

Special Town Board Meeting
June 17, 2020
5:00pm

Pledge of Allegiance

Attendance: Supervisor Brent Sweet, Councilman John Stine, Councilman Ron Thomson, Councilman Mike Fayette, Councilman Sandy Caputo.

Approval of Minutes: February 19, 2020, March 5, 2020, March 18, 2020, March 25, 2020, April 8, 2020, April 22, 2020, May 6, 2020 and May 26, 2020. Motion to approve all minutes as listed above. Motion made by Councilman Sandy Caputo seconded by Councilman Mike Fayette. Ayes 5 Nays 0. Motion Passed.

Privilege of the floor – No comments

(Hire)Seasonal part-time laborer: Motion made by Councilman Mike Fayette to rehire Ben Cole as a seasonal part-time laborer to start work on June 20, 2020 at the transfer site, seconded by Councilman Ron Thomson. Ayes 5 Nays 0. Motion Passed.

Five Intermunicipal Agreement(IMA)from Village of Alexandria Bay For Five Water Districts:

- Route 12 Water District Agreement: Agreement includes Exhibit A. Village of Alex Bay Budget from 2018-2019. Exhibit B. Village of Alex Bay Water rates.

AGREEMENT

THIS AGREEMENT made this 17 day of Dec, 2019, by, between and among the **VILLAGE OF ALEXANDRIA BAY**, a municipal corporation with offices located at 110 Walton St., Alexandria Bay, NY 13607, (the "Village"), the **TOWN OF ALEXANDRIA** on behalf of the Town of Alexandria New York State Route 12 Water District, having offices located at 46372 County Route 1, Alexandria Bay, NY 13607 (the "Alexandria District"), the **TOWN OF ORLEANS** on behalf of the Town of Orleans New York State Route 12 Water District a/k/a Orleans Water District No. 2, having its offices at 20558 Sunrise Ave., LaFargeville NY 13656 (the "Orleans District"), and the **TOWN OF CLAYTON** on behalf of the Town of Clayton Eastern Water District, having its office is located at 405 Riverside Dr., Clayton, NY 13624 (the "Clayton District").

WHEREAS, on or about July 3, 2017, the Village, the Town of Alexandria on behalf of the Alexandria District, and the Town of Orleans on behalf of the Orleans District entered into an agreement to provide for the Village to furnish potable water to the Alexandria District and the Orleans District (the "2017 Agreement"), and

WHEREAS, the Orleans District is supplied water from the Village through the infrastructure servicing the Alexandria District, and

WHEREAS, the Town of Clayton has formed the Clayton District pursuant to the provisions of Article 12-A of the New York Town Law, which District is contiguous to the Orleans District, and the Town of Clayton desires to draw potable water from the Village through the infrastructure of the Alexandria District and the Orleans District to service the improved properties located within the Clayton District boundaries, and

WHEREAS the Village, Town of Alexandria, and the Town of Orleans, are willing to permit the Clayton District to draw potable water from the Village through the infrastructure of the Alexandria District and the Orleans District on the condition that the Town of Clayton agree to be bound by the terms of the 2017 Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

Section 1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.

Section 2. The Village agrees to provide potable water to the Clayton District through the infrastructure servicing the Alexandria District in the Orleans District pursuant to the terms of the 2017 Agreement.

Section 3. The daily allocation of water to be applied to the Clayton District shall not exceed 75,713 gallons per day based on average daily consumption over each billing period. This allocation shall be added to the allocation provided to the Orleans District pursuant to the 2017 Agreement, and water rent for the Clayton water District shall be included in the Village's billings to the Orleans District.

Section 4. The Town of Clayton on behalf of the Clayton District hereby agrees to be bound by the terms and conditions of the 2017 Agreement.

Section 5. The Town of Clayton and the Town of Orleans hereby acknowledge that by separate agreement the users within the Clayton District shall be billed directly by the Town of Orleans.

