

At a Regular Monthly Meeting of
the Town Board held in and for the
Town of Oswego on May 14, 2019,
at 6:00 P.M. at the Town Hall

RESOLUTION 2019- 57

DECLARATION OF EMERGENCY AND AUTHORIZATION FOR ACQUISITION OF WASTEWATER TREATMENT PLANT COMPONENTS FOR SLEEPY HOLLOW SEWER DISTRICT

WHEREAS, the Town of Oswego (the "Town") is a municipal corporation and a political subdivision of the State of New York, which is managed by the Town Board ("Town Board") of the Town; and

WHEREAS, the Town Board manages the Sleepy Hollow Sewer District ("Sleepy Hollow SD" or "Sewer District"), a municipal wastewater treatment plant and improvement district benefiting property owners located within the Sewer District; and

WHEREAS, the Town received a letter from the New York State Department of Environmental Conservation ("NYSDEC") requiring significant mandatory improvements to be completed in an expedient manner (i.e. renewal of SPDES Permit by June 1, 2019, requiring disinfection treatment of the sewage treatment plant effluent per March 1, 2019 letter from NYSDEC); and

WHEREAS, the Town received an additional letter from the New York State Department of Environmental Conservation ("NYSDEC") as of April 18, 2019 regarding the 2019 Annual Compliance Inspection and noting additional significant improvements to be completed in an expedient manner; and

WHEREAS, General Municipal Law §103(1) generally requires that all contracts for public work involving an expenditure of more than thirty-five thousand dollars be awarded to the lowest responsible bidder after advertisement for sealed bids; and

WHEREAS, General Municipal Law §103(4) provides an exception to the requirement for competitive bidding in the event of a true public emergency, arising out of an unforeseen occurrence or condition, causing circumstances affecting public facilities and jeopardizing the life, health, and safety of the citizens of the Town; and

WHEREAS, given the failure of certain components in the Sleepy Hollow SD and the requirements of the NYSDEC directives, together with the inordinate and substantial weather events this Spring resulting in significant increases in rainwater further infiltrating and debilitating the Sewer District, now requires the rapid or immediate purchase and installation of replacement components and equipment for the Sleepy Hollow SD treatment plant which cannot await the competitive bidding process; and

WHEREAS, the failure to address control, monitoring or sampling systems may result in discharges from the wastewater treatment plant and poses a life safety hazard to all consumers of the

Sleepy Hollow SD, necessitating immediate replacement of the components and equipment; and

WHEREAS, Article 2-B of the NYS Executive Law (§24) authorize the Chief Executive of any municipality to declare a state of emergency in any portion of the municipality deemed to be in such a condition as to imperil public safety, and in the opinion of the Town Supervisor the condition of the Sleepy Hollow SD is in such a state of deterioration that the imminent failure of the Sewer District is likely without the immediate and necessary repairs to the system occurring at this time; and

WHEREAS, the Town Board has sought estimates to complete the proposed improvements required to comply with the deadlines set forth in the NYSDEC letter and the Town's engineer has utilized these estimates to develop a project cost estimate of approximately \$240,000 for the upgrades to the Sleepy Hollow SD and has identified the immediate and emergency repairs needed for pumps and control systems to be \$44,270;

NOW THEREFORE, BE IT RESOLVED (upon motion made, seconded and discussion held) BY THE TOWN BOARD OF THE TOWN OF OSWEGO, OSWEGO COUNTY, STATE OF NEW YORK, AS FOLLOWS:

SECTION 1. The Town Board hereby declares a temporary public emergency, pursuant to Section 24 b of the NYS Executive Law, with respect to the operations at the Sleepy Hollow SD treatment plant, critical components of which have failed or are failing and under direction by the NYSDEC to be immediately addressed.

SECTION 2. The Town Board shall undertake to have immediate repairs to the pumps and controls systems and to seek funding for such repairs

SECTION 3. The Town Board shall submit for Engineering Planning Grant through the New York State Environmental Facilities Corporation for an amount up to \$240,000.

SECTION 4. The Town Supervisor is hereby authorized to take all other necessary action required to give effect to the purpose of this Resolution and the actions to be taken by the Town of Oswego in furtherance thereof.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Town Board of the Town of Oswego this 14th day of May, 2019, the result of which vote was as follows:

RICHARD KAULFUSS, SUPERVISOR	<u>Aye</u>	No
GREG HERRMANN, COUNCILOR	<u>Aye</u>	No
MARGARET MAHANNEY, COUNCILOR	<u>Aye</u>	No
RICHARD TRESORIERO, COUNCILOR	<u>Aye</u>	No
VICTORIA MULLEN, COUNCILOR	<u>Aye</u>	No

Dated: MAY 15, 2019

 5/15/19
NIKKI FOWLER, TOWN CLERK