

MINUTES of the **Special Meeting** of the Pembroke Town Board & the Village of Corfu held on June 20, 2012 at the Pembroke Town Hall, 1145 Main Road, Corfu, NY.

PRESENT: Edwin F. Mileham Jr., Supervisor
John Worth, Councilman
Gary DeWind, Councilman

ABSENT: Peter Sformo, Councilman
Edward Arnold, Jr., Councilman

VILLAGE BOARD: Todd Skeet, Mayor
Al Graham, Trustee
Ken Lauer, Trustee

ABSENT: Ralph Peterson, Trustee
Arthur Ianni, Trustee

OTHERS PRESENT: Nicole M. Begin, Town Clerk; Paul Chatfield, Chatfield Engineers; Heidi Libroek, Corfu Village Grant writer; Jeremy Delyser & Tom Carpenter, Clark Patterson Lee Engineers; Mark Boylan, Town and Village Attorney; Gary Rouleau & Valerie Ansuini, J. O'Connell & Associates.

The Special Meeting, advertised in accordance with New York State Town Law Chapter 4 ss 4-3, was called to order by Supervisor Mileham at 4:05 P.M.

Attorney Mark Boylan explained that the purpose of the Special Meeting, recommended by NYS DEC is for the Town Board & Village of Corfu to discuss Sewer District #1. The DEC is looking for a joint work plan to be submitted by Thursday June 21st. The DEC recommended working out issues. Mr. Boylan said that it is critical that we get clarification on the project.

Tom Carpenter said that after speaking to the DEC he was informed that there is an internal meeting of the DEC being held on Thursday and that these grant projects are on their radar. The DEC wants a decision on whether there is going to be a joint project & work plan or separate projects and work plans. Mr. Carpenter said that the NYS DEC may be looking to pull back grant monies from projects that are not moving along.

Gary Rouleau said that the Governor's office has put pressure on all of the state agencies to recapture any funds that aren't moving forward.

Paul Chatfield and Tom Carpenter have been working on the budget to fully utilize the grant money. Mr. Carpenter said that a joint project will benefit both projects rather than having separate projects.

Mr. Carpenter said that the work plan would be comprised of two parts, Part A is the Town project and Part B is the Village project. The work plan and budget would be submitted to the DEC as a whole with a cover letter showing parts A & B. Mr. Carpenter also said that cost of the project will play a big part in how the grant money is spent.

Village Trustee Al Graham said that there is overwhelming sentiment in the Village that they do not want to pay extra money for the Town's sewer project. Mr. Graham said if the Village does a separate project the Village would only do upgrades to the plant with the grant money they were allotted and would not bring it up to capacity to accept the Town's flow.

Mr. Rouleau said that no one should lose sight that the reason both projects were funded by the DEC was because they were going to be a joint project, without each other neither one would have been funded.

Mr. Chatfield said that any specifics needed for the Corfu project will come from monies awarded to the Village.

Mr. Carpenter said that the estimates are high based on NYS DOT widening the road on Route 77 and easements that will need to be obtained. They are hoping to start bidding the project out by the end of summer. Mr. Chatfield said that prices have been coming down on costs for materials needed for the project and there are not a lot of projects like this out there which may benefit us.

Mr. Carpenter said that as far as the Town's side goes they are working on agency approvals. Contracts need to be sent out to NYS DEC plus work plan resolutions and an intermunicipal agreement needs to be put in place. Mr. Chatfield said that on the Village side they are about 3-4 weeks away from agency approvals. They can have spec ready for the DEC by July 27th.

Mr. Carpenter said that by Thursday the DEC needs to know that a joint project is going to happen. Mr. Chatfield asked if it would be best for Mark Boylan do the correspondence with Nancy Rice from the DEC. Mr. Carpenter will send her an email detailing the project and that all groups involved decided to do a joint plan. Mr. Chatfield will concur in a follow-up email stating that the Village is on board.

Mr. Carpenter said that one of the municipalities will need to take the lead and be the primary contractor with NYS DEC for the project. Mr. Boylan suggested that the Town of Pembroke take the lead and that Village of Corfu second. A resolution will need to take place by both entities.

Mr. Skeet said that he feels like the project isn't moving along. Mr. Graham asked for a timeline for the project.

Mr. Chatfield said that the Village side is a little bit simpler than the Town side of the project but he will put together a timeline/schedule for the Village portion.

Mr. Boylan said he needs to have details for the intermunicipal agreement. He asked who will be billing the district. Mr. Carpenter said that since the village already does sewer billing it would make more sense for them to do the billing and that it would be easier for them to handle.

Mr. Skeet asked how they could handle it if there is non-payment by a homeowner. Mr. Chatfield said that the Village could bill the district and if there is a non-payment issue they could bill the Town. In the intermunicipal agreement, the Town and Village could come up with a mechanism to get the Village paid. Mrs. Begin said that the Town currently does something similar with the Town of Batavia and the Town of Newstead for non-payment of water bills. Resolutions are done by both municipalities, they are forwarded to the County prior to tax bills being printed and added to the home owner's tax bill. When the Town collects the taxes, the unpaid water amount then gets forwarded by the Town to the corresponding Town where the unpaid balance is due.

