

LIBERTY TOWN BOARD

Date / time 5/2/2022 6:30 PM Location 119 NORTH MAIN STREET LIBERTY, NY 12754

SUPERVISOR	Frank DeMayo
TOWN CLERK	Laurie Dutcher
COUNCILPERSON	Dean Farrand
COUNCILPERSON	Brian McPhillips
COUNCILPERSON	Vincent McPhillips
COUNCILPERSON	John Lennon, Jr.

Agenda Items

PLEDGE OF ALLEGIANCE

CORRESPONDENCE

1. Email from Jennifer Flad, Executive Director of the Sullivan County Industrial Development Agency regarding an application from NY Liberty II, LLC.
2. Email from Jennifer Stone, Sullivan County GIS Program Coordinator regarding Marx St. and the name change request.
3. Correspondence from the NYS Public Service Commission regarding the new 329 area code.
4. Correspondence from Sullivan Renaissance awarding the White Sulphur Springs First a Sullivan Renaissance Beautification Grant in the amount of \$2,500.
5. Email from the Sullivan County Chamber of Commerce regarding the ribbon cutting for the Healthy Kids Program.
6. Correspondence from Illing Engineering Services regarding SBL #6.-1-40.

DEPARTMENT HEAD REPORTS

ASSESSOR

BUILDING

COURT

DOG CONTROL

FINANCE

HIGHWAY

PARK & RECREATION

TOWN CLERK

WATER & SEWER

DELAWARE ENGINEERING

NEW BUSINESS

1. Appointment of Sunsoree Young as Acting Assessor as of 4/19/22.
 2. Resolution naming the Planning Board as Lead Agency for the Liberty Business Park SBL #41.-1-27.
 3. Approval for Frank DeMayo and Nick Rusin to adopt Barton Road through the Town of Liberty Adopt A Road Program.
 4. Approval of and authorization for the Supervisor to sign the acknowledgement and acceptance of the WIIA grant award.
 5. Set meeting with Planning Board on 6/7/22 at 6:00 p.m. at the Senior Center, 119 North Main Street, Liberty, NY.
 6. Approval of the following minutes:
 - Dept. Head/Worksession Mtg. 3/07/22
 - Regular Monthly Mtg. 3/21/22
 - Dept. Head/Worksession Mtg. 4/4/22
 - Stone bid 4/21/22
 7. Authorize the purchase of a used 2002 Blaw-Knox Asphalt Paver model #PF3172 w/2,500 hours at a cost of \$14,000 to be taken out of the Highway operating budget.
 8. Authorize the Supervisor to sign contract w/ Delaware Engineering for the OCR Small Cities CDBG Project #641PW78-21 for the White Sulphur Springs Water District-Phase 10 Improvements Project.
 9. Appointment to the Board of Assessment Review for a term expiring 9/30/2024.
-

DISCUSSION

1. Harris Rd. Solar Project Proposed Decommissioning Agreement.
2. Request from Jennifer Flad, Executive Director of the Sullivan County IDA, to send a letter to the IDA to satisfy the UTEP requirement of local support.

BOARD DISCUSSION

EXECUTIVE SESSION

1. Personnel
2. Contract negotiations

ADJOURN

supervisordemayo@townofliberty.org

From: Jennifer Flad <jflad@sullivanida.com>
Sent: Thursday, April 21, 2022 3:38 PM
To: joshua.potosek@sullivanny.us; Frank DeMayo; PSullivan@LibertyK12.org
Subject: County of Sullivan IDA Application
Attachments: 01-1 NY Liberty II, LLC - IDA Application (04.04.22).pdf

Good Afternoon County Manager Potosek, Supervisor DeMayo, and Superintendent Sullivan,

Attached for your information please find an application for IDA benefits from NY Liberty II, LLC. The project involves the development of an approximately 2 MW solar photovoltaic electricity generating facility on Harris Road in the County of Sullivan, Town of Liberty, and Liberty Central School District.

If you have any questions or concerns, please do not hesitate to contact me. Thank you.

Jennifer M. Flad
Executive Director
County of Sullivan Industrial Development Agency
548 Broadway
Monticello, New York 12701
tel: (845) 428-7575
fax: (845) 428-7577
TTY 711

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COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY

548 Broadway

Monticello, New York 12701

845-428-7575

APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION:

Company Name: NY Liberty II, LLC

Address: 140 East 45th Street, Suite 32B-1, New York, NY 10017

Phone No: 646-998-6495

Telefax: NA

Email Address: peter.dolgos@delawareriversolar.com

Fed Id No.: 87-1435651

Contact Person: Peter Dolgos - SVP NY Liberty II, LLC

Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):

Principal Owners (Shareholders/Members/Owners): NY DRS Finco II, LLC (100%)

Directors/Managers: NY DRS Finco II, LLC (Sole Member)

Officers: Richard Winter (CEO), John Tartaglia (President), Peter Dolgos (SVP)

Corporate Structure (attach schematic if Applicant is a subsidiary or otherwise affiliated with another entity)

Form of Entity:

Corporation (Sub-s)

Date of incorporation: _____

State of incorporation: _____

Partnership

General _____ or Limited _____

Number of general partners _____

If applicable, number of limited partners _____

Date of formation: _____

Jurisdiction formation: _____

Limited Liability Company/Partnership (number of members 1)

Date of organization: 6/29/2021

State of organization: NY

Sole Proprietorship

If a foreign organization, is the Applicant authorized to do business in the State of New York? Yes No N/A (If so, please append Certificate of Authority.)

APPLICANT'S COUNSEL

Name: Law Office of Richard Chun, PLC
Address: 1225 Franklin Avenue, Suite 325, Garden City, NY 11530
Phone No.: 646-998-6403
Telefax No.: 917-591-9441
Email Address: rchun@rwc-legal.com

II. REQUESTED FINANCIAL ASSISTANCE

	<u>Estimated Value</u>
Real Property Tax Abatement (estimated)	<u>\$ 0</u>
Mortgage Tax Exemption	<u>\$ Not to Exceed \$30,000</u>
Sales and Use Tax Exemption	<u>\$ Not to Exceed \$50,000</u>
Issuance by the Agency of Tax Exempt Bonds	<u>\$ 0</u>

III. PROJECT INFORMATION

A.) Project Location:

Project Address: Harris Road, Liberty, NY 12734
Tax Map Number(s): 36.-1-121.3
Located in the Village of: -----
Located in Town of Liberty
Located in the School District of Liberty Central School District
Located in Hamlet of -----

(i) Are Utilities on Site?

Water/Sewer No Electric No
Gas No Storm Sewer No

(ii) Present legal owner of the site: Delaware River Solar Real Estate, LLC

If other than Applicant, by what means will the site be acquired for this Project:

NY Liberty II, LLC will lease the entire parcel (approximately 20 +/- acres) from the legal owner of the site, Delaware River Solar Real Estate, LLC

(iii) Zoning of Project Site: Current: Industrial Commercial Proposed: same

(iv) Are any variances needed: No

(v) Principal Use of Project upon completion: Generation of solar photovoltaic electricity to be distributed through the NYSEG electrical grid to NYSEG customers that are signed up with the Applicant's Community Solar Program.

B.) Will the Project result in the removal of a plant or facility of the Applicant or a proposed Project occupant from one area of the State of New York to another area of the State of New York? No If yes, please explain: NA

C.) Will the Project result in the abandonment of one or more Plants or facilities of the Applicant or a proposed Project occupant located in the State of New York?

No If yes, please explain: NA

D.) If the answer to either question B or C above is yes, you are required to indicate whether any of the following apply to the Project: Not Applicable

1. Is the Project reasonably necessary to preserve the competitive position of the Applicant or such Project Occupant in its industry? Yes ___ No ___

If yes, please explain: NA

2. Is the Project reasonably necessary to discourage the Applicant or such Project Occupant from removing such other plant or facility to a location outside the State of New York? ___ Yes ___ No. If yes, please explain: NA

E.) Will the Project include facilities or property that will be primarily used in making retail sales of goods or provide services to customers who personally visit such facilities? Yes ___ No X If yes, please contact the Agency for additional information. NA

F.) Please provide a narrative of the Project and the purpose of the Project (new build, renovations, and/or all equipment purchases). Identify specific uses occurring within the Project. Describe any and all tenants and any/all end users. Describe the proposed acquisitions, construction or reconstruction and a description of the costs and expenditures expected. Attach additional sheets, if necessary.

The Project is an approximate 2MWac solar photovoltaic electricity generating facility that will be interconnected to the NYSEG electrical grid. The electricity generated by the array will be sold to NYSEG customers that enroll in the Applicant's Community Solar Program. The Project is a new build and will be comprised of (a) racking to mount the solar modules (such racking generally to be pile driven into the ground), (b) solar modules, (c) inverters and transformers to sit on a concrete inverter pad and (d) other electrical wiring and system components. Construction will take approximately three to four months. An Interconnection Agreement with NYSEG has been executed.

The Project is monitored remotely and there are no daily on-site personnel required. Regularly scheduled maintenance will occur at least semi-annually and will consist of (a) cleaning panels (no chemicals), (b) equipment servicing / replacement and (c) project site maintenance (mowing).

The Applicant and Town will enter into a Decommissioning Plan/Agreement that will set forth the details regarding the decommissioning steps and financial surety for removal of the solar facility.

G.) COSTS AND BENEFITS OF THE PROJECT

Costs = Financial Assistance

Estimated Sales Tax Exemption	\$ <u>not to exceed \$50k</u>
Estimated Mortgage Tax Exemption	\$ <u>not to exceed \$30k</u>
Estimated Property Tax Abatement	\$ <u>0</u>
Estimated Interest Savings IRB Issue	\$ <u>0</u>

- 1) The projected timeframe for the creation of new jobs.

The Project is currently in the development phase and there are certain contracted jobs already created (surveying, engineering, sales). The construction phase is expected to be three to four months with a target of commencing construction in the 3rd/4th quarter of 2022. Contracted jobs (maintenance and landscaping) during the operational phase (30 years) would commence upon completion of the construction phase, which is expected to be 1st quarter of 2023.

- 2) The estimated salary and fringe benefit averages or ranges for categories of the jobs that would be retained or created if the request for financial assistance is granted.

As indicated above, all jobs created during the operational phase of the Project will be on an independent contractor basis.

- 3) An estimate of the number of residents of the economic development region as established pursuant to section two hundred thirty of the Economic Development Law, in which the project is located that would fill such jobs. The labor market area defined by the agency (Mid-Hudson Economic Development Region).

Development Phase: 3-4

Construction Phase: 20-25

Operational Phase: 2-3

Note: The 2015 US Census estimate of the population of the Mid-Hudson Valley Region aged 18-64 is 1,433,386.

- H.) State whether there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency, or, if the project could be undertaken without financial assistance provided by the Agency, a statement indicating why the project should be undertaken by the Agency

This solar photovoltaic project is within the NYSEG utility zone, which historically has lower electricity rates than other utilities (Central Hudson, Orange & Rockland, etc.). In order for the Applicant to offer electricity at a discount to the customers enrolled in the Applicant's Community Solar Program the revenue generated by the Project would be lower than comparable projects in other utility areas. This results in returns below generally expected market returns on a solar project which would cause both financing parties and investors to seek investment elsewhere. The financial assistance provided by the Agency in terms of tax relief will provide financing parties and investors certainty in PILOT payments that will alleviate some of their risk on a Project with returns that are below market average.

IV.

REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A) Job Listings. In accordance with Section 858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
- B) First Consideration for Employment. In accordance with Section 858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C) Annual Sales Tax Filings. In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- D) Annual Employment Reports. The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.
- E) Absence of Conflicts of Interest. The Applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described.
- F.) The Applicant represents that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

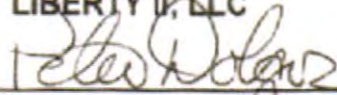
- G.) The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- H.) The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- I.) The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

EXHIBIT A
Source of Funds

Sponsor Investment	375,000
Tax Equity Investment	1,125,000
Debt	2,150,000
Incentives (NYSERDA estimate)	225,000
Total Source of Funds	3,875,000

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

NY LIBERTY II, LLC



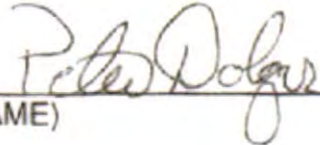
By: Peter Dolgos, SVP

Date: 4/4/22

STATE OF NEW YORK)
COUNTY OF SULLIVAN) ss.:


Peter Dolgos, being first duly sworn, deposes and says:

1. That I am the SVP of NY Liberty II, LLC (collectively, the, "Applicant") and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.



(NAME)

Subscribed and affirmed to me under penalties of perjury
this 4 day of March, 2022.



(Notary Public)

JULIANA C. MARQUES
Notary Public, State of New York
No. 01MA6338149
Qualified in New York County
Commission Expires March 7, 2024

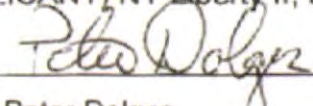
THIS APPLICATION SHALL BE SUBMITTED WITH (I) TWO CHECKS: ONE COVERING A \$250.00 APPLICATION FEE AND THE SECOND COVERING A \$5,000.00 UP-FRONT ESCROW DEPOSIT; AND (II) APPLICANT'S FORMATION DOCUMENTS (IE: IF A CORPORATION: ITS CERTIFICATE OF INCORPORATION AND BYLAWS; IF A LIMITED LIABILITY COMPANY: ITS ARTICLES OF ORGANIZATION AND OPERATING AGREEMENT; IF A LIMITED PARTNERSHIP: ITS CERTIFICATE OF LIMITED PARTNERSHIP AND LIMITED PARTNERSHIP AGREEMENT; OR IF A PARTNERSHIP: ITS PARTNERSHIP AGREEMENT TO:

COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY
Executive Director
548 BROADWAY
MONTICELLO, NEW YORK 12701

HOLD HARMLESS AGREEMENT

Applicant hereby releases the COUNTY OF SULLIVAN INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof ("Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with the respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

(APPLICANT) NY Liberty II, LLC

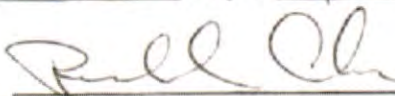
By: 

Name: Peter Dolgos

Title: Senior Vice President

Date: 4/6/22

Sworn to before me this 6th day of April, 2022.


Notary Public

RICHARD W. CHUN
Notary Public, State of New York
No. 02CH6116187
Qualified in Nassau County
Commission Expires Sept. 20, 2024

supervisordemayo@townofliberty.org

From: Stone, Jennifer D. <Jennifer.Stone@sullivanyny.us>
Sent: Thursday, April 21, 2022 1:34 PM
To: 'breslev42@gmail.com'
Cc: 'supervisordemayo@townofliberty.org'; 'n.rusin@townofliberty.org'; 'l.dutcher@townofliberty.org'
Subject: FW: FW: Marx St renaming

This message was sent securely using Zix®

Mr. Steinberg,

I am writing you to let you know that we have closed your road naming request regarding Marx St to Breslev Ct. This was done because we received confirmation, via phone call and email (see below), that Mr. & Mrs. Hook do NOT grant permission to us to change the road name for Marx St. Should this change in the future please feel free to provide another request along with written permission from all parties who own property or have residences that are accessed from Marx St. We will reevaluate at that time.

Jennifer D. Stone

Jennifer D. Stone
GIS Coordinator
Sullivan County GIS Program



Information Technology Services
Sullivan County Government Center
100 North Street
Monticello, NY 12701

Phone: (845) 807-0110
Fax: (845) 807-0111
Email: jennifer.stone@sullivanyny.us

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From: Mark Hook [mailto:mchook1998@gmail.com]
Sent: Thursday, April 21, 2022 1:18 PM
To: Stone, Jennifer D. <Jennifer.Stone@sullivanyny.us>
Subject: Re: FW: Marx St renaming

ITS ADVISES CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

ms. stone this is cheryl hook. my husband mark and i have lived at 14 marx st. liberty, ny for 22 years. we have had new neighbors for about a year. they would like to change the name of our road. they do NOT have our permission written or otherwise to do this. thank you so much for your help.

cheryl and mark hook

On Thu, Apr 21, 2022 at 11:19 AM Stone, Jennifer D. <Jennifer.Stone@sullivanny.us> wrote:

This message was sent securely using Zix®

Ms. Hook,

Please see the emails below. Mr. Steinberg was notified that he needs your written permission, as a directly affected property owner, before we can approve his requested road name change from Marx St to Breslev St (or any other suffix). Please respond to this email with your position on this permission for a road name change from Marx St to Breslev St (yes, I approve it OR no, I don't approve it). If you do not approve it I will then attach your email to our documentation and close the request. Thank you!

Jennifer D. Stone

Jennifer D. Stone

GIS Coordinator

Sullivan County GIS Program



Information Technology Services

Sullivan County Government Center

100 North Street

Monticello, NY 12701

Phone: (845) 807-0110

Fax: (845) 807-0111

Email: jennifer.stone@sullivanny.us

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From: Stone, Jennifer D.
Sent: Monday, March 14, 2022 9:04 AM
To: 'Menachem Steinberg' <breslev42@gmail.com>
Subject: RE: Marx St renaming

I know. I was just cc'ing you so you were aware of the communications, regarding the road renaming, that had been sent by the Town.

Jennifer D. Stone

Jennifer D. Stone

GIS Coordinator

Sullivan County GIS Program



Information Technology Services

Sullivan County Government Center

100 North Street

Monticello, NY 12701

Phone: (845) 807-0110

Fax: (845) 807-0111

Email: jennifer.stone@sullivanny.us

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From: Menachem Steinberg [<mailto:breslev42@gmail.com>]

Sent: Friday, March 11, 2022 1:41 PM

To: Stone, Jennifer D. <Jennifer.Stone@sullivanny.us>

Cc: supervisordemayo@townofliberty.org; n.rusin@townofliberty.org; Laurie Dutcher <l.dutcher@townofliberty.org>

Subject: Re: Marx St renaming

ITS ADVISES CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes, I'm working on getting you all the paperwork you need.

On Fri, Mar 11, 2022, 12:45 PM Stone, Jennifer D. <Jennifer.Stone@sullivanny.us> wrote:

This message was sent securely using Zix

Frank,

Its Jenn from Sullivan County GIS/911 Addressing. Please see attached email in which I notified Mr. Steinberg that I still need written acknowledgement from one of the affected parcel owners, Mark and/or

Cheryl Hook. The proposed road renaming of Marx St to Breslev St is tentatively approved pending the receipt of that written permission. As soon as I receive the written acknowledgement I will generate a road name approval letter to be attached to the written request by Mr. Steinberg. Following that please have your town clerk submit the approved road renaming resolution to me so that I can make the change in our 911 system, update the 911 Dispatch system, and notify the appropriate agencies.



Jennifer D. Stone

GIS Coordinator

Sullivan County GIS Program

Information Technology Services

Sullivan County Government Center

100 North Street

Monticello, NY 12701

Phone: (845) 807-0110

Fax: (845) 807-0111

Email: jennifer.stone@sullivanny.us

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This message was secured by Zix®.

----- Forwarded message -----

From: "Stone, Jennifer D." <Jennifer.Stone@sullivanny.us>

To: "'breslev42@gmail.com'" <breslev42@gmail.com>

Cc: "Knapp, Christopher J." <Chris.Knapp@sullivanny.us>, Assessor - Liberty <assessor@townofliberty.org>, "Charter/Spectrum - Lauren" <Lauren.Sedlacek@charter.com>, "Customer Service (custserv@nyseg.com)" <custserv@nyseg.com>, "'DBMC-NY-WHTPL-E911@verizon.com'" <DBMC-NY-WHTPL-E911@verizon.com>, "Kelly, Michael J." <Michael.Kelly@sullivanny.us>, "Michael A. Montaruli, USPS Address Management (michael.a.montaruli@usps.gov)" <michael.a.montaruli@usps.gov>

Bcc:

Date: Tue, 8 Mar 2022 16:43:32 +0000

Subject: Marx St to Breslev St road name change request

Manny,

In reviewing the affected parcels for your road name request, there is one parcel, Liberty 30.-1-92.13, which is not owned by you and which has a Marx St residence address on it. The address of the affected residence is 14 Marx St. You will need to obtain written permission for the road name change from the landowner(s) of record for that address, Mark and/or Cheryl Hook, before the town can approve the road name change and before I can add it to the 911 addressing system. Please email that signed permission to me as soon as possible and I will be happy to send out the approval letter for you to submit to the Liberty Town Clerk.

Jennifer D. Stone

Jennifer D. Stone

GIS Coordinator

Sullivan County GIS Program

Information Technology Services

Sullivan County Government Center

100 North Street

Monticello, NY 12701

Phone: (845) 807-0110

Fax: (845) 807-0111

Email: jennifer.stone@sullivanny.us

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Public Service Commission

For Immediate Release: 04/20/22

Rory M. Christian, Chair

Contact:

James Denn | James.Denn@dps.ny.gov | (518) 474-7080

<http://www.dps.ny.gov>

<http://twitter.com/NYSDPS>

22039/21-C-0600

New 329 Area Code for Columbia, Delaware, Dutchess, Greene, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties

New Area Code Assignments Begin Third Quarter of 2023

ALBANY — The New York State Public Service Commission (Commission) announced today that residential, business and wireless customers within the existing 845 area code region (Columbia, Delaware, Dutchess, Greene, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester counties) should begin to prepare for the introduction of the new 329 area code, as early as the third quarter of 2023.

To meet the increasing demand for residential and business phone numbers, the Commission, on April 14, 2022, approved a new area code to be added to the current 845 area code that serves all or parts of Columbia, Delaware, Dutchess, Greene, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester counties.

Beginning the third quarter of 2023, customers in the existing 845 area code requesting new service, an additional line, or a move in the location of their service, may be assigned a number in the new 329 area code.

Existing customers in the 845-area code will not be affected by the new overlay area code. An overlay area code is the most effective possible use of numbering resources in the 845-area code region and results in long-term relief, with the least expense, and the least amount of disruption and frustration to consumers as possible.

Customers will retain their current telephone numbers, and 10-digit dialing for local calls will continue. The overlay area code will be assigned to newly issued telephone numbers in the region once all existing 845 telephone numbers are exhausted, and will apply to all telephone numbers, regardless of service type. Customers will retain their current telephone numbers, and 10-digit dialing for local calls will continue. The new area code is projected to provide telephone numbering relief for approximately 28 years.

Important facts that consumers and businesses need to know about the upcoming 845 area code overlay are:

- Current telephone numbers, including current area code, will not change.
- The price of a call, coverage area, or other rates and services will not change due to the overlay.
- What is a local call now will continue to remain a local call.
- Calls between 329 and 845 area codes are local calls.
- Consumers will continue to dial the area code + telephone number for all calls to other area codes.
- Calls to reach 911 Emergency Service will remain three digits.

Customers should ensure that all services, automatic dialing equipment, applications, software, or other types of equipment recognize the new 329 area code as a valid area code. Some examples of such are life safety systems, fax machines, Internet dial-up numbers, alarm and security systems, gates, speed dialers, mobile phone contact lists, call forwarding settings, voicemail services, and similar functions. Business stationery, advertising materials, personal checks, and personal or pet ID tags should include the area code.

The Commission's rulings in this proceeding may be obtained by going to the Commission Documents section of the Commission's Web site at www.dps.ny.gov and entering Case Number 21-C-0600 in the input box labeled "Search for Case/Matter Number". Many libraries offer free Internet access. Commission documents may also be obtained from the Commission's Files Office, 14th floor, Three Empire State Plaza, Albany, NY 12223 (518-474-2500). If you have difficulty understanding English, please call us at 1-800-342-3377 for free language assistance services regarding this press release.



Building beautiful, active communities

April 12, 2022

Sandra Gerry, Chair

STEERING COMMITTEE

Leni Binder

Daniel Briggs

Kathy Davidoff

Gay Donofrio

Cora Edwards

John Evans

Hon. Josephine Finn

Foster Supply Hospitality

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Steve Melendez

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Joyce Salimeno-Gitlin

Brian Scardefield

Jaime Schmeiser

Gerald J. Skoda

Nicole Slevin Nikolados

Fred Stabbert III

Anne Lise Dyhr Vogel

Rabbi Larry Zierler

White Sulphur Springs Sullivan First
44 Old Dahlia Road
Livingston Manor, NY 12758

Attn: Marian Hosking

Re: 2022 Sullivan Renaissance Beautification Grant: It's Bloomin' Time!

Dear Marian,

Congratulations on being awarded a Sullivan Renaissance Beautification Grant in the amount of \$2,500 for It's Bloomin' Time!

Based on your application, the grant will be used to add additional perennials for full season color, revitalize the bridge and continue maintenance on all gardens throughout White Sulphur Springs. To confirm that this is your intention, please sign and return the enclosed Grant Addendum at which time the funding will be released.

All funded projects are required to submit final reports and documentation no later than August 15, 2022.

We ask that any documentation or publicity in connection with this project include the following language: **Funding for this project was made possible in part by a Beautification Grant from Sullivan Renaissance.**

Please contact Carmela M. Hugel, Beautification Program Manager at 845-295-2453 with any questions.

Thank you for your continued efforts to beautify Sullivan County. We wish you the best with your project.

Sincerely,

Denise Frangipane, Executive Director

cc: Frank DeMayo, Supervisor, Town of Liberty
Carmela Hugel, Beautification Program Manager



Building beautiful, active communities

**2022 BEAUTIFICATION PROGRAM
GRANT ADDENDUM**

White Sulphur Springs Sullivan First

Project Name: It's Bloomin' Time!
Category: Beautification
Project Description: Add additional perennials for full season color, revitalize the bridge and continue maintenance on all gardens throughout White Sulphur Springs

Grant Package:

The following grant package has been awarded for the project described above.

- Grant Amount: \$2,500
- Flower Dollars: \$250
- Horticulture Crew Assistance: 20 hours
- Project Intern: Intern assignments will be finalized by mid-May.

Grant Conditions:

- N/A

This \$2,500 grant is allocated for the purpose stated above. Grant funds may not be redistributed or alternately applied without prior confirmation from Sullivan Renaissance.

Agreed to by:

Sign Name: _____

Print Name: _____

Date: _____

Title: _____

supervisordemayo@townofliberty.org

From: Sullivan County Chamber of Commerce <president@catskills.com>
Sent: Monday, April 25, 2022 2:02 PM
To: supervisordemayo@townofliberty.org
Subject: Upcoming Ribbon Cuttings!

Your Partner For Success

Vision: To be the uniting force for business in Sullivan County.
Mission: Uniting a Culture of Commerce in Sullivan County.



845-791-4200 • 196 Bridgeville Road, Monticello, NY • catskills.com



Ap



Join Us For Ribbon Cuttings and The Grand Opening of

Healthy Kids Programs

Tuesday, May 3 - 5-7pm

6 Wierk Ave., Liberty, NY 12754

Join us for an open house of our newly renovated business office rentals that are now available to lease in the heart of Liberty! With different layouts and sizes a customizable option, we have a space for every business. **Ribbon cutting will be at 5:30pm.** We invite you to take a walk through all the available spaces, enter a drawing for a chance to win a gift certificate, and enjoy some ice cream from an ice cream truck.

For more information contact Gina Morris - Email: gina@healthykidsprograms.com

68 State St., Liberty, NY 12754

Join us for an Open House of our brand new Childcare Center! **Ribbon cutting will be at 5:45pm.** We will have crafts, a princess story time and visit, a photo station, and an ice cream truck dishing out ice cream!

