

**MINUTES
SPECIAL LEGISLATIVE MEETING
CAYUGA COUNTY LEGISLATURE
MARCH 5, 2009, 5:30 PM**

WELCOME: Mary Jones, Clerk of the Legislature

CALL TO ORDER: Hon. Peter Tortorici, Chairman, at 5:30PM

ROLL CALL: Mary Jones, Clerk of the Legislature, all present, except Palermo excused.

PLEDGE OF ALLEGIANCE:

MOMENT OF PRAYER:

RESOLUTION:

**RESOLUTION NO. 144-09 (3/24/09) COA-WTRSWRSRVTRTMENTAGMENT
AUTHORIZING THE CHAIRMAN OF THE CAYUGA COUNTY LEGISLATURE
TO EXECUTE A CONTRACT WITH THE WAYNE COUNTY WATER & SEWAGE AUTHORITY
FOR TREATMENT OF SEWAGE IN SEWER DISTRICT NO. 2**

BY: MR. MITCHELL, Chairman, Ways & Means Committee.

WHEREAS, the Wayne County Water & Sewer Authority ("Wayne Authority") has constructed and developed a new regional sewage treatment facility (the "Regional Treatment Facility") in the Chapman's Corners area of the Town of Wolcott that became operational as of September, 2006 (the Wayne Authority's existing sewage collection system and the Regional Treatment Facility are referred to as the "Wayne Authority's System"); and WHEREAS the Cayuga County through contact with the Cayuga County Water & Sewer Authority ("Cayuga Authority") is in the process of constructing a sewage collection system ("Sewer District No. 2") for the benefit of residents of the Village of Fair Haven, Fairhaven State Park and portions of the Town of Sterling and other users; and

WHEREAS Cayuga County Water & Sewer Authority ("Cayuga Authority") plans to assume responsibility for Sewer District No.2 which may be constructed in one or more phases on or before the Commencement Date and to operate on a retail basis. Sewer District #2 will be connected to the Wayne County Water & Sewer Authority ("Wayne Authority") pursuant to the construction of a new force main (the "Connecting Force Main") to be constructed by or on behalf of the Cayuga County Water & Sewer Authority ("Cayuga Authority") as shown on the map attached hereto as Exhibit B. Upon completion, such force main shall constitute a portion of the Cayuga County Water & Sewer Authority ("Cayuga Authority"); and

WHEREAS the Cayuga County Water & Sewer Authority ("Cayuga Authority") intends to contract with the Wayne County Water & Sewer Authority ("Wayne Authority") for the provision of certain sewerage operation, maintenance and treatment services within Cayuga County for County Sewer District #2.

WHEREAS, Public Authorities Law 1199-ee (21) limits the ability of the Wayne Authority to sell such services in any area which is served by a sewerage system owned or operated by a municipality and/or public authority unless the governing body of such municipality adopts a resolution requesting the Wayne Authority to provide such services and whereas in furthering of the project a treatment service agreement is required; now therefore be it **RESOLVED**, that the County of Cayuga hereby requests the Wayne Authority to provide sewerage services within the County of Cayuga and the Town of Sterling pursuant to one or more agreements with the Cayuga Authority resolved that the chairperson of the Legislator is only authorized and direct to execute a treatment service agreement between Wayne County Water & Sewer Authority ("Wayne Authority"); and be it further **RESOLVED**, that the Chairman of the Cayuga County Legislature is hereby authorized and directed to execute a Services Agreement (Treatment) between Wayne County Water & Sewer Authority, Cayuga County Water & Sewer Authority, and Cayuga County.

Signed by Mitchell, Petrus, Lockwood, Murphy, Axton, Chapman, all in favor.

Fred Westphal, County Attorney re: (Draft) Preliminary Environmental Impact Statement. The Pre-release Draft Environmental Impact Statement is out, we about two more weeks to get comments together. Basically at this point fact checking. Department heads have been very good at getting information together, we are meeting tomorrow morning. The next step is getting the information to the BIA, they will release shortly there after release the Draft Environmental Impact Statement. The County will have 45 days to respond to that. The BIA has not agreed to an extension, so that process is going to move fairly quickly.

Motion by Lockwood to go into executive session at 5:32PM, re: Pending Litigation, all in favor.

Motion by Lockwood, 2nd by Murphy to come out of Executive Session at 5:47PM, all in favor, no action taken.

Motion by Lockwood, 2nd by Murphy to adjourn at 5:48PM, all in favor.

Motion by Palermo, 2nd by Petrus to approve minutes of 3-5-09, approved on 4-27-09, all in favor.