



Resolution
Board of Supervisors
County of Columbia
New York

RESOLUTION NO.: 225-2013

DATE: June 12, 2013

BY SUPERVISOR: _____
COUNTY GOVERNMENT
CHAIRMAN: KEVIN MCDONALD

AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF NEW LEBANON FOR THE NEW LEBANON LANDFILL

UPON , recommendation of the County Government committee at a meeting held on the 23rd day of April, 2013; and of the Finance Committee at a meeting held on the 4th day of June, 2013;

WHEREAS, the County of Columbia and the Town of New Lebanon desire to enter into an intermunicipal agreement is made pursuant to the Article 5-G. Section 119-o, of the New York General Municipal Law and the inherit authority of the County and the Town; and

WHEREAS, an Agreement was entered between the County of Columbia and Town of New Lebanon for the purpose of guaranteeing source procurement for Columbia County Solid Waste Management Disposal System, dated June 14, 1981 (the “1981 Agreement”); and

WHEREAS, the Town agreed that upon entry into the County’s Solid Waste Management Disposal System, the Columbia County Commissioner of Public Works would have the right, under the Rules and Regulations of the System to be promulgated by the Columbia County Board of Supervisors, to divert solid waste into the Town’s landfill, if applicable; and

WHEREAS, under the 1981 Agreement, the Town would budget for and pay for costs associated with solid waste disposal and that such expenses would be reimbursed to the Town through a voucher procedure subject to audit pursuant to appropriate Rules and Regulations to be promulgated by Columbia County Board of Supervisors; and

WHEREAS, the Town agreed that it would not provide, nor undertake to provide any similar or competing services such as the ones provided for in the 1981 Agreement, or otherwise dispose of its solid waste other than provided for in the 1981 Agreement or divert any of its solid waste from the Columbia County Solid Waste Management System; and

WHEREAS, at the time the 1981 Agreement was executed, the available capacity at the Town’s Landfill was conservatively estimated at twenty-five thousand (25,000) cubic yards; and

WHEREAS, the County diverted solid waste into the Town’s Landfill pursuant to the 1981 Agreement; and

WHEREAS, the Town asserts that the County has failed to compensate the Town for the consumption of the landfill capacity; and

WHEREAS, the County disputes that it has any remaining obligations under the 1981 Agreement; and

WHEREAS, the Town has agreed to be responsible for all necessary and actual future expenses incurred in the maintenance of the Town’s Landfill and in compliance with all regulatory obligation arising from the Town Landfill; and

WHEREAS, as compensation for the County’s use of the landfill capacity and in satisfaction of all its obligations under the 1981 Agreement, the County has agreed compensate the Town as set forth herein;

NOW, THEREFORE BE IT

RESOLVED, that the Columbia County Board of Supervisors hereby authorizes the Chairman of the Board of Supervisors to execute an intermunicipal agreement with the Town of New Lebanon allowing for payments as follows:

2014	\$75,000
2015:	\$75,000
2016:	\$225,000
2017:	\$250,000

and be further,

RESOLVED, that the Town shall continue to be responsible for any and all future obligations (including regulatory and maintenance) with respect to its landfill; and be it further

RESOLVED, that the Town will release the County from any and all claims and liabilities as set forth in the attached intermunicipal agreement arising out of the 1981 Agreement between the County and the Town for the Purpose of Guaranteeing Source Procurement for Columbia County Solid Waste Management disposal System regarding its landfill.

RESOLVED, that certified copies of this resolution be forwarded to Columbia County Commissioner of Public Works, Columbia County Controller, Town of New Lebanon, the Columbia County Treasurer, and the Columbia County Attorney.

Approved:

County Attorney

**Resolution
Committee**