Healthy Kids Programs has been providing Before and After School, Summer Camp and Early Learning Programs since 2003. With over 80 locations and growing, we are the largest childcare provider with the most communities served, in New York State.

Our new center will be offering Infant, Toddler and Preschool Programs as well as a school age Before and After School Program!

Tuesday, May 10 - 5-7pm

Town of Liberty Town Board
120 North Main Street
Liberty NY, 12754

April 20, 2022

Re: SBL 6.-1-40 in the Town of Liberty

Honorable Supervisor and Members of the Town Board;

At the last Planning Board meeting I found myself outraged by a position the town had taken. Dr. Deming taught me as a young engineer to always look past the anger and focus on why the anger is there. He said I would almost always find it the result of a failed process. So I have taken the last couple of weeks to reflect on what lead up to last months Planning Board meeting and have listed the situations or processes which have violated the belief we all regularly pledge to uphold "Liberty & Justice for All".

Process #1 - The NYS DOT took a significant amount of land from the Rubashkin Family. In the taking they also took the family swimming pool, the family pool house, the family tennis court and 3 weekend homes. I know the Town Board used to abhor municipal takings and this case is an excellent example of why. Rest assured the DOT did not give the Rubashkin Family enough money to rebuild what they took. As a fiduciary responsibility to the tax payer they only offer a depreciated/market value, not a replacement value. This family was violated on multiple levels.

Process #2 - The Town of Liberty rezoned the land the Rubashkin Family owned. The family dream held by eight brothers to eventually have a much larger percentage of their family join them on their "Country Estate" was destroyed. One must wonder if the Town significantly reduced the taxes the Rubashkin Family paid every year in light of significantly reducing the value of the property to this family. This family was again violated on multiple levels.

Process #3 - After the Family finally saved up enough money to rebuild their homes and in fact build some additional homes for more family members on the 70 acres they have left, we proposed illustrating how the property could be subdivided per the current code without breaking up the Family Estate. This way if the property ever were sold it could be subdivided in accordance with current code. Other towns with more respect for the rights of property owners permit this process. Liberty denied them this right.

Ken Klein once most brilliantly said in a public meeting (and I paraphrase) 'Zoning Code is great but there will be times when you will wish you had no zoning code at all.' This is the essence of why the Town Code grants the Planning Board the authority to waive any requirement in the code provided it does not negatively impact the health and safety of the overall community. Simply enforcing the letter of the code hardly requires an attorney. The job of the Planning Board Attorney is to support the goals of the Planning Board and guide them on their path to make those goals legal and binding while avoiding setting undesirable precedents. Generally, this will come in the form of carefully crafted waivers combined with supplemental requirements not in the code. This process is clearly broken and again this family was violated.

Process #4 - After meeting with the Planning Board, the Attorney and the Town Engineer insisted we must subdivide the property in accordance with the code. That was an offensive deception. Never the less we created a map illustrating a 7 lot Conservation Subdivision. It had several issues which needed to be addressed by the Planning Board and required waivers which could only be granted by the Planning Board. Which waivers the Planning Board would grant or deny or grant with modifications was to determine our scope of work and overall direction moving forward. Unfortunately a shameful Policy prohibited the Rubashkin Family from even speaking to the Planning Board. So shameful was this enacted policy, that on the night of the Planning Board meeting, when asked who violated the rights of the Rubashkin Family prohibiting them from appearing before the Planning Board, no one knew who it was. A most astonishing response. Once again this family was violated.

It has always been my personal belief that Planning Boards are there to help and should meet with applicants as early in the planning stages as possible to help shape the final product. I believe the Planning Board in Liberty embraces that philosophy. However, in violation of the intent of the town code, the Town has executed a policy which can prohibit an applicant from appearing before the Planning Board until the submittal is in full compliance with the Town Code. Filling out the Application and paying the published/advertised application fee is not sufficient. Obviously that policy is in conflict with the actual town code since the Planning Board can grant waivers from any requirement in that code and no consultant, technical or legal has the authority to diminish or take that authority from the Planning Board. This policy arbitrarily increases costs for applicants while inhibiting valuable communications between applicants and the Planning Board. This policy is not just wrong, I suspect it is arbitrary and capricious.

I respectfully ask the Town Board to embrace the Town Code as it is written (despite its flaws) and support the Planning Board as the appointed trained authorities. The Planning Board Members were selected by the Town Board because of their experience, good judgement, and unwavering pursuit for the best interests of the people in the Town of Liberty. Yes, the Town Board would not have appointed them if they did not trust them and now should entrust them with the authority they have as defined in the Town Code.

The Policy defining what is required as a submittal to appear before the Planning Board should be corrected. Only a simple application explaining what is desired and the application fee should be required. Anything beyond these two items undermines the authority of the Planning Board and inhibits their ability to communicate with applicants early in the planning stages. An application process should be defined which embraces the existing authority of the Planning Board and enhances communication between the applicant and the Planning Board without imposing significant costs to the applicant. Healthy Planning Board involvement early in the planning process creates an amicable path to the best outcome for the Town of Liberty at the lowest cost.

Sincerely,

Wes Illing, PE
NYS Lic. No. 082169

Laurie Dutcher

From: Joanne Gerow <indianhillbernese@gmail.com>
Sent: Wednesday, April 27, 2022 4:49 PM
To: Unknown
Subject: Report for April

DOG CONTROL
APRIL 2022

Dogs picked up 3
Dogs redeemed 3
Dogs transferred to CARE 0
Dogs at Shelter 0
Miles 544

Town of Liberty Finance Office
120 North Main Street
Liberty, NY 12754
(845) 292-5772
c.gerow@townofliberty.org

