INTERMUNICIPAL WASTEWATER AGREEMENT

This Agreement is made this 24th day of December, 2003, by and between the VILLAGE OF CAYUGA HEIGHTS, Tompkins County, New York, TOWN OF DRYDEN, Tompkins County, New York, CITY OF ITHACA, Tompkins County, New York, the TOWN OF ITHACA, Tompkins County, New York, TOWN OF LANSING, Tompkins County, New York, and VILLAGE OF LANSING, Tompkins County, New York (hereafter collectively referred to as the “Parties”).

WHEREAS, the Village of Cayuga Heights constructed, owns and operates the Village of Cayuga Heights Wastewater Treatment Plant, located in the Village of Cayuga Heights, which serves its Village as well as certain areas in the Town of Dryden, Town of Ithaca, Town of Lansing and Village of Lansing; and

WHEREAS, pursuant to Article 5-G of the N.Y. General Municipal Law, the Town of Dryden, City of Ithaca and Town of Ithaca jointly constructed, own and operate the Ithaca Area Wastewater Treatment Facility, located in the City of Ithaca, which provides wastewater treatment services in certain areas in their respective jurisdictions; and

WHEREAS, the Village of Cayuga Heights Wastewater Treatment Plant operates at full capacity during certain parts of the year, and the Ithaca Area Wastewater Treatment Facility has excess capacity; and

1
WHEREAS, the Town of Lansing and Village of Lansing wish to obtain additional wastewater capacity, and the Town of Ithaca and Town of Dryden wish to utilize some of their excess capacity in the Ithaca Area Wastewater Treatment Facility instead of continuing to utilize capacity in the Village of Cayuga Heights Wastewater Treatment Plant; and

WHEREAS, the Town of Lansing wishes to take advantage of grant funding for sewer infrastructure which it has been awarded under the New York State Clean Water/Clean Air Bond Act, and this Agreement will facilitate its ability to access those funds; and

WHEREAS, the Parties wish to provide wastewater services to their respective communities and meet their wastewater discharge permit requirements in the most efficient manner; and

WHEREAS, the respective legislative bodies of the Parties have determined that joint actions and cooperation among the Parties to meet their respective needs are in their best interests, will benefit their respective citizens, and will help protect the water quality of Cayuga Lake, and such legislative bodies having authorized their respective Mayors and Supervisors to sign this Agreement;

NOW, THEREFORE, in consideration of the promises and the mutual covenants and agreements contained herein, the Parties agree as follows.

1. **Definitions.** These words and phrases shall have the following meanings:

   A. **Agreement.** This Intermunicipal Wastewater Agreement.

   B. **Effective date of this Agreement.** The date on which this Agreement is fully executed by all of the Parties.
C. **Consent of a Party or Parties.** Whenever consent of a Party is required under this Agreement, a majority vote of the full possible voting strength of the Party’s governing body shall be necessary for that Party to give its consent. Whenever this Agreement requires the consent of the Parties, all of the Parties must give their consent before the proposed action can be undertaken.

D. **Flow meter.** A device that measures the flow rate and volume of sanitary sewage and provides a record of the flow data on a continuous basis.

E. **IAWTF.** The Ithaca Area Wastewater Treatment Facility, which is located in the City of Ithaca and is jointly owned and operated by the Town of Dryden, City of Ithaca, and Town of Ithaca.

F. **IAWTF permit holders.** Those municipalities that are or will be listed on the IAWTF’s SPDES permit (the Town of Dryden, City of Ithaca, and Town of Ithaca).

G. **Metrics.** Measurements of system performance that form a basis for management decisions and actions.

H. **O&M.** Operation and maintenance.

I. **Party or Parties.** “Party” means one of the municipalities signing this Agreement. “Parties” means the six municipalities who are signing this Agreement, collectively.

J. **Service area.** Those areas within the Parties’ jurisdictions that are delineated as such on the map annexed to this Agreement as Exhibit A.

K. **SPDES permit.** State Pollutant Discharge Elimination System Permit issued by the New York State Department of Environmental Conservation.
L. **Treatment Facilities.** The wastewater treatment plants located in the Village of Cayuga Heights and City of Ithaca, together with related jointly used equipment, interceptors and facilities, regardless of where such are located. "Treatment Facility" shall refer to either of these wastewater treatment plants, together with related jointly used equipment, interceptors and facilities serving that plant, regardless of where such are located.

