

TOWN OF CHENANGO
1529 NY RT 12
Binghamton, New York 13901

JO ANNE KLENOVIC
SUPERVISOR
8:00 A.M.

(607) 648-4809
March 4, 2022

SPECIAL MEETING OF THE TOWN BOARD

1. PLEDGE OF ALLEGIANCE
2. Resolution Approving the Joint Consolidation Plan and Agreement
3. An Order for Calling a Public Hearing Consolidating and Expanding a Bond Resolution for the Wastewater Treatment Plant Project.
4. UNFINISHED BUSINESS
5. ADJOURNMENT

Join Zoom Meeting

For an **active link** to this meeting go to: www.townofchenango.com Once on the home page – take side bar and scroll down to News and Announcements and you can click on the desired ZOOM meeting.

<https://us02web.zoom.us/j/89307110638?pwd=VWVDbERScjNKZDNBK2k5RzhlaFFGQT09>

Meeting ID: 893 0711 0638 Passcode: 435208

Dial by your location +1 646 558 8656 US (New York)

A Special meeting of the Town Board of the Town of Chenango, in the County of Broome, New York, was held at the Town Hall, 1529 New York Route 12, Binghamton, New York, 13901, in said Town, on March 4, 2022.

PRESENT:

Jo Anne Klenovic	Supervisor
Jim DiMascio	Councilperson
Frank Carl	Councilperson
Eugene H. Hulbert, Jr.	Councilperson
Dave Johnson	Councilperson

In the Matter
of the

Joint Increase and Improvement of Facilities of Consolidated Sewer Districts Nos. 2, 3, 4, 5, 7, 7A, 8, 9 and 12, in the Town of Chenango, in the County of Broome, New York, pursuant to Section 202-b of the Town Law.

ORDER CALLING PUBLIC
HEARING TO BE HELD ON
MARCH 16, 2022

WHEREAS, the Town Board of the Town of Chenango (herein sometimes called "Town Board" and "Town", respectively), in the County of Broome, New York, on behalf of Sewer Districts Nos. 2, 3, 4, 5, 7, 7A, 8 & 9, each wholly located within the Town, had caused Barton & Loguidice, D.P.C, Binghamton, New York, engineers duly licensed by the State of New York to prepare the map, plan, report and estimate of cost dated April 18, 2018 for the joint increase and improvement of facilities of Sewer Districts Nos. 2, 3, 4, 5, 7, 7A, 8 & 9, consisting of the (i)

construction of improvements to the Northgate Wastewater Treatment Plant, including a new headworks building and the conversion to a membrane biological reactor system, (ii) enhancements to the collection system, including lift stations, and (iii) decommissioning and consolidation of the Pennview Wastewater Treatment Plant, including the construction of a new pump station and force main to convey sewage to the Northgate Wastewater Treatment Plant, and any ancillary or related work required in connection therewith (the "Sewer Districts Nos. 2, 3, 4, 5, 7, 7A, 8 & 9 Sewer Improvements"), all pursuant to said map, plan and report; and

WHEREAS, the Town Board of the Town on behalf of Sewer District No. 12, wholly located within the Town, had caused Lake Engineering, Binghamton, New York, engineers duly licensed by the State of New York, to prepare the map, plan and report, dated January 24, 2017 and had caused Barton & Loguidice, DPC, Binghamton, New York, engineers duly licensed by the State of New York to prepare an estimate of cost and preliminary engineering report, dated October 2017 and Addendum No. 1, dated July 27, 2018, for the increase and improvement of facilities of the Sewer District No. 12, consisting of the decommissioning of the Chenango Heights Wastewater Treatment Plant, including the construction of a new pump station and force main to convey sewage to the Northgate Wastewater Treatment Plant, and any ancillary or related work required in connection therewith (the "Sewer District No. 12 Sewer Improvements" and together with the "Sewer Districts Nos. 2, 3, 4, 5, 7, 7A, 8 & 9 Sewer Improvements" the "Sewer Improvements"), all pursuant to said map, plan and report and related documents; and