DATE: April 30, 2022
TO: Supervisor DeMayo and Town Board Members
FROM: Earl Bertsch/Cheryl Gerow
RE: April Monthly Report

~~~~~  
The following took place in the Finance Office for the month of April:

1. Followed up on insurance claim and provided more information to expedite the process
2. Submitted additional insurance claim
3. Attended webinar with U.S. Department of the Treasury regarding compliance for AARPA funds
4. Worked with NYSEG and electrician for electric to Swan Lake Museum
5. Submitted quarterly report for ARPA Funds
6. Completed and finalized Annual Financial Report with the State Comptroller's Office
7. Began processing seasonal employees
8. Installed Assessor Clerk's computer
9. Submitted Outstanding Debt request to Sullivan County
10. Mailed letters to retirees requesting 2022 medicare information for reimbursement
11. All other daily duties and responsibilities

| Account#                                                  | Account Description | Fee Description                   | Qty                                 | Local Share       |
|-----------------------------------------------------------|---------------------|-----------------------------------|-------------------------------------|-------------------|
| A1255                                                     | Conservation        | Conservation                      | 2                                   | 2.76              |
|                                                           | Marriage License    | Marriage License Fee              | 1                                   | 17.50             |
|                                                           | Permits             | Junk Yard                         | 1                                   | 250.00            |
|                                                           | Small Sales         | EZ Pass                           | 7                                   | 175.00            |
|                                                           |                     | Marriage Certificate              | 5                                   | 50.00             |
|                                                           |                     |                                   | <b>Sub-Total:</b>                   | <b>\$495.26</b>   |
| A1670.4                                                   | Building Fees       | Certified Mailings                | 1                                   | 146.60            |
|                                                           |                     |                                   | <b>Sub-Total:</b>                   | <b>\$146.60</b>   |
| A2544                                                     | Dog Licensing       | Female, Spayed                    | 8                                   | 52.50             |
|                                                           |                     | Female, Unspayed                  | 6                                   | 75.00             |
|                                                           |                     | Male, Neutered                    | 8                                   | 65.50             |
|                                                           |                     | Male, Unneutered                  | 5                                   | 57.50             |
|                                                           |                     | Replacement Tags                  | 1                                   | 5.00              |
|                                                           |                     |                                   | <b>Sub-Total:</b>                   | <b>\$255.50</b>   |
| A2545                                                     | Dog                 | Redeemed Dog                      | 1                                   | 75.00             |
|                                                           |                     |                                   | <b>Sub-Total:</b>                   | <b>\$75.00</b>    |
| B2110                                                     | Building Fees       | Variance                          | 2                                   | 600.00            |
|                                                           |                     |                                   | <b>Sub-Total:</b>                   | <b>\$600.00</b>   |
| B2770                                                     | Building Fees       | Building Inspections Multi Family | 1                                   | 70.00             |
|                                                           |                     | Building Permit                   | 17                                  | 5,009.20          |
|                                                           |                     | Demolition                        | 1                                   | 100.00            |
|                                                           |                     | Municipal Search                  | 12                                  | 1,200.00          |
|                                                           |                     |                                   | <b>Sub-Total:</b>                   | <b>\$6,379.20</b> |
|                                                           |                     |                                   | <b>Total Local Shares Remitted:</b> | <b>\$7,951.56</b> |
| Amount paid to: Ny State Dept. Of Health                  |                     |                                   |                                     | 22.50             |
| Amount paid to: NYS Ag. & Markets for spay/neuter program |                     |                                   |                                     | 49.00             |
| Amount paid to: NYS Environmental Conservation            |                     |                                   |                                     | 47.24             |
| <b>Total State, County &amp; Local Revenues:</b>          |                     | <b>\$8,070.30</b>                 | <b>Total Non-Local Revenues:</b>    |                   |
|                                                           |                     |                                   | <b>\$118.74</b>                     |                   |

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Laurie Dutcher, Town Clerk, Town of Liberty during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

|                     |               |                     |               |
|---------------------|---------------|---------------------|---------------|
| _____<br>Supervisor | _____<br>Date | _____<br>Town Clerk | _____<br>Date |
|---------------------|---------------|---------------------|---------------|

DEPARTMENT HEAD REPORT  
WATER & SEWER DEPARTMENT  
May 2, 2022

1. April has been a very busy month. We have been taking off bleeders, installing meters, picking up hydrant flags, testing and repairing hydrants, exercising main valves and changing oil & greasing & blowers pumps at the Loomis and Swan Lake sewer plants. We have also been doing Spring clean-up at all buildings getting ready for mowing.
2. This month we had to dig and repair a main valve on Rt 55 in Swan Lake with help from the highway department. We also had to dig and repair the sewer line at the Parks & Rec building with the help of the Village.
3. On June 6<sup>th</sup> Subsurface is scheduled to pull and clean Roth well and to install Aqua Guard system for future cleaning at a lower cost.
4. The 2 new guys that we hired are learning fast and working out good.
5. I attempted to do flow test on Old Rt 17 with Global Fire and Geis. We were unable to perform test due to the size and condition of the water main.





## DELAWARE ENGINEERING, D.P.C.

55 South Main Street  
Oneonta, NY 13820

Tel: 607.432.8073  
Fax: 607.432.0432

### Town of Liberty, NY May 2, 2022 Town Board Meeting Update on Projects

#### 1. The Next CDBG Grant Project Phase 10 – White Sulphur Springs Boyd Road and Well Screens 2021 CFA Round

- Project was identified for award for a grant of \$787,700
- This will bring the total grant funds that have been secured for WSS projects by Blauer Associates and Delaware Engineering to \$4.3M for Phases 5 thru 10!
- Project scope to include water main work near for Boyd Road and for WSS Well #1 screen replacement. Damon noted recent main break on Boyd Road!
- At the March 7, 2022 meeting the Town Board reviewed the RFQ's, completed scoring, resolved to award the contract for Engineering Services to Delaware Engineering. Thank you!
- Mark Blauer working through the environmental work
- Upcoming work includes site topo survey and geotechnical work for boring under Rte 52.

#### 2. Swan Lake WWTP Upgrade

- **Actions for the Board to consider at today's meeting:**
  - **None**
- **Hardship (0% loan) Financing/Project Financing Agreement**
  - All required items have been submitted to NYSEFC to allow for PFA to move forward.
    - On March 2, 2022, the Town received a letter from NYSEFC confirming that the Town is eligible for SRF Hardship (0% loan) funding.
    - Hardship eligibility for the referenced project(s) remains in effect through September 30, 2023, by which time a Project Finance Agreement for CWSRF financing must be executed with the NYSEFC
- **NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) Grant Opportunity**
  - The New York State Environmental Facilities Corporation (EFC) is offering \$400 million in grants for clean and drinking water projects during the 2021-22 state fiscal year.
  - Available Funding
    - WIIA Clean Water Projects
      - An applicant with an eligible clean water project may receive a WIIA grant award as described below:
      - A project, including phases of the project, would be awarded up to the lesser of \$25 million or 25% of net eligible project costs.
  - All application materials were submitted via upload on November 16, 2021, ahead of the November 22, 2021 deadline
  - On 4/19/22 Governor Kathy Hochul announced the state Environmental Facilities Corporation has awarded \$638 million in grants to municipalities and public authorities for 199 water infrastructure projects across the state that protect public health or improve water quality.
  - **The Swan Lake WWTP Upgrade project was selected for grant award!**
  - Excerpt from 04-19-22 NYS WIIA Award Announcement, attached
    - Total Estimated Project Cost from PER: \$18,000,000
    - From Grant Award
      - Estimated Project Cost: \$13,500,000
      - Estimated Grant Award: \$ 4,500,000
  - The Town should receive WIIA grant award letter and form of acknowledgement and acceptance of the grant award that needs to be returned to NYSEFC to confirm your community's acceptance of the WIIA grant and intent to proceed with CWSRF Project by signing and providing the milestone information requested

Other New York Offices:

·Albany ·Goshen ·Liberty ·Monticello ·Red Hook ·Walton  
www.delawareengineering.com

- Delaware will work with the Town to fill in the project milestone dates, and sign the acceptance, and return to NYSEFC
  - The Town should anticipate a follow-up letter that lists all missing items to complete the project financing agreement (e.g., engineering services agreement, certificate to title the project site, etc.)
  - Anticipate Close on project financing with NYSEFC in fall 2022
  - We are available to review the plan forward with the Town.
- **Updated Project Schedule (attached)**
    - Updated to reflect the anticipated plan forward assuming the Town executes a Project Finance Agreement (PFA) with the Hardship Loan with NYSEFC by November 2022
  - **Current SPDES Permit & SPDES Permit Modification**
    - **Current SPDES Permit**
      - **Nothing new this month**
        - In September 2020 the Town submitted a Renewal Application for the current permit
        - In March 2021 NYSDEC issued a new SPDES Permit, effective 4/1/2021 thru 3/31/2026.
        - In December 2017 the Town responded to an Environmental Benefit Permit Strategy (EBPS) request for information, including NY-2A application, outfall information, sampling, water treatment chemicals, process flow diagram, etc., for this facility.
        - The EBPS is a ranking system that prioritizes permits for full technical review and, when necessary, modification.
        - NYSDEC is currently drafting the Environmental Benefit Permit Strategy (EBPS) Permit for this facility based on the information provided in December 2017, and on May 24, 2021 NYSDEC requested a copy of the existing process flow schematic and to confirm if the system is 100% separate or combined.
        - A response including the existing process flow schematic and confirming that the system was 100% separate was submitted on June 3, 2021.
        - This review is occurring independently of the proposed upgrade and expansion
        - **At this time the Town has provided everything that NYSDEC has asked for the current permit.**
    - **SPDES Permit Modification**
      - **Nothing new this month**
        - While responding to the May 24, 2021 requesting a copy of the existing process flow schematic, we notified NYSDEC that the Town anticipated that an application for a NY-2A for expansion will be submitted during the design of the WWTP upgrade and expansion.
        - To avoid full technical review, now, and again in 6-8 months, NYSDEC would like to draft the permit for the increased flow and has asked if the Town could submit the NY-2A Application for Flow expansion sooner
          - However, unless the Town desires to proceed otherwise, based on the current schedule, the application for flow expansion is now proposed to be submitted concurrent with the design, following execution of a professional services agreement sometime in 2022, after the Town closes on a Project Financing Agreement (PFA), including short term financing this fall/winter.

### 3. Stevensville Water Project

- **Actions for the Board to consider at today's meeting:**
  - None

#### SHORT SUMMARY:

- **NYSEFC**
  - Continuing to work with NYSEFC and Cheryl to provide items for short term and long-term closing.
  - Sent back in an updated project contact list to NYSEFC on 4/26/22.
  - Based on 4/25/22 email from Paul Johnson, NYSEFC is extending the short-term financing from 08-31-2022 to 12-31-2022. The closing of the long-term financing is scheduled tentatively for December 2022.
- **Contract TL2-E-2017 – Electrical.**
  - Contractor has completed work on the final punchlist item:
    - Stevensville wellfield flowmeter.
      - Site visit by flowmeter rep on April 8, 2022

- Took out meter, reinstalled and tightened wiring connections and all appears to work well ever since.
  - **Punchlist now complete.**
- **Contract TL2-G-2017 – General**
  - Overall, work is done with the exception of Swan Lake waterline crossing and bid alternate work to put in waterline up CR55 as budget allows.
- **Swan Lake Crossing**
    - Moving ahead with design of the crossing now proposed between the County bridge and the old bridge/lake spillway
    - December 8, 2021 email from SCDPW said County “takes no exception” to adjusting the alignment of the new above ground crossing to keep all of the new items within a 10’ wide ROW completely within the County bridge ROW. Will now include some work to put in a catchbasin and revise the discharge of the current storm drain. Will require a County work permit.
    - **Design should be complete this month.**
    - Refine the plan and review with the Town and see what easements may be required after confirming final location.
    - Then wrap up design and get to NYSDOH for approval and NYSDEC for permitting.
    - Plan to be completed by August 2022.
  - **\$2.1 M grant and \$1.4M low interest loan**
  - **Project Cost Summary**
    - **Overview/Quick Summary**
    - Base bid total = \$2,518,791 (new tank, wellfield and borings under water bodies – not including any watermain up CR 55)
    - Construction budget (2017 PFA w/NYSEFC) = \$2,531,646

| Item                                                                                                              | Estimated cost<br>(July 2016<br>Engineering Report) | Estimated cost<br>(NYSEFC PFA 2017<br>Exhibit C) | As of<br>January 03, 2022 |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------|---------------------------|
| Construction – General – Base bid                                                                                 | \$1,841,750                                         |                                                  | \$2,119,450               |
| Construction – Electrical – Base Bid                                                                              | \$165,360                                           |                                                  | \$ 399,341                |
| Construction – Subtotal Base Bids                                                                                 | \$2,007,110                                         |                                                  |                           |
| Construction – <i>Bid Alternates</i> (varies)                                                                     | \$376,550                                           |                                                  | Unit prices no total      |
| Construction – Electrical<br>Change Order No. 3 – Radio Antenna<br>Replacement Sherwood Building                  |                                                     |                                                  | \$ 2,040                  |
| <b>SUBTOTAL - Construction</b>                                                                                    | \$2,383,660                                         | \$2,531,646                                      | \$2,520,831               |
| Other Costs                                                                                                       | \$707,100                                           | \$634,000                                        | \$ 634,000                |
|                                                                                                                   |                                                     |                                                  |                           |
| <b>Total Estimated Cost/Cost to Date</b>                                                                          |                                                     |                                                  | \$3,154,831               |
| Contingency                                                                                                       | \$309,076                                           | \$234,354                                        | \$                        |
| Project Budget                                                                                                    | \$3,399,836                                         | \$3,400,000                                      | \$                        |
| Budget Minus Cost – <b>Remaining Budget</b>                                                                       |                                                     |                                                  | <b>\$245,200</b>          |
| DWSRF Short Term Market Rate Financing                                                                            |                                                     | \$1,360,000                                      |                           |
| Maximum 2015 WIIA <b>Grant</b> Round 2<br>(lesser of 60% eligible costs (currently<br>\$2,040,000) or \$2,112,388 |                                                     | \$2,040,000                                      |                           |

- There remains about \$245,200 in uncommitted funds in the budget plus money in the bid for the boring work which was not completed to address the new above ground crossing and any other associated project work (total approx. \$348,000 remaining in General Contract budget).
- Also planning to use funds from Contingency and Land Acquisition to put as much waterline as possible up CR55 under the Bid Alternate work that has already been approved by NYSDOH.

**4. Attachments**

- Excerpt from 04-19-22 NYS WIIA Award Announcement
- Swan Lake WWTP Upgrade
  - Project Schedule (last revised 04-27-22)

**5. Items Reviewed at Meeting but not distributed with this package:**

- None

Liberty (T) TBM Handout 05-02-22.doc  
Enclosures

| Grant Program | Applicant Name                                    | Project Description                                                                     | County       | Estimated Project Cost | Estimated Grant Award |
|---------------|---------------------------------------------------|-----------------------------------------------------------------------------------------|--------------|------------------------|-----------------------|
| 51            | CWIIA Franklinville, Village of*                  | Wastewater Improvement Project                                                          | Cattaraugus  | \$ 4,941,333           | \$ 2,470,666          |
| 52            | DWEC Garden City Park Water District              | Plant No. 8 AOP & GAC                                                                   | Nassau       | \$ 7,272,000           | \$ 4,363,200          |
| 53            | DWIIA Garden City, Village of                     | Plant No. 9 - AOP & GAC                                                                 | Nassau       | \$ 7,200,000           | \$ 3,000,000          |
| 54            | DWEC Garden City, Village of                      | Plant No. 7 AOP                                                                         | Nassau       | \$ 5,200,000           | \$ 3,120,000          |
| 55            | DWEC Garden City, Village of                      | Hilton Park Plant Well Nos. 15 & 16 AOP/GAC                                             | Nassau       | \$ 9,100,000           | \$ 5,460,000          |
| 56            | DWEC Garden City, Village of                      | Country Club Wells 13 & 14 AOP/GAC                                                      | Nassau       | \$ 8,500,000           | \$ 5,100,000          |
| 57            | DIMG Genesee County                               | Phase 2 Water Supply Project                                                            | Genesee      | \$ 3,034,000           | \$ 1,213,600          |
| 58            | DWIIA Glen Cove, City of                          | Duck Pond Rd Station (Wells 30, 31 & 32) - Packed Tower Aeration System                 | Nassau       | \$ 16,273,000          | \$ 3,000,000          |
| 60            | DWIIA Gloversville, City of                       | Water Treatment Plant Improvements & South Eagle Pump Station                           | Fulton       | \$ 5,036,753           | \$ 3,000,000          |
| 61            | DWIIA Gorham, Town of                             | Water Treatment Plant Improvements                                                      | Ontario      | \$ 7,971,000           | \$ 3,000,000          |
| 62            | CWIIA Gorham, Town of                             | Wastewater Treatment Plant Effluent Disinfection Improvements                           | Ontario      | \$ 362,200             | \$ 90,550             |
| 63            | DWIIA Goshen, Village of                          | Village of Goshen Filtration Plant Upgrade                                              | Orange       | \$ 6,120,819           | \$ 3,000,000          |
| 65            | DWIIA Greenlawn Water District                    | Well No. 8 AOP                                                                          | Suffolk      | \$ 5,384,000           | \$ 3,000,000          |
| 66            | DWEC Greenlawn Water District                     | Well No. 11 AOP                                                                         | Suffolk      | \$ 5,384,000           | \$ 3,230,400          |
| 67            | DWIIA Greenwood Lake, Village of                  | Village of Greenwood Lake Water System Improvements                                     | Orange       | \$ 5,000,000           | \$ 3,000,000          |
| 68            | DWIIA Hamilton, Village of                        | Groundwater Source Upgrades                                                             | Madison      | \$ 3,740,000           | \$ 2,244,000          |
| 69            | DWIIA Hampton Bays Water District                 | Shinnecock Bay and Canal Transmission Main Crossing                                     | Suffolk      | \$ 4,540,000           | \$ 2,724,000          |
| 70            | DWIIA Harriman, Village of                        | Well HHH3 Improvements                                                                  | Orange       | \$ 474,925             | \$ 284,955            |
| 71            | DWEC Harriman, Village of                         | Well #MH-1A PFAS Removal                                                                | Orange       | \$ 897,585             | \$ 538,551            |
| 72            | DWEC Hempstead, Town of                           | Uniondale WD Oak Street Wells 5 and 6 AOP and PTA                                       | Nassau       | \$ 11,500,000          | \$ 6,900,000          |
| 73            | DWEC Hempstead, Town of                           | Bowling Green Estates WD Well Nos. 1 & 2 - AOP and GAC                                  | Nassau       | \$ 9,500,000           | \$ 5,700,000          |
| 74            | DWEC Hempstead, Town of                           | East Meadow WD - Wells 5 and 11 AOP                                                     | Nassau       | \$ 12,979,000          | \$ 7,787,400          |
| 75            | DWEC Hempstead, Town of                           | Levittown Water District Well Nos. 5A & 6B (Market Lane Plant) - AOP & GAC              | Nassau       | \$ 11,860,000          | \$ 7,116,000          |
| 76            | DWEC Hempstead, Town of                           | Levittown WD Well Nos. 1A & 2A - AOP, GAC, Nitrate                                      | Nassau       | \$ 14,830,000          | \$ 8,898,000          |
| 77            | DWEC Hempstead, Town of                           | Levittown Water District Wells 7A and 8A - AOP                                          | Nassau       | \$ 12,000,000          | \$ 7,200,000          |
| 78            | DWEC Hempstead, Town of                           | Levittown WD Well No. 13 - AOP                                                          | Nassau       | \$ 8,110,000           | \$ 4,886,000          |
| 79            | DWIIA Hempstead, Town of                          | East Meadow WD Wells 6 and 8 - AOP                                                      | Nassau       | \$ 12,000,000          | \$ 3,000,000          |
| 80            | DWEC Hempstead, Town of                           | Roosevelt Field WD Wells - 7.11 & 12 AOP & GAC                                          | Nassau       | \$ 22,000,000          | \$ 13,200,000         |
| 81            | CWIIA Henderson, Town of                          | Henderson Harbor Water Quality Improvement Project                                      | Jefferson    | \$ 4,846,000           | \$ 1,211,500          |
| 82            | DWIIA Herkimer, Village of                        | Phase 2 Distribution and Storage Upgrades                                               | Herkimer     | \$ 19,998,000          | \$ 3,000,000          |
| 83            | CWIIA Herkimer, Village of*                       | Sanitary Sewer System Inflow/Infiltration Investigation                                 | Herkimer     | \$ 19,991,000          | \$ 9,995,500          |
| 84            | DWIIA Hermon, Town of                             | Water District No. 1 System-Wide Improvements                                           | St. Lawrence | \$ 7,650,000           | \$ 3,000,000          |
| 85            | DWEC Hicksville Water District                    | Plant No. 9 AOP                                                                         | Nassau       | \$ 14,879,000          | \$ 8,927,400          |
| 86            | DWEC Hicksville Water District                    | Plant No. 5 AOP                                                                         | Nassau       | \$ 9,419,000           | \$ 5,651,400          |
| 87            | DWIIA Hicksville Water District                   | Plant No. 6 AOP                                                                         | Nassau       | \$ 12,296,000          | \$ 3,000,000          |
| 88            | CWIIA Holley, Village of                          | Wastewater Treatment Plant Capital Improvement Project                                  | Orleans      | \$ 1,622,584           | \$ 405,646            |
| 90            | CWIIA Hornell, City of                            | Water Pollution Control Plant Improvements                                              | Steuben      | \$ 4,758,200           | \$ 1,189,550          |
| 91            | DWIIA Hounsfield, Town of                         | NYS Route 3 Corridor Upgrades                                                           | Jefferson    | \$ 5,447,000           | \$ 3,000,000          |
| 92            | CWIIA Hume, Town of                               | Town of Hume WWTP Disinfection and Treatment Improvements                               | Allegany     | \$ 3,264,000           | \$ 816,000            |
| 93            | DWIIA Ilion, Village of                           | Phase 2 Distribution Upgrades & Connection to Eastern Mohawk Valley Regional Trans Main | Herkimer     | \$ 6,104,000           | \$ 3,000,000          |
| 94            | DWIIA Indian Lake, Town of                        | Blue Mountain Lake New WTP                                                              | Hamilton     | \$ 5,000,001           | \$ 3,000,000          |
| 95            | DWIIA Jericho Water District                      | Wheatly Road Wells 6 and 16 PTA                                                         | Nassau       | \$ 7,600,000           | \$ 3,000,000          |
| 96            | DWEC Jericho Water District                       | Wells 20 and 21 - 1,4-Dioxane and PFDA Removal                                          | Nassau       | \$ 20,192,000          | \$ 12,115,200         |
| 97            | DWIIA Kingston, City of                           | Cooper Lake Dam Remediation and Intake Rehab                                            | Ulster       | \$ 10,491,435          | \$ 3,000,000          |
| 98            | DWIIA LeRay, Town of                              | Carey Well Upgrades and Consolidated WD Extension                                       | Jefferson    | \$ 2,750,000           | \$ 1,650,000          |
| 99            | DWEC Lewisboro, Town of                           | Oakridge WD PFAS Removal                                                                | Westchester  | \$ 1,939,500           | \$ 1,163,700          |
| 100           | CWIIA Liberty, Town of                            | Swan Lake Wastewater Treatment Plant Upgrade and Expansion Project                      | Sullivan     | \$ 18,000,000          | \$ 4,500,000          |
| 101           | CWIIA Livingston County Water and Sewer Authority | Comes Lake Pump Station Improvements                                                    | Livingston   | \$ 5,000,000           | \$ 1,250,000          |
| 102           | CWIIA Lockport, City of*                          | Gulf Interceptor Sewer Upgrades                                                         | Niagara      | \$ 7,738,000           | \$ 3,869,000          |
| 103           | DWIIA Louisville, Town of                         | WTP Improvements                                                                        | St. Lawrence | \$ 2,022,025           | \$ 1,213,215          |
| 104           | DWIIA Madison County                              | Clockville Water District No. 1                                                         | Madison      | \$ 2,680,000           | \$ 1,608,000          |
| 105           | DWEC Manhasset Lakeville Water District           | IU Willets Plant PFAS Removal                                                           | Nassau       | \$ 3,431,000           | \$ 2,056,600          |
| 106           | DWIIA Marathon, Village of                        | Toughnonga River Water Main Crossings                                                   | Cortland     | \$ 775,000             | \$ 465,000            |



# DELAWARE ENGINEERING, D.P.C.

55 South Main Street Tel: 607.432.8073  
Oneonta, NY 13820 Fax: 607.432.0432

## Town of Liberty, NY Swan Lake WWTP Upgrade

### Anticipated Project Schedule (updated 04-27-22)

| Date/Time Frame             | Task/Milestone                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>March 29, 2021</b>       | <b>Town Board Meeting</b>                                                                                                                                                                                                                                                                                                                                                                                                                |
| Complete                    | The Town directed Delaware to proceed with preparation of the revised Map Plan Report (MPR), PH Presentation & Engineering Report (ER)                                                                                                                                                                                                                                                                                                   |
| April 1, 2021               | For 202B proceedings, prepare & submit revised Map Plan & Report (MPR) to the Town Board and Bond Counsel - receive resolution for publication from Bond Counsel for 4/5/21 meeting                                                                                                                                                                                                                                                      |
| <b>April 5, 2021</b>        | <b>Town Board Meeting</b>                                                                                                                                                                                                                                                                                                                                                                                                                |
| Complete                    | Town to resolve accept the MPR for the increase or improvement of the facility (§ 202-B) and call for/schedule a public hearing for 4/20/2021 (not less than ten nor more than twenty days after such determination) and deadline to submit written public comments on WWTP Upgrade to the Town end on 4/27/20/21 with formal notice of the increase or improvement of the facility (§202-B) (resolution to be provided by Bond Counsel) |
| April 7, 2021               | Town Clerk to forward Notice of Hearing – provided by Bond Counsel – to the Town paper for publishing on 4/9.                                                                                                                                                                                                                                                                                                                            |
| April 9, 2021               | Notice of Hearing (hearing to occur on 4/20/21) appears in the Town’s official paper – post on website as well along with Map Plan Report and Public Hearing presentation                                                                                                                                                                                                                                                                |
| <b>April 20, 2021</b>       | <b>Special Town Board Meeting</b>                                                                                                                                                                                                                                                                                                                                                                                                        |
| Complete                    | Town holds public hearing on the proposed project and to the increase or improvement of the facility (§ 202-B) on 0.686MGD and \$18M upgrade - 5:30 PM @ the Hanofee Park Pavilion                                                                                                                                                                                                                                                       |
| April 27, 2021- Complete    | Deadline to submit written public comments on WWTP Upgrade to the Town ends                                                                                                                                                                                                                                                                                                                                                              |
| By April 28, 2021- Complete | Delaware to provide SEQR Review and Reaffirmation Materials to the Town and Bond Counsel                                                                                                                                                                                                                                                                                                                                                 |
| <b>May 3, 2021</b>          | <b>Town Board Meeting</b>                                                                                                                                                                                                                                                                                                                                                                                                                |
| Complete                    | Town to review final public comments from April 20, 2021 meeting                                                                                                                                                                                                                                                                                                                                                                         |
| Complete                    | Town to conduct SEQR review and make determination of significance                                                                                                                                                                                                                                                                                                                                                                       |
