decide on the best route, present it to the Town Board who would vote on it, and then it would go to permissive referendum. Frank feels we should take an active role. The two choices that are being considered right now are Cayuga Heights Road and a gravity line in the old railroad bed. This fall Mayor Hartill will be focusing on this and how to proceed. He feels going down Route 34 should not be ruled out.

Mayor Hartill explained that the contract for the N. Triphammer Road Project should be in place very soon. He will be away until Wednesday so Larry will have to run Monday night's meeting.

Dennis has spoken with Jack Bush at the Town of Dryden about plowing our section of Sapsucker Woods Road. They would like to be compensated for what they have agreed to plow. The Mayor stated that \$500 a year would be agreeable. Don left the meeting.

Jodi asked the Board to do a budget adjustment for the electrical inspector position that was added after the budget was passed. The intention was for the electrical fees that are collected to be used to offset the Electrical Inspectors salary. This would give an increase of \$7,500 to both revenues and expenditures.

Resolution #4091- To Make the Following Budget Adjustment

DR	A1560	Electrical Fees	\$7,500
CR	A3620.12	Electrical Inspector Personal Services	\$7,500

Trustee O'Neill moved that this resolution be adopted and Trustee Moore seconded the motion. A vote was taken:

Trustee Larry Fresinski-Aye
O'Neill-Aye

Trustee Frank Moore-Aye

Trustee John

Jodi will be going to the NYCOM Fall Training School next week at the Nevele.

Ben Curtis stated that the Planning Board was working on updating the Comprehensive Plan. Lansing Trails II Subdivision and Bomax have both been stalled by the Warren/Bomax Intersection. The Planning Board received an additional report that suggests that the problem on Warren Rd. is a failure to the east at the Post Office driveway. In the future a traffic light will be appropriate there.

NYSBOC is holding their conference this week at the Ramada here in the Village. There was a Code Council meeting today. This is the first time they have met outside of Albany. The ICC Conference will be later this month.

Most of the commercial work that is going on in the Village is mall turnover. Residential building is steady. The Millcroft Subdivision is underway.

Dennis stated that Bob Dean was in to see him last week and is interested in installing a sewer line. Presently Transact, which has 140 employees, is using a septic system. There are two routes that the sewer line could be run, through the Edelman property or through Ivar Jonson's property. If a sewer line is installed then the old septic area could be turned into a parking lot, which would solve another problem.

Motion- To Adjourn

Trustee O'Neill moved for adjournment. Trustee Moore seconded the motion. A vote was taken:

Trustee Larry Fresinski-Aye
O'Neill-Aye

Trustee Frank Moore-Aye

Trustee John

The meeting adjourned at 1:42pm.

Jodi Dake
Village Clerk