M. **VCHWTP.** The Village of Cayuga Heights Wastewater Treatment Plant located in, and wholly owned and operated by, the Village of Cayuga Heights.

2. The service areas for the VCHWTP and IAWTF are hereby changed to be coterminous and are shown on Exhibit A. Any future changes to the service areas may be made only upon the written consent of all of the Parties.

3. Pursuant to a separate agreement or agreements by the IAWTF permit holders and one or more of the other Parties, the IAWTF shall accept flows from areas that, prior to the effective date of this Agreement, were served by the VCHWTP or were not served by public sewers.

4. The Village of Cayuga Heights shall enter into a separate agreement or agreements with the Town of Lansing and the Village of Lansing regarding the acceptance of flows from those two parties at the VCHWTP.

5. Two or more of the Parties may enter into separate agreements that provide for the use of jointly owned interceptors to collect and convey previously separate flows.

6. The Parties agree to utilize the concept of "equivalent flows" in the separate agreements referenced in paragraphs 3 through 5 above so that the Parties can collect and treat
flows in the most efficient manner. The concept of “equivalent flows” means a Party’s flows may be treated at one Treatment Facility, and to make room for those flows, flows from another Party or Parties may be diverted to the other Treatment Facility. As a consequence, the first Party may be required to (i) use or purchase capacity and/or pay for treatment of the diverted wastewater at the Treatment Facility receiving the diverted flows, even though the flows came from another Party or Parties; and/or (ii) use or purchase capacity and/or pay for the transmission of the diverted wastewater through a jointly owned interceptor even though the flows came from another Party or Parties.

7. The Parties shall develop metrics to measure flows from each Party to each of the Treatment Facilities. The Parties shall utilize flow meters, master water service meter readings and other appropriate information to determine each Party’s flows to each Treatment Facility.

8. Each Treatment Facility will set its own O&M rate for each of the Parties it serves. The O&M rates shall include an economic incentive to reduce inflow and infiltration. The Treatment Facilities will adjust the O&M rates periodically to account for collection system improvements made by one or more Parties that reduce infiltration and inflow.

9. Treatment Facility capital projects receiving New York State Clean Water/Clean Air Bond Act funding are: VCHWTP Improvements; VCHWTP Filtration (Phosphorus Removal); IAWTF Improvements (Plant Re-Rating); and IAWTF Filtration (Phosphorus Removal). The local share for each of these capital projects shall be allocated among the users of the Treatment Facility where the project has been or will be undertaken.

10. The governance of the two Treatment Facilities will not change on the effective date of this Agreement.
11. The Parties will create a committee to help coordinate and synchronize operations between the two Treatment Facilities, help plan for system improvements that benefit the Parties, and assist the Parties in the efficient provision of wastewater treatment services.

12. The Parties will adopt and maintain common pretreatment standards throughout the two Treatment Facilities’ Service Areas. After adoption of the common pretreatment standards, any changes to the standards can be made only upon consent of all the owners of the Treatment Facilities. Any municipality that physically discharges into the IAWTF and is not an IAWTF permit holder shall enter into a multijurisdictional agreement with the IAWTF permit holders to assign responsibility for pretreatment program implementation and enforcement in that municipality.

13. This Agreement shall continue in force until May 15, 2026, which is forty (40) years after the original bonds were issued for the Treatment Facility located in the City of Ithaca. Upon the expiration of the original term, this Agreement may be renewed for additional terms of at least five (5) years each upon the written consent of all the Parties.

14. If a Party wishes to terminate its participation in the Agreement during a renewal term, it must give at least four (4) years’ written notice to the other Parties, and such notice shall contain the reason for such termination.

15. This Agreement constitutes the entire Agreement of the Parties. It may be amended only by the written consent of all of the Parties, with each Party executing and acknowledging the document containing the amendment through its duly authorized representative.

16. This Agreement shall be governed by the laws of the State of New York.
17. Each Party represents and warrants that (a) this Agreement has been presented to its governing body; (b) its governing body has approved this Agreement by a majority vote of the full possible voting strength of that governing body; and (c) if required, all steps by way of public hearings and/or referendum or otherwise have been taken by the time of execution of this Agreement. Resolutions of each governing body approving this Agreement are attached to this Agreement as Exhibit B.