Section 6. The parties hereby agree that the terms and conditions of this Agreement are intended to amend and supplement the 2017 Agreement by including the Town of Clayton on behalf of the Clayton District as a party thereto, and except as specifically amended and supplemented by this Agreement, the 2017 Agreement is hereby ratified and confirmed by the parties.

Motion to authorize and approve the agreement with the stipulation that the town board has the right to amend the IMA anytime and not structured to dates or times. Motion made by Councilman Ron Thomson seconded by Councilman Sandy Caputo. Ayes 5 Nays 0. Motion Passed.

- Amendment of IMA Otter Street Water District and Billing Addendum including Exhibit A & B.

AMENDMENT OF INTERMUNICIPAL AGREEMENT OTTER STREET WATER DISTRICT

AGREEMENT made this _____ day of _____, 2019, by and between the **VILLAGE OF ALEXANDRIA BAY**, a municipal corporation with offices at 110 Walton Street, Alexandria Bay, New York 13607 (the "Village"), and the **TOWN OF ALEXANDRIA**, a municipal corporation with offices at 46372 County Route 1, Alexandria Bay, New York, 13607 on behalf of the Town of Alexandria Otter Street Water District (the "District").

WITNESSETH:

WHEREAS, the Village and the District have entered into an Intermunicipal Agreement dated February 11, 2005, which contains the terms and conditions pursuant to which the Village will supply water to the District; and

WHEREAS, the Village has an application for a Water Withdrawal Permit pending before the New York State Department of Environmental Conservation ("NYSDEC"); and

WHEREAS, the NYSDEC has identified several matters that must be addressed by the Village and/or provided to the NYS DEC before the Water Withdrawal Permit application is complete and the underlying permit can be issued (the "Requirements"), a copy of which is attached and is incorporated by reference; and

WHEREAS, the Village and District intend to meet the Requirements, in part at least, through this amendment of the underlying Intermunicipal Agreement.

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NOW, THEREFORE, in consideration of mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.
2. Section 7 of the Agreement shall be modified to include a billing addendum to more clearly identify and describe the process for establishing Water Rates within the District. A copy of the Billing Addendum is attached and incorporated by reference.
3. The parties hereto ratify and confirm the remaining provisions of the Agreement dated February 11, 2005.

Motion to authorize and approve the amendment with the stipulation that the town board has the right to amend the IMA anytime and not structured to dates or times. Motion made by Councilman John Stine seconded by Councilman Ron Thomson. Ayes 5 Nays 0. Motion Passed.

- Amendment of IMA Redwood Water District and Billing Addendum including Exhibit A & B.

AMENDMENT OF INTERMUNICIPAL AGREEMENT REDWOOD WATER DISTRICT

AGREEMENT made this ____ day of _____, 2019, by and between the **VILLAGE OF ALEXANDRIA BAY**, a municipal corporation with offices at 110 Walton Street, Alexandria Bay, New York 13607 (the "Village"), and the **TOWN OF ALEXANDRIA**, a municipal corporation with offices at 46372 County Route 1, Alexandria Bay, New York, 13607 on behalf of the Town of Alexandria Redwood Water District (the "District").

WITNESSETH:

WHEREAS, the Village and the District have entered into an Intermunicipal Agreement dated February 11, 2005, which contains the terms and conditions pursuant to which the Village will supply water to the District; and

WHEREAS, the Village has an application for a Water Withdrawal Permit pending before the New York State Department of Environmental Conservation ("NYSDEC"); and

WHEREAS, the NYSDEC has identified several matters that must be addressed by the Village and/or provided to the NYS DEC before the Water Withdrawal Permit application is complete and the underlying permit can be issued (the "Requirements"), a copy of which is attached and is incorporated by reference; and

WHEREAS, the Village and District intend to meet the Requirements, in part at least, through this amendment of the underlying Intermunicipal Agreement.

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NOW, THEREFORE, In consideration of mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.
2. Section 7 of the Agreement shall be modified to include a billing addendum to more clearly identify and describe the process for establishing Water Rates within the District. A copy of the Billing Addendum is attached and incorporated by reference.
3. The parties hereto ratify and confirm the remaining provisions of the Agreement dated February 11, 2005.

