

RESOLUTION

WHEREAS, the Town of New Hartford has a current policy, practice and procedure with regard to collecting and spending FILM; and

WHEREAS, the Town Board is desirous of updating those policies, practices and procedures in accordance with the new GEIS, the updates to the existing GEIS, the Town's Master Plan, the Town's contemplated Capital Improvement Program, current caselaw and the policies, practices and procedures adopted by other municipalities around the State of New York and elsewhere; and

WHEREAS, to that end, assistance is required from a person or persons familiar with past Town practices with regard to FILM, basic knowledge and understanding of the current GEIS, the updates to existing GEIS, the Town's Master Plan, the Town's contemplated Capital Improvements Program and the policies, practices and procedures adopted and exercised in other municipalities in and around the State of New York; and

WHEREAS, Roger Cleveland, former Highway Superintendent, is such a person with the requisite background, knowledge, experience and time to effectively and efficiently assist the Town in this regard; and

WHEREAS, Mr. Cleveland has submitted a written proposal (attached Exhibit A) outlining the scope of work, cost to the Town and a time frame within which the desired work will be completed; and

WHEREAS, the Town of New Hartford is under mandate of the New York State Department of Environmental Conservation Consent Order #R620060823-67 as relates to, among other things, I/I remediation in the Town and elsewhere throughout the Sauquoit Creek Basin Sewer District; and

WHEREAS, to that end, assistance is required from a person or persons familiar with said Consent Order as well as past and future I/I remediation projects in the Town and elsewhere; and

WHEREAS, Roger Cleveland, former Highway Superintendent, is such a person with the requisite background, knowledge, experience and time to effectively and efficiently assist the Town in this regard; and

WHEREAS, Mr. Cleveland has submitted a written proposal (attached Exhibit A) outlining the scope of work, cost to the Town and a time frame within which the desired work will be completed.

NOW THEREFORE, the Town Board does hereby resolve to retain the services of Roger Cleveland, former Highway Superintendent, to render assistance to the Town Attorney, the Planner and the Senior Engineer in researching and collecting data and information from other municipalities, analyzing such data and information and formulating Town Board policy with regard to (1) the expenditure of FILM monies and (2) I/I remediation as prescribed in the DEC Consent Order Case #R620060823-67 relating to the Sauquoit Creek Basin Sewer District and its member municipalities.

Mr. Cleveland is to receive \$1,800 for his collective work on both these two (2) separate projects as described in his proposal and is to complete his work in 4-6 weeks.

EXHIBIT A



Jerry Green <greensecretary@gmail.com>

Fee Proposal

1 message

RogerCleveland <RCleve@roadrunner.com>
To: Jerry Green <jgreen06146@yahoo.com>

Mon, Apr 6, 2009 at 3:30 PM

April 6, 2009

Town Board

Town of New Hartford

Butler Hall

48 Genesee St.

New Hartford, New York 13413

Re: Consulting Proposal

Dear Supervisor Reed,

Please accept this proposal based on conversations with yourself and Deputy Supervisor David Reynolds on March 28, 2009, and the request to submit a proposal to assist the Town on two issues, those being 1) a payment policy for Fees In Lieu of Mitigation related to the two existing and one new Generic Environmental Impact Statements (GEIS), and 2) the development of a policy for dealing with the value and sale of Flow Credits related to progressing economic development in the Town while the Oneida County Sewer District, of which the Town of New Hartford is a member, is under a NYSDEC Consent Order to abate Sanitary Sewer Overflows (SSO's).

Fees In Lieu of Mitigation (FILM)

BACKGROUND:

The Town of New Hartford currently has an unclear spending policy for monies offered to the Town by developers within the two existing GEIS areas that is in lieu of actual mitigation of offsite environmental issues of significance related to economic development. Past expenditures have been based on either the unilateral recommendation of a former Special Counsel, or the unilateral recommendation of a Town staff member, albeit all past expenditures have received approval of the Town Board. At this time none of the original Town staff or Town Board members who were intimately involved with the GEIS studies or the original thinking as to how and on what to expend FILM monies are employed by the Town, so any original unwritten standards are no longer available as a guide.

To clarify this matter, and to adopt policy that is applicable for the variety of offsite issues of

environmental significance that are identified in the GEIS and well as others, that while not specifically identified, are determined to have a reasonable nexus, it is deemed necessary to have a written policy upon which every consideration of expenditure can be evaluated.

PROPOSED SCOPE OF WORK:

I propose, working in concert with the Town Attorney and Town staff, to review the two partially updated GEIS', and the currently unfinished GEIS, and to contact the preparer of all three GEIS' to ascertain the thinking behind how they were prepared and how they see mitigation being implemented. I also propose to research other communities having similar environmental documents to ascertain the existence of any written spending policy and the accompanying resolutions or local laws. Given this research, and again, working in concert with the Town Attorney for legal matters, I propose to prepare a written spending policy that can be presented to the Town Board for consideration and action.

FLOW CREDITS

BACKGROUND:

It has come to light that the acquisition, banking and selling of flow credits to progress economic development while under the Oneida County Sewer District Consent Order is bereft with possible legal challenges. These challenges include, but are not limited to the actual sale price, priority in disposing of, and retaining them for future projects. As we know of no other community in the district that has as yet banked or sold flow credits, and as the Town of New Hartford has generated flow credits and has developers wanting to purchase them, the Town Board desires to develop a written policy for dealing with them so that every developer is subject to the same criteria, at both the Town Board level and at the Planning Board level.

PROPOSED SCOPE OF WORK:

I propose to work in concert with the Town Attorney and Town staff to research other municipalities both within and without New York State to compile existing policies and practices related to handling flow credits. I also intend to research Oneida County to ascertain how applicable any contracts let by the County are for manhole and sewer repairs so that local cost estimates can be included when determining sale cost.

FEE PROPOSAL

FILM

Lump Sum \$1,800

Estimated Project Completion 4 - 6 weeks

Additional Direct Expenses Travel out of Town at Town established rate/ mile

FLOW CREDITS

Lump Sum \$1,800

Estimated Project Completion 4 - 6 weeks

Additional Direct Expenses Travel out of Town at Town established rate/ mile

For both FILM and FLOW CREDITS work:

Proposal includes one presentation to the Town Board on each work issue.

Town to furnish working space including phone, internet service, and printer at no cost to service provider.

Town to provide photocopier at no cost to service provider.

Typing services and photocopying time to be provided at no cost to provider.

Thank you for the opportunity to submit this proposal. If there are any questions, please feel free to contact me at 520-4506. I look forward to working with the Town on these most important issues.

I am,

Sincerely yours,

Roger A. Cleveland