18. No Party may assign or transfer its rights and interests in this Agreement to another entity without the prior written consent of all of the other Parties. Notwithstanding the foregoing, if one or more Parties dissolve into, merge with, or wholly annex another Party or Parties, the Party remaining after the dissolution, merger or annexation, or the new merged municipality, as the case may be, shall retain all of the rights and interests in this Agreement that were held by the involved Parties immediately prior to the dissolution, merger or annexation.
IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized officers and sealed with their corporate seals on the day(s) and year set forth below.

VILLAGE OF CAYUGA HEIGHTS

Dated: 12/31/03

By: [Signature]

Walter R. Lynn, Mayor
Village of Cayuga Heights

TOWN OF DRYDEN

Dated: 12/30/03

By: Mark Varvayanis
Mark Varvayanis, Supervisor
Town of Dryden

Dated: ______________________

By: ______________________
Deborah Grantham, Councilperson
Town of Dryden

Dated: 12/30/03

By: Charles Hatfield
Charles Hatfield, Councilperson
Town of Dryden

Dated: 12/30/03

By: ______________________
Christopher Michaels, Councilperson
Town of Dryden
CITY OF ITHACA

Dated: 12/31/03

By:________________________

Alan J. Cohen, Mayor
City of Ithaca

TOWN OF ITHACA

Dated: 12/31/03

By: Catherine Valentino
Catherine Valentino, Supervisor
Town of Ithaca

Dated: ______________________

By: _________________________

Will Burbank, Councilperson
Town of Ithaca

Dated: 12/31/03

By: _________________________

Carolyn Grigorov, Councilperson
Town of Ithaca

Dated: 12/31/03

By: _________________________

David Klein, Councilperson
Town of Ithaca

Dated: 12/31/03

By: _________________________

William Lesser, Councilperson
Town of Ithaca
Dated: 12/31/03
By: Thomas Niederkorn
Thomas Niederkorn, Councilperson
Town of Ithaca

Dated: 12/31/03
By: Mary Russell
Mary Russell, Councilperson
Town of Ithaca

TOWN OF LANSING

Dated: 12/30/03
By: Stephen L. Farkas
Stephen L. Farkas, Supervisor
Town of Lansing

Dated: 12/30/03
By: Katrina Greenly
Katrina Greenly, Councilperson
Town of Lansing

Dated: 12/30/03
By: Doug McEver
Doug McEver, Councilperson
Town of Lansing

Dated: 
By: Meg Overstrom
Meg Overstrom, Councilperson
Town of Lansing

Dated: 12/30/03
By: Francis Shattuck
Francis Shattuck, Councilperson
Town of Lansing
VILLAGE OF LANSING

Dated: 12/31/03

By: [Signature]
Donald Hartill, Mayor
Village of Lansing
On the 30th day of December in the year 2003 before me, the undersigned, a Notary Public in and for said State, personally appeared Walter R. Lynn, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

SUSAN HAJDA BROCK  
Notary Public  
No. 4966790  
Commission Expires September 1, 2005

On the 30th day of December in the year 2003 before me, the undersigned, a Notary Public in and for said State, personally appeared Mark Varvayanis, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

SUSAN HAJDA BROCK  
Notary Public  
No. 4966790  
Commission Expires September 1, 2005

On the 31st day of December in the year 2003 before me, the undersigned, a Notary Public in and for said State, personally appeared Alan J. Cohen, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

SUSAN HAJDA BROCK  
Notary Public  
No. 4966790  
Commission Expires September 1, 2005
STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss:

On the 31st day of December, in the year 2003 before me, the undersigned, a Notary Public in and for said State, personally appeared Catherine Valentino, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

CARRIE WHITMORE
Notary Public, State of New York
No. 01WH6052877
Tioga County
Commission Expires December 25, 2006

Notary Public

STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss:

On the 31st day of December, in the year 2003 before me, the undersigned, a Notary Public in and for said State, personally appeared Stephen L. Farkas, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Bonita Boles
Notary Public

STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss:

On the 31st day of December, in the year 2003 before me, the undersigned, a Notary Public in and for said State, personally appeared Donald Hartill, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

SUSAN HAJDA BROCK
Notary Public, State of New York
No. 4895730
Qualified in Tompkins County
Commission Expires September 2, 2005
STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss.:

On the 30th day of December in the year 2003 before me, the undersigned, a Notary Public in and for said State, personally appeared Deborah Grantham, Charles Hatfield, Christopher Michaels and Stephen Stelick, Jr., personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss.:

On the 31 day of December in the year 2003 before me, the undersigned, a Notary Public in and for said State, personally appeared Will Barber, Carolyn Grigorov, David Klein, William Lesser, Thomas Niederkorn and Mary Russell, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.