| Complete                    | Town to make determination in the public interest to complete the proposed improvements (NY Town Law § 202-B Increase or Improvement of Facilities and adopt a Bond Resolution for the project using package provided by Bond Counsel                                                                                                                                                                                                    |
| Complete                    | Submit certified copy of the order to hold the hearing, and 2 certified copies of the finding resolution to OSC (approval not required).                                                                                                                                                                                                                                                                                                 |
| Complete                    | Town Clerk to forward Bond Resolution with estoppel provision – provided by Bond Counsel –                                                                                                                                                                                                                                                                                                                                               |
| May 7, 2021                 | Bond Resolution with estoppel provision published in the newspaper                                                                                                                                                                                                                                                                                                                                                                       |

|                       |                                                                                                                                                                                                                                                     |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| May 27, 2021          | Submitted CWSRF Financing Application and required attachments to NYSEFC                                                                                                                                                                            |
| Complete              | 20-day Estoppel period is complete and Bond Resolution is Effective                                                                                                                                                                                 |
| May 28, 2020          | Submitted Engineering Report to NYSEFC                                                                                                                                                                                                              |
| May 31, 2021          | NYSEFC Deadline to submit acceptable CWSRF finance application, bond resolution information and associated application materials                                                                                                                    |
| June 29, 2021         | Town received a letter from NYSEFC confirming receipt of application and provided a list of Items required to execute a Project Finance Agreement (“Agreement”) and close the financing, by July 13, 2021.                                          |
| July 12, 2021         | The Town submitted a response to the June 29, 2021 NYSEFC Application Receipt & Items Required to Execute a Project Financing Agreement and Close the Financing                                                                                     |
| July 26, 2021         | NYSEFC issued Engineering Report Review Comments                                                                                                                                                                                                    |
| October 4, 2021       | Town Board Meeting                                                                                                                                                                                                                                  |
|                       | Town Board Authorized Submission of the New York State Environmental Facilities Corporation’s Water Infrastructure Improvement Act Grant Application.                                                                                               |
| November 3, 2021      | Delaware submitted response to Engineering Report review comments and revised engineering report to NYSEFC                                                                                                                                          |
| November 16, 2021     | Delaware submitted WIIA Application related materials to NYSEFC                                                                                                                                                                                     |
| November 22, 2021     | NYSEFC Deadline to submit WIIA Application                                                                                                                                                                                                          |
| November 29, 2021     | NYSEFC issued Engineering Report Approval for 0.686MGD upgrade at \$18M                                                                                                                                                                             |
| March 2, 2022         | Town received a letter from NYSEFC confirming hardship eligibility and deadline to execute a Project Finance Agreement (PFA) by September 30, 2023.                                                                                                 |
| April 21, 2022        | WIIA grant announcement. Project in line to receive 25% grant.                                                                                                                                                                                      |
| April – November 2022 | Town to discuss any desired changes to the currently approved project scope and cost and agree upon the plan forward. Work with NYSEFC to finalize materials Project Finance Agreement for CWSRF Financing Agreement including Short Term Financing |
| TBD                   | Town enters into contract for professional services for project design and implementation.                                                                                                                                                          |
| September 30, 2023    | Deadline for Project Finance Agreement for CWSRF financing must be executed for hardship eligibility                                                                                                                                                |
| TBD                   | Commence Design (8 months)                                                                                                                                                                                                                          |
| TBD                   | Submit Application form NY-2A for facility expansion to NYSDEC                                                                                                                                                                                      |
| TBD                   | NYSDEC issues revised/modified SPDES Permit                                                                                                                                                                                                         |
| TBD                   | Submit Design to NYSEFC and NYSDEC for review                                                                                                                                                                                                       |
| TBD                   | Design review and approval by NYSEFC and NYSDEC (2-4 months)                                                                                                                                                                                        |
| TBD                   | Bid/Award Construction Related Contracts (2 months)                                                                                                                                                                                                 |
| TBD                   | Issue Notice to Proceed/Commence Construction                                                                                                                                                                                                       |
| TBD                   | Construction (18 months)                                                                                                                                                                                                                            |
| TBD                   | Upgraded Facilities placed in service (substantial completion)                                                                                                                                                                                      |
| TBD                   | Construction Completion (final)                                                                                                                                                                                                                     |
| TBD                   | Long Term Loan Closing with NYSEFC                                                                                                                                                                                                                  |

**NOTICE OF INTENT TO DECLARE LEAD AGENCY**  
**Liberty Business Park**  
**SBL: 41.-1-27**

**Notice to Involved Agencies that Lead Agency must be designated within**  
**Thirty (30) days of 05/13/2022**

**Proposed Action:**

This notice is issued pursuant to Part 617.6 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law to designate lead agency.

It is the Town of Liberty Planning Board's intention to classify this action as Unlisted Action. It is an action that includes the construction of a 1,000,000 sq. ft. warehouse.

**LEAD AGENCY DESIGNATION**

Under the applicable standards of SEQRA 6 NYCRR Part 617.6(b), the Planning Board of Liberty concludes that it should be designated as the lead agency in the coordinated environmental review of the proposed action. This notification is being sent to involved agencies with the request that you consent to our agency serving as lead agency. If, however, you do not agree, you may follow the procedures outlined in 6NYCRR 617.6(b) (5).

This notice is being mailed on April 13, 2022. We ask that each involved agency fill out the annexed form either consenting or not consenting that our agency serve as lead agency and return it on or before May 13, 2022 at 4:00pm. Responses should be sent to the named contact person by fax to the number indicated on the form, who may also be reached for further information at the telephone number provided.

**IF YOU DO NOT RESPOND WITHIN THIRTY (30) DAYS, IT WILL BE INTERPRETED AS CONSENT THAT THE TOWN OF LIBERTY PLANNING BOARD SERVE AS LEAD AGENCY, YOU WILL CONTINUE TO BE NOTIFIED OF SEQRA DETERMINATIONS AND ANY LATER PROCEEDINGS AND HEARING AS PROVIDED BY LAW.**

**ATTACHMENTS TO THIS NOTICE:**

- Environmental Assessment Form (EAF), Part 1
- Application
- Tax Parcel Identification
- Location Map
- Adopted resolution of intent



**A copy of this Notice is being sent to the following AGENCIES:**

Town of Liberty Town Board  
NYSDEC Region 3  
NYSDOH  
NYSDOT

Sullivan County Dept. of Planning

If you have any questions or comments, please contact:

James Bates  
Ecological Analysis  
633 Rt. 211 East  
Middletown, NY 10941

Phone 845-495-0123

This notice is being mailed to you on April 13, 2022. Your agreement or non-agreement with the Town of Liberty Planning Board serving as Lead Agency is requested on or before May 13, 2022. For your convenience, a response form is enclosed.

If no response is received from your agency within thirty (30) days, it will be assumed that you are in agreement with the designation of the Town of Liberty Planning Board as Lead Agency. You will continue to be notified of SEQR determinations and hearings and copies of all environmental documents will be made available to you.

Thank you for your cooperation.

STATE OF NEW YORK  
TOWN OF LIBERTY PLANNING BOARD  
LIBERTY

COUNTY OF SULLIVAN

Proposed Lead Agency: Town of Liberty Planning Board

Name of Action/Project: Liberty Business Park, Harris Road, Ferndale, NY

**RESPONSE TO REQUEST THAT THE ABOVE NAMED AGENCY SERVE AS LEAD AGENCY REGARDING THE ABOVE ACTION**

PLEASE RETURN TO  
Mr. Lynn Dowe, Chairman  
Town of Liberty  
Planning Board  
120 North Main Street  
Liberty, NY 12754  
Phone: 845-292-5111

On behalf of \_\_\_\_\_, I, \_\_\_\_\_ acknowledge receipt of the Lead Agency Notice in this matter

The above named involved agency hereby:

**[PLEASE CHECK ONE]**

**CONSENTS** that the proposed agency serve as lead agency in this application, and requests that the undersigned continue to be notified of SEQR determinations, proceedings and hearing in this matter.

**DOES NOT CONSENT** to the proposed agency serving as lead agency in this application and wishes that \_\_\_\_\_ serve as lead agency. To contest lead agency designation, the undersigned intends to follow procedures outlined in 6 NYCRR 617.6(b) (5).

**TAKES NO POSITION** on Lead Agency Designation.

DATED \_\_\_\_\_

\_\_\_\_\_, New York

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Agency Name

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

|                                                                                                                                                         |                 |                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------------------|
| Name of Action or Project:<br>Liberty Business                                                                                                          |                 |                                 |
| Project Location (describe, and attach a general location map):<br>Old Route 17, Liberty, NY                                                            |                 |                                 |
| Brief Description of Proposed Action (include purpose or need):<br>The project is a warehouse of up to 1 million sq feet, with on site water and sewer. |                 |                                 |
| Name of Applicant/Sponsor:<br>Sam Eisenberg                                                                                                             |                 | Telephone: (917) 930-2025       |
|                                                                                                                                                         |                 | E-Mail: sameisenberg2@gmail.com |
| Address: 1430 Broadway, Ste 1110;                                                                                                                       |                 |                                 |
| City/PO: New York                                                                                                                                       | State: New York | Zip Code: 10018                 |
| Project Contact (if not same as sponsor; give name and title/role):                                                                                     |                 | Telephone:                      |
|                                                                                                                                                         |                 | E-Mail:                         |
| Address:                                                                                                                                                |                 |                                 |
| City/PO:                                                                                                                                                | State:          | Zip Code:                       |
| Property Owner (if not same as sponsor):                                                                                                                |                 | Telephone:                      |
|                                                                                                                                                         |                 | E-Mail:                         |
| Address:                                                                                                                                                |                 |                                 |
| City/PO:                                                                                                                                                | State:          | Zip Code:                       |

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

| Government Entity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | If Yes: Identify Agency and Approval(s) Required | Application Date (Actual or projected) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|----------------------------------------|
| a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                  |                                        |
| b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                | Planning Board / Site plan Approval              | April 2022                             |
| c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Zoning Board / Height Variance                   | April 2022                             |
| d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                  |                                        |
| e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 239 Review                                       | May 2022                               |
| f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                  |                                        |
| g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | NYSDEC/ SPEDES                                   |                                        |
| h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                  |                                        |
| i. Coastal Resources. <ul style="list-style-type: none"> <li>i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul> |                                                  |                                        |

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No  
 If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No  
 If Yes, identify the plan(s):  
 NYS Major Basins: Upper Delaware  
 \_\_\_\_\_  
 \_\_\_\_\_

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No  
 If Yes, identify the plan(s):  
 \_\_\_\_\_  
 \_\_\_\_\_

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
 IC - Industrial, Commercail

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Liberty Central School District

b. What police or other public protection forces serve the project site?  
Town of Liberty, NYS police and the Sullivan County SHeriff's department

c. Which fire protection and emergency medical services serve the project site?  
Ferdale Firedepartment

d. What parks serve the project site?  
Walnut Mountain Park

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? commercial Warehouse

b. a. Total acreage of the site of the proposed action? 109.18 acres  
 b. Total acreage to be physically disturbed? 70 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 109.18 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
 \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: \_\_\_\_\_ months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

|                             | <u>One Family</u> | <u>Two Family</u> | <u>Three Family</u> | <u>Multiple Family (four or more)</u> |
|-----------------------------|-------------------|-------------------|---------------------|---------------------------------------|
| Initial Phase               | _____             | _____             | _____               | _____                                 |
| At completion of all phases | _____             | _____             | _____               | _____                                 |

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,  
 i. Total number of structures \_\_\_\_\_ 1  
 ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ 50' height; \_\_\_\_\_ 570' width; and \_\_\_\_\_ 1755' length  
 iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ 1,000,350 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,  
 i. Purpose of the impoundment: \_\_\_\_\_  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_  
 iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:  
 i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:  
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No  
If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No  
If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 5,000 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
If Yes:

- Name of district or service area: TOWN OF LIBERTY
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No  
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
water main is 300 feet away and will need to be extended 300 feet to the site
- Source(s) of supply for the district: TOWN OF LIBERTY

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No  
If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Will a line extension within an existing district be necessary to serve the project? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul> <p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p> <p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 20px;">_____ Square feet or <u>39</u> acres (impervious surface)</p> <p style="padding-left: 20px;">_____ Square feet or <u>109.2</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>BUILDING AND ASPHALT PAVING FOR DRIVE AND PARKING LOTS</u></p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p><u>STORMWATER WILL BE DIRECTED TO BIO RETENTION PONDS AND STORM WATER RETENTION PONDS</u></p> <p>_____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____<br/><u>Middle Mongaup River</u></li> <li>• Will stormwater runoff flow to adjacent properties? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> </ul> <p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> |
| <p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p><u>Trucks</u></p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p><u>Crusher for rock</u></p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p><u>Heating for warehouse</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |



h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of 12 am to 12 am.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_  
48 over 24 hrs

iii. Parking spaces: Existing 0 Proposed 1001 Net increase/decrease 1001

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:  
Creat new access to property

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
Unknown at this,

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

|                         |                  |                        |           |
|-------------------------|------------------|------------------------|-----------|
| i. During Construction: |                  | ii. During Operations: |           |
| • Monday - Friday:      | <u>7am - 5pm</u> | • Monday - Friday:     | <u>24</u> |
| • Saturday:             | <u>none</u>      | • Saturday:            | <u>24</u> |
| • Sunday:               | <u>none</u>      | • Sunday:              | <u>24</u> |
| • Holidays:             | <u>none</u>      | • Holidays:            | <u>24</u> |

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration:  
7am - 5pm

---

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
Describe: Some tree will be cut, but difference in elevation will mitigate this

---

n. Will the proposed action have outdoor lighting?  Yes  No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
Please see lighting plan, All lighting to be night sky compliant

---

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
Describe: Trees will be cut

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

---

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No

If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: \_\_\_\_\_

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No

If Yes:

i. Describe proposed treatment(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

---

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)

Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

---

b. Land uses and covertypes on the project site.

| Land use or Covertype                                                                    | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|------------------------------------------------------------------------------------------|-----------------|----------------------------------|--------------------|
| • Roads, buildings, and other paved or impervious surfaces                               | 0               | 39                               | 39                 |
| • Forested                                                                               | 52.9            | 31.7                             | -21.2              |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | 52.8            | 35                               | -17.8              |
| • Agricultural (includes active orchards, field, greenhouse etc.)                        | 0               | 0                                | 0                  |
| • Surface water features (lakes, ponds, streams, rivers, etc.)                           | 0.1             | 0.1                              | 0                  |
| • Wetlands (freshwater or tidal)                                                         | 3.28            | 3.28                             | 0                  |
| • Non-vegetated (bare rock, earth or fill)                                               | 0.1             | 0.1                              | 0                  |
| • Other Describe: _____                                                                  |                 |                                  |                    |

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

---

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ 5-25 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

|                                  |       |      |
|----------------------------------|-------|------|
| Wellsboro gravelly loam, percent | _____ | 41 % |
| Oquaga-Amot complex,             | _____ | 12 % |
| Cheshire channery loam,          | _____ | 9 %  |

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ 30 feet

e. Drainage status of project site soils:

|                                                              |       |              |
|--------------------------------------------------------------|-------|--------------|
| <input checked="" type="checkbox"/> Well Drained:            | _____ | 70 % of site |
| <input checked="" type="checkbox"/> Moderately Well Drained: | _____ | 24 % of site |
| <input checked="" type="checkbox"/> Poorly Drained           | _____ | 6 % of site  |

f. Approximate proportion of proposed action site with slopes:

|                                          |       |              |
|------------------------------------------|-------|--------------|
| <input type="checkbox"/> 0-10%:          | _____ | 54 % of site |
| <input type="checkbox"/> 10-15%:         | _____ | 17 % of site |
| <input type="checkbox"/> 15% or greater: | _____ | 29 % of site |

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_  
 \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 815-227 Classification B(T)
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Waters, NYS Wetland, Federal Waters, Fe... Approximate Size NYS Wetland (in a...
- Wetland No. (if regulated by DEC) LE-31

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

|                                                                                                                                                                                                                                                                                                                                                               |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| m. Identify the predominant wildlife species that occupy or use the project site: _____<br>_____                                                                                                                                                                                                                                                              |  |
| n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If Yes:                                                                                                                                                                |  |
| i. Describe the habitat/community (composition, function, and basis for designation): _____<br>_____                                                                                                                                                                                                                                                          |  |
| ii. Source(s) of description or evaluation: _____                                                                                                                                                                                                                                                                                                             |  |
| iii. Extent of community/habitat:                                                                                                                                                                                                                                                                                                                             |  |
| <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>                                                                                                                                                         |  |
| o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                   |  |
| If Yes:                                                                                                                                                                                                                                                                                                                                                       |  |
| i. Species and listing (endangered or threatened): _____<br>_____                                                                                                                                                                                                                                                                                             |  |
| p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                                                                                                                     |  |
| If Yes:                                                                                                                                                                                                                                                                                                                                                       |  |
| i. Species and listing: _____<br>_____                                                                                                                                                                                                                                                                                                                        |  |
| q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If yes, give a brief description of how the proposed action may affect that use: _____<br>_____                                            |  |
| <b>E.3. Designated Public Resources On or Near Project Site</b>                                                                                                                                                                                                                                                                                               |  |
| a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span><br>If Yes, provide county plus district name/number: <u>SULL004</u> |  |
| b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                                                                                                                                                                               |  |
| i. If Yes: acreage(s) on project site? _____                                                                                                                                                                                                                                                                                                                  |  |
| ii. Source(s) of soil rating(s): _____                                                                                                                                                                                                                                                                                                                        |  |
| c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                                                                                                                         |  |
| If Yes:                                                                                                                                                                                                                                                                                                                                                       |  |
| i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature                                                                                                                                                                                                                                  |  |
| ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____<br>_____                                                                                                                                                                                                                                    |  |
| d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>                                                                                                                                                        |  |
| If Yes:                                                                                                                                                                                                                                                                                                                                                       |  |
| i. CEA name: _____                                                                                                                                                                                                                                                                                                                                            |  |
| ii. Basis for designation: _____                                                                                                                                                                                                                                                                                                                              |  |
| iii. Designating agency and date: _____                                                                                                                                                                                                                                                                                                                       |  |

|                                                                                                                                                                                                                                                                                                                                                                                  |                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes:                                                                                                                                                                                                                                                                                                                                                                          |                                                                     |
| <i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District                                                                                                                                                                                                                        |                                                                     |
| <i>ii.</i> Name: _____                                                                                                                                                                                                                                                                                                                                                           |                                                                     |
| <i>iii.</i> Brief description of attributes on which listing is based: _____                                                                                                                                                                                                                                                                                                     |                                                                     |
| f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?                                                                                                                                                              | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| g. Have additional archaeological or historic site(s) or resources been identified on the project site?                                                                                                                                                                                                                                                                          |                                                                     |
