

**RESOLUTION NO. 38 OF 2013  
TOWN OF CLAYTON  
A RESOLUTION TO ADOPT THE ROUTE 12 SEWER AMENDED-RESTATED IMA  
APRIL 10, 2013**

**Title:** A resolution to adopt the Route 12 Sewer Amended-Restated IMA.

At a regular meeting of the Town Board of the Town of Clayton, held at the Town Board Room, Town Offices, 405 Riverside Drive, Clayton, New York, 13624, Jefferson County on the 10<sup>th</sup> day of April, 2013, at 5:00 p.m. prevailing time:

The meeting was called to order by Supervisor Taylor and upon roll being called, the following were:

**PRESENT:** Justin A. Taylor, Supervisor  
George E. Kittle, Councilman  
Robert W. Cantwell III, Councilman  
Christopher D. Matthews, Councilman

**ABSENT:** Lance Peterson

The following resolution was offered by Christopher D. Matthews, who moved its adoption, seconded by George E. Kittle, to wit:

**WHEREAS**, pursuant to an Intermunicipal Agreement dated September 13, 2001 (the "2001 IMA"), the Towns of Alexandria, Orleans and Clayton caused to be constructed a sewage collection and treatment system to service sewer districts established in each of the respective Towns, and

**WHEREAS**, the sewage treatment plant which is owned jointly by the Towns of Alexandria, Clayton, and Orleans was completed pursuant to the 2001 IMA in 2005, and since that time, has served to receive and treat sewage from the districts of the three respective Towns, and

**WHEREAS**, the Town of Clayton has recently caused a new sewer district to be formed known as the Town of Clayton Route 12 Sewer District (the "New Clayton District"), and has requested that the Towns of Alexandria and Orleans consent to the connection of the New Clayton District to the existing collection and treatment facilities, and

**WHEREAS**, the addition of the New Clayton District will require certain upgrades to the jointly owned sewage treatment plant in order to have sufficient capacity to service the New Clayton District, and

**WHEREAS**, the addition of the New Clayton District will require that the 2001 IMA be amended to provide for the mechanism by which the sewage treatment plant shall be upgraded and the capacity allocated, and the parties have determined that certain other provisions of the 2001 IMA should be amended to provide for the continued efficient operation of the facilities servicing each of the three Towns, and

**WHEREAS**, the Joint Sewer Committee of the Towns has proposed an Amended and Restated Intermunicipal Agreement as attached to this Resolution and has recommended its adoption by the Towns of Clayton, Alexandria, and Orleans.

**NOW, THEREFORE**, be it resolved by the Town Board of the Town of Clayton as follows:

1. The foregoing recitations are incorporated herein and made a part hereof as if fully set forth hereafter.
2. The Amended and Restated Intermunicipal Agreement, as attached to this Resolution, is hereby determined to be in the best interests of the Town of Clayton, and is therefore hereby adopted by the Town of Clayton.
3. The Town of Clayton, acting as lead agency under the State Environmental Quality Review Act ("SEQRA"), following a coordinate review has adopted a Negative Declaration, Determination of Non-Significance under SEQRA on April 10, 2013.
4. The Town Supervisor is hereby authorized and directed to execute on behalf of the Town of Clayton the Amended and Restated Intermunicipal Agreement as attached hereto.
5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

Justin A. Taylor, Supervisor	Yes <u>  X  </u>	No <u>    </u>
George E. Kittle, Councilman	Yes <u>  X  </u>	No <u>    </u>
Lance L. Peterson, Councilman	Yes <u>    </u>	No <u>    </u>

Robert W. Cantwell III, Councilman      Yes X      No     

Christopher D. Matthews, Councilman      Yes X      No     

Yes 4 No 0 Abstain 0 Absent 1

Dated: April 10, 2013

**Certification:**

I, Kathleen E. LaClair, Town Clerk of the Town of Clayton, do hereby certify that the above resolution was adopted at a regular scheduled meeting of the Town Board of the Town of Clayton held on April 10, 2013 and it's on file and record, and the said resolution has not been altered, amended or revoked and it's in full force and effect.

**(SEAL)**

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Kathleen E. LaClair, Town Clerk