CARRIE WHITMORE
Notary Public, State of New York
No. 01WH6052877
Tioga County
Commission Expires December 26, 2016

Notary Public

STATE OF NEW YORK)
COUNTY OF TOMPKINS) ss.:

On the 21st day of December in the year 2003 before me, the undersigned, a Notary Public in and for said State, personally appeared Katrina Greenly, Doug McEver, Meg Overstrom and Francis Shattuck, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument.

Bonita Boles
Notary Public

BONITA BOLES
Notary Public, State of New York
Qualified in Tompkins Co
No. 4882505
Commission Expires April 27, 2017
EXHIBIT A

Service area map—attached.
COMBINED SERVICE AREA
IAWWTP & VCH WWTP

Prepared By:
CITY OF ITHACA:
DEPARTMENT OF PUBLIC WORKS
WATER & SEWER DIVISION
ORC NOVEMBER 2003

Legend

SERVICE AREA

ROADS

SERVICE AREA FOR
IAWWTP & VCH WWTP

Exhibit A
EXHIBIT B

Governing body resolutions
Resolution #6044
Wastewater Agreement Approval

Whereas, the Village of Cayuga Heights has been involved in development of an intermunicipal agreement (together with the City and Town of Ithaca, the Village and Town of Lansing and the Town of Dryden) that addresses the long term needs for wastewater treatment for the involved municipalities; and

Whereas, the parties (cited above) have structured an Intermunicipal Wastewater Agreement (attached herewith); and

Whereas, each of the municipalities, after extensive and involved negotiations, wish to finalize the Intermunicipal Wastewater Agreement; and

Whereas, by approving the Intermunicipal Wastewater Agreement the Village of Cayuga Heights is thereby committed to engage in separate negotiations to effect separate agreements to provide wastewater treatment to sewage flows from the Village and Town of Lansing;

Therefore, be it resolved, that the Trustees of the Village of Cayuga Heights herewith authorizes the Mayor to sign said Agreement.

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

Mayor Walter Lynn – Aye
Trustee Ann Antil – Aye
Trustee Frank Collyer – Aye
Trustee Bruce Kusse – Aye
Trustee Roy Staley - Aye
Trustee Elizabeth Mount - Aye
Trustee Susan McNeil – Opposed

State of New York)
County of Tompkins) ss:
Village of Cayuga Heights)

I, Norma R. Manning, Clerk of the Village of Cayuga Heights, New York, do hereby certify that I have compared the foregoing copy of resolution with the original resolution on file in my office and that the same is a true and correct transcript of said original resolution and of the whole thereof as duly adopted by the Village of Cayuga Heights, New York, on December 15, 2003 by the required necessary vote of the members to approve the Resolution.


Norma R. Manning, Village of Cayuga Heights
RESOLUTION #179 - APPROVE INTERMUNICIPAL WASTE WATER AGREEMENT

Cl Michaels offered the following resolution and asked for its adoption:

RESOLVED, that this Town Board does hereby approve Ithaca Area Wastewater Agreement as amended December 10, 2003, and sent to the Town of Dryden at 3:25 p.m. by Susan Brock.

2nd Cl Stelick

Roll Call Vote

Cl Hatfield Yes
Cl Stelick Yes
Supv Varvayanis Yes
Cl Michaels Yes
Cl Grantham Yes

STATE OF NEW YORK  }
COUNTY OF TOMPKINS }SS.: 
TOWN OF DRYDEN  }

I, Bambi L. Hollenbeck, duly elected Town Clerk of the Town of Dryden, Tompkins County, New York, DO HEREBY CERTIFY:

That I have compared the foregoing resolution with the original resolution adopted by the Town Board of the Town of Dryden at a regular meeting of said Town held on the 10th day of December, 2003, and that it is a true and exact copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Dryden this 30th day of December, 2003.