| If Yes:                                                                                                                                                                                                                                                                                                                                                                          |                                                                     |
| <i>i.</i> Describe possible resource(s): _____                                                                                                                                                                                                                                                                                                                                   |                                                                     |
| <i>ii.</i> Basis for identification: _____                                                                                                                                                                                                                                                                                                                                       |                                                                     |
| h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?                                                                                                                                                                                                                             | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes:                                                                                                                                                                                                                                                                                                                                                                          |                                                                     |
| <i>i.</i> Identify resource: _____                                                                                                                                                                                                                                                                                                                                               |                                                                     |
| <i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____                                                                                                                                                                                                                     |                                                                     |
| <i>iii.</i> Distance between project and resource: _____ miles.                                                                                                                                                                                                                                                                                                                  |                                                                     |
| i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?                                                                                                                                                                                                                                            | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes:                                                                                                                                                                                                                                                                                                                                                                          |                                                                     |
| <i>i.</i> Identify the name of the river and its designation: _____                                                                                                                                                                                                                                                                                                              |                                                                     |
| <i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?                                                                                                                                                                                                                                                                                |                                                                     |
| <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                         |                                                                     |

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

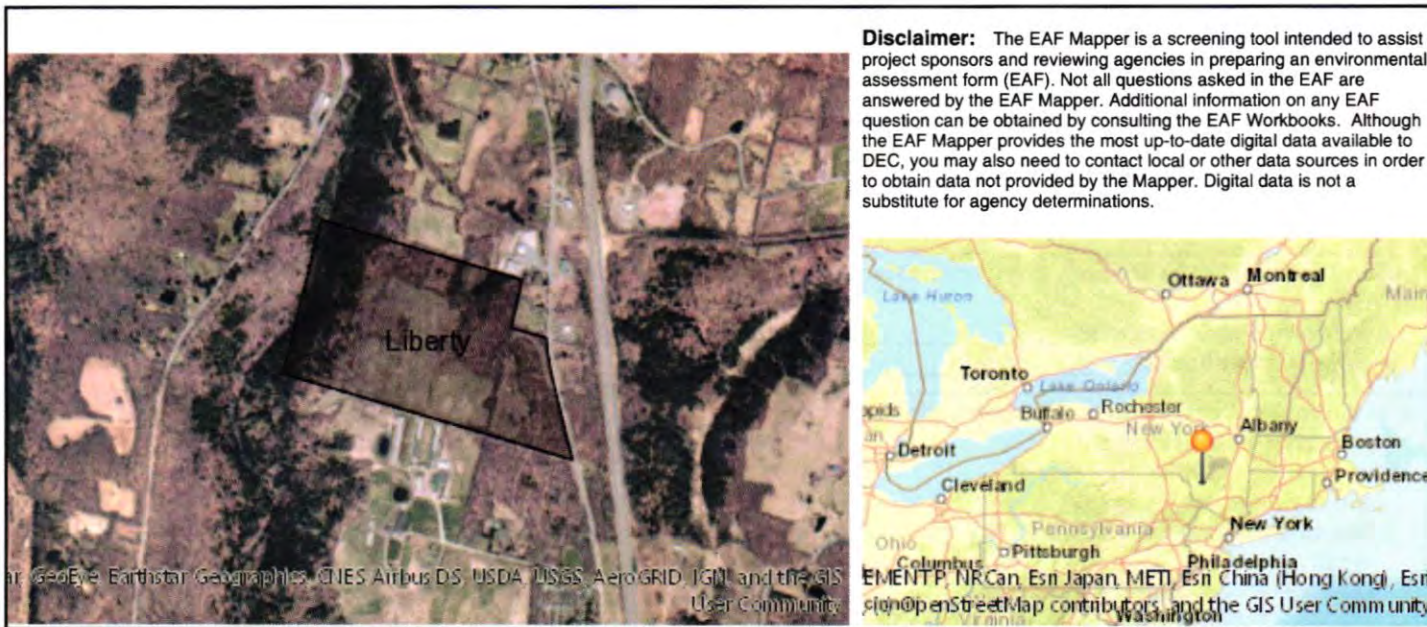
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_

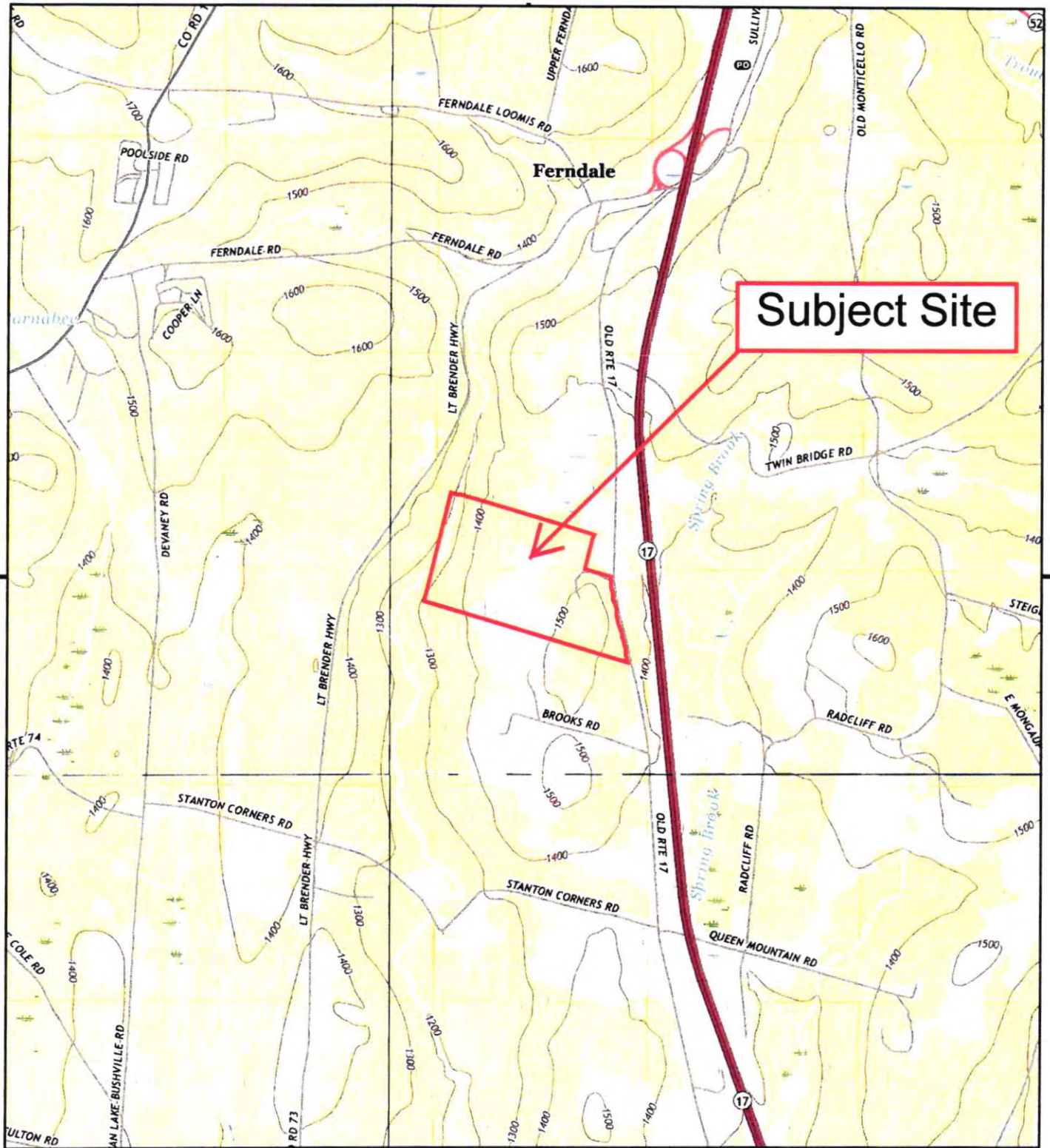


**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

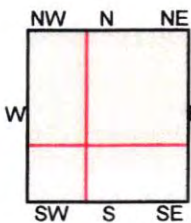
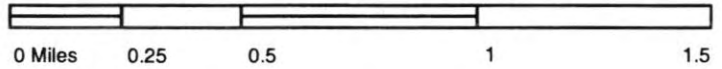
|                                                                                    |                                                                                                                                   |
|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| B.i.i [Coastal or Waterfront Area]                                                 | No                                                                                                                                |
| B.i.ii [Local Waterfront Revitalization Area]                                      | No                                                                                                                                |
| C.2.b. [Special Planning District]                                                 | Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.                           |
| C.2.b. [Special Planning District - Name]                                          | NYS Major Basins:Upper Delaware                                                                                                   |
| E.1.h [DEC Spills or Remediation Site - Potential Contamination History]           | Digital mapping data are not available or are incomplete. Refer to EAF Workbook.                                                  |
| E.1.h.i [DEC Spills or Remediation Site - Listed]                                  | Digital mapping data are not available or are incomplete. Refer to EAF Workbook.                                                  |
| E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook.                                                  |
| E.1.h.iii [Within 2,000' of DEC Remediation Site]                                  | No                                                                                                                                |
| E.2.g [Unique Geologic Features]                                                   | No                                                                                                                                |
| E.2.h.i [Surface Water Features]                                                   | Yes                                                                                                                               |
| E.2.h.ii [Surface Water Features]                                                  | Yes                                                                                                                               |
| E.2.h.iii [Surface Water Features]                                                 | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| E.2.h.iv [Surface Water Features - Stream Name]                                    | 815-227                                                                                                                           |
| E.2.h.iv [Surface Water Features - Stream Classification]                          | B(T)                                                                                                                              |
| E.2.h.iv [Surface Water Features - Wetlands Name]                                  | Federal Waters, NYS Wetland                                                                                                       |
| E.2.h.iv [Surface Water Features - Wetlands Size]                                  | NYS Wetland (in acres):19.5                                                                                                       |
| E.2.h.iv [Surface Water Features - DEC Wetlands Number]                            | LE-31                                                                                                                             |



|                                                                                |                                                                                  |
|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| E.2.h.v [Impaired Water Bodies]                                                | No                                                                               |
| E.2.i. [Floodway]                                                              | Yes                                                                              |
| E.2.j. [100 Year Floodplain]                                                   | Yes                                                                              |
| E.2.k. [500 Year Floodplain]                                                   | Yes                                                                              |
| E.2.l. [Aquifers]                                                              | No                                                                               |
| E.2.n. [Natural Communities]                                                   | No                                                                               |
| E.2.o. [Endangered or Threatened Species]                                      | No                                                                               |
| E.2.p. [Rare Plants or Animals]                                                | No                                                                               |
| E.3.a. [Agricultural District]                                                 | Yes                                                                              |
| E.3.a. [Agricultural District]                                                 | SULL004                                                                          |
| E.3.c. [National Natural Landmark]                                             | No                                                                               |
| E.3.d [Critical Environmental Area]                                            | No                                                                               |
| E.3.e. [National or State Register of Historic Places or State Eligible Sites] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.3.f. [Archeological Sites]                                                   | No                                                                               |
| E.3.i. [Designated River Corridor]                                             | No                                                                               |



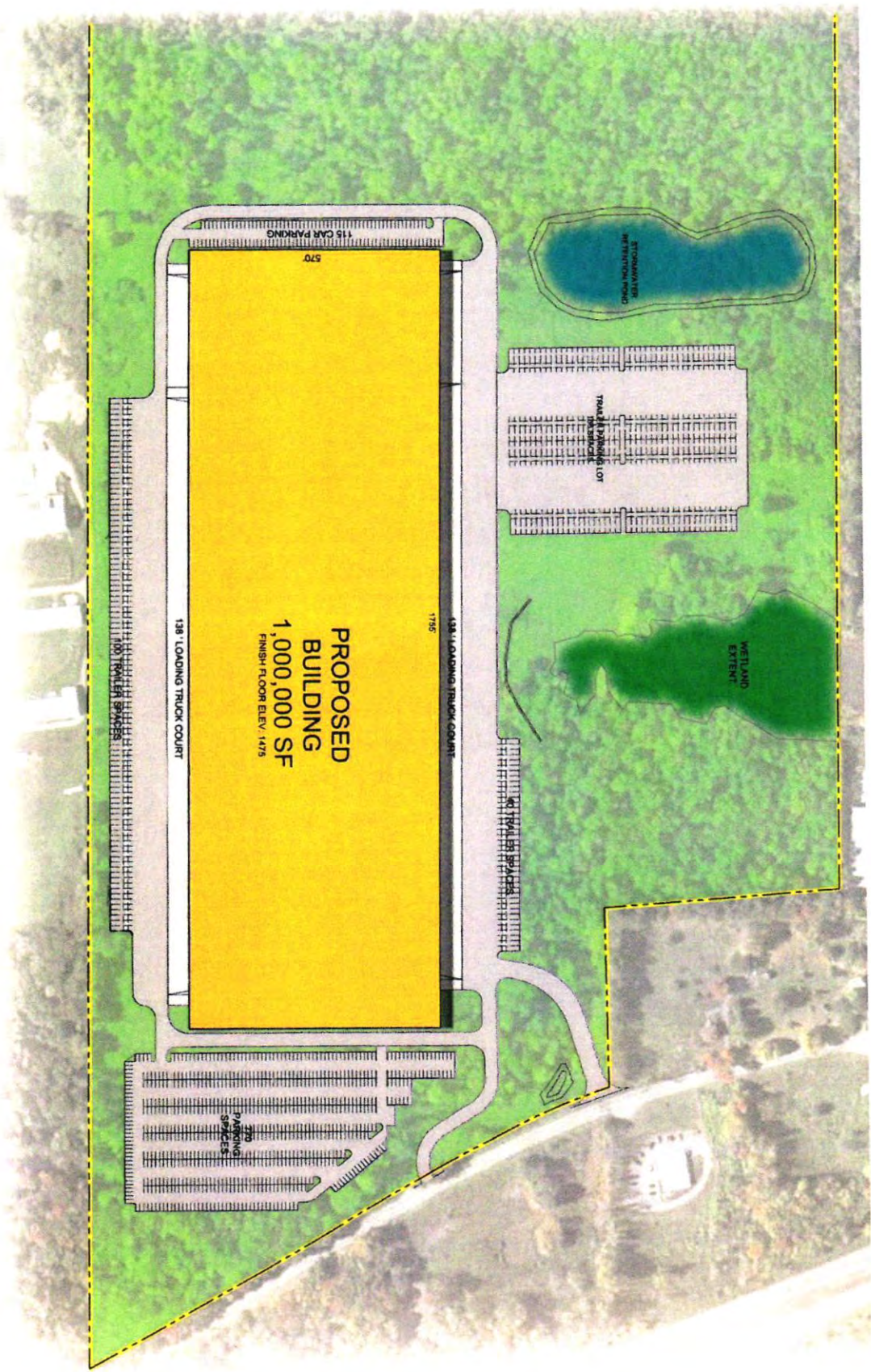
This report includes information from the following map sheet(s).



TP, Liberty East, 2019, 7.5-minute  
 SE, Monticello, 2019, 7.5-minute  
 SW, White Lake, 2019, 7.5-minute  
 NW, Liberty West, 2019, 7.5-minute

**SITE NAME:** Liberty Business Park  
**ADDRESS:** 468 Harris Road  
 Ferndale, NY 12734  
**CLIENT:** Ecological Analysis LLC





OVERALL SITE PLAN  
NOT TO SCALE

Liberty New York Harris Rd



March 22, 2022

TOWN OF LIBERTY ADOPT A ROAD PROGRAM  
CERTIFICATION OF ADOPTION

WHEREAS, **Frank DeMayo & Nick Rusin** have volunteered to partner with the Town of Liberty to support litter control efforts, and;

WHEREAS, **Frank & Nick** are committed to the stewardship of the environment, and;

WHEREAS, through the willingness of **Frank & Nick** to donate their time and energy, the Town of Liberty will see a significant drop in unsightly litter along our beautiful roads, and;

**BE IT RESOLVED**, that **Frank DeMayo & Nick Rusin** have volunteered to adopt:

**BARTON RD. (From Ferndale-Loomis Rd. to Carrier St.)**

In the Town of Liberty to care for and police it to benefit the Town of Liberty and its citizens to reduce roadside litter and build civic pride, and;

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that **Frank DeMayo & Nick Rusin** are recognized as being civic community members, whose ultimate goal is to make the Town of Liberty a safe and beautiful place to live.

BY ORDER OF THE TOWN BOARD  
LIBERTY, NEW YORK

DATED: April 25, 2022



Frank DeMayo, Supervisor  
Dean Farrand, Councilperson  
Brian McPhillips, Councilperson  
Vincent McPhillips, Councilperson  
John Lennon, Councilperson

Attest: Laurie Dutcher, Town Clerk



# Environmental Facilities Corporation

KATHY HOCHUL  
Governor

MAUREEN A. COLEMAN  
President and CEO

April 25, 2022

The Honorable Frank DeMayo  
Supervisor  
Town of Liberty  
120 North Main Street  
Liberty, NY 12754

Re: Town of Liberty  
Clean Water State Revolving Fund (CWSRF) Project No. C3-5370-01-00  
Swan Lake Wastewater Treatment Plant Upgrade and Expansion Project

Dear Supervisor DeMayo:

On behalf of Governor Kathy Hochul, I am pleased to inform you that your community has been awarded a NYS Water Infrastructure Improvement (WIIA) grant for the above referenced project.

Your WIIA grant has been awarded in an amount not to exceed \$4,500,000, based on information provided in your application, including total estimated eligible project costs. The Environmental Facilities Corporation (EFC) will determine the actual amount of your grant when the project is complete and EFC confirms the final project costs. Your grant may be reduced if total project costs are less than anticipated or if your project receives grant from another source.

Please confirm your acceptance of the grant award and intent to proceed with this project by completing and signing the enclosed form and e-mailing it to [nyswatergrants@efc.ny.gov](mailto:nyswatergrants@efc.ny.gov) no later than **May 13, 2022**. Without your confirmation, we may bypass your project and award these grant funds to another community.

As means of advancing this project, members of our EFC team will contact you to guide you through the program requirements and related processes, and to answer any of your questions. Your grant award will expire on September 30, 2023.

We appreciate your interest in the WIIA program and look forward to working with you on your water quality improvement project.

Sincerely,

Maureen A. Coleman  
President & CEO

Enclosure

cc.: Town of Liberty, Cheryl Gerow, Budget and Accountant Coordinator  
Delaware Engineering, D.P.C., David Ohman, P.E., Project Manager  
Delaware Engineering, D.P.C., Dan Fagnani, EIT, Project Manager

**ACKNOWLEDGEMENT AND ACCEPTANCE OF WIIA GRANT AWARD**

Please confirm your community's acceptance of the WIIA grant by signing below. Please e-mail the completed form to [nyswatergrants@efc.ny.gov](mailto:nyswatergrants@efc.ny.gov) no later than **May 13, 2022**

**ACKNOWLEDGMENT BY THE AWARDEE:**

Town of Liberty

Clean Water State Revolving Fund (CWSRF) Project No. C3-5370-01-00

Swan Lake Wastewater Treatment Plant Upgrade and Expansion Project

The Awardee intends to proceed with this project and accepts WIIA award.

(Signature of Authorized Representative)

(Print Name)

(Title)

(Date)

**Submit Your Response**

DEPARTMENT HEAD MEETING/WORK SESSION  
TOWN BOARD OF TOWN OF LIBERTY  
119 NORTH MAIN STREET LIBERTY, NY 12754  
MONDAY – MARCH 07, 2022  
TIME - 6:30 P.M.

**PRESENT:**

Supervisor Frank DeMayo  
Councilperson Dean Farrand  
Councilperson Brian McPhillips  
Councilperson Vincent McPhillips  
Councilperson John Lennon

**RECORDING SECRETARY:**

Town Clerk Laurie Dutcher

**ALSO PRESENT:**

Mike Edwards  
Brad Cobert  
Confidential Secretary Nick Rusin  
Town Engineer Dave Ohman  
Highway Superintendent Matt DeWitt  
Manny Steinberg  
Abraham Mizrahi

**ZOOM:**

Finance Director Earl Bertsch  
John Zeh  
Manny Steinberg  
Assessor Vanessa Kelder  
Nancy Levine  
Building Dept – Tammy Wilson  
Matt Shortall of the Sullivan County Democrat

A short discussion was held regarding court security with Town Justice Ron Stabak. A motion was made as follows:

**ADDITIONAL COURT SECURITY APPROVED**

The Town Board of the Town of Liberty does hereby approve of additional court security beginning the month of April, 2022.

Motion: Councilperson Brian McPhillips  
Seconded: Councilperson Dean Farrand  
5 AYES Carried

**CORRESPONDENCE**

*Incoming Correspondence*

DEPARTMENT HEAD MEETING/WORK SESSION  
TOWN BOARD OF TOWN OF LIBERTY  
119 NORTH MAIN STREET LIBERTY, NY 12754  
MONDAY – MARCH 07, 2022  
TIME - 6:30 P.M.

1. Correspondence from the Sullivan County Industrial Development Agency regarding the Sunset Lake Local Development Corporation.
2. Correspondence from the Coalition of Watershed Towns.
3. Correspondence from the Delaware County Board of Supervisors.
4. Memorandum from the County of Sullivan Industrial Development Agency regarding amendments to County of Sullivan IDA Uniform Tax Exemption Policy.
5. Correspondence from the Catskill Clean Water Fund.
6. Correspondence from the NYS Environmental Facilities Corporation regarding the Clean Water State Revolving Fund Project NO. C3-5370-01-00.
7. Memorandum from the Finance Office regarding 2022 Monthly Insurance Rates.

*OUTGOING CORRESPONDENCE*

*ACCEPTANCE OF INCOMING CORRESPONDENCE*

The Town Board of the Town of Liberty does hereby accept the incoming correspondence.

Motion: Councilperson Vincent McPhillips  
Seconded: Councilperson John Lennon  
5 AYES Carried

*DEPARTMENT HEAD REPORTS*

*ASSESSOR*

Change of addresses - Still at High volume

Inventory notice went out to democrat, to be able check inventory will be the week of April 4<sup>th</sup> - April 8<sup>th</sup> 8:30am-4:30pm.

New York State is sending out to homeowners 65 plus of age application for Enhanced Star. Agricultural values have gone up.

I will be contacting J.P McGuirk to update our website for Assessor's Office a lot of New York State changes, as well as sending out flyers as well.

Reminders:

I can NOT change anyone's name on a property by law I need go by the deed.

\*\*\* It's home/property owners responsibility to check Tentative and Final Rolls to verify if everything is correct or contact the Assessors prior for any changes: mailing address, name, exemptions etc.\*\*\*



DEPARTMENT HEAD MEETING/WORK SESSION  
TOWN BOARD OF TOWN OF LIBERTY  
119 NORTH MAIN STREET LIBERTY, NY 12754  
MONDAY – MARCH 07, 2022  
TIME - 6:30 P.M.

Split/ Merges or Properties that don't have 911 addresses: If I don't receive anything from Real Property Tax Service I will not change anything until I do so.

*CEO - BUILDING DEPARTMENT*

February 2022

|                             |    |
|-----------------------------|----|
| Permits Open                | 11 |
| Permits Closed              | 26 |
| Fire Inspections Performed  | 2  |
| Complaints Open             | 3  |
| Complaints Closed           | 0  |
| Appearance Tickets          | 5  |
| Planning Board Applications | 0  |
| Planning Board Approvals    | 0  |
| Zoning Board Applications   | 0  |
| Zoning Board Approvals      | 1  |
| Municipal Searches          | 24 |

*COURT*

|                        | <u>Jan. – 2022</u> | <u>Feb. – 2022</u> |
|------------------------|--------------------|--------------------|
| V&T Received           | 1647               | 1845               |
| V&T Appearances        | 0                  | 15                 |
| Criminal Appearances   | 245                | 329                |
| Ordinance Appearances  | 14                 | 19                 |
| Civil Appearances      | 4                  | 12                 |
| Total Fines Collected  | <u>\$60,529.00</u> | <u>\$48,123.50</u> |
| Total Fines to Town    | not available      | not available      |
| Total Fines to Village | not available      | not available      |

*DCO*            No Report submitted

*FINANCE*

1. Started 2021 Annual Financial Report to be filed with the State
2. Submitted application for 2022/2023 Commercial Liability Insurance Renewal
3. Completed annual audit with Cooper Arias LLP, had exit interview and discussed findings and resolutions to those findings regarding the 2021 Financial Audit
4. Submitted payment request to EFC for Stevensville Water. Total requested and received to date is \$2,570,518.54

DEPARTMENT HEAD MEETING/WORK SESSION  
TOWN BOARD OF TOWN OF LIBERTY  
119 NORTH MAIN STREET LIBERTY, NY 12754  
MONDAY – MARCH 07, 2022  
TIME - 6:30 P.M.

5. Sent certified letter to Golden Park Housing Development regarding delinquent PILOT payment (received payment on February 28, 2022)
6. Completed Employee Data Summary of Salary/Benefits for employees
7. Submitted disability claim
8. Submitted two insurance claims
9. Submitted damaged street light pole request at Presidential Estates to NYSEG
10. All other daily duties and responsibilities

### **HIGHWAY**

#### **Improvements:**

- Shore Road culvert project – meeting with DEC and Delaware Engineering on March 18<sup>th</sup>
- Completed 284 Agreement
- Reduced speed limit signs erected on Wade Road
- Cold patched Ferndale Loomis Road, Lily Pond Road, East Hill Road, East Mongaup Road

#### **Winter Maintenance:**

- Thursday, February 3, 4AM – 3:30PM, ice storm
- Friday, February 4, 3AM – 3:30PM, ice storm
- Saturday, February 5, 5AM – 9AM, ice storm
- Tuesday, February 8, 4AM – 3:30PM, less than 1 inch of snow
- Thursday, February 10, 4AM – 3:30PM, 1 inch of snow
- Saturday, February 19, 10AM – 6:30PM, 3 inches of snow
- Friday, February 25, 3AM – 4PM, 6 inches of snow/sleet
- Saturday, February 26, 5AM – 9AM, storm clean up
- Monday, February 28, 4AM – 3:30PM, less than 1 inch of snow
- Cleared roadways of ice using grader

#### **Facilities:**

- Contacting companies for repair/upgrade of fuel accountability system

#### **Equipment/Vehicles**

- Daily maintenance of all snow removal equipment
- Yearly service completed on paving equipment
- Accident repair damage completed in house

#### **Personnel**

- Employee returned to work from medical leave on February 25
- Employee out due to birth of child
- On February 19th a Town vehicle was involved in a motor vehicle accident. Accident report was obtained, no tickets were issued and there were no injuries. Post-accident procedures were followed.

DEPARTMENT HEAD MEETING/WORK SESSION  
TOWN BOARD OF TOWN OF LIBERTY  
119 NORTH MAIN STREET LIBERTY, NY 12754  
MONDAY – MARCH 07, 2022  
TIME - 6:30 P.M.

*PARKS & RECREATION*

**Parks**

- Finishing up bathroom upgrades at Hanofee Park
- Taking summer applications for park staff and will be holding interviews soon
- Getting ready to start the Indoor Pavilion Kitchen renovation for this spring

**Recreation**

- Application for summer seasonal positions are ongoing
- Continuing work on the lighting project at walnut mountain
- Working on a youth baseball clinic to start this month
- Working on setting up men’s softball again for this spring/summer
- Easter Egg hunt is scheduled for April 9<sup>th</sup>, with a rain date of April 10<sup>th</sup>.

*TOWN CLERK*

|                          |    |            |
|--------------------------|----|------------|
| Road Access Permit       | 1  | \$ 50.00   |
| Marriage License Fee     | 6  | \$105.00   |
| EZ Pass                  | 5  | \$125.00   |
| Marriage Certificate     | 7  | \$ 70.00   |
| Postage                  | 1  | \$ 9 .25   |
| <u>Dog Licensing</u>     |    |            |
| Female – Spayed          | 4  | \$ 23.00   |
| Female – Un-spayed       | 2  | \$ 25.00   |
| Male – Neutered          | 4  | \$ 29.50   |
| Male – Unneutered        | 7  | \$ 87.50   |
| <u>Building Fees</u>     |    |            |
| Building Insp.-Multi-Fam | 1  | \$100.00   |
| Building Permit          | 14 | \$1,885.00 |
| Commercial Establishment |    |            |
| Inspections              | 2  | \$150.00   |
| Municipal Searches       | 21 | \$1,200.00 |
| Reimbursement of         |    |            |
| Expenses                 | 1  | \$22.00    |

*WATER & SEWER*

1. Business is as usual, testing meters, checking hydrants and bleeders.

DEPARTMENT HEAD MEETING/WORK SESSION  
TOWN BOARD OF TOWN OF LIBERTY  
119 NORTH MAIN STREET LIBERTY, NY 12754  
MONDAY – MARCH 07, 2022  
TIME - 6:30 P.M.

2. We have spent a lot of time looking for leaks in all of the districts and addressing the problems. There have been a lot of houses with frozen and broken pipes and meters that have had leaks.
3. On February 12 we had a bad main break on Rt 55 in Swan Lake. With help from the highway dept., it was all done in about 12 hours. Also, we had a leak on Redwood Lane that had to be fixed.
4. Wayne, Evan and myself did interviews this month and hired one person. We are still working on filling the second position.
5. Any other items that may arise prior to the meeting.

*DELAWARE ENGINEERING*

**Update on Projects**

**1. The Next CDBG Grant Project Phase 10 – White Sulphur Springs Boyd Road and Well Screens 2021 CFA Round**

- Project was identified for award for a grant of \$787,700!
- This will bring the total grant funds that have been secured for WSS projects by Blauer Associates and Delaware Engineering to \$4.3M for Phases 5 thru 10!
- Project scope to include water main work near for Boyd Road and for WSS Well #1 screen replacement. Damon noted recent main break on Boyd Road!
- The Town to proceed with evaluating requests for professional services proposals/qualifications for Engineering services – RFQ's due on February 16 at 2 pm to Town Clerk.
- Delaware responded and submitted the RFQ to the Town Clerk on February 16, before the 2 pm deadline
- Per the RFQ, the Town plans to select consultants at its March 7 meeting.

**2. Swan Lake WWTP Upgrade**

- **Actions for the Board to consider at today's meeting:**
  - None
  - Nothing new since the last meeting
- **More Info below if you desire to read from the previous meetings.**
- **Hardship (0% loan) Financing/Project Financing Agreement**
  - All required items have been submitted to NYSEFC to allow for PFA to move forward.
    - The final item was the response to NYSEFC comments on the Engineering Report – which was submitted on November 3, 2021.
    - On November 29, 2021 NYSEFC issued the Engineering Report Approval Letter
  - **Per recent communications with NYSEFC:**
- **From:** Nelson, Harry B (EFC)<Harry.Nelson@efc.ny.gov>  
**Sent:** Wednesday, December 1, 2021 10:59 AM  
**To:** Dan Fagnani <dfagnani@delawareengineering.com>; supervisor demayo@townofliberty.org; Dave Ohman <dohman@delawareengineering.com>

DEPARTMENT HEAD MEETING/WORK SESSION  
TOWN BOARD OF TOWN OF LIBERTY  
119 NORTH MAIN STREET LIBERTY, NY 12754  
MONDAY – MARCH 07, 2022  
TIME - 6:30 P.M.

**Cc:** Johnson, Paul (EFC) <Paul.Johnson@efc.ny.gov>; Penner, Kaitlin (EFC)  
<Kaitlin.Penner@efc.ny.gov>

**Subject:** RE: Liberty (T) #C3-5370-01-00 Swan Lake WWTP - Engineering Agreement

We currently are planning to start the financing approval process in January and Paul Johnson from our Finance Division will be sending draft cost exhibits to the Town within the next week or two for the

Town's sign-off. There are 3 board approvals needed before the closing of the Project Financing Agreement (PFA) will happen, which typically takes 3-4 months total. Would expect the PFA closing to happen in March or April.

Thanks and let us know if there are any questions about this,

Harry Nelson, P.E.

Environmental Project Engineer II

**NYS Environmental Facilities Corporation**

625 Broadway, Albany, New York 12207-2997  
518.402.7396 [Harry.Nelson@efc.ny.gov](mailto:Harry.Nelson@efc.ny.gov)

- **NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) Grant Opportunity**
  - The New York State Environmental Facilities Corporation (EFC) is offering \$400 million in grants for clean and drinking water projects during the 2021-22 state fiscal year.
  - Available Funding
    - WIIA Clean Water Projects
      - An applicant with an eligible clean water project may receive a WIIA grant award as described below:
      - A project, including phases of the project, would be awarded up to the lesser of \$25 million or 25% of net eligible project costs.
  - All application materials were submitted via upload on November 16, 2021, ahead of the November 22, 2021 deadline
  - Anticipate grant award announcements during the first quarter of 2022.
- **Updated Project Schedule (attached)**
  - Updated to reflect the anticipated plan forward assuming the Town executes a Project Finance Agreement (PFA) with the Hardship Loan with NYSEFC in April – May 2022
- **Current SPDES Permit & SPDES Permit Modification**
  - **Current SPDES Permit**
    - Nothing new this month
    - In September 2020 the Town submitted a Renewal Application for the current permit
    - In March 2021 NYSDEC issued a new SPDES Permit, effective 4/1/2021 thru 3/31/2026.

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- In December 2017 the Town responded to an Environmental Benefit Permit Strategy (EBPS) request for information, including NY-2A application, outfall information, sampling, water treatment chemicals, process flow diagram, etc., for this facility.
- The EBPS is a ranking system that prioritizes permits for full technical review and, when necessary, modification.
- NYSDEC is currently drafting the Environmental Benefit Permit Strategy (EBPS) Permit for this facility based on the information provided in December 2017, and on May 24, 2021 NYSDEC requested a copy of the existing process flow schematic and to confirm if the system is 100% separate or combined.
- A response including the existing process flow schematic and confirming that the system was 100% separate was submitted on June 3, 2021.
- This review is occurring independently of the proposed upgrade and expansion

▪ At this time the Town has provided everything that NYSDEC has asked for the current permit.

- **SPDES Permit Modification**

- Nothing new this month
- While responding to the May 24, 2021 requesting a copy of the existing process flow schematic, we notified NYSDEC that the Town anticipated that an application for a NY-2A for expansion will be submitted during the design of the WWTP upgrade and expansion.
- To avoid full technical review, now, and again in 6-8 months, NYSDEC would like to draft the permit for the increased flow and has asked if the Town could submit the NY-2A Application for Flow expansion sooner
  - However, unless the Town desires to proceed otherwise, based on the current schedule, the application for flow expansion is now proposed to be submitted concurrent with the design, following execution of a professional services agreement sometime in 2022, after the Town closes on a Project Financing Agreement (PFA), including short term financing this fall/winter.

### 3. Stevensville Water Project

- **Actions for the Board to consider at today's meeting:**

- None

#### SHORT SUMMARY:

- NYSEFC

- **February 28, 2022 email from Paul Johnson, NYSEFC requesting any anticipated**

*changes to* the current budget by March 14 so that they can get organized for project closeout and final financing – see attached

- We are preparing the response and review with Town Supervisor and Finance Office and then send to NYSEFC.

- No major changes anticipated.

- Contract TL2-E-2017 – Electrical.

- Contractor is working one punchlist items:
  - Stevensville wellfield flowmeter. They installed a new tap for the water meter and installed it and they are still having problems matching what the new meter reads compared to the Town's hydrant flow meter.

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- This is a meter that has been used successfully in the past in installations that are more challenging than this.
  - The meter manufacturer finally got back to us and has provided us with a checklist on February 2, 2022 of things that should be verified on the flow meter to make it will read correctly.
  - This checklist has been sent to Damon and was provided to TAM, the Electrical Contractor, with the request to work through the list as part of the one year contract warranty period, on February 7 and again on March 1, 2022.
- **Contract TL2-G-2017 – General**
  - Overall, work is done with the exception of Swan Lake waterline crossing
  - **Swan Lake Crossing**
    - Moving ahead with design of the crossing now proposed between the County bridge and old bridge/lake spillway
    - December 8, 2021 email from SCDPW said County “takes no exception” to adjusting the alignment of the new above ground crossing to keep all of the new items within a 10’ wide ROW completely within the County bridge ROW. Will now include some work to put in a catchbasin and revise the discharge of the current storm drain. Will require a County work permit.
    - **Design should be complete this month.**
    - Refine the plan and review with the Town and see what easements may be required after confirming final location.
    - Then wrap up design and get to NYSDOH for approval and NYSDEC for permitting.
    - Needs to be completed by August 2022.
    - More background information below:
      - This option was previously considered during design in 2016 and early 2017, along with boring in 3 locations, as well as both a submerged and an above grade crossings 20’ upstream of the County bridge.
      - At that time (2017), Board and Delaware reviewed the options and agreed to move forward the boring option located in the County ROW north of the bridge because:
        - All other design components were complete and the project was ready to move forward
        - The feasibility of the planned boring work had been reviewed with boring contractors and the budget for the boring work was deemed reasonable and was included in the original project budget
        - the County did not want to consider a water line on the bridge or within 20’ of the bridge abutments or wingwalls
        - ownership of the lake was in a state of flux and obtaining any easement outside of County ROW would delay bidding
        - NYSDOH would require any underwater pipelines to be buried 5’ minimum below the lake bottom – could not be anchored or weighted down to the lake bottom
        - Work to bury a new waterline, or do above the water on piers or pilings within the County ROW north of the bridge, would add significant cost to meet NYSDEC permit limits
  - Updated crossing layout (G-1 Swan Lake Crossing and G-1A Swan Lake Crossing – Partial Plan) that shows the planned location – s
    - Drawing attached to show where the line is proposed to be located based on site recon with Water & Sewer

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- and Osterhoudt last year and confirmatory property survey received on September 20, 2021 from surveying subcontractor; property lines have been confirmed
  - Shows 10' wide ROW for new line and affected properties
- Current completion date for General Contract is August 1, 2022 following the October 4, 2021 Board action authorizing the Town Supervisor to execute Change Order No. 4 - No Cost Time Extension to Contract No. TL2-G-2017 changing the project completion date from December 30, 2021 to August 1, 2022 in order to allow for the lake crossing work to be completed in 2022.
- At October 4, 2021 meeting the Board also authorized the Town Supervisor and/or Delaware Engineering to contact/meet with Sullivan County DPW regarding locating the water crossing in their bridge/ROW /utility easement between the existing bridge and the spillway.
- We emailed SCDPW on October 18, 2021 requesting they advise if/how we can move forward with this concept and explained that:
  - The town bid out work to bore under the lake to the north of the bridge and efforts were unsuccessful after several attempts. Boring is no longer option.
  - Relocating the water line to the proposed location +/- will allow work to be conducted on the outlet banks with minimal impact to the water body and existing bridge, spillway and culvert, and we believe within the current budget.
  - During design in 2016 and 2017, other alignments considered crossing above the existing bridge with submerged or above water lines, but were dismissed for a number of reasons including costs beyond the current budget, significant permitting requirements, etc.
  - Also, at that time, crossing below the bridge was also considered but was not pursued due to concerns with securing an easement from the lake property that was undergoing a sale, and the inability to locate the new line 20' away from County bridge wingwalls.
- We also sent the County the updated crossing layout (G-1 Swan Lake Crossing and G-1A Swan Lake Crossing – Partial Plan) that shows the planned location and with added/new survey information to review the revised plan and
- The County reviewed the updated crossing layout and responded with the following:
  - Indicated that they take no exception to the proposed location- that is, our 10' project needs area fully within the County ROW.
    - Noted that for any portion within the County ROW a permit will need to be applied for and issued.
    - Requested that the Town advise of distances to the existing wing walls proper (not sheet pile wings) of the current bridge carrying CR 142. (Note – we have since added these dimensions to the attached plan and will follow-up with the County) It appears that there is enough clearance to allow future replacement of the bridge without affecting the proposed waterline, and noted that appears that there is enough clearance to allow future replacement of the bridge without affecting the proposed waterline.
    - Attached is an aerial with an initial study of ROW in the vicinity, but note there is about a 5 ft. discrepancy between existing CR 142 CL and 1960 proposed CL. This image is not based on a field survey. My understanding is that the ROW for CR 15 (State Route 55) is our jurisdiction as well.
    - Requested that the Town please forward any additional plans when available and don't hesitate to contact them if the Town has any questions.
  - We plan to continue to work with the County as design of the option is refined.
  - **Actions Required to Move Forward:**
    - **Affected property owners need to agree to locating the line as proposed and to grant easements/ROWs**
      - If a 10' wide permanent easement is desired, easements/access agreements will be needed from
        - Sullivan County - will continue to update and provide information for ROW permit and additional plans
        - Swan Lake Commons LLC – need to get in contact to discuss a construction easement
        - a small portion of Janky, LLC (store) – need to get in contact to discuss construction easement