WHEREAS, the maximum amount proposed to be expended for the construction of the Sewer Improvements was estimated to be \$23,530,000, which was planned to be financed by the issuance of obligations of the Town and such cost to be assessed, levied and collected from the several lots and parcels of land within each of the respective sewer districts referred to above which the Town

Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and

WHEREAS, following public hearings, the Town Board authorized the (i) increase and improvement of facilities of the respective sewer districts, (ii) expenditure of \$23,530,000 therefor, and (iii) issuance of serial bonds of the Town in an aggregate amount of not to exceed \$23,530,000 to finance said estimated total cost of the Sewer Improvements outlined above; and

WHEREAS, due to an increase in costs of construction and building materials, the Town Board heretofore determined that the total cost of said Sewer Improvements was \$26,730,000 and caused an addendum to each map, plan and report to be prepared to reflect an increase in the aggregate cost of said Sewer Improvements; and

WHEREAS, on May 12, 2021, the Town Board further determined that it was in the best interest of the Town and the sewer districts to increase the estimated total cost of said Sewer Improvements from \$23,530,000 to \$26,730,000 and to also increase the amount of bonds authorized to finance said Sewer Improvements to \$26,730,000;

WHEREAS, on January 19, 2022, the Town Board on behalf of Sewer Districts Nos. 2, 3, 4, 5, 7, 7A, 8 & 9 and Sewer District No. 12 adopted a resolution endorsing a Joint Consolidation Agreement for the consolidation of said sewer district into a single district to be known as "Consolidated Sewer District Nos. 2, 3, 4, 5, 7, 7A, 8, 9 and 12" (hereinafter the "Consolidated Sewer Districts") and following a public hearing on the date hereof adopted a resolution approving such consolidation; and

WHEREAS, following the opening of bids for the construction of the Sewer Improvements, the Town Board has determined that, due to an increase in costs of construction and building materials, the total cost of said Sewer Improvements is now \$40,000,000; and

WHEREAS, the Town Board has further determined that it is in the best interest of the Town and the Consolidated Sewer Districts to increase the estimated total cost of the Sewer Improvements by \$13,270,000 and to increase the amount of bonds authorized to finance the Sewer Improvements by a like amount; and

WHEREAS, the Town Board complied in every respect with all applicable federal, State and local laws and regulations regarding environmental matters, including the Town Board, acting as Lead Agency for the Sewer Improvement, had heretofore made appropriate and necessary findings pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R., Regulations Part 617.5, and determined that no substantial adverse environmental impact will be caused by the Sewer Improvement, and a Negative Declaration was adopted.

Now, therefore, it is hereby

ORDERED, that the Town Board of the Town hold a public hearing on March 16, 2022, at 7:00 o'clock P.M. (Prevailing Time) or as soon as possible thereafter, to consider the Sewer Improvements in Consolidated Sewer District Nos. 2, 3, 4, 5, 7, 7A, 8, 9 and 12 and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that such public hearing shall be held and conducted in substantially the manner provided in the Notice of such public hearing attached hereto in **Exhibit A**; **and be it,**

FURTHER ORDERED, that the Town Clerk publish at least once in the "*PRESS & SUN BULLETIN*," a newspaper published in Binghamton, New York, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town

maintained pursuant to subdivision 6 of Section 30 of the Town Law, a notice of such public hearing in substantially the form attached hereto designated **Exhibit "A"** and hereby made a part hereof, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: March 4, 2022

TOWN BOARD OF THE TOWN OF CHENANGO

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

AYES:

NOES:

(SEAL)

The Order was declared adopted.

* * * * *

EXHIBIT "A"

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Chenango, in the County of Broome, State of New York, will hold a public hearing on Wednesday, March 16, 2022, at 7:00 p.m., or as soon after as this matter can be heard to consider any and all comments in relation the joint increase and improvement of facilities of Consolidated Sewer District Nos. 2, 3, 4, 5, 7, 7A, 8, 9 and 12, consisting of the (i) construction of improvements to the Northgate Wastewater Treatment Plant, including a new headworks building and the conversion to a membrane biological reactor system, (ii) enhancements to the collection system, including lift stations, (iii) decommissioning and consolidation of the Pennview Wastewater Treatment Plant, including the construction of a new pump station and force main to convey sewage to the Northgate Wastewater Treatment Plant, and (iv) decommissioning of the Chenango Heights Wastewater Treatment Plant, including the construction of a new pump station and force main to convey sewage to the Northgate Wastewater Treatment Plant (the "Project"), and any ancillary or related work required in connection therewith, all pursuant to the respective map, plan and report and updated cost estimates, prepared by the Town and Districts, at the estimated total cost of \$40,000,000, to be financed by the issuance of not to exceed \$40,000,000 obligations of the Town.