[Signature]

Bambi L. Hollenbeck, Town Clerk
Request Authorization of Intermunicipal Wastewater Agreement among the City of Ithaca, Town of Dryden, Town of Ithaca, Town of Lansing, Village of Cayuga Heights and Village of Lansing

By Alderperson Pryor  Seconded by Alderperson Manos

WHEREAS, the City of Ithaca, Town of Ithaca and Town of Dryden jointly constructed, own and operate the Ithaca Area Wastewater Treatment Facility, located in the City of Ithaca, which provides wastewater treatment services in certain areas in their respective jurisdictions; and

WHEREAS, the Village of Cayuga Heights constructed, owns and operates the Village of Cayuga Heights Wastewater Treatment Plant, located in the Village of Cayuga Heights, which serves its Village as well as certain areas in the Town of Dryden, Town of Ithaca, Town of Lansing and Village of Lansing; and

WHEREAS, the Village of Cayuga Heights Wastewater Treatment Plant operates at full capacity during certain parts of the year, and the Ithaca Area Wastewater Treatment Facility has excess capacity; and

WHEREAS, the Town of Lansing and Village of Lansing wish to obtain additional wastewater capacity, and the Town of Ithaca and Town of Dryden wish to utilize some of their excess capacity in the Ithaca Area Wastewater Treatment Facility instead of continuing to utilize capacity in the Village of Cayuga Heights Wastewater Treatment Plant; and

WHEREAS, the Town of Lansing wishes to take advantage of grant funding for sewer infrastructure which it has been awarded under the New York State Clean Water/Clean Air Bond Act, and this Agreement will facilitate its ability to access those funds; and

WHEREAS, these municipalities wish to provide wastewater services to their respective communities and meet their wastewater discharge permit requirements in the most efficient manner; and

WHEREAS, the City of Ithaca Common Council has determined that joint actions and cooperation among these municipalities to meet their respective needs is in the City’s best interests, will benefit City residents, and will help protect the water quality of Cayuga Lake; and

WHEREAS, at its special meeting on December 17, 2003, the City of Ithaca Common Council adopted its Findings Statement for the Ithaca Area Municipal Wastewater Collection Improvement Project; and

WHEREAS, the Intermunicipal Wastewater Agreement is part of the Ithaca Area Municipal Collection Improvement Project and the Findings Statement states that it is appropriate for the participating municipalities to enter into the Intermunicipal Wastewater Agreement, now, therefore, be it
RESOLVED, That Common Council hereby authorizes the Mayor, subject to the
approval of the City Attorney, to sign the Intermunicipal Wastewater Agreement.
Carried Unanimously

STATE OF NEW YORK
COUNTY OF TOMPKINS SS:
CITY OF ITHACA

I, Julie Conley Holcomb, City Clerk of the City of Ithaca, do hereby certify that the
foregoing resolution is a true and exact copy of a resolution duly adopted by the
Common Council of said City of Ithaca at a special meeting held on the 17th day
of December, 2003, and that the same is a complete copy of the whole of such
resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the Corporate Seal
of the City of Ithaca, this 30th day of December, 2003.

Julie Conley Holcomb, CMC
City Clerk
City of Ithaca, New York
YEAR END MEETING OF THE ITHACA TOWN BOARD
WEDNESDAY, DECEMBER 31, 2003

TB RESOLUTION NO. 2003-202: PUBLIC INTEREST ORDER: In the Matter of
Authorizing an Agreement Among Several Municipalities for Cooperation in the
Provision of Wastewater Treatment Capacity and Enlarging the Service Area of the
Ithaca Area Wastewater Treatment Plant, All Pursuant to Article 12-C of the Town
Law

At a regular meeting of the Town Board of the Town of Ithaca, Tompkins County, held at
the Town Hall, 215 North Tioga Street, in the City of Ithaca, New York, on the 31st day of
December, 2003, at 10:00 o’clock a.m. prevailing time.

PRESENT: Supervisor Catherine Valentino
Councilperson Mary Russell
Councilperson Carolyn Grigorov
Councilperson David Klein
Councilperson William Lesser
Councilperson Thomas Niederkorn

ABSENT: Councilperson Will Burbank

WHEREAS, on or about December 22, 1981 the Town Board of the Town of Ithaca
entered into an agreement with the City of Ithaca and the Town of Dryden relating to the
joint expansion and operation of the City’s wastewater treatment plant (the “IAWTF”), which
agreement has been amended from time to time thereafter (the original agreement and all
amendments are collectively referred to herein as the “Joint Sewer Agreement”); and

WHEREAS, it is now desired to expand the service area of the IAWTF to permit
waste water from municipalities not party to the Joint Sewer Agreement to be treated at the
facility; and

WHEREAS, it is also desired to set forth certain agreed parameters relating to the
cooperation among several municipalities so as to better provide wastewater treatment
services for the greater Tompkins County community; and