      - **Need to confirm final location of the crossing with the County, refine and complete design of new crossing, get NYSDOH approval, County and NYSDEC permits and obtain easements- if needed.**
- \$2.1 M grant and \$1.4M low interest loan
- **Project Cost Summary**
  - **Overview/Quick Summary**
  - Base bid total = \$2,518,791 (new tank, wellfield and borings under water bodies – not including any watermain up CR 55)
  - Construction budget (2017 PFA w/NYSEFC) = \$2,531,646

| Item                                 | Estimated cost<br>(July 2016<br>Engineering Report) | Estimated cost<br>(NYSEFC PFA 2017<br>Exhibit C) | As of<br>January 03, 2022 |
|--------------------------------------|-----------------------------------------------------|--------------------------------------------------|---------------------------|
| Construction – General – Base bid    | \$1,841,750                                         |                                                  | \$2,119,450               |
| Construction – Electrical – Base Bid | \$165,360                                           |                                                  | \$ 399,341                |



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|                                                                                                  |             |             |                      |
|--------------------------------------------------------------------------------------------------|-------------|-------------|----------------------|
| Construction – Subtotal Base Bids                                                                | \$2,007,110 |             |                      |
| Construction – <i>Bid Alternates</i> (varies)                                                    | \$376,550   |             | Unit prices no total |
| Construction – Electrical<br>Change Order No. 3 – Radio Antenna<br>Replacement Sherwood Building |             |             | \$ 2,040             |
|                                                                                                  |             |             |                      |
| <b>SUBTOTAL - Construction</b>                                                                   | \$2,383,660 | \$2,531,646 | \$2,520,831          |
| Other Costs                                                                                      | \$707,100   | \$634,000   | \$ 634,000           |
|                                                                                                  |             |             |                      |
|                                                                                                  |             |             |                      |
| <b>Total Estimated Cost/Cost to Date</b>                                                         |             |             | \$3,154,831          |
|                                                                                                  |             |             |                      |
| Contingency                                                                                      | \$309,076   | \$234,354   | \$                   |
| Project Budget                                                                                   | \$3,399,836 | \$3,400,000 | \$                   |
| <b>Budget Minus Cost – Remaining Budget</b>                                                      |             |             | <b>\$245,200</b>     |

|                                                                                                                  |  |             |  |
|------------------------------------------------------------------------------------------------------------------|--|-------------|--|
|                                                                                                                  |  |             |  |
| DWSRF Short Term Market Rate Financing                                                                           |  | \$1,360,000 |  |
| Maximum 2015 WIA <b>Grant</b> Round 2<br>(lesser of 60% eligible costs (currently<br>\$2,040,000) or \$2,112,388 |  | \$2,040,000 |  |

- There remains about \$245,200 in uncommitted funds in the budget plus money in the bid for the boring work which was not completed to address the new above ground crossing and any other associated project work (total approx. \$348,000 remaining in General Contract budget).
- Working to respond to NYSEFC 2/28/22 Paul Johnson email by the March 14, 2022 deadline, with revised budget numbers to prepare for final project financing.

**4. Attachments**

- Swan Lake WWTP Upgrade
  - Project Schedule (last revised 03-01-22)
- Stevensville Water Project
  - February 28, 2022 email from NYSEFC’s Paul Johnson on finalizing the project costs

**5. Items Reviewed at Meeting but not distributed with this package:**

None

**NEW BUSINESS**

1. Approval of changes to Personnel Policy. – Table motion

**APPROVAL OF THE 284 AGREEMENT**

The Town Board of the Town of Liberty does hereby approve of the 284 Agreement as submitted by the Highway Superintendent.

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Motion: Councilperson Vincent McPhillips  
Seconded: Councilperson John Lennon  
5 AYES Carried

***APPROVAL OF PARTNERSHIP FOR PRICE CONCURRENCE WITH NYSID IN THE AMOUNT OF \$68,777.50***

The Town Board of the Town of Liberty does hereby approve of the partnership for price concurrence with NYSID in the amount of \$68,777.50 with no obligation to the Town unless they receive the grant from LGRIF.

Motion: Councilperson Dean Farrand  
Seconded: Councilperson Brian McPhillips  
5 AYES Carried

***DISCUSSION***

1. Fines & Fees – **waiting for Local Law on fines, fees need further review**
2. Water for Brewery Project for Jon Sutherland’s property by McDonalds. – 1,400 gallons per month – **see below**
3. Home occupations – **see below**
4. Storage containers – Councilperson Vincent McPhillips against law change, as it is now is how he wants to keep it – **see below**
5. ARPA funds – **see below**

***TOWN AUTHORIZES 1,400 GALLONS OF WATER PER MONTH TO BLUE-MOUNTAIN CRAFT BREWERY***

The Town Board of the Town of Liberty does hereby authorize 1,400 gallons per month of water to the Blue-Mountain Craft Brewery located at SBL 29-3-3, 70 Sullivan Avenue, Liberty, NY.

Motion: Supervisor Frank DeMayo  
Seconded: Councilperson John Lennon  
5 AYES Carried

***BOARD TO MOVE FORWARD ON DISCUSSION AND RESEARCH INTO HOME OCCUPATIONS***

The Town Board of the Town of Liberty does hereby agree to move forward on discussion and research into home occupations.

Motion: Supervisor Frank DeMayo

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Seconded: Councilperson John Lennon  
5 AYES Carried

***BOARD TO MOVE FORWARD ON DISCUSSION AND RESEARCH INTO STORAGE CONTAINERS***

The Town Board of the Town of Liberty does hereby agree to move forward on discussion and research into storage containers.

Motion: Supervisor Frank DeMayo  
Seconded: Councilperson Dean Farrand  
1 OPPOSED Councilperson Vincent McPhillips  
4 AYES Carried

Councilperson Vincent McPhillips: I think Liberty is trying to make Liberty look better. You have Sullivan Renaissance spending a lot of money to beautify Liberty and to me, I have a neighbor up the road that has containers, old school buses, truck bodies and nothing ever gets done. So, I don't see where this would make Liberty better at all and I want to be on the record stating that I am against changing the law the way it stands right not. That's all I've got to say. I think we want people that can afford a carpenter to build a shed or buy an outbuilding and not have somebody that has a metal container outside their home. Only my opinion. I'm not for it.

***MOTION TO AWARD DELAWARE ENGINEERING, D.P.C. THE WHITE SULPHUR SPRINGS PHASE 10 OCR PROJECT #641PW78-21***

The Town Board of the Town of Liberty does hereby make a motion to award Delaware Engineering, D.P.C. the White Sulphur Springs Phase 10 OCR Project #641PW78-21.

Motion: Councilperson Dean Farrand  
Seconded: Supervisor Frank DeMayo  
5 AYES Carried

A short discussion was held with regard to changing the name of Marx Road to Breslev Road. It was determined that a call will be made to the County to find out the process necessary to change Marx Road to Breslev Road and the Board will follow the process.

**ARPA FUNDS LIST**

The following is a list of possible ideas from the Board members for utilizing the ARPA funds when received.

Councilperson Farrand:

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1. Payback to Liberty Chamber of Commerce for funds given to businesses during COVID
2. Heating system for Town Hall
3. Should be spent on one-time expenses only, not recurring bills
4. Ice skating rink

Supervisor DeMayo:

1. Heating and cooling for the Town Hall
2. Refund Liberty Chamber of Commerce for funds given to businesses during COVID
3. Water search
4. Study on sewer in Village
5. Pavilion on West Lake Street side of Walnut Mountain
6. Check out Highway/Town barn floor

Councilperson Lennon:

1. Clean up and clear out tires at Highway Department.

Councilperson Vincent McPhillips:

1. Put money back in reserve funds where it was taken out during COVID.

Councilperson Brian McPhillips:

1. Ice skating rink and possible concession stands
2. Clean up tires at the Highway Department
3. Heating system at Town Hall
4. Sewer expansion for Parksville
5. Utilize old Highway grounds

A short discussion was held regarding a request to hold a vigil for the Ukrainians.

#### *VIGIL FOR UKRAINIANS*

The Town Board of the Town of Liberty does hereby give permission for Ukrainians from PepsiCo to hold a vigil at the Stage across from Town Hall.

Motion: Supervisor Frank DeMayo  
Seconded: Councilperson Dean Farrand  
5 AYES Carried

#### *PUBLIC COMMENT*

Abraham Mizrahi: Asked if the \$1.1 per square foot permit fee was for basements also or just living space.

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It was determined it was just living space.

Michael Edwards: Said the Ukrainian church in Glen Spey can receive and distribute donations very reliably. He can send the Town Clerk a list of charities.

Secondly, he read Paul Edelstein's letter to the Board. He wants to say what an incredible job Mr. Edelstein has done.

**BOARD DISCUSSION**

*COUNCILPERSON BRIAN McPHILLIPS* Nothing to report

*COUNCILPERSON VINCENT McPHILLIPS*

Asked Finance Director Cheryl Gerow if they ever got anyone appointed to the Sullivan County Fire Advisory Board. She hadn't heard from anyone as yet. After a brief discussion it was determined that a resident, Yossi Friedman is on the Town of Liberty Fire Department and is interested in taking the position. He will be instructed to write a letter of interest.

Wants to know if Parks & Rec can take the Christmas decorations down before Easter.

*COUNCILPERSON JOHN LENNON* Nothing to report

*COUNCILPERSON DEAN FARRAND* Nothing to report

*SUPERVISOR FRANK DEMAYO* Nothing to report

**EXECUTIVE SESSION**

The Town Board of the Town of Liberty does hereby go into Executive Session at 8:04 p.m. to discuss:

1. Potential litigation.
2. Contract negotiations.

Motion: Supervisor Frank DeMayo  
Second: Councilperson Brian McPhillips  
5 Ayes Carried

**OUT OF EXECUTIVE SESSION**

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The Town Board of the Town of Liberty does hereby come out of Executive Session at 8:55 p.m.

Motion: Councilperson Vincent McPhillips  
Second: Councilperson Dean Farrand  
5 Ayes Carried

*ADJOURN*

The Town Board does hereby adjourn the meeting at 8:55 p.m.

Motion: Supervisor Frank DeMayo  
Seconded: Councilperson John Lennon  
5 AYES Carried

Respectfully submitted,

Town Clerk, Laurie Dutcher

TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754  
DATE: MARCH 21, 2022  
7:00 P.M. REGULAR MEETING  
\*\*\*ONLINE VIA ZOOM\*\*\*

At the Regular Meeting of the Town Board of the Town of Liberty held on March 21, 2022 at 7:00 p.m., the following were present:

*PRESENT:*

Supervisor Frank DeMayo  
Councilperson Dean Farrand  
Councilperson Vincent McPhillips  
Councilperson Brian McPhillips  
Councilperson John Lennon

*RECORDING SECRETARY:*

Town Clerk Laurie Dutcher

*ABSENT*

*ALSO PRESENT:*

Town Attorney Ken Klein  
Finance Director Cheryl Gerow  
Confidential Secretary Nick Rusin  
Michael Edwards  
Ari Fleishman  
Matt Shortall  
Manny Steinberg-  
Yossi Friedman

*ZOOM:*

Finance Director Earl Bertsch  
Nancy Levine  
Abraham Weberman

*PLEDGE OF ALLEGIANCE*

*CORRESPONDENCE*

*Incoming Correspondence*

1. Copy of the Uniform Code and Energy Code Administration and Enforcement Report submitted by Alfred Fusco, Jr.
2. Correspondence from the County of Sullivan Industrial Development Agency regarding the PILOT Agreement between the Sullivan County IDA and NY Liberty I, LLC.

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3. Correspondence Yossi Friedman requestion to serve on the Sullivan County Fire Advisory Board.

*OUTGOING - None*

*ACCEPTANCE OF INCOMING CORRESPONDENCE*

The Town Board of the Town of Liberty does hereby accept the incoming correspondence:

Motion: Councilperson Dean Farrand  
Seconded: Councilperson John Lennon  
5 AYES Carried

*APPROVAL OF AUDITS*

The Town Board of the Town of Liberty does hereby approve of the audits as follows:

1. March, 2022 Abstract
  - Claims #298 to #440 totaling \$517,591.05
2. February, 2022 Post Audit Abstract
  - Claims #279 to #297 totaling \$14,563.75
3. February 2022 General Ledger Abstract
  - Claims #24 to #49 totaling \$268,004.22

Motion: Councilperson Vincent McPhillips  
Seconded: Supervisor Frank DeMayo  
5 AYES Carried

*APPROVAL OF MINUTES*

The Town Board of the Town of Liberty does hereby approve of the minutes as submitted:

1. Dept. Head/Work Session Mtg. 02/07/22

Motion: Councilperson Dean Farrand  
Seconded: Councilperson John Lennon  
5 AYES Carried

*ACCEPTANCE OF MONTHLY REPORTS*

The Town Board of the Town of Liberty does hereby accept the Monthly Reports as submitted:

1. Town Clerk's Monthly Report 02/22



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2. Revenue & Expense Report 02/22
3. Supervisor's Report 02/22

Motion: Councilperson John Lennon  
Seconded: Supervisor Frank DeMayo  
5 AYES Carried

*NEW BUSINESS*

*MOWING BID SET FOR 4/11/22*

The Town Board of the Town of Liberty does hereby make a motion to set Mowing Bid for 4/11/22 at 11:00 a.m. at the Town Clerk's Office, 120 North Main Street, Liberty.

Motion: Councilperson Dean Farrand  
Seconded: Councilperson Vincent McPhillips  
5 AYES Carried

*STONE & BLACKTOP BID SET FOR 4/21/22*

The Town Board of the Town of Liberty does hereby make a motion to set the Stone & Blacktop Bid for 4/21/22 at 11:00 a.m. at the Town Clerk's Office, 120 North Main Street, Liberty.

Motion: Councilperson John Lennon  
Seconded: Supervisor Frank DeMayo  
5 AYES Carried

*APPROVAL OF SEQR RESOLUTION FOR WHITE SULPHUR SPRINGS WATER DISTRICT  
WATERMAIN REPLACEMENT PROJECT PHASE 10*

The Town Board of the Town of Liberty does hereby authorize approval of the SEQR Resolution for White Sulphur Springs Water District Watermain Replacement Project Phase 10.

Determination of SEQRA Type II Activity:

Whereas, the Town of Liberty received an Office for Community Renewal Small Cities Grant (OCR #641PW78-21) in the amount of \$787,700 for Phase 10 of water main and water supply improvements within the White Sulphur Springs Water District; and

Whereas, the Town of Liberty must demonstrate compliance with the NYS State Environmental Quality Review Act (SEQRA); and

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\*\*\*ONLINE VIA ZOOM\*\*\*

Whereas, the Town of Liberty has reviewed various activities proposed by Phase 10 of water main and water supply improvements within the White Sulphur Springs Water District and concluded that activities consist solely of water main replacement, hydrant replacement, service lateral replacement and/or water supply appurtenance replacement within an existing water district; and

Whereas, replacement and rehabilitation of existing deteriorated public facilities can be classified as a Type II activity and no further review is thus required to comply with SEQRA; and

Now, Therefore, Be It Resolved that the Town of Liberty has determined that Phase 10 of water main replacement within the White Sulphur Springs Water District is a Type II activity for the purposes of SEQRA and no further review is required.

Motion: Councilperson Brian McPhillips  
Seconded: Councilperson Vincent McPhillips  
5 AYES Carried

*NOMINATION FOR MEMBER & ALTERNATE MEMBER TO COALITION OF WATERSHED TOWNS EXECUTIVE COMMITTEE*

The Town Board of the Town of Liberty does hereby nominate Rick Comb from Town of Neversink as member and Scott Gregg from Town of Neversink as alternate member, both for two-year terms to the Coalition of Watershed Towns Executive Committee.

Motion: Councilperson Vincent McPhillips  
Seconded: Councilperson Dean Farrand  
5 AYES Carried

*STATEMENT FROM THE TOWN BOARD REGARDING FIRE AT BARKLEY GARDEN APARTMENTS*

The Town Board of the Town of Liberty would like to thank the Fire Departments, First Responders, the Police, the Facility Personnel and any others that assisted with the fire at Barkley Garden Apartments at 280 North Main Street, Liberty on March 8, 2022.

Due to the circumstances that Barkley Garden houses approximately 120 residents, mostly senior citizens and disabled tenants, and with the fire being located on the 5<sup>th</sup> floor it was a very challenging situation.

Our thoughts and prayers go out to the resident who was injured, along with the two firefighters who sustained injuries while fighting the fire. We express our gratitude to you for getting everyone out and to safety.

We thank you for your dedication, training and volunteer work but mostly for your bravery and professionalism.

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Supervisor DeMayo went on to say that: We really do mean that sincerely to all emergency responders and he thinks that we're blessed in this Town to have really fine firemen, policemen, EMT's, everyone that's involved and even people that are involved in these types of facilities that step up and take care of business without much fanfare and we think it's worthwhile to recognize them all the time. I wish to thank them for their service.

*OLD BUSINESS*

1. Franchise Agreement – **nothing new**
2. Training & Recommendations – **next meeting**
3. Zoning Board Alternate – **next meeting**
4. Fire Advisory Board Appointment – **next meeting**
5. Storage Containers / Home Occupation – **next meeting**
6. Marx St. – **waiting for one person to sign off**
7. Empty Lot in Parksville – **waiting on Brian Rourke**
8. Fence In/Fence Out – **next meeting**
9. Illegal dumping of garbage – **next meeting**
10. Well sites – **Damon Knack gathering information**
11. ARPA Funds – **next meeting**
12. Air BnB – **next meeting**
13. Solar – **next meeting**

**ZONING & FIRE ADVISORY BOARD**

After a short discussion it was determined that the Board will not interview candidates for the other Boards going forward. The members agreed that a form should be signed by the individual interviewed and the pertinent board chairman stating that an interview was held and the date when held and said form be kept in a file for future reference. The Town Board will notify the Zoning Board to go ahead and schedule their interviews with their three candidates, then come back to the Town Board with their recommendations. As for the Fire Advisory Board, the two candidate letters will be forwarded to the chiefs of Liberty, Swan Lake and White Sulphur Springs with a cover letter advising them to hold their interviews and come back to the Board with their recommendations.

*PUBLIC COMMENT*

Manny Steinberg asked about the letter he sent the Board regarding allowing schools in the RD & SC zones. After a short discussion it was determined it was a zoning change and would be discussed further at the next meeting.

*BOARD DISCUSSION*

TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754  
DATE: MARCH 21, 2022  
7:00 P.M. REGULAR MEETING  
\*\*\*ONLINE VIA ZOOM\*\*\*

*COUNCILPERSON BRIAN McPHILLIPS*

Nothing to report.

*COUNCILPERSON VINCENT McPHILLIPS*

Asked if there was anything on Sunset Lake. The answer was no.

*COUNCILPERSON JOHN LENNON*

Nothing to report.

*COUNCILPERSON DEAN FARRAND*

Said he would agree with the idea of hiring some kids to pick up litter and would like to see on the next agenda where the Board needs to see how many and how much.

*SUPERVISOR FRANK DEMAYO*

Nothing to report.

***EXECUTIVE SESSION***

The Town Board of the Town of Liberty does hereby go into Executive Session at 7:22 p.m. to discuss the following:

1. Personnel issue

Motion: Councilperson Brian McPhillips

Seconded: Supervisor Frank DeMayo

5 AYES Carried

***OUT OF EXECUTIVE SESSION***

The Town Board of the Town of Liberty does hereby come out of Executive Session at 9:30 p.m.

Motion: Councilperson Vincent McPhillips

Seconded: Councilperson John Lennon

5 AYES Carried

***ADJOURN***

The Town Board does hereby adjourn the meeting at 9:30 p.m.

Motion: Councilperson Dean Farrand

TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754  
DATE: MARCH 21, 2022  
7:00 P.M. REGULAR MEETING  
\*\*\*ONLINE VIA ZOOM\*\*\*

Seconded: Supervisor Frank DeMayo  
5 AYES Carried

Respectfully submitted,

Town Clerk, Laurie Dutcher

DEPARTMENT HEAD MEETING/WORK SESSION  
TOWN BOARD OF TOWN OF LIBERTY  
119 NORTH MAIN STREET LIBERTY, NY 12754  
MONDAY – APRIL 4, 2022  
TIME - 6:30 P.M.

***PRESENT:***

Supervisor Frank DeMayo  
Councilperson Dean Farrand  
Councilperson Brian McPhillips  
Councilperson Vincent McPhillips  
Councilperson John Lennon

***RECORDING SECRETARY:***

Town Clerk Laurie Dutcher

***ALSO PRESENT:***

|                                    |                                        |
|------------------------------------|----------------------------------------|
| Town Attorney Kenneth Klein        | Manny Steinberg                        |
| Finance Director Cheryl Gerow      | Abraham Mizrahi                        |
| Confidential Secretary Nick Rusin  | Matt Shortall                          |
| Town Engineer Dave Ohman           | Brad Cobert                            |
| Highway Superintendent Matt DeWitt | Patrick Crowe                          |
| Mike Edwards                       | Bob Stubbs of Marshall & Sterling Ins. |
| Ari Halpern                        |                                        |

***PLEDGE OF ALLEGIANCE***

***CORRESPONDENCE***

***Incoming Correspondence***

1. Correspondence from Don Sherwood regarding the appointment to the Sullivan County Fire Advisory Board.
2. Correspondence regarding the 2<sup>nd</sup> Sullivan County Youth Book Festival to be held May 21<sup>st</sup>.
3. Correspondence from the NYS Environmental Facilities Corporation regarding Engineering Agreement Acceptance for the Swan Lake Wastewater Treatment Plant Upgrade.
4. Correspondence from Paul Edelstein, President of the Catskill Clean Water Fund regarding protecting and preserving Swan Lake.
5. Correspondence from the Catskill Center to Dr. Mary Basset, M.D.M.P.H. commissioner of the NYS Dept. of health regarding the New York City Watershed Land Acquisition Program.
6. Correspondence from Marshall & Sterling Insurance regarding an amendment requiring agents to file a disclosure statement.
7. Correspondence from Harry Rice of Parksville regarding snowmobiles on the Parksville trail.

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*OUTGOING CORRESPONDENCE*

1. Correspondence sent by Supervisor DeMayo regarding the appointment to the Sullivan County Fire Advisory Board.
2. Correspondence sent by Supervisor DeMayo extending its support to Sprouting Dreams Farm LLC and its proprietor Eugene Thalman.

*ACCEPTANCE OF INCOMING AND OUTGOING CORRESPONDENCE*

The Town Board of the Town of Liberty does hereby accept the incoming and outgoing correspondence.

Motion: Councilperson John Lennon  
Seconded: Councilperson Dean Farrand  
5 AYES Carried

*PRESENTATION*

A presentation was given by Bob Stubbs of Marshall & Sterling Insurance. Highlights include:

- Page 6 - of the property schedule. Locations 94 and 95 and 16.2 are all new additions to the schedule, the concrete water tank, the well pump that goes with it and the Vasco Certi-safe mixer in White Sulphur.
- Page 8 - which is the property coverage, there is a blanket building and contents limit listed there. 23,653,724,000. That limit is 7.94% higher than last year because of the three items that were added and in addition to that everything else on the schedule is increased by a customary 2% inflation guard.
- Page 10 - inland marine, the contractor's equipment limit is a little bit higher. \$2,000 higher than last year and that's because on page 11 item #29 Greco Ultra-max paint sprayer was added to the schedule.
- Page 16 - which is the last page of the auto schedule, vehicle #48 was just added within the last two weeks. So we have one additional vehicle versus last year.
- Those are the changes from a coverage standpoint and exposure standpoint. Aside from that the budget increase is about 2.4% and that's the primary ratable item from a liability standpoint so that gets factored in.
- From a premium standpoint, it's roughly 5% higher than last year and that's because of the exposure changes just mentioned and then there were across the board minimal rate increases as well.
- From a claims standpoint, things are improving. A year ago at this time the loss ratio for the town was 115%. That means for every dollar the insurance company took in, they

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were paying out \$1.15 in claims so it wasn't too good. Now it's 78% so it's trending in the right direction. Hopefully it will continue.

- Terrorism coverage is a standard item at no charge.

***APPROVAL OF INSURANCE PROPOSAL FROM MARSHALL & STERLING INS.(NYMIR)***

The Town Board of the Town of Liberty does hereby approve the insurance proposal submitted by Marshall & Sterling Insurance Co. (NYMIR) in the amount of \$171,585.70 and \$400.00 for the New York Motor Vehicle Fees and \$86.08 for the New York Fire Insurance Fee.

Motion: Councilperson Dean Farrand  
Seconded: Councilperson Brian McPhillips  
5 AYES Carried

***DEPARTMENT HEAD REPORTS***

***ASSESSOR***

March 1 Taxable status date- Valuations and exemptions  
Ad is out in the democrat for inventory & data review for April  
Working with the state on some technical issues with Assessor's computer  
\*\*\*Working on 2022 Tentative Roll -1 correction still pending for 2021

***CEO - BUILDING DEPARTMENT***

February 2022

|                             |    |
|-----------------------------|----|
| Permits Open                | 32 |
| Permits Closed              | 21 |
| Fire Inspections Performed  | 2  |
| Complaints Open             | 52 |
| Complaints Closed           | 1  |
| Appearance Tickets          | 2  |
| Planning Board Applications | 3  |
| Planning Board Approvals    | 1  |
| Zoning Board Applications   | 0  |
| Zoning Board Approvals      | 0  |
| Municipal Searches          | 25 |

***COURT*** No Report



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*DCO*

MARCH 2022

Dogs picked up 10

Dogs redeemed 6

Dogs transferred to CARE 2

Dogs at Shelter

2 Miles 643

*FINANCE*

1. Completed and filed 2021 Annual Financial Report
2. Submitted payment request to EFC for Stevensville Water. Total requested and received to date is \$2,571,613.56
3. Followed up on insurance claim and provided more information to expedite the process
4. Attended webinar with U.S. Department of the Treasury regarding compliance for AARPA funds
5. Attended Employee Relations Committee meeting
6. Mailed letters to retirees regarding the vision insurance and its cost
7. Scheduled Defensive Driving Course and mailed letters to retirees
8. Disputed unemployment claim
9. Completed and submitted Census of Government Employee Survey
10. Submitted damaged street light pole request at Presidential Estates to NYSEG
11. Answered various questions regarding Annual Financial Report with the State Comptroller's Office
12. Began processing seasonal employees
13. All other daily duties and responsibilities

*HIGHWAY*

**Improvements/Maintenance:**

- Cold patch all Town roads, multiple times
- Catch basin and pipe cleaning
- Crusher run grade Marx Road
- Tree clean-up from storm
- Anderson Road, started process of refurbishing road
- Replaced culvert abutment on Lily Pond Road

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**Winter Maintenance:**

- Cleared ice on roadways with grader, multiple locations
- Wednesday, March 2, 4AM – 3:30PM, 1 inch of snow
- Thursday, March 3, 4AM – 3:30PM, 2 inches of snow
- Tuesday, March 8, 7AM – 3:30PM, dusting
- Wednesday, March 9, 7AM – 6PM, 3 inches of snow
- Thursday, March 10, 4AM – 3:30PM, storm clean up
- Saturday, March 12, 8AM – 7PM, 7 inches of snow
- Sunday, March 13, 5AM – 9AM, storm clean up
- Monday, March 14, 5AM – 3:30PM, drifting
- Thursday, March 24, 4AM – 3:30AM, ice
- Monday, March 28, 4AM – 3:30AM, dusting

**Facilities:**

- No new report

**Equipment/Vehicles:**

- Daily maintenance of all snow removal equipment
- Yearly service completed on two loaders
- Snow removal accident involving truck #6, waiting on insurance company confirmation to repair

**Personnel:**

- 1 employee out on medical leave

**Misc.:**

- Received final CHIPS payment for 2021

**TOWN CLERK**

|                      |   |          |
|----------------------|---|----------|
| Road Access Permit   | 3 | \$250.00 |
| Conservation         | 3 | \$ 4.14  |
| Marriage License Fee | 5 | \$ 87.50 |
| Junk Yard            | 1 | \$250.00 |
| EZ Pass              | 5 | \$125.00 |
| Marriage Certificate | 6 | \$ 60.00 |
| <u>Dog Licensing</u> |   |          |

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|                              |    |             |
|------------------------------|----|-------------|
| Female – Spayed              | 8  | \$ 39.50    |
| Female – Un-spayed           | 2  | \$ 25.00    |
| Male – Neutered              | 8  | \$ 72.00    |
| Male – Unneutered            | 6  | \$ 75.00    |
| Reimbursement of<br>Expenses | 4  | \$100.00    |
| <u>Building Fees</u>         |    |             |
| Lot Improvements             | 1  | \$400.00    |
| Special Use                  | 4  | \$1,200.00  |
| Building Insp.-Multi-Fam     | 1  | \$ 80.00    |
| Building Permit              | 38 | \$23,998.35 |
| Commercial Establishment     |    |             |
| Inspections                  | 2  | \$150.00    |
| Municipal Searches           | 25 | \$1,900.00  |

**WATER & SEWER**

1. The guys have been busy with the usual checking hydrants, bleeders, painting in all of the pump houses, reading meters, manhole inspections and cutting and trimming trees at the Swan Lake sewer plant.
2. We have also begun servicing and painting the bed liners in our trucks, since most of the men are mechanically inclined and to be mindful of budget costs. After waiting a year, we finally got our new truck and put it all together.
3. I have been working on getting quotes for calibrating all the meters at the Swan Lake and Loomis sewer plants. Also getting quotes to rebuild Fancher’s sewer pump station and to flow test the wells at Hanofee Park.
4. As of March 30, I hired another person, so all positions are now filled.
5. Any other items that may arise prior to the meeting.

**DELAWARE ENGINEERING**

1. **The Next CDBG Grant Project Phase 10 – White Sulphur Springs Boyd Road and Well Screens 2021 CFA Round**
  - Project was identified for award for a grant of \$787,700
  - This will bring the total grant funds that have been secured for WSS projects by Blauer Associates and Delaware Engineering to \$4.3M for Phases 5 thru 10!
  - Project scope to include water main work near for Boyd Road and for WSS Well #1 screen replacement. Damon noted recent main break on Boyd Road!

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- At the March 7, 2022 meeting the Town Board reviewed the RFQ's, completed scoring, resolved to award the contract for Engineering Services to Delaware Engineering. Thank you!
- We are preparing our engineering services contract for this work which will follow the RFQ scope and with our planned fee within the budgets set forth in the 2021 Engineering Report that was the basis for the grant. Plan to have contract to the Town for consideration for next month's meeting.

## 2. Swan Lake WWTP Upgrade

- **Actions for the Board to consider at today's meeting:**
  - None
- **Hardship (0% loan) Financing/Project Financing Agreement**
  - All required items have been submitted to NYSEFC to allow for PFA to move forward.
    - On March 21 the Town received a letter from NYSEFC confirming that the engineering agreement is eligible for SRF funding.
    - The Engineering Report has been approved.
  - NYSEFC recommends waiting for WIIA grant notification (notices due out soon?) so that any grant can be accounted for in the Short -Term financing loan package to avoid having to go thru the ST financing process multiple times and incurring more closing costs.
  - Unless the Town desires to proceed now, we will continue to wait for WIIA grant status to be established.
- **NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) Grant Opportunity**
  - The New York State Environmental Facilities Corporation (EFC) is offering \$400 million in grants for clean and drinking water projects during the 2021-22 state fiscal year.
  - Available Funding
    - WIIA Clean Water Projects
      - An applicant with an eligible clean water project may receive a WIIA grant award as described below:
      - A project, including phases of the project, would be awarded up to the lesser of \$25 million or 25% of net eligible project costs.
  - All application materials were submitted via upload on November 16, 2021, ahead of the November 22, 2021 deadline
  - Anticipate grant award announcements during the second quarter of 2022.
- **Updated Project Schedule (attached)**
  - Updated to reflect the anticipated plan forward assuming the Town executes a Project Finance Agreement (PFA) with the Hardship Loan with NYSEFC in April – June 2022

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- **Current SPDES Permit & SPDES Permit Modification**
    - **Current SPDES Permit**
      - Nothing new this month
      - In September 2020 the Town submitted a Renewal Application for the current permit
      - In March 2021 NYSDEC issued a new SPDES Permit, effective 4/1/2021 thru 3/31/2026.
      - In December 2017 the Town responded to an Environmental Benefit Permit Strategy (EBPS) request for information, including NY-2A application, outfall information, sampling, water treatment chemicals, process flow diagram, etc., for this facility
      - The EBPS is a ranking system that prioritizes permits for full technical review and, when necessary, modification.
      - NYSDEC is currently drafting the Environmental Benefit Permit Strategy (EBPS) Permit for this facility based on the information provided in December 2017, and on May 24, 2021 NYSDEC requested a copy of the existing process flow schematic and to confirm if the system is 100% separate or combined.
      - A response including the existing process flow schematic and confirming that the system was 100% separate was submitted on June 3, 2021.
      - This review is occurring independently of the proposed upgrade and expansion
      - At this time the Town has provided everything that NYSDEC has asked for the current permit.
    - **SPDES Permit Modification**
      - Nothing new this month
      - While responding to the May 24, 2021 requesting a copy of the existing process flow schematic, we notified NYSDEC that the Town anticipated that an application for a NY-2A for expansion will be submitted during the design of the WWTP upgrade and expansion.
      - To avoid full technical review, now, and again in 6-8 months, NYSDEC would like to draft the permit for the increased flow and has asked if the Town could submit the NY-2A Application for Flow expansion sooner
        - However, unless the Town desires to proceed otherwise, based on the current schedule, the application for flow expansion is now proposed to be submitted concurrent with the design, following execution of a professional services agreement sometime in 2022, after the Town closes on a Project Financing Agreement (PFA), including short term financing this fall/winter.
3. **Stevensville Water Project**
- **Actions for the Board to consider at today's meeting:**
    - None

SHORT SUMMARY:

- **NYSEFC**
  - In response to NYSEFC's February 28, 2023 email, we worked with NYSEFC and Cheryl Gerow on changes to the budget sheet to prepare for Long Term financing and forwarded the markup of the updated budget information to NYSEFC on March 14, 2022 – email and revised budget sheet attached.
  - The bottomline total remained as is and some funds were relocated.
  - NYSEFC has been conducting in house meetings in March to better understand Long Term and upcoming Short -Term financing for this fiscal year.
  - The project is currently listed with NYSEFC for completion by August 2022 but NYSEFC can adjust this date beyond then if needed.
- **Contract TL2-E-2017 – Electrical.**
  - Contractor is working on one punchlist item:

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- Stevensville wellfield flowmeter.
    - They installed a new tap for the meter and installed it and they are still having problems matching what the new meter reads compared to the Town’s hydrant flow meter.
    - This is a meter that has been used successfully in the past in installations that are more challenging than this.
    - The meter manufacturer provided us with a checklist on February 2, 2022 of things that should be verified on the flow meter to make it will read correctly.
    - This checklist has been sent to Damon and was provided to TAM, the Electrical Contractor, with the request to work through the list as part of the one-year contract warranty period, on February 7 and again on March 1, 2022.
  - We had a call with TAM and they advised via March 24 email that they have located a local rep who should be able to come out before April 15 to view the installation and list of recommended items to investigate.
  - We are also looking at the option to change out the insertion magmeter with a different style water turbine meter.
- 
- **Contract TL2-G-2017 – General**
  - Overall, work is done with the exception of Swan Lake waterline crossing and bid alternate work to put in waterline up CR55 as budget allows.
- 
- **Swan Lake Crossing**
    - Moving ahead with design of the crossing now proposed between the County bridge and the old bridge/lake spillway
    - December 8, 2021 email from SCDPW said County “takes no exception” to adjusting the alignment of the new above ground crossing to keep all of the new items within a 10’ wide ROW completely within the County bridge ROW. Will now include some work to put in a catchbasin and revise the discharge of the current storm drain. Will require a County work permit.
    - **Design should be complete this month.**
    - Refine the plan and review with the Town and see what easements may be required after confirming final location.
    - Then wrap up design and get to NYSDOH for approval and NYSDEC for permitting.
    - Plan to be completed by August 2022.
    - More background information below:
      - This option was previously considered during design in 2016 and early 2017, along with boring in 3 locations, as well as both a submerged and an above grade crossings 20’ upstream of the County bridge.
      - At that time (2017), Board and Delaware reviewed the options and agreed to move forward the boring option located in the County ROW north of the bridge because:
        - All other design components were complete and the project was ready to move forward
        - The feasibility of the planned boring work had been reviewed with boring contractors and the budget for the boring work was deemed reasonable and was included in the original project budget

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- the County did not want to consider a water line on the bridge or within 20' of the bridge abutments or wingwalls
- ownership of the lake was in a state of flux and obtaining any easement outside of County ROW would delay bidding
- NYSDOH would require any underwater pipelines to be buried 5' minimum below the lake bottom – could not be anchored or weighted down to the lake bottom
- Work to bury a new waterline, or do above the water on piers or pilings within the County ROW north of the bridge, would add significant cost to meet NYSDEC permit limits
- Updated crossing layout (G-1 Swan Lake Crossing and G-1A Swan Lake Crossing – Partial Plan) that shows the planned location – s
  - Drawing attached to show where the line is proposed to be located based on site recon with Water & Sewer and Osterhoudt last year and confirmatory property survey received on September 20, 2021 from surveying subcontractor; property lines have been confirmed
  - Shows 10' wide ROW for new line and affected properties
- Current completion date for General Contract is August 1, 2022 following the October 4, 2021 Board action authorizing the Town Supervisor to execute Change Order No. 4 - No Cost Time Extension to Contract No. TL2-G-2017 changing the project completion date from December 30, 2021 to August 1, 2022 in order to allow for the lake crossing work to be completed in 2022.
- At October 4, 2021 meeting the Board also authorized the Town Supervisor and/or Delaware Engineering to contact/meet with Sullivan County DPW regarding locating the water crossing in their bridge/ROW/utility easement between the existing bridge and the spillway.
- We emailed SCDPW on October 18, 2021 requesting they advise if/how we can move forward with this concept and explained that:
  - The town bid out work to bore under the lake to the north of the bridge and efforts were unsuccessful after several attempts. Boring is no longer option.
  - Relocating the water line to the proposed location +/- will allow work to be conducted on the outlet banks with minimal impact to the water body and existing bridge, spillway and culvert, and we believe within the current budget
  - During design in 2016 and 2017, other alignments considered crossing above the existing bridge with submerged or above water lines, but were dismissed for a number of reasons including costs beyond the current budget, significant permitting requirements, etc.
  - Also, at that time, crossing below the bridge was also considered but was not pursued due to concerns with securing an easement from the lake property that was undergoing a sale, and the inability to locate the new line 20' away from County bridge wingwalls.
- We also sent the County the updated crossing layout (G-1 Swan Lake Crossing and G-1A Swan Lake Crossing – Partial Plan) that shows the planned location and with added/new survey information to review the revised plan and
- The County reviewed the updated crossing layout and responded December 2021 with the following:
  - Indicated that they take no exception to the proposed location- that is, our 10' project needs area fully within the County ROW.
  - Noted that for any portion within the County ROW a permit will need to be applied for and issued.
  - Requested that the Town advise of distances to the existing wing walls proper (not sheet pile wings) of the current bridge carrying CR 142. *(Note – we have since added these dimensions to the attached plan and will follow-up with the County)*It appears that there is enough clearance to allow future replacement of the bridge without affecting the proposed waterline, and noted that appears that there is enough clearance to allow future replacement of the bridge without affecting the proposed waterline.
  - Attached is an aerial with an initial study of ROW in the vicinity, but note there is about a 5 ft. discrepancy between existing CR 142 CL and 1960 proposed CL. This image is not based on a field survey. My understanding is that the ROW for CR 15 (State Route 55) is our jurisdiction as well.
  - Requested that the Town please forward any additional plans when available and don't hesitate to contact them if the Town has any questions.
- We plan to continue to work with the County as design of the option is refined.
- **Actions Required to Move Forward:**
  - *Affected property owners need to agree to locating the line as proposed and to grant easements/ROWs*
    - If a 10' wide permanent easement is desired, easements/access agreements will be needed from
      - Sullivan County - will continue to update and provide information for ROW permit and additional plans

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- Swan Lake Commons LLC – need to get in contact to discuss a construction easement
- a small portion of Janky, LLC (store) – need to get in contact to discuss construction easement
- *Need to confirm final location of the crossing with the County, refine and complete design of new crossing, get NYSDOH approval, County and NYSDEC permits and obtain easements- if needed.*
- \$2.1 M grant and \$1.4M low interest loan
- **Project Cost Summary**
  - **Overview/Quick Summary**
  - Base bid total = \$2,518,791 (new tank, wellfield and borings under water bodies – not including any watermain up CR 55)
  - Construction budget (2017 PFA w/NYSEFC) = \$2,531,646

| Item                                                                                                              | Estimated cost<br>(July 2016<br>Engineering Report) | Estimated cost<br>(NYSEFC PFA 2017<br>Exhibit C) | As of<br>January 03, 2022 |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------|---------------------------|
| Construction – General – Base bid                                                                                 | \$1,841,750                                         |                                                  | \$2,119,450               |
| Construction – Electrical – Base Bid                                                                              | \$165,360                                           |                                                  | \$ 399,341                |
| Construction – Subtotal Base Bids                                                                                 | \$2,007,110                                         |                                                  |                           |
| Construction – <i>Bid Alternates</i> (varies)                                                                     | \$376,550                                           |                                                  | Unit prices no total      |
| Construction – Electrical<br>Change Order No. 3 – Radio Antenna<br>Replacement Sherwood Building                  |                                                     |                                                  | \$ 2,040                  |
|                                                                                                                   |                                                     |                                                  |                           |
| <b>SUBTOTAL - Construction</b>                                                                                    | \$2,383,660                                         | \$2,531,646                                      | \$2,520,831               |
| Other Costs                                                                                                       | \$707,100                                           | \$634,000                                        | \$ 634,000                |
|                                                                                                                   |                                                     |                                                  |                           |
|                                                                                                                   |                                                     |                                                  |                           |
| <b>Total Estimated Cost/Cost to Date</b>                                                                          |                                                     |                                                  | \$3,154,831               |
|                                                                                                                   |                                                     |                                                  |                           |
| Contingency                                                                                                       | \$309,076                                           | \$234,354                                        | \$                        |
| Project Budget                                                                                                    | \$3,399,836                                         | \$3,400,000                                      | \$                        |
| <b>Budget Minus Cost – Remaining Budget</b>                                                                       |                                                     |                                                  | <b>\$245,200</b>          |
| DWSRF Short Term Market Rate Financing                                                                            |                                                     | \$1,360,000                                      |                           |
| Maximum 2015 WIIA <b>Grant</b> Round 2<br>(lesser of 60% eligible costs (currently<br>\$2,040,000) or \$2,112,388 |                                                     | \$2,040,00                                       |                           |



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- There remains about \$245,200 in uncommitted funds in the budget plus money in the bid for the boring work which was not completed to address the new above ground crossing and any other associated project work (total approx. \$348,000 remaining in General Contract budget).
- Also planning to use funds from Contingency and Land Acquisition to put as much waterline as possible up CR55 under the Bid Alternate work that has already been approved by NYSDOH.

**4. Attachments**

- Swan Lake WWTP Upgrade
  - Project Schedule (last revised 03-29-22)
- Stevensville Water Project
  - March 14, 2022 email to NYSEFC with budget markup

**5. Items Reviewed at Meeting but not distributed with this package:**

- None

*Councilperson Dean Farrand* asked about a current parking situation causing an issue. Highway Superintendent Matt DeWitt said he thinks it's just more than just saying yes or no and his department needs to gather a little more information and bring it back to the Board for discussion.

**NEW BUSINESS**

1. Set Spring Clean-up for May 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> at the Town Barn – *see below*
2. Approval of the Municipal Cleanup Agreement with the County of Sullivan – *see below*
3. Authorize the cleaning of Roth Well at a cost of \$25,320.00 to be paid for out of the W&S operating budget – *see below*
4. Direct Town Attorney to draw up a Capital Reserve resolution for the purchase of Aqua Guard Preventative Maintenance System not to exceed \$11,000.00 – *see below*
5. Resolution authorizing the reimbursement of \$59,110.57 from the Parkville Hamlet Revitalization RESTORE NY Project #131788 to Kytt McManus – *see below*

**SPRING CLEAN-UP SET FOR 5<sup>TH</sup>, 6<sup>TH</sup> & 7<sup>TH</sup>**

The Town Board of the Town of Liberty does hereby make a motion to schedule the Spring Clean up at the Town Barn on May 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup>.

Motion: Councilperson Brian McPhillips  
Seconded: Supervisor Frank DeMayo  
5 AYES Carried

DEPARTMENT HEAD MEETING/WORK SESSION  
TOWN BOARD OF TOWN OF LIBERTY  
119 NORTH MAIN STREET LIBERTY, NY 12754  
MONDAY – APRIL 4, 2022  
TIME - 6:30 P.M.

*MUNICIPAL CLEAN-UP AGREEMENT*

The Town Board of the Town of Liberty does hereby approve of the Municipal Cleanup Agreement with the County of Sullivan.

Motion: Councilperson Dean Farrand  
Seconded: Councilperson John Lennon  
5 AYES Carried

*CLEANING OF ROTH WELL*

The Town Board of the Town of Liberty does hereby authorize the cleaning of Roth Well at cost of \$25,320.00 to be paid for out of the W&S operating budget.

Motion: Councilperson Brian McPhillips  
Seconded: Supervisor Frank DeMayo  
5 AYES Carried

*TOWN ATTORNEY DIRECTED TO DRAW UP CAPITAL RESERVE RESOLUTION FOR PURCHASE OF AQUA GUARD PREVENTATIVE MAINTENANCE SYSTEM*

The Town Board of the Town of Liberty does hereby make a motion to direct Town Attorney to draw up a Capital Reserve Resolution for the purchase of Aqua Guard Preventative Maintenance System not to exceed \$11,000.00

Motion: Councilperson Dean Farrand  
Seconded: Councilperson John Lennon  
5 AYES Carried

*AUTHORIZATION TO REIMBURSE \$59,110.57 FROM THE PARKSVILLE HAMLET REVITALIZATION RESTORE NY PROJECT #131.788 TO KYTT MCMANUS*

The Town Board of the Town of Liberty does hereby authorize the reimbursement of \$59,110.57 from the Parksville Hamlet Revitalization RESTORE NY Project #131.788 to Kytt McManus.

Motion: Supervisor Frank DeMayo  
Seconded: Councilperson Dean Farrand  
5 AYES Carried

*OLD BUSINESS*

DEPARTMENT HEAD MEETING/WORK SESSION  
TOWN BOARD OF TOWN OF LIBERTY  
119 NORTH MAIN STREET LIBERTY, NY 12754  
MONDAY – APRIL 4, 2022  
TIME - 6:30 P.M.

1. Franchise Agreement – future meeting
2. Training & recommendations – future meeting
3. Zoning board alternate – future meeting
4. Storage Containers – future meeting
5. Home Occupations – future meeting
6. Marx St. – waiting for one person to sign off
7. Empty Lot in Parksville – future meeting
8. Fence In/Fence Out – future meeting
9. Illegal dumping of garbage – future meeting
10. Well Sites – future meeting
11. ARPA Funds – see below
12. Zoning change – Allowing schools in RE & SC – future meeting
13. AIRBNB – future meeting
14. Solar – future meeting

**DISCUSSION**

**APPOINTMENT OF DON SHERWOOD TO THE SULLIVAN COUNTY FIRE ADVISORY BOARD**

The Town Board of the Town of Liberty does hereby appoint Don Sherwood to the Sullivan County Fire Advisory Board.

Motion: Councilperson Vincent McPhillips  
Seconded: Councilperson Brian McPhillips  
5 AYES Carried

After a brief discussion it was determined that in future the Board will send out the letters for recommendation to the Fire Chiefs in October so that the appointment can be done and sent into the County before December 31<sup>st</sup> of each calendar year.

**RADCLIFF RD.**

A short discussion was held regarding Radcliff Road. Town Attorney Kenneth Klein asked for a clear map and the title search so that he can look at it.

**ARPA**

A short discussion was held regarding ARPA Funds. Water & Sewer Dept., Damon Knack got prices for testing wells at Hanofee from \$17,000 to \$40,000. Supervisor Frank DeMayo thinks they should put all ideas on paper and hire a hydrologist (Put out RFP). He will present the Board members with an updated list with numbers for the next meeting.

**PUBLIC COMMENT**

DEPARTMENT HEAD MEETING/WORK SESSION  
TOWN BOARD OF TOWN OF LIBERTY  
119 NORTH MAIN STREET LIBERTY, NY 12754  
MONDAY – APRIL 4, 2022  
TIME - 6:30 P.M.

Manny Steinberg: We have always had positive interaction with the Board and the Board was fair to everybody. The Fire Advisory Board was on the agenda for weeks, months and at some point John stood up and said we need somebody. I went out and asked somebody from our community to step up and give a letter of recommendation then all of a sudden at the last minute when it wasn't even on the agenda somebody pops up and they want to do it. Which is pretty strange. I was wondering if maybe the Town Board can look into this because they say that they used to rotate and the last guy was there for many years. Maybe the guy before him was from a different fire company, but maybe the guy before him was from Liberty. I'm just saying it has to be open for discussion and the only reason Yossi Friedman stood up was to help. It was only to help and again we're fine with whoever is on there. I just wanted to point it out to make sure that everybody's fair and everybody is transparent and everybody is treated equally.

The other thing is with the Zoning Board alternate. Now again, the same thing, we have no issue with somebody being on the Zoning. We're one community we live in the same town we want the same things. It's just to point out that the Board was here last time and the Board from what I understand was under the assumption that nobody had any interviews. I just wanted to clarify that in fact, what happened was when I was here to get appointed at that very meeting if you'll check the minutes, John said and I quote "we have two vacancies in the alternate and we're asking anybody from the public that has any ideas because I've personally reached out to a few people to see if they wanted to join". Do you recall that? So that's the same reason, you know, I try to help. I try to call myself a community activist and I try to help wherever I can. I work with CPS also. Child Protective Services of Sullivan County whenever there's cases. Wherever I can put a hand in and offer my help. I stepped up and asked Ari who is more than qualified and pretty well versed in the Town Code as well as my brother-in-law Abraham Weberman who serves on the Catskill Haztola EMT. I am always willing to help people and I asked them to step up and then the same. All of a sudden somebody else gets appointed and it's not that nobody got interviews. He went to the Zoning Board twice to get interviewed and he was interviewed. He spoke to Rob Werlau. Above and beyond that, even though he had an interview they chose somebody else that was not interviewed so in my opinion and again, I'm not on the Board it's just my opinion that making somebody sign a form that they had an interview does not solve the transparency problem. I appreciate the Town of Liberty and again I'm just here to state in no way shape or form are we demanding that somebody from our community be on the Board. We appreciate it and we really appreciate that more than any other town in this whole region can say in terms of treating everybody equally. I don't know how much information comes through or gets lost in between. So the Board can feel free to do whatever they feel fit and again we're open to work with the town in any way shape or form.

The same with Matt. Matt can vouch for that when I called him to say about the Radcliff Road. We were on the assumption that it was not even up for question because we checked everything. We did so much research into this and it is a town road and there's easements and all kinds of stuff that will get affected if it's abandoned, so we were under the assumption it was not. I called Matt and I said "Hey Matt, it's your road." I don't know but from my phone call I could see the shock on his face over the phone but basically I told Matt that we are willing to help out the Highway

DEPARTMENT HEAD MEETING/WORK SESSION  
TOWN BOARD OF TOWN OF LIBERTY  
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MONDAY – APRIL 4, 2022  
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Department. If the Highway Department wants to provide the base we'll give the labor or we will send over an excavator to do the work or vice versa. We're willing to work and Matt said no, if it's our Town, if it's our road, we'll take care of it. What I'm saying is that the idea is we're willing to work with the Town and we're here to help. My neighbor has also sent a letter. He told me a couple weeks ago or maybe a couple months ago to join the Board of Assessment Review. He told me he e-mailed you.

Regarding the water I just want to give you a little background in community if you guys drive down Huschke Road that's also the same thing. We're not doing any cluster developments or any conservation developments or any of that funny business that a lot of people are doing. They come from the city and they want to live a city life and they come out and they start building the way they build in the city but that's not our community. You can drive down any of the roads we've kept to the 200 feet frontage. Even with the road that I'm on, it's Marx Road. It was a five acre lot. We could have done five lots of one acre. We decided we wanted to spread it out a little bit. We did one and a quarter acres, we did four instead of five. The Planning Board asked us before I was appointed to do the water test. Abraham has spent thousands of dollars from his pocket with two hydrologists so if the Town needs any help I've been in contact with a few hydrologists. We installed 40 or 50 street lights, some of them are back-ordered, just for safety and everybody is paying out of their own pocket. We're trying to work together and keep it as one community and that's all I have to say. Thank you very much.

**BOARD DISCUSSION**

*COUNCILPERSON BRIAN McPHILLIPS* Nothing to report

*COUNCILPERSON VINCENT McPHILLIPS* Nothing to report

*COUNCILPERSON JOHN LENNON* Nothing to report

*COUNCILPERSON DEAN FARRAND* Said garbage and litter is out of control and he would like to hire a couple of kids with ARPA Funds. The Board will be working up some numbers and see what they come up with.

*SUPERVISOR FRANK DEMAYO* Nothing to report

**ADJOURN**

The Town Board does hereby adjourn the meeting at 7:50 p.m.

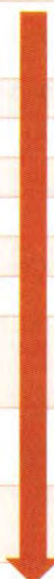

Motion: Councilperson Dean Farrand  
Seconded: Councilperson John Lennon  
5 AYES Carried

DEPARTMENT HEAD MEETING/WORK SESSION  
TOWN BOARD OF TOWN OF LIBERTY  
119 NORTH MAIN STREET LIBERTY, NY 12754  
MONDAY – APRIL 4, 2022  
TIME - 6:30 P.M.

Respectfully submitted,

Town Clerk, Laurie Dutcher

|                             |                                                                            |                                                                          |                                                                          |                                                                     |
|-----------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------|
| <b>STONE BID</b><br>4/21/22 | <b>R&amp;H Gorr, Inc</b><br>14 Hortonville Main St.<br>Callicoon, NY 12723 | <b>Deckelman, LLC</b><br>150 County Rd 95<br>Fremont Center, NY<br>12736 | <b>JML Quarries, Inc</b><br>1936 State Route 17b<br>White Lake, NY 12786 | <b>Callanan Industries, Inc</b><br>PO Box 15097<br>Albany, NY 12212 |
|-----------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------|

|                             | DELIVERED | FOB                                                                                | DELIVERED | FOB                                                                                | DELIVERED | FOB   | DELIVERED | FOB   |
|-----------------------------|-----------|------------------------------------------------------------------------------------|-----------|------------------------------------------------------------------------------------|-----------|-------|-----------|-------|
| #1A<br>(Limestone)          | NB        | NB                                                                                 | 35.00     | NB                                                                                 | NB        | NB    | NB        | NB    |
| #1A (Ledge<br>Rock)         | 30.50     |  | 29.25     |  | NB        | NB    | 32.50     | 26.00 |
| #1                          | 20.16     |                                                                                    | 20.25     |                                                                                    | 20.75     | 14.25 | 21.50     | 15.00 |
| #1B                         | 19.16     |                                                                                    | 19.25     |                                                                                    | NB        | NB    | 21.00     | 14.50 |
| #2                          | 18.96     |                                                                                    | 18.35     |                                                                                    | 20.50     | 14.00 | 22.25     | 15.75 |
| #3                          | 19.57     |                                                                                    | 18.60     |                                                                                    | 20.50     | 14.00 | 22.25     | 15.75 |
| #4                          | 19.57     |                                                                                    | 18.60     |                                                                                    | 21.25     | 14.75 | NB        | NB    |
| Crusher Run                 | 13.97     |                                                                                    | 13.75     |                                                                                    | 17.00     | 10.50 | 10.00     | 11.50 |
| #1 & #2 50/50<br>Ledge Rock | 19.66     |                                                                                    | 18.35     |                                                                                    | 21.75     | 15.25 | 22.25     | 15.75 |
| Ledge Stone<br>Sand         | 19.16     |                                                                                    | 19.25     |                                                                                    | NB        | NB    | 21.00     | 14.50 |
| Surge Stone-<br>Non DOT     | 15.00     |                                                                                    | NB        |                                                                                    | NB        | NB    | 17.50     | 11.00 |
| Light Stone Fill            | 19.00     |                                                                                    | 15.00     |                                                                                    | 21.00     | 14.50 | 25.50     | 19.00 |

All bids had the required non-collusion bidding certificate.

Town of Liberty Finance Office  
120 North Main Street  
Liberty, NY 12754  
(845) 292-5772  
[c.gerow@townofliberty.org](mailto:c.gerow@townofliberty.org)

DATE: May 2, 2022  
TO: Supervisor DeMayo and Town Board Members  
FROM: Cheryl Gerow  
RE: Highway Department Used Paver Purchase

Please authorize the purchase of a used 2002 Blaw-Knox Asphalt Paver model #PF3172 with 2,500 hours at a cost of \$14,000.00 for the Highway Department out of their operating account.

Used prices were obtained for the following similar pavers that would also require shipping:

1. 2005 Blaw-Knox PF3172 with broken hours meter for \$14,900
2. Blaw-Knox PF3172 with unknown year and hours for \$15,000
3. 1997 Blaw-Knox PF3200 with 6,400 hours for \$19,500





## DELAWARE ENGINEERING, D.P.C.

55 South Main Street  
Oneonta, NY 13820

Tel: 607.432.8073  
Fax: 607.432.0432

April 13, 2022

Frank DeMayo  
Town Supervisor  
Town of Liberty  
Government Center  
120 North Main Street  
Liberty, NY 12754

Re: White Sulphur Springs Water District - Phase 10 Improvements  
OCR Small Cities CDBG Project # 641PW78-21  
Sub: Professional Services Contract

Dear Frank:

Congratulations! on your recent success in securing the \$787,700 Community Development Block Grant (CDBG) to complete the final Phase 10 improvements to the White Sulphur Springs (WSS) Water System.

At the March 7, 2022 Town Board meeting, the Town resolved to select Delaware Engineering to provide engineering services for the Phase 10 project. Thank you!

This submittal comprises our professional services contract, from design through construction, for Town review and endorsement. Our scope of services is the same as those provided in our February 2022 qualifications package. In addition, the professional services costs match those detailed in the July 2021 Consolidated Funding Application (CFA) and were included in the \$787,700 grant budget. All costs for our services are eligible for reimbursement under the terms of the CDBG program.

We propose to complete the professional services detailed in this contract for a fixed fee of **\$149,500**.

A summary of the professional services tasks and a breakdown of costs under this contract is as follows:

### Engineering Services Fee Summary

|                                  |                 |
|----------------------------------|-----------------|
| •Preliminary Design              | No Charge       |
| •Design Services                 | \$50,000        |
| •Bid/Award Services              | \$7,000         |
| •Engineering During Construction | \$25,500        |
| •On-site Observation Services    | \$48,000        |
| •As-Builts                       | \$1,500         |
| •Subcontracts                    | <u>\$17,500</u> |
| Professional Services Total      | \$149,500       |

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Other New York Offices:

·Albany ·Goshen ·Liberty ·Monticello ·Red Hook ·Walton  
[www.delawareengineering.com](http://www.delawareengineering.com)

Please review this contract and advise us of any desired changes. If all appears acceptable, please sign both of the enclosed copies, retaining the original for Town files and providing the second signed copy to our Oneonta office.

Please contact me if you have any questions or comments at (607) 432-8073. Thank you.

Respectfully,

**DELAWARE ENGINEERING, D.P.C.**



Dave Ohman, P.E.

Liberty (T) WSS Phase 10 Contract 04-13-22.docx  
Enclosures

CC: Cheryl DeCarr, Delaware Engineering, DPC (contracts file)

## **1. Background**

The Town of Liberty owns, operates and maintains the water supply and public water system for the White Sulphur Springs (WSS) Water District that serves approximately 300 Town residents. The system is comprised of subsurface groundwater (well) sources, a 0.335 million gallon water storage tank and approximately 23,000 lineal feet of transmission/distribution mains. The water system provides fire protection to the community.

Over the last decade, the Town has dedicated considerable resources to the rehabilitation and improvement of the water supply and distribution system, focusing their efforts on high-priority conditions including the replacement of aging asbestos-cement watermain and the development of a back-up water supply. Rate increases to system users have been mitigated through the use of Community Development Block Grant (CDBG) funds administered through the NYS Office of Community Renewal (NYS OCR).

### **Distribution System Upgrades**

The original watermains, installed circa 1950, were primarily comprised of 6" and 8" diameter asbestos-cement pipe. As the system aged and the pipe deteriorated, it became increasingly prone to failure and could no longer be relied upon to provide adequate fire protection flows, creating a health and safety threat to both district users and volunteer fire fighters.

To remedy the condition, the Town undertook a long-term project to replace the failing pipe. Beginning in 2005, and continuing over the next fifteen years, the Town successfully replaced all ±23,000 lineal feet of original asbestos-cement pipe, a significant public health and safety achievement.

### **Water Supply Upgrades**

The WSS's water supply consists of two existing groundwater wells, located at the district's Shore Road wellfield. The wellfield property, owned by the Town, includes Well #1, Well #2, and a wellhouse with pump, metering and treatment facilities. Also located on that site is the Sherwood-Roth wellfield and water treatment facility which was developed in 2007 to serve the Town's Stevensville Water District.

Well #1, installed in 1947, had been inoperable for several decades following a major fire event. Subsequently, Well #2 served as the sole water supply for the district. To comply with the *10 States Recommended Standards for Water Works* which requires a redundant supply, the Town relied upon an interconnection with the Sherwood-Roth wellfield that, in the event of an emergency, could provide water from the Stevensville Water District.

The redevelopment and recommissioning of Well #1 was completed in 2020 as part of the Phase 9 upgrade. The work included the replacement of the pump, motor, pitless adapter, and an upgrade to the electric service, but the well screen was not replaced. The Town now has a back-up supply source capable of meeting the district's maximum day demand should it be necessary to remove Well #2 from service.

## **2. Project Understanding**

For this tenth and final phase of the WSS Water District Improvement Project, the Town will replace approximately 1,500 lineal feet of 6" cast iron watermain along Boyd Road and replace the well screen on Well #1.

Figure G-1, attached to this contract, depicts the location of the proposed watermain and well screen projects.

### **Boyd Road**

The existing cast-iron watermain is aging and approaching the end of its useful life. Additionally, approximately 600 linear feet of watermain at the northern end of the road is located in a low-lying, swampy area surrounded by state regulated freshwater wetland. This condition subjects the main to regular freeze/thaw cycles that can damage the pipe. Most recently, a January 2022 pipe rupture required an emergency repair.

The entirety of Boyd Road is located within the checkzone for the wetland area. Maintenance and repair on this section is both difficult and expensive, as any excavation in the area requires substantial dewatering efforts. It has therefore been deemed prudent to replace this section with new, jointless, butt-fusion welded HDPE watermain to minimize the risk of future service disruptions and the need for repairs. This final phase will complete the replacement and upgrade of the entire WSS water distribution system.

#### Well Screen

In addition to the watermain replacement, the Town intends to replace the damaged well-screen at the recently redeveloped Well #1.

During the 2018 redevelopment of Well #1, an inspection revealed excessive corrosion and deterioration of the well screen which was determined to be past the end of its useful life. Replacement of the screen, which is original from the 1949 well installation, was precluded from the Phase 9 work as it was identified after the funding was allocated and there was no remaining money to complete the replacement. Damaged and corroded well screens can allow for sand, fine gravel and other particulates to enter the well casing. This condition can increase turbidity, lowering water quality, and can ultimately reduce well yields.

A summary of planned work to be completed under Phase 10, as set forth in the July 2021 Engineering Report, is as follows:

#### Boyd Road Watermain Replacement

- Furnish and install up to 600 LF of new 6" watermain (DR 9 HDPE) under NYS Rt. 52 and Boyd Road by directional drilling
- Furnish and install up to 900 LF of new 6" watermain (Class 52 DIP) along Boyd Road by open cut installation.
- Furnish and install up to six (6) new mainline/isolation water valve assemblies to facilitate maintenance and line flushing
- Furnish and install up to four (4) new hydrant assemblies
- Furnish and install up to six (6) new 1" copper water services by open cut installation
- Site Restoration

#### Well #1 Screen Replacement

- Remove existing, and furnish and install 10 feet of new 10" telescoping screen and screen liner

### **3. Assumptions**

This Engineering Services contract is based on the following assumptions:

- The work plan/scope of services will be essentially the same as the comprehensive scope of services provided and successfully executed on previous Town projects.
- The design will follow the July 2021 Engineering Report with modifications as necessary to satisfy regulatory and stakeholder requirements while maintaining the project budget. Any significant proposed modifications will need to identify cost and schedule impacts and will require prior Town approval.
- All construction work will be performed by one outside General contractor – no work will be undertaken by the Town.
- Day-to-day construction inspection will be provided by the Engineer; Town Water & Sewer Department staff can also be on-site as/when deemed appropriate by the Town.
- Design review will take place with NYSDOH - Monticello office, and the NYS Department of Transportation (NYSDOT).
- It is anticipated that a NYSDEC Article 24 Wetlands Permit will be required due to the NYS regulated wetlands adjacent to Boyd Road.

- All water system operations will remain under the complete control of the Town Water and Sewer Department staff, and operations will continue to proceed during the work.
- Bidding and award could take place in the spring 2023, but will be dependent upon the timing to secure all design reviews and approvals.
- Boyd Road construction will likely commence in the summer of 2023 depending upon the timing to secure necessary permits and final approvals. Construction is planned to be completed in three (3) months.
- On-site observation services are based on up to 2.5 months (10 weeks) of full-time and no months of part-time services, budgeted at up to 433 hours. If it appears hours required will exceed the anticipated budget, Engineer will review with the Town to determine if additional coverage is desired and a contract amendment can be prepared for Town consideration.
- Costs for construction administration services are based on a 3 month (13 week) period (2 months of on-site work and one (1) month of pre- and post-work). If the construction period extends beyond the 3 month period, Engineer will review with the Town and, if additional coverage is desired, a contract amendment for additional services can be prepared for Town consideration.
- All work performed by Delaware will be 100% reimbursable under the terms of the CDBG grant
- All application and grant funding administrative work for will be conducted by the Town and/or the Grant Administration consultant.
- Engineer will coordinate directly with Water and Sewer Department staff and will attend monthly Town Board meetings to apprise the Board of project activities.
- In order for a construction contract change to be considered eligible for payment by the Town, the Town Board shall have reviewed and approved the change in advance of any work. An exception could occur in the event of a change needed to address a situation that has, or has the potential to have, an immediate adverse effect on public safety or health. In these cases, the decision to move forward with the change will be made with a suitable Town representative (i.e., Water & Sewer Dept working foreman or Town Supervisor) with documentation of the scope and cost of the change, including a breakdown of costs (i.e., labor, materials, supplies, services, overhead and profit) provided in writing to the Town and Engineer within a reasonable time following conclusion of the work.