Said public hearing of the Town Board will be held via Zoom, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments. The public can participate using Zoom Meeting at the following link: <https://us02web.zoom.us/j/83667848255?pwd=RnVwakJQZlFhN3hGdXZlVoeWtGdz09>. The public can also call into the meeting dialing the following telephone number: 1 646 558 8656 US (New York) The Zoom Meeting ID is: 836 6784 8255 and the passcode: 780370
First-time users of the Zoom Meeting app will need to download the app prior to the meeting.

Written comments and/or questions may also be submitted via email at the following email address: Lizanne.Tiesi-Korinek@townofchenango.com. Any comments and/or questions will be considered at the public hearing provided that they are submitted no later than two (2) hours prior to the start of the public hearing.

At said public hearing, the Town Board will hear all persons interested in the subject matter thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law.

Dated: March 4, 2022
Chenango, New York

BY ORDER OF THE TOWN BOARD OF THE TOWN OF
CHENANGO, COUNTY OF BROOME, NEW YORK

Lizanne Tiesi-Korinek, Town Clerk
Town of Chenango

RESOLUTION NO. _____

RESOLUTION OF THE TOWN OF CHENANGO, NEW YORK,
ADOPTED MARCH 4, 2022, APPROVING THE JOINT CONSOLIDATION
PLAN AND AGREEMENT WITH RESPECT TO SEWER DISTRICTS NOS.
2, 3, 4, 5, 7, 7A, 8 & 9 AND SEWER DISTRICT NO. 12

Recitals

WHEREAS, the Town Board of the Town of Chenango, in the County of Broome, New York (herein called the "Town") has reviewed the proposed Joint Consolidation Agreement in connection with the proposed consolidation of the Sewer Districts Nos. 2, 3, 4, 5, 7, 7A, 8 & 9 and Sewer District No. 12 (the "Districts"); and

WHEREAS, the Town Board has adopted a resolution on January 19, 2022 endorsing the Joint Consolidation Agreement with respect to the Districts; and

WHEREAS, a public hearing was duly called and held at the Town Hall on March 4, 2022 to hear those in favor of and in opposition to the proposed consolidation of the Districts;

Now, therefore, the Town Board hereby resolves as follows:

Section 1. The proposed plan for the consolidation of Sewer Districts Nos. 2, 3, 4, 5, 7, 7A, 8 & 9 and Sewer District No. 12 is hereby approved, including the Joint Consolidation Agreement heretofore endorsed by the Town. Said Districts are hereby determined to be consolidated into a single district to be known as "Consolidated Sewer District Nos. 2, 3, 4, 5, 7, 7A, 8, 9 and 12". The consolidation shall be accomplished pursuant to and in

conformity with a Joint Consolidation Agreement in substantially the form attached to the resolution adopted by the Town Board on January 19, 2022.

Section 2. This resolution shall take effect immediately.

* * * * *

_____ seconded the motion for the adoption of the foregoing resolution and said resolution was adopted by a roll call vote, as follows:

Supervisor Jo Anne Klenovic voting _____

Councilman Jim DiMascio voting _____

Councilman Frank Carl voting _____

Councilman Eugene H. Hulbert, Jr voting _____

Councilman Dave Johnson voting _____

* *

The resolution was declared adopted.

CERTIFICATE

I, Lizanne Tiesi-Korinek, Town Clerk of the Town of Chenango, in the County of Broome, New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on March 4, 2022, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this ____ day of March, 2022.