WHEREAS, a proposed agreement (the “Intermunicipal Wastewater Agreement”) has been negotiated between the City of Ithaca, the Towns of Dryden, Ithaca, and Lansing,
and the Villages of Cayuga Heights and Lansing relating to the expansion of the service
area and other matters concerning the cooperative endeavors pertaining to wastewater
disposal for consideration by all of the involved municipalities; and

WHEREAS, a plan, report and map prepared by Stearns and Wheler, Professional
Engineers, relating to the expansion of the service area and other matters contemplated by
the Intermunicipal Wastewater Agreement, has been duly prepared in such manner and in
such detail as heretofore has been determined by the Town Board of the Town of Ithaca,
Tompkins County, New York, and has been filed in the office of the Town Clerk where it is
available for public inspection; and,
WHEREAS, the area of said Town determined to be benefitted by said Intermunicipal Wastewater Agreement consists of the entire area of said Town; and

WHEREAS, at this time there are no significant costs to the Town associated with the approval and execution of the Intermunicipal Wastewater Agreement; and

WHEREAS, the Town Board of the Town of Ithaca duly adopted an order on December 8, 2003, calling a public hearing for the purpose of considering the authorization of the execution of such Intermunicipal Wastewater Agreement and the expansion of the IAWTF service area authorized by such Agreement, and to hear all persons interested in the subject thereof, all in accordance with the provisions of Section 209-q of the Town Law; and

WHEREAS, notice of said public hearing was duly posted and published as required by law; and

WHEREAS, said public hearing was duly held at the place and at the time aforesaid and all persons interested in the subject thereof were heard concerning the same; and

WHEREAS, the proposed expansion of the service area and execution of the Intermunicipal Wastewater Agreement were the subject of coordinated review and a Final Environmental Impact Statement ("FEIS"); and

WHEREAS, the Town Board has adopted findings based upon the FEIS; and

WHEREAS, it is now desired to authorize the execution of the Intermunicipal Wastewater Agreement and the expansion of the service area;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Town Board of the Town of Ithaca as follows:

Section 1. It is hereby determined that it is in the public interest to expand the service area of the IAWTF to include all of the Town of Ithaca (including the northeast section of the Town and the Village of Cayuga Heights), the Village of Lansing, portions of the Town of Lansing outside the Village of Lansing, and portions of the Town of Dryden.

Section 2. The Town Supervisor and members of the Town Board are authorized to execute the Intermunicipal Wastewater Agreement on behalf of the Town and the Townwide Sewer Benefitted Area with such changes therein, if any, that may be made prior to such execution. Such execution shall be conditional upon there being no petition filed seeking a referendum on this order or, if one is filed, upon the approval of this resolution by the electors of the Town of Ithaca residing outside the Village of Cayuga Heights.

Section 3. The Town of Ithaca, subject to the approval of the electors of the Town
of Ithaca if a referendum is requested, hereby authorizes an expansion of the service area of the IAWTF as set forth in Section 1 of this resolution, such action being authorized pursuant to Section 209-q of the Town Law.

Section 4. At present there are not any costs associated with the expansion of the service area and execution of the Intermunicipal Wastewater Agreement authorized by this Public Interest Order. If, in the future, new capital projects are proposed, the authorization for same shall be in accordance with Town Law Section 209-q and/or any related laws as the same may be amended from time to time. Therefore, in accordance with the provisions of subdivision 13 of Section 209-q of the Town Law, the permission of the State Comptroller is not required for the matters authorized by this Public Interest Order.

Section 5. 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 6. This resolution is adopted subject to a permissive referendum pursuant to Town Law Section 209-q.

Section 7. The Town Clerk is hereby directed and ordered, pursuant to subdivision 6(d) of Section 209-q of the Town Law, to cause a certified copy of this resolution to be duly recorded within 10 days of the date of adoption in the Office of the Clerk of the County of Tompkins, which when so recorded, shall be presumptive evidence of the regularity of the proceedings and action taken by the Town Board in relation to the aforesaid expansion of service area.

Section 8. Within 10 days after the adoption of this resolution by the Town Board, the Town Clerk shall, as set forth in Section 90 of the Town 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.