Motion to authorize and approve the agreement with the stipulation that the town board has the right to amend the IMA anytime and not structured to dates or times. Motion made by Councilman Sandy Caputo seconded by Councilman John Stine. Ayes 5 Nays 0. Motion Passed.

- Amendment of IMA Edgewood Water District and Billing Addendum including Exhibit A & B.

AMENDMENT OF INTERMUNICIPAL AGREEMENT EDGEWOOD WATER DISTRICT

AGREEMENT made this _____ day of _____, 2019, by and between the **VILLAGE OF ALEXANDRIA BAY**, a municipal corporation with offices at 110 Walton Street, Alexandria Bay, New York 13607 (the "Village"), and the **TOWN OF ALEXANDRIA**, a municipal corporation with offices at 46372 County Route 1, Alexandria Bay, New York, 13607 on behalf of the Town of Alexandria Edgewood Water District (the "District").

WITNESSETH:

WHEREAS, the Village and the District have entered into an Intermunicipal Agreement dated February 11, 2005, which contains the terms and conditions pursuant to which the Village will supply water to the District; and

WHEREAS, the Village has an application for a Water Withdrawal Permit pending before the New York State Department of Environmental Conservation ("NYSDEC"); and

WHEREAS, the NYSDEC has identified several matters that must be addressed by the Village and/or provided to the NYS DEC before the Water Withdrawal Permit application is complete and the underlying permit can be issued (the "Requirements"), a copy of which is attached and is incorporated by reference; and

WHEREAS, the Village and District intend to meet the Requirements, in part at least, through this amendment of the underlying Intermunicipal Agreement.

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NOW, THEREFORE, in consideration of mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.
2. Section 2 – Term of Agreement shall be modified by adding the following at the end thereof:

"Notwithstanding the foregoing, the term of this Agreement shall not expire and this Agreement shall remain in full force and effect and the parties hereto covenant and agree that no material amendments may be made to this Agreement for the duration of the EFC financing outstanding in connection with the Project."

3. Section 7 of the Agreement shall be modified to include a billing addendum to more clearly identify and describe the process for establishing Water Rates within the District. A copy of the Billing Addendum is attached and incorporated by reference.

Motion to authorize and approve the agreement with the stipulation that the town board has the right to amend the IMA anytime and not structured to dates or times. Motion made by Councilman Sandy Caputo seconded by Councilman John Stine. Ayes 5 Nays 0. Motion Passed.

- Amendment of IMA Carnegie Bay Water District and Billing Addendum including Exhibit A & B.

AMENDMENT OF INTERMUNICIPAL AGREEMENT CARNEGIE BAY WATER DISTRICT

AGREEMENT made this _____ day of _____, 2019, by and between the **VILLAGE OF ALEXANDRIA BAY**, a municipal corporation with offices at 110 Walton Street, Alexandria Bay, New York 13607 (the "Village"), and the **TOWN OF ALEXANDRIA**, a municipal corporation with offices at 46372 County Route 1, Alexandria Bay, New York, 13607 on behalf of the Town of Alexandria Carnegie Bay Water District (the "District").

WITNESSETH:

WHEREAS, the Village and the District have entered into an Intermunicipal Agreement dated February 11, 2005, which contains the terms and conditions pursuant to which the Village will supply water to the District; and

WHEREAS, the Village has an application for a Water Withdrawal Permit pending before the New York State Department of Environmental Conservation ("NYSDEC"); and

WHEREAS, the NYSDEC has identified several matters that must be addressed by the Village and/or provided to the NYS DEC before the Water Withdrawal Permit application is complete and the underlying permit can be issued (the "Requirements"), a copy of which is attached and is incorporated by reference; and

WHEREAS, the Village and District intend to meet the Requirements, in part at least, through this amendment of the underlying Intermunicipal Agreement.

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NOW, THEREFORE, in consideration of mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.
2. Section 2 -- Term of Agreement shall be modified by adding the following at the end thereof:

"Notwithstanding the foregoing, the term of this Agreement shall not expire and this Agreement shall remain in full force and effect and the parties hereto covenant and agree that no material amendments may be made to this Agreement for the duration of the EFC financing outstanding in connection with the Project."