(SEAL)

Lizanne Tiesi-Korinek, Town Clerk
Town of Chenango

(Attached copy of Final Consolidation Agreement)

Exhibit A

Joint Consolidation Agreement

Regarding Certain Sewer Districts

in the

TOWN OF CHENANGO
Broome County, New York

THIS AGREEMENT by and among the Town Board of the Town of Chenango, in the County of Broome, New York in its several capacities as the governing board of Sewer Districts Nos. 2, 3, 4, 5, 7, 7A, 8 & 9 and Sewer District No. 12, is entered into this 19th day of January, 2022.

Recitals

WHEREAS, it has been proposed that Sewer District No. 12 and the previously consolidated Sewer Districts Nos. 2, 3, 4, 5, 7, 7A, 8 & 9 (collectively herein, the "Districts") of the Town of Chenango, in the County of Broome, New York (the "Town") be consolidated into a single district which would provide sewer service to the aggregate area currently served by such Districts; and

WHEREAS, the Supervisor of the Town has analyzed and reviewed the financial condition of each of the Districts and has projected the expected effects of consolidation and has advised the Town Board that the proposed consolidation is expected to reduce administrative burdens by eliminating duplicative effort for the existing Districts and consolidating such effort into a single District, although the precise amount of budgetary savings, if any, cannot be estimated; and

WHEREAS, each of the Districts are improvement districts of the Town of Chenango, having been established by the Town pursuant to the Town Law, and the Town Board of the Town is the governing board of each of the Districts;

NOW, THEREFORE, it is hereby agreed by the Town Board of the Town of Chenango, on behalf of each of the Districts, as follows:

1. The Districts described above shall be consolidated pursuant to Article 17-A of the General Municipal Law and such consolidation shall become effective immediately. The consolidated district shall be called Consolidated Sewer District Nos. 2, 3, 4, 5, 7, 7A, 8, 9 and 12, which shall continue to have the rights duties and obligations of a sewer district under the laws of New York. The Town Board shall serve as the governing board of the Consolidated Sewer District Nos. 2, 3, 4, 5, 7, 7A, 8, 9 and 12 pursuant to the Laws of the State of New York.

2. As of December 31, 2021, the debt for each District was as follows:

Sewer District No. 7 -	\$1,605,000
Compost Facility -	30,535
Consolidated Sewer District -	996,184 ^(a)

(a) Paid from operating of the system and not a special assessment.

The Town is using grants funds to pay for improvements to the wastewater treatment plant (the "Plant") that serves or will serve the Districts. In addition, the Town has issued a bond anticipation note (BAN) to the New York State Environmental Facilities Corporation to fund improvements in the Districts and to the Plant; however, the Town has not made any draws pursuant to such BAN to date. The aggregate cost of said improvements is \$24,100,000.

3. Although the precise amount of budgetary savings, if any, cannot be estimated, the proposed consolidation of the Districts is expected to reduce administrative burdens by eliminating duplicative effort for the existing Districts.

4. No property or assets of any of the Districts shall be disposed of as a result of the proposed consolidation. All such property and assets shall become property of the Consolidated Sewer District Nos. 2, 3, 4, 5, 7, 7A, 8, 9 and 12. The fair value of the property and assets of the Districts is set forth upon the books and records of the Town