The question of adoption of the foregoing resolution and public interest order was, upon motion made by Councilperson Supervisor Valentino, and seconded by Councilperson Councilwoman Russell, duly put to a vote on a roll call, which resulted as follows:

<table>
<thead>
<tr>
<th>Supervisor</th>
<th>Voting</th>
<th>aye</th>
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<tr>
<td>Valentino</td>
<td>Voting</td>
<td>aye</td>
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<tr>
<td>Councilperson</td>
<td>Voting</td>
<td>aye</td>
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<tr>
<td>Russell</td>
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<td>Grigorov</td>
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<tr>
<td>Niederkorn</td>
<td>Voting</td>
<td>aye</td>
</tr>
</tbody>
</table>
The resolution and public interest order was thereupon declared duly adopted.

The undersigned, Town Clerk of the Town of Ithaca, does hereby certify that the foregoing is a true and correct copy of a resolution and public interest order duly adopted by the Town Board of the Town of Ithaca on December 31, 2003.

Tee-Ann Hunter, Town Clerk
Request Authorization of Intermunicipal Wastewater Agreement among the City of Ithaca, Town of Dryden, Town of Ithaca, Town of Lansing, Village of Cayuga Heights and Village of Lansing

WHEREAS, the City of Ithaca, Town of Ithaca and Town of Dryden jointly constructed, own and operate the Ithaca Area Wastewater Treatment Facility, located in the City of Ithaca, which provides wastewater treatment services in certain areas in their respective jurisdictions; and

WHEREAS, the Village of Cayuga Heights constructed, owns and operates the Village of Cayuga Heights Wastewater Treatment Plant, located in the Village of Cayuga Heights, which serves its Village as well as certain areas in the Town of Dryden, Town of Ithaca, Town of Lansing and Village of Lansing; and

WHEREAS, the Village of Cayuga Heights Wastewater Treatment Plant operates at full capacity during certain parts of the year, and the Ithaca Area Wastewater Treatment Facility has excess capacity; and

WHEREAS, the Town of Lansing and Village of Lansing wish to obtain additional wastewater capacity, and the Town of Ithaca and Town of Dryden wish to utilize some of their excess capacity in the Ithaca Area Wastewater Treatment Facility instead of continuing to utilize capacity in the Village of Cayuga Heights Wastewater Treatment Plant; and

WHEREAS, the Town of Lansing wishes to take advantage of grant funding for sewer infrastructure which it has been awarded under the New York State Clean Water/Clean Air Bond Act, and this Agreement will facilitate its ability to access those funds; and

WHEREAS, these municipalities wish to provide wastewater services to their respective communities and meet their wastewater discharge permit requirements in the most efficient manner; and

WHEREAS, the Town of Lansing Town Board has determined that joint actions and cooperation among these municipalities to meet their respective needs is in the Town’s best interests, will benefit Town residents, and will help protect the water quality of Cayuga Lake; and

WHEREAS, at its regular meeting on December 17, 2003, the Town of Lansing Town Board adopted its Findings Statement for the Ithaca Area Municipal Wastewater Collection Improvement Project; and

WHEREAS, the Intermunicipal Wastewater Agreement is part of the Ithaca Area Municipal Collection Improvement Project and the Findings Statement states that it is appropriate for the participating municipalities to enter into the Intermunicipal Wastewater Agreement, now, therefore, be it
RESOLVED, That the Town Board hereby authorizes the Town Supervisor and
Councilpersons, subject to the approval of the Town Attorney, to sign the attached
Intermunicipal Wastewater Agreement.

Vote of Town Board . . . (Aye) Katrina Greenly, Councilperson
Vote of Town Board . . . (Aye) Doug McEver, Councilperson
Vote of Town Board . . . (Aye) Francis Shattuck, Councilperson
Vote of Town Board . . . (Aye) Stephen Farkas, Supervisor

STATE OF NEW YORK  
COUNTY OF TOMPKINS  
TOWN OF LANSING

I, BONITA BOLES, the Town Clerk of the Town of Lansing, a municipal corporation of
the County of Tompkins, State of New York, DO HEREBY CERTIFY that the foregoing
Resolution is a true and correct copy of the Resolution duly adopted by the Town Board
of said Town of Lansing at a Regular Meeting duly called on proper notice and held on
the 17th day of December, 2003. In witness whereof I have hereunto set my hand and the
seal of the Town of Lansing this 31st day of December, 2003.