Mr. Boylan will get working on the Intermunicipal Agreement. He feels the agreement should be a working document for a term of 30 years. The agreement will have information on the establishment of the sewer rate which the Village of Corfu should review on an annual basis to make sure costs are aligned.

Mr. Chatfield said that operation and maintenance costs should be in the agreement to cover issues with sewer lines and pump stations.

Mr. Boylan said that the district (out of Village users) will be charged a percentage over what the Village residents pay for sewer rates in order to cover maintenance costs. He suggested that the Village start a fund with this money to be used for this purpose and both municipalities should know what the balance is. What that rate will be is to be determined.

Mr. Boylan noted that the percentage amount can be reevaluated if it turns out there is not enough money for what is needed. This is something that can be left up to the Village to determine in the Intermunicipal Agreement or it could be something that is renegotiated in a new agreement each time the percentage is adjusted.

Mr. Boylan said that if it came to a point where within the district there was a repair needed and the money wasn't available the district would have to bond the money for the repair and it would not be a Corfu expense it would be a Pembroke Sewer District expense. The Pembroke Sewer District cannot pay for a repair directly to Corfu. The Village can charge for operation and maintenance but can not pay directly.

Mr. Chatfield asked it would be beneficial to develop a short lived asset plan for the Pembroke system and also for the Village? It makes sense to have funds put aside for something that may occur before the 30 year bond expires.

Mr. Chatfield said that the Village should do billing and general maintenance and the Town should cover electric cost and repairs for this district. Mr. Boylan said that is ok as long as the electric is properly metered. Mr. Worth asked how the Town is going to recover that money for the district. Mr. Chatfield said it could be added on the individual bill as a line item.

Mr. Graham asked if the rate could be higher the first year in order to get a fund established for O&M charges. Mr. Boylan said that can not legally be done because costs are established through the DEC grant application.

Mr. Graham asked that there be language in the agreement to cover all entities.

Mr. Boylan said that there should be sewer rules established for the district. Mr. Graham said that the Village already has an ordinance in place and he can send a copy of them to the Town so the Town can work off of those rules and keep everything consistent. Mr. Graham will send a copy to the engineers and the attorney as well.

The engineers will get to work on finishing the project and submitting all necessary information to the DEC.

RESOLUTIONS

On **MOTION** of Councilman Worth, seconded by Councilman DeWind, the following **RESOLUTION** was **ADOPTED** by roll call vote: Councilman Worth, AYE; Councilman DeWind; Supervisor Mileham, AYE.
ALL AYES - MOTION CARRIED

RESOLUTION # 44 of 2012 – Town of Pembroke Contracting Party with New York State DEC for Sewer District No. 1

WHEREAS the Town of Pembroke and the Village of Corfu met on June 20th, 2012 to discuss details regarding Sewer District No. 1; and

WHEREAS both the Town of Pembroke and the Village of Corfu came to an agreement to establish one entity as the primary contracting party with New York State DEC; **NOW, THEREFORE, BE IT**

RESOLVED that the Town of Pembroke will be the primary contracting party with New York State DEC for the WQIP grant for Sewer District No. 1.

MOTION made by Trustee Graham and seconded by Trustee Lauer to move the following Resolution:

**Village of Corfu will be Secondary Contracting Party
with New York State DEC for Sewer District No. 1**

WHEREAS the Village of Corfu and the Town of Pembroke met on June 20th, 2012 to discuss details regarding Sewer District No. 1; and

WHEREAS both the Village of Corfu and the Town of Pembroke came to an agreement to establish one entity as the primary contracting party with New York State DEC; and

WHEREAS the Town of Pembroke will be the primary contracting party with New York State DEC for the WQIP grant for Sewer District No. 1; **NOW, THEREFORE, BE IT**

RESOLVED that the Village of Corfu will be the secondary contracting party with New York State DEC for the WQIP grant for Sewer District No. 1.

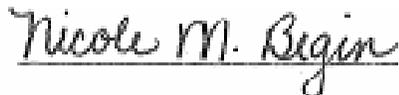
The **MOTION** was **PASSED** on the following vote:

AYES: Mayor Todd Skeet, Trustees Al Graham and Ken Lauer. **NAYS:** None
Trustee Ralph Peterson and Trustee Art Ianni were **ABSENT**
(See attached Certified Resolution)

On **MOTION** of Councilman Worth, seconded by Councilman DeWind, to adjourn the special meeting at 5:10 P.M.

ALL AYES – CARRIED.

Respectfully submitted,



Nicole M. Begin, Town Clerk

THESE MINUTES ARE A DRAFT ONLY OF THE SPECIAL MEETING OF THE PEMBROKE TOWN BOARD OF JUNE 20, 2012 AND ARE SUBJECT TO CHANGE AND/OR REVISION PRIOR TO APPROVAL BY THE TOWN BOARD.