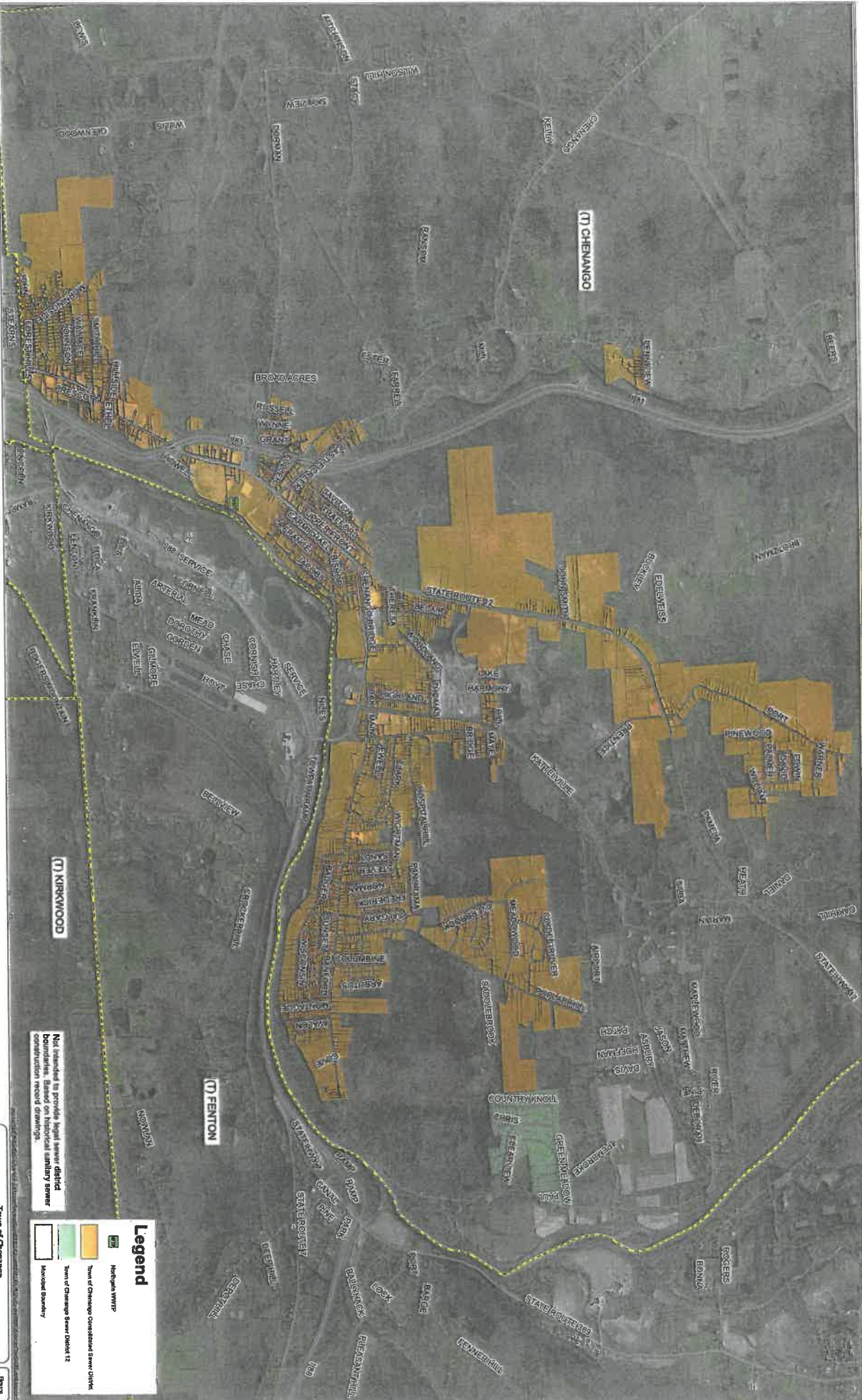
5. The territorial boundaries of the Consolidated Sewer District Nos. 2, 3, 4, 5, 7, 7A, 8, 9 and 12 shall be as appearing in **Schedule I** attached hereto.

6. A public hearing shall be held by the Town Board on March 2, 2022 to hear those in favor of and those in opposition to the proposed consolidation of the Districts.

7. The Supervisor, the Town Bookkeeper, the Town Clerk and their designees and all other officers and employees of the Town are hereby authorized to take any actions, including but not limited to preparation and signing of documents, posting of notices, holding public hearings, preparation of a notice of the public hearing, and any other act necessary or appropriate to accomplish the consolidation of the Districts in accordance with applicable law.

Schedule I

(boundaries of the newly consolidated district)



Not intended to provide legal sewer district boundaries. Based on historical sanitary sewer construction record drawings.

Legend

- Municipality WWT
- Town of Chenango Sewer District
- Town of Chenango Sewer District 12
- Municipal Boundary

IN WITNESS WHEREOF, the members of the Town Board of the Town of Chenango, in the County of Broome, New York have hereinbelow affixed their signatures as of the date first mentioned above.

Jo Anne W. Klenovic Supervisor - Jo Anne W. Klenovic
Frank Carl, Councilperson - Frank Carl
Gene Hulbert, Jr., Councilperson - Gene Hulbert, Jr.
Jim DiMascio, Councilperson - Jim DiMascio