BONITA BOLES, Town Clerk
RESOLUTION # 4013- TO APPROVE AND AUTHORIZE EXECUTION OF 
(1) THE ITHACA AREA MUNICIPAL WASTEWATER COLLECTION 
IMPROVEMENT PROJECT STATE ENVIRONMENTAL QUALITY REVIEW 
ACT STATEMENT OF FINDINGS AND (2) THE PROPOSED 
INTERMUNICIPAL WASTEWATER AGREEMENT BY AND AMONG THE 
VILLAGE OF CAYUGA HEIGHTS, TOWN OF DRYDEN, CITY OF ITHACA, 
TOWN OF ITHACA, TOWN OF LANSING AND VILLAGE OF LANSING 

WHEREAS the Village of Cayuga Heights, Town of Dryden, City of Ithaca, Town of 
Ithaca, Town of Lansing and Village of Lansing (the “Parties”) have worked together 
over an extended period of time on the Ithaca Area Municipal Wastewater Collection 
Improvement Project (“the Project”) in Tompkins County, New York in an effort to reach 
agreement on how best to provide wastewater services to their respective communities 
and meet their wastewater discharge permit requirements; and 

WHEREAS, the respective legislative bodies of the Parties have determined that 
joint actions and cooperation among the Parties to meet their respective needs are 
in their best interests, will benefit their respective citizens, and will help protect 
the water quality of Cayuga Lake; and 

WHEREAS, the efforts of the Parties have included a full environmental review 
(the “SEQRA Review”) under the New York State Environmental Quality 
Review Act (SEQRA) with respect to which review the New York State 
Department of Environmental Conservation (DEC) is the Lead Agency and all of 
the Parties, as Project sponsors, are Involved Agencies; and 

WHEREAS, the foregoing efforts of the Parties have resulted in (i) a proposed 
Ithaca Area Municipal Wastewater Collection Improvement Project State 
Environmental Quality Review Act Statement of Findings (the “Findings 
Statement”) to be adopted by each of the Parties as an Involved Agency, and (ii) a 
proposed Intermunicipal Wastewater Agreement (the “Intermunicipal 
Agreement”) to be executed by each of the Parties; and 

WHEREAS, a public hearing has been held by the Village of Lansing on 
December 15, 2003 for the purpose of considering the approval and authorization 
for execution of the Findings Statement and Intermunicipal Agreement; and 

WHEREAS, the Village of Lansing Board of Trustees, on behalf of the Village of 
Lansing as an Involved Agency in the foregoing SEQRA Review, on December 
15, 2003, reviewed the Findings Statement and, as it deemed appropriate, such 
other documents which may have been prepared with respect to the Project and its 
environmental review, and (ii) analyzed the potential relevant areas of 
environmental concern to determine if the Findings Statement accurately and fully 
reflects findings to which the Village of Lansing would be willing to agree; and 

WHEREAS, on December 15, 2003, the Project, SEQRA Review, Findings 
Statement, and Intermunicipal Agreement came before the Village of Lansing 
Board of Trustees for action thereon, at which time the Board reviewed and 
analyzed the Findings Statement and Intermunicipal Agreement, (ii) reviewed and 
analyzed the issues raised during the public hearing and otherwise raised in the
course of its deliberations, (iii) addressed such issues, and (iv) determined that action thereon be taken;

NOW, THEREFORE, BE IT

RESOLVED, that the Village of Lansing Board of Trustees hereby authorizes on its behalf the approval and execution, as required, of the Findings Statement and Intermunicipal Agreement, and the delivery thereof to all of the Parties and all other required parties; and be it further

RESOLVED, that the Village of Lansing Board of Trustees hereby authorizes the appropriate Village officials and representatives to proceed as required under the Intermunicipal Agreement, including, but not limited to, the taking of such action as may be required to negotiate the terms of any additional agreements with one or more of the Parties for the purpose of giving force and effect to the Intermunicipal Agreement, it being understood that any such further agreements shall require additional and separate approval of the Village of Lansing Board of Trustees.

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

Mayor Donald Hartill-Aye
Trustee Larry Fresinski-Aye
Trustee Janet Beebe-Aye

Trustee Frank Moore-Aye
Trustee Lynn Leopold-Aye

STATE OF NEW YORK )
COUNTY OF TOMPKINS) ss:
VILLAGE OF LANSING)

I, Jodi Dake, Clerk of the Village of Lansing, New York, do hereby certify that I have compared the foregoing copy of resolution with the original resolution on file in my office and that the same is a true and correct transcript of said original resolution and of the whole thereof as duly adopted by the Village of Lansing Board of Trustees at a meeting duly called and held at the Village of Lansing, New York, on December 15, 2003 by the required necessary vote of the members to approve the Resolution.


Jodi Dake, Village of Lansing Clerk