3. Section 7 of the Agreement shall be modified to include a billing addendum to more clearly identify and describe the process for establishing Water Rates within the District. A copy of the Billing Addendum is attached and incorporated by reference.

Motion to authorize and approve the agreement with the stipulation that the town board has the right to amend the IMA anytime and not structured to dates or times. Motion made by Councilman Ron Thomson seconded by Councilman John Stine. Ayes 5 Nays 0. Motion Passed.

The following summarizes the key aspects of the five (5) outside Water Agreements between the Village of Alexandria Bay and other municipalities.

1. V-T of Alexandria NYS Route 12 Water District and T/Orleans NYS Rte 12 Water District

The parties entered into a January 1, 2017 Intermunicipal Agreement ("IMA") pursuant to Village Law Section 11-1120 and GML Article 5-c. The IMA has a 38 year term. The Village agreed to provide the Alexandria District 60,630 Gallons Per Day ("GPD") and the Orleans District 175,000 GPD. Water rates equal the Village's cost to produce water plus 15 %. The cost to produce must be determined by the Village by June 1st of each year. The Orleans District also agreed to pay the Alexandria District a wheeling charge. Presently calculated at 0.47 per 1,000 gallons.

The Town of Clayton recently formed the Clayton Eastern Water District. That new district would obtain water produced by the Village and supplied by the Orleans Water District and Alexandria Water District. The IMA must be amended to address the additional water supply/party and related aspects.

2. V-T of Alexandria Redwood Water District

The parties entered into an Intermunicipal Agreement dated February 11, 2005, pursuant to which the Village agreed to provide up to 117,200 GPD to the district. The IMA had a 10 year term expiring December 31, 2015. Water rent is calculated using the Village's cost to produce water (exclusive of storage and distribution costs) plus 15 %. Storage and distribution costs are to determined by the Village by June 1st of each year.

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The IMA was amended November 9, 2005 to extend the term for the balance outstanding indebtedness. The IMA was further amended January 2009 to ensure no additional material amendments could be made to the IMA for its duration. A possible Billing Addendum is proposed.

3. V-T of Alexandria – Otter Street Water District

The parties entered into an Intermunicipal Agreement dated February 11, 2005, pursuant to which the Village agreed to provide up to 68,000 GPD to the district. The IMA has a 10 year term which expired December 31, 2015. Water rent was charged equaling the Village's cost to produce water (including storage cost, but excluding distribution costs) plus 15%. Storage and distribution costs are to be determined by the Village as of June 1st of each year.

The parties entered into a January 12, 2012 Modification Agreement pursuant to which, in relevant part, the duration of the original IMA was extended equal to the duration of permanent financing associated with the project. A possible Billing Addendum is proposed.

4. V-T of Alexandria – Edgewood Water District

The parties entered into an Intermunicipal Agreement dated February 11, 2005, pursuant to which the Village agreed to provide up to 5,600 GPD to the district. The IMA has a 10 year term which expired December 31, 2015. Water rent was charged equaling the Village's cost to produce water (including storage and distribution costs) plus 15%. Storage and distribution costs are to be determined by the Village as of June 1st of each year. A possible amendment extending the Term and Billing Addendum are proposed

5. V-T of Alexandria – Carnegie Bay

The parties entered into an Intermunicipal Agreement dated February 11, 2005, pursuant to which the Village agreed to provide up to 3,200 GPD to the district. The IMA has a 10 year term which expired December 31, 2015. Water rent was charged equaling the Village's cost to produce water (including storage and distribution costs) plus 15%. Storage and distribution costs are to be determined by the Village as of June 1st of each year. A possible amendment extending the Term and Billing Addendum are proposed.

Motion to adjourn the board meeting at 5:30pm. Motion made by Councilman Sandy Caputo seconded by Councilman Ron Thomson. Ayes 5 Nays 0. Motion Passed.