- A Stormwater Pollution Prevention Plan (SWPPP) will not be required or prepared since ground disturbance at the work site is anticipated to be less than 1 acre. Stormwater compliance will be achieved through the use of erosion and sediment control best management practices.
- Subcontracts will be required for topographic survey and geotechnical evaluations. This work will need to be completed early in the project to inform design considerations. Any funds not expended under either subcontract can be applied to other engineering services tasks by modifying the task budgets on the project invoices without the need for a change order.
- Invoices for services will be submitted to the Town, not more frequently than monthly. Town intends to make payments to Engineer within 15 calendar days following receipt of funds from OCR for the invoiced services.

#### **4. Comprehensive Scope of Services**

Delaware Engineering (Engineer) will provide the following professional services for the project. This scope of services aligns with the scope of services provided to the Town on previous White Sulphur Springs projects.

- Task 1 – Subcontractor Services
- Task 2 – Design Services
- Task 3 – Bid/Award Services
- Task 4 – Engineering During Construction/Construction Administration
- Task 5 – On-Site Observation Services
- Task 6 – As-Built Drawings

A description of the services for each of these tasks is provided below:

Preliminary engineering services that have been completed to date by Delaware include:

1. Travel to site to meet with the Water & Sewer Department staff and walk the project route to discuss site issues that affect the project design and construction (e.g., location of existing waterlines and services, wetland locations, storm drains/roadway culverts locations, planned location of new waterline, site restoration, etc.).
2. Gather and review existing information on leaks, service repairs, etc.
3. Discuss project plan with the NYSDOH and NYSDOT
4. Review design options and agree upon a recommended plan with the Town, the NYSDOH and the NYSDOT.
5. Prepare an Engineering Report summarizing design alternatives and options, the recommended plan forward, project cost estimate and schedule.
6. Provide the Engineering Report to the Town's Grant Administration Consultant to support the CFA application.

Work for this task was completed in July 2021 to allow the Town to submit the Consolidated Funding Application (CFA) and secure the \$787,700 in grant funding for this project.

*No fee was, or will be charged to the Town for any of this work.*

#### **TASK 1 – SUBCONTRACTOR SERVICES**

Subcontractor services will be provided for site surveying to provide the topographic information needed to complete design, and for geotechnical investigations to establish subsurface conditions.

A description of services to be provided under the subcontracted work is as follows:

#### **Soils Borings/Geotechnical Investigations**

This work is required to establish subsurface conditions along the planned route for the directional drilling of the new waterline under the NYS Route 52. Subsurface information is needed by the directional drilling contractor to estimate the size of the drill rig or boring/jacking machine needed for the work, as well as to understand the soil conditions along the planned route.

Engineer will subcontract the investigative work to a qualified firm who has cost effectively performed similar work on similar projects over the last 5 years.

Work to be performed by subcontractor is as follows:

- Agree upon locations of bore holes. Locations will be established by the Engineer and Town, in consultation with the subcontractor and the Sullivan County Highway Department (and if deemed necessary, in consultation with a directional drilling contractor), annotated on a site map and forwarded to the subcontractor. Engineer and/or Town will field locate (painted or staked) planned locations so that utility mark out can be performed by others. Final locations to be confirmed the day of the work with the Town or the Engineer based on utility conflicts and access.
- Contact Dig Safely New York (811) to facilitate utility mark out.
- Obtain work permit from Sullivan County Highway Department, including any bonds or insurance.
- Mobilize/demobilize and drill up to four borings, to depths ranging from up to 10' to 40', at locations accessible to the drill rig along the route of the planned directional drilling for the new waterline, and at locations of the planned boring/jacking pits. Work to be performed by subcontractor's staff or a qualified and fully insured drilling subcontractor identified in advance to the Engineer. Subcontractor will perform other activities.

- For each boring, spilt spoon sampling will be conducted at 5' intervals to the bottom of the borehole. If refusal is encountered above the planned termination depth, then 5' will be cored. All fieldwork will be performed under supervision of geotechnical subcontractor's personnel.
- Upon completion of the fieldwork, all recovered soil samples and rock cores will be taken to the subcontractor's office for review and a summary report, including a subsurface log for each test boring, boring location map and associated information will be prepared.
- Provide four (4) copies of the report to the Engineer for subsequent transmittal to the Town and for incorporation into the Contract Documents.

We have budgeted \$7,500 for this work, which matches the budget for this work as set forth in the Phase 10 Engineering Report. Any funds not expended by the geotechnical subcontract can be applied to other engineering services tasks by modifying the task budgets on the project invoices without the need for a change order.

### **Surveying Services**

Site surveying will be conducted along Boyd Road to collect topographic and elevation information needed for the plan and profile drawings. Engineer will retain a qualified NYS licensed professional surveyor to perform field work and provide AutoCAD digital files of the work area plan view with 1' contours, and profile drawings when required.

Engineer will retain a licensed NYS land surveyor to perform field work and office services necessary to provide information needed for the development of design drawings for the Phase 10 work along Boyd Road (approximately 1,500 lineal feet).

Surveying services are planned to be provided by REGEN, LLC of Oneonta, NY as a subcontract to Delaware for this surveying work. Delaware has worked successfully with REGEN on many recent projects, including White Sulphur Springs Watermain Replacement Phases 5, 6, 7, 8, and 9 (2015 - 2019), the Town of Liberty Loomis WWTP (2014), and the Upper Ferndale Road Waterline (2015), and have again chosen to work with them due to their proximity to our Oneonta office, ability to provide accurate and comprehensive information/drawings, responsiveness to the project needs, and competitive cost.

As a subcontractor to the Engineer, the surveyor shall provide the following surveying services in order to prepare CAD drawings, and provide planimetric and topographic information for subsequent design of watermain improvements along Boyd Road.

1. Conduct site visits with Engineer and Town, as required, to confirm locations for and extent of work.
2. Contact the One Call Center/Dig Safe NY/UFPO to request mark out of underground utilities along the project route.
3. Field surveying to establish location and elevation information necessary to produce a plan and profile drawing for replacement/installation of the new waterlines and appurtenances. Collect location and elevation information for all trees, shrubs, flower beds, as well as, structures within 50 feet of each side of the edge of pavement, including sidewalks (also identify type of sidewalk (e.g., concrete, bluestone, etc.)), driveways (also identify type of each driveway (e.g., blacktop, gravel, etc.)), utility poles, fences, mailboxes, flowerbeds, gardens, utilities, water valves (e.g., line valves, shutoffs/curb-stops, etc), gas valves, sanitary and storm manholes (including rim, invert and all pipe inverts and sizes), catch basins (including rim, invert and all pipe inverts and sizes), electric and telephone manholes and pull boxes, etc. to the maximum extent possible. Locate corners of all buildings within 100 feet of the edge of the pavement on both sides of the project. Location and elevation information to be based on USGS elevations georeferenced in the NYS coordinate system in feet with vertical datum (as NAVD 88) in feet.
4. Field locate and show on the plan drawing existing property markers, pins, etc.

5. Provide property ownership demarcation based on tax map information (i.e., overlay with County tax map information) and on property information found in the field.
6. Install recoverable, permanent stations at traverse points using 10" pole spikes or equivalent. Each traverse point shall have three ties. The ties will be shown as a detail on the plan drawing.
7. Install benchmarks (elevation information to be based on USGS elevations geo-referenced in the NYS coordinate system in feet with vertical datum (as NAVD 88)). At minimum, provide one benchmark at the beginning and end of the planned work and along the project route every 500 lineal feet for water line work and two benchmarks at each non-waterline site. Indicate benchmark locations and elevations on the plan drawings.
8. Download and process the field data. Generate drawings which are suitable for use on AutoCAD Version 2012 and georeferenced in the NYS coordinate system in feet with vertical datum (as NAVD 88). Plan and profile drawings to be 20 scale on 24" by 36" sheet of paper (D size) based on USGS datum. Review partitioning of drawing with Engineer to maximize the information which can fit on individual sheets. Profiles to be a grid with 100 foot stationing on the x-axis and USGS elevations on the y-axis with 1" = 5' vertical and 1" = 20' horizontal scale. Provide an existing grade line on each profile based on the location of the existing (i.e., if to be replaced in-kind) or proposed (if in a new location) utility centerline.
9. Provide plan and profile drawings for all waterline work. Provide plan only drawings for all other non-waterline sites.
10. Provide an electronic copy and CD of the survey work to the Engineer with topographic and planimetric information suitable for use with AutoCAD Version 2018 and georeferenced in the NYS coordinate system in feet with vertical datum (as NAVD 88) in feet.
11. Maintain proof of horizontal and vertical closures, and provide one copy of same to Engineer, if requested by the Engineer.
12. Maintain all survey notes, and provide one copy of same to Engineer, if requested by the Engineer.
13. Maintain copies of plans, maps, etc. used during the project, and provide one copy of same to Engineer, if requested by Engineer.

Please note that the Town will need to provide assistance to the surveyor for access to area water valves, manholes, and catch basins so that location and elevation information can be obtained.

The Phase 10 Engineering Report budgeted \$10,000 for surveying of the entire 1,500 lf of waterline for this project. Any funds not expended by the surveying subcontract can be applied to other engineering services tasks by modifying the task budgets on the project invoices without the need for a change order.

#### **TASK 2 – DESIGN SERVICES:**

Engineer will provide the following design services for the recommended plan as set forth in the July 2021 Engineering Report:

1. Travel to site to review existing conditions and gather additional information needed for work. Completion of design work.
2. Coordinate and review project work with the Town Water & Sewer Department staff via site visits, telephone and email.
3. Review the recommended plan with the Water & Sewer Dept staff and confirm the scope of work, likely storage and staging areas, tie-in connection details, desired order of work for the contractor, etc.
4. Consult with NYSDOH, NYSDOT, and NYSDEC to refine the project scope to agree upon an acceptable plan forward that includes: pipe alignment and type of pipe, as required, to address any stormwater and waterline separation concerns; traffic or roadway issues; wetland permitting requirements. Also determine the desired schedule for construction as it relates to wetland disturbance.
5. Prepare and submit application for Article 24 wetlands permit to NYSDEC for boring under the wetlands. Perform wetlands delineation, if required.



6. Review the project estimate based on the final scope of work and, if necessary, adjust the scope of work to maintain the project budget.
7. Review the final scope of work, cost estimate, and schedule with the Town Water & Sewer Department and Town Board to concur on a plan forward.
8. Prepare Contract Documents [i.e., plans and specifications] for one prime contract (TL1-G-23 – General), for bidding and construction in 2023 in accordance with NYS Municipal Law.
9. Obtain prevailing wage schedules from NYSDOL online.
10. Prepare specifications to include bid notice/advertisement, information for bidders, work item descriptions, bid forms, bond requirements, agreement information, general conditions, special conditions, technical specifications, prevailing wage schedules & permits. It is anticipated that a storm water pollution prevention plan (SWPPP) will not be required; as such erosion and sediment control details will be included in the specifications.
11. Obtain the most recent OCR specifications related to CDBG funded projects from the Town Grant Administration consultant and integrate into the specifications.
12. Prepare Contract Drawings.

It is anticipated that, at minimum, the following Contract Drawings will be prepared:

- Cover Sheet
- Boyd Road 145 Watermain Plan and Profile Sheet 1 – Station 0+00 to 5+00
- Boyd Road 145 Watermain Plan and Profile Sheet 2 – Station 5+00 to 10+00
- Boyd Road 145 Watermain Plan and Profile Sheet 3 – Station 10+00 to 15+00
- General Details Sheet 1
- General Details Sheet 2
- Erosion & Sediment Control Details
- Traffic Control Plans
- Traffic Control Details

Plan drawings will be 1" = 20' scale and will be based on the topographic survey conducted by the surveying subcontractor. Profiles will be 1" = 20' horizontal and 1" = 5' vertical.

The above list provides a preliminary inventory of the drawings that are anticipated to be prepared to address the scope of work and is subject to change during design.

13. Review Contract Documents with the Water & Sewer Dept staff, and revise to address comments.
14. Prepare form DOH-348 – *Application of Approval of Plans for Public Water Supply Improvement* with input from the Town and obtain signature of Town Supervisor.
15. Forward up to three sets of contract documents, and a completed/endorsed DOH-348, to NYSDOH – Monticello for review and comment. Also provide one copy of the CFA July 2021 Engineering Report, if requested. Meet with NYSDOH up to one time to review and obtain comments.
16. Forward up to two sets of Contract Drawings and, if desired, specifications to the NYSDOT for review and comment. Meet with NYSDOT up to one time to review and obtain comments.
17. Forward up to two sets of contract documents to OCR (CDBG) for review and comments.
18. Review and address NYSDOH, NYSDOT, and OCR comments (up to one round of comments) and provide written response letter to each agency for their approval, if required.
19. If required, forward up to three sets of revised contract documents to NYSDOH – Monticello for final approval.
20. If requested, provide Town with an updated probable cost estimate (one time) at completion of design. Prior to completion of the design, the Engineer will, to the best of their ability, advise the Town if it is believed that the costs may exceed the project budget due to changes requested by the funding and regulatory

agencies, requested by the Town, updated cost information for materials or services, or other factors which became evident during design.

21. Engineer to coordinate directly with Water and Sewer Department staff and will attend monthly Town Board meetings to apprise the Board of project activities.

Site Visits:

- To site – periodic
- To NYSDOH – Monticello – up to one visit
- To NYSDOT – up to one visit
- To Town Board Meetings – monthly

Deliverables:

- Contract documents and form DOH-348 to NYSDOH – Monticello, for review and approval
- Copy of the July 2021 Engineering Report to NYSDOH – Monticello for information, if requested
- Article 24 Wetlands Permit Application Package; to NYSDEC, if required
- Contract drawings and, if required, specifications – to NYSDOT for review and comment
- Contract plans and specifications - to OCR for review and comment
- Updated Probable Opinion of Project Cost, if requested by the Town

Task Fee:

- The fee for Task 2 – Design is \$50,000 and is the same as was budgeted for in the Phase 10 Engineering Report.

**TASK 3 - BID/AWARD SERVICES:**

Delaware will provide the following services relative to Task 2 Bid/Award:

1. Once OCR and NYSDOH approvals are received, copies of the contract documents will be made available through [debiddocuments.com](http://debiddocuments.com), an online bid document distribution service. Additionally, two (2) paper sets of contract documents along with a digital file (.pdf format), will be delivered to the Town with each set of contract documents. The bid register will be maintained by the online service.
2. Provide a copy of the bid notice to the Town Clerk for subsequent publication of the legal notice in their local newspaper, and forward the notice to several contractors who have performed well on previous projects.
3. Prepare for and attend a pre-bid meeting with potential contractors and Town staff to review the scope of work and project requirements. NYSDOH, NYSDOT, and NYSDEC will be invited to attend this meeting.
4. Reply to questions from prospective bidders, prepare clarifications and addendums.
5. Attend bid opening and collect all bid documents from the Town for bid review.
6. Review and tabulate bids.
7. Provide the Town and Town's Grant Administrator (consultant) with bid review results and recommendations regarding award of the prime construction contract.
8. Prepare and submit to the Town a Notice of Award for execution by the Town Supervisor, and subsequently submit Owner-signed notices to the one prime contractor for execution, and return with bonds and certificates of insurance.
9. Prepare and forward a letter advising all unsuccessful bidders of the bid results (OCR requirement) with copies to the Town and Town's Grant Administrator (consultant).
10. Review contractor bonds and certificate of insurance and, if acceptable, prepare Notice to Proceed for the contract.
11. Prepare and submit to the Town three "execution" copies of the Contract Documents (one copy each for the Town, prime contractor and engineer) that include copies of the contractor's bid sheets bid (e.g., actual bid

sheets, non-collusive forms, etc.), bonds, certificate of insurance, Notice of Award, and Notice to Proceed for subsequent endorsement by the Town and the successful contractor.

12. Provide three sets of construction documents to the successful contractor for use during construction.
13. Coordinate directly with Water and Sewer Department staff and attend monthly Town Board meetings to apprise the Board of project activities.

Site Visits:

- To site – at pre-bid
- To Town Hall – for bid opening
- To Town Board Meetings – monthly

Deliverables:

- Contract documents – up to 2 sets to Town for reference during bidding
- Bid Notice to Town Clerk
- Bid Tabulation and Award Recommendations for the one prime contract to Town
- Execution copies for the one prime contract

Task Fee:

- The fee for Task 3 – Bid/Award Services is \$7,000 and is the same as was budgeted for in the Phase 10 Engineering Report.

**TASK 4 - ENGINEERING DURING CONSTRUCTION/CONSTRUCTION ADMINISTRATION:**

The following services are to be conducted by design/office staff.

1. Advise NYSDOH, NYDOT, and NYSDEC in writing (via email) of the planned construction start date and construction schedule.
2. Review and process contractor shop drawings and submittals as necessary to confirm that the contractor is providing the required items.
3. Maintain two files containing contractor shop drawings and submittals. Provide one copy to the Town for use during construction and for future record purposes.
4. Prepare for and attend a preconstruction meeting with Town staff, Town's Grant Administration consultant and the successful contractor to review project and program requirements (e.g., pay request protocols/requirements, storage and staging areas, anticipated order of work/schedule, etc.). NYSDOH, NYSDOT, and NYSDEC will be invited to attend this meeting.
5. Periodically visit the project site to review progress of work. Design engineering staff will periodically visit the project sites to review progress of work; duration of on-site visit up to 4 hours. Budget up to two (2) visits per month for this activity.
6. Review and process monthly contractor payment request including review of the draft "pencil" copy of the AIA forms, generation of final AIA payment request cover sheet form and spreadsheet form to substantiate the costs.
7. Obtain confirmation from the Town's Grant Administrator (consultant) that the contractor's monthly certified payroll is acceptable.
8. Submit recommendation for payment letter, with cost information (e.g., AIA forms, cost summary spreadsheet, certified payroll certification from Town's Grant Administrator (consultant), etc.) for each contractor payment request submitted to the Town with copy to the Town's Grant Administrator (consultant). Project budget to be based on the preparation of up to three (3) payment requests (including the final) for the one prime contractor.
9. Process project change orders. Budget is based on the preparation of up to a total of two (2) change orders for the one prime contract for this project. All proposed changes will be reviewed with the Town Water &

Sewer Dept and the Town Board. In order to be considered eligible for payment, all changes will require Town Board approval prior to proceeding unless conditions require immediate action to address a situation that has, or has the potential to have, an immediate adverse effect on public safety or health. In these cases, the decision to move forward with the change will be made with a suitable Town representative (i.e., Water & Sewer Dept working foreman or Town Supervisor) with documentation of the scope and cost of the change, including a breakdown of costs (i.e., labor, materials, supplies, services, overhead and profit), provided, in writing, to the Town and Engineer within a reasonable time following conclusion of the change.

10. Discuss project activities with the on-site representative, Town and the prime contractor.
11. Forward new waterline disinfection testing (two consecutive 24-hour tests), provided by the contractor, to NYSDOH for approval prior to allowing the new waterline to go into service.
12. Conduct Final Inspection with the Town and the Contractor to confirm that the work has been successfully completed in accordance with the approved Contract Documents and approved changes and, if needed, to develop a punch list of remaining work. Contractor will complete remaining work before submitting for final payment request. NYSDOH and NYSDOT will be invited to this meeting.
13. Prepare contract close-out package, including the certificate of substantial completion, contractor's affidavit of release of liens and final payment request and forward to the prime contractor and Town for processing. Forward fully executed copies to the Town, contractor and Town's Grant Administrator (consultant).
14. Develop letter and forward to NYSDOH certifying that the project was constructed in accordance with the approved plans and specifications including form DOH 5025 *Certification of Completed Works*.
15. Coordinate directly with Water and Sewer Department staff and attend monthly Town Board meetings to apprise the Board of project activities.

Costs for construction administration services are based on a three (3) month construction period; two months of on-site work and one (1) month of pre- and post- work. If the construction period extends beyond the three (3) month period, Engineer will review with the Town to determine if additional coverage is desired and, if so, a contract amendment can be prepared for Town consideration.

Site Visits: (minimum)

- To site – average of up to two (2) visits/month during construction
- To Town Board Meetings – monthly

Deliverables:

- Construction commencement/schedule letter to NYSDOH, NYSDOT, and NYSDEC
- Contractor Payment Requests (not more frequently than monthly – three budgeted)
- Submittals/Shop Drawing Files
- Change Orders
- Contractor Closeout package
- Certification of Completed Works to NYSDOH (DOH 5025)

Task Fee:

- The fee for Task 4 – Engineering During Construction/Construction Administration Design is \$25,500 and is the same as was budgeted for in the Phase 10 Engineering Report.

## **TASK 5 - ON-SITE OBSERVATION SERVICES:**

Services to be provided by an on-site representative experienced in waterline work will include:

1. Provide on-site construction observation services during significant work events. On-site observation services are based on up to 2.5 months (10 weeks) of full-time and no months of part-time services, budgeted for up to 433 hours. Costs billed to the Town will be based on an hourly rate, plus reimbursable expenses including mileage at the Federal rate, for the on-site representative at actual on-site hours plus one-way travel, plus office time associated with creating/maintaining the on-site observation log (i.e., downloading and labeling photos, editing and filing daily reports, etc.). If it appears hours required will exceed that which was anticipated and budgeted, Delaware will review with the Town to determine if additional coverage is desired and, if so, a contract amendment can be prepared for Town consideration. In addition, any funds not expended under this task can be applied to the other engineering services tasks by modifying the task budget on the project invoices without the need for a change order.
2. Observe on-site construction activities to ensure that work is conducted in accordance with the approved Contract Documents and maintain regular contact with the Town Water & Sewer Dept staff and design/office staff to review progress and discuss project issues.
3. Complete daily reports (on forms provided by Engineer) and maintain in a three-ring binder. Maintain two copies of the binder and provide one copy of the binder to the Town at completion of work.
4. Take daily digital, date stamped job photos, and incorporate paper print outs of select photos into the daily report binder with the respective daily report. Provide a CD with all photos to the Town at completion of work.
5. Annotate and maintain one set of Contract Drawings to record as-built conditions and any changes.
6. Complete a water service information sheet for each new/replaced service. Include one copy in the Daily Report binder and provide one additional copy of all service sheets to the Town Water & Sewer Dept for their records at completion of the work.
7. Attend preconstruction, progress and final inspection meetings.

### Site Visits: (minimum)

- To site – budget 433 hours
- To Town Board Meetings – if required

### Deliverables:

- Daily report binder with daily reports and project photographs. CD with pictures at completion of work (one copy to Town)
- Water service information sheets
- Markup of contract drawings – for as-built preparation

## **TASK 6 - AS-BUILT/RECORD DRAWINGS**

1. Prepare as-built/record drawings, based on as-built information provided by the contractor and collected by the on-site representative.
2. Provide two sets of paper 24" x 36" drawings and a digital copy in .pdf format to the Town for record purposes.
3. Provide up to two sets of paper 24" x 36" and/or 11" x 17" drawings NYSDOH-Monticello, if requested

### Deliverables:

- As-Built Drawings (2 full-size paper and one digital) - Town
- As-Built Drawings (up to two full-size or 11"x17" paper) - NYSDOH-Monticello, if requested

**5. Anticipated Project Schedule**

The OCR CDBG grant contract requires the project to be completed by December 2023. The anticipated schedule is as follows:

| <b>Task</b>                                          | <b>Schedule</b>               |
|------------------------------------------------------|-------------------------------|
| Town executes contract with Delaware Engineering:    | April 2022                    |
| Site surveying:                                      | April - May 2022              |
| Design:                                              | May – September 2022          |
| Regulatory Review:                                   | October – November 2022       |
| Finalize Contract Documents and secure all approvals | December 2022 – February 2023 |
| Bid and Award                                        | March – April 2023            |
| Construction                                         | June – September 2023         |

This schedule may need to be revised as the project proceeds however, we are confident in our ability to bring this project to completion by the December 2023 deadline.

**6. Professional Services Fee and Contract Terms**

Delaware Engineering worked with the Town and Mark Blauer to develop a project scope with a project cost that is anticipated to be accomplished within the \$787,700 OCR CBDG grant budget. **This budget includes all of the professional engineering services fees: that is, all costs for our services, as set forth in this contract, are eligible expenses under the terms of the grant.**

Delaware Engineering and its subcontractors will complete the professional services presented above for a not-to-exceed cost of **\$149,500**. A breakdown of costs is as follows:

**ENGINEERING SERVICES FEE SUMMARY**

|                                                                 |                 |
|-----------------------------------------------------------------|-----------------|
| • Preliminary Design                                            | No Charge       |
| • Design Services                                               | \$50,000        |
| • Bid/Award Services                                            | \$7,000         |
| • Engineering During Construction<br>(Up to 3 months full-time) | \$25,500        |
| • On-site Observation Services<br>(Up to 2.5 months full-time)  | \$48,000        |
| • As-Builts                                                     | <u>\$1,500</u>  |
| Subtotal – Delaware Engineering                                 | \$132,000       |
| • Subcontracts                                                  |                 |
| ○ Geotechnical Evaluation                                       | \$7,500         |
| ○ Surveying                                                     | <u>\$10,000</u> |
| Subtotal – Subcontracts                                         | \$17,500        |
| Professional Services Total                                     | \$149,500       |

Notes:

- 1- The costs in this breakdown of costs match those included with the July 2021 Engineering Report and are all included in the \$787,700 grant cost budget.
- 2- In the cost estimate prepared for the July 2021 CFA application, On-Site Observation/Construction Inspection Services were included in the Construction Cost portion of the project cost estimate rather than under Professional Services - at the direction of the Funding Administrator (Mark Blauer).

**7. Rate Schedule for 2022**

The 2022 rate schedule is attached.

**8. Compensation**

Compensation shall be based upon the hours spent on each task by the various categories of personnel, plus subcontractors and direct expenses in accordance with the Rate Schedule in effect (for the year) at the time of the work. Compensation shall commence for services provided from contract signing until completion of the work.

Total contract compensation shall not exceed **\$149,500** unless prior authorization is received from the Client.

Invoices will be submitted to the Client on a monthly basis. Payment shall be made to the Engineer within 30 calendar days of the date of invoice. Checks shall be forwarded to Delaware Engineering, D.P.C., 28 Madison Avenue Extension, Albany, NY 12203 Attention: Susan Olivares

**9. Additional Services**

Additional services can be provided if deemed necessary and approved by the Town. Compensation for additional services can be negotiated as needed. Additional work will be approved by the Town prior to the execution of the additional tasks.

Services not indicated or included in the above-listed scope of services or which are subsequently requested, either verbally or in writing, will be considered additional services. The fee will be based upon either a mutually agreed fixed fee or an hourly basis at rates in effect at the time the services are performed, plus subcontracts and reimbursable expenses as outlined in the Rate Schedule for the year in which the work is being performed.

**10. Standard Contract Terms and Conditions**

The terms and conditions contained on the attached sheet apply to this contract. These are the same as those utilized on previous Town contracts.

**11. Special Provisions Required for OCR Contracts**

NYS OCR requires standard conditions to be incorporated into professional services contracts.

The following standard conditions excerpted from Exhibit 4-1 Contract Provisions are applicable to and will be part of the contract between the Town of Liberty, NY and Delaware Engineering, DPC for the White Sulphur Springs Water District - Phase 10 Improvements, OCR Project # 641PW78-21.

1. The **Consultant/Engineer** shall comply with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, Amending Executive Order 11246 relating to Equal Employment Opportunity" and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor." (Ref: Exhibit 4-1 Item 1.)
2. The **Consultant/Engineer** shall comply with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulation (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). (Ref: Exhibit 4-1, Item 2.)
3. The **Consultant/Engineer** shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.).
4. The **Town**, the Office of Community Renewal, the Comptroller General of the United States or any of their duly authorized representatives, shall have access to any books, documents, papers and records of





**2022**  
**HOURLY RATE SCHEDULE**

| <b>Personnel</b>                                 | <b>Rate</b>   |
|--------------------------------------------------|---------------|
| Admin, Billing Clerk, Project Coordinator        | \$75 - \$90   |
| Communications                                   | \$150         |
| Designer, Technician, Construction Inspector I   | \$85 - \$95   |
| Designer, Technician, Construction Inspector II  | \$120 - \$135 |
| Designer, Technician, Construction Inspector III | \$140 - \$150 |
| Designer, Technician, Construction Inspector IV  | \$160 - \$195 |
| Engineer/Scientist/Planner I                     | \$95 - \$130  |
| Engineer/Scientist/Planner II                    | \$130 - \$155 |
| Engineer/Scientist/Planner III                   | \$155 - \$175 |
| Engineer/Scientist/Planner IV                    | \$180 - \$220 |
| Principal Engineer/Scientist/Planner             | \$215 - \$235 |

**Reimbursable Expenses:**

1. Mileage @ Federal Rate
2. Travel Expenses (Lodging, Meals) @ Federal Per Diem Rate
3. Telecommunications @ Cost
4. FedEx, UPS, US Postal, Courier @ Cost
5. Subcontract Management @ Cost plus 10%
6. Other allowable costs @ Cost (Plan Reproductions, Photographs, etc.)

## DELAWARE ENGINEERING, D.P.C.

## STANDARD TERMS AND CONDITIONS

**1. STANDARD OF CARE.** Services shall be performed in accordance with the standard of professional practice ordinarily exercised by the applicable profession at the time and within the locality where the Services are performed. Professional services are not subject to, and ENGINEER can not provide, any warranty or guarantee, express or implied, including warranties or guarantees contained in any uniform commercial code. Any such warranties or guarantees contained in any purchase orders, requisitions or notices to proceed issued by CLIENT are specifically objected to.

**2. CHANGE OF SCOPE.** The scope of Services set forth in this Agreement is based on facts known at the time of execution of this Agreement, including, if applicable, information supplied by CLIENT. For some projects involving conceptual or process development services, scope may not be fully definable during initial phases. As the Project progresses, facts discovered may indicate that scope must be redefined.

**3. SAFETY.** ENGINEER has established and maintains corporate programs and procedures for the safety of its employees. Unless specifically included as a service to be provided under this Agreement, ENGINEER specifically disclaims any authority or responsibility for general job site safety and safety of persons other than ENGINEER employees.

**4. DELAYS.** If events beyond the control of CLIENT or ENGINEER, including, but not limited to, fire, flood, explosion, riot, strike, war, process shutdown, act of God or the public enemy, and act or regulation of any government agency, result in delay to any schedule established in this Agreement, such schedule shall be amended to the extent necessary to compensate for such delay. In the event such delay exceeds 60 days, ENGINEER shall be entitled to an equitable adjustment in compensation.

**5. TERMINATION/SUSPENSION.** Either party may terminate this Agreement upon 30 days written notice to the other party. CLIENT shall pay ENGINEER for all Services, including profit relating thereto, rendered prior to termination, plus any expenses of termination.

In the event either party defaults in its obligations under this Agreement (including CLIENT'S obligation to make the payments required hereunder), the non-defaulting party may, after 7 days written notice stating its intention to suspend performance under the Agreement if cure of such default is not commenced and diligently continued, and failure of the defaulting party to commence cure within such time limit and diligently continue, suspend performance under this Agreement.

**6. OPINIONS OF CONSTRUCTION COST.** Any opinion of construction costs prepared by ENGINEER is supplied for the general guidance of the CLIENT only. Since ENGINEER has no control over competitive bidding or market conditions, ENGINEER cannot guarantee the accuracy of such opinions as compared to contract bids or actual costs to CLIENT.

**7. RELATIONSHIP WITH CONTRACTORS.** ENGINEER shall serve as CLIENT'S professional representative for the Services, and may make recommendations to CLIENT concerning actions relating to CLIENT'S contractors, but ENGINEER specifically disclaims any authority to direct or supervise the means, methods, techniques, sequences or procedures of construction selected by CLIENT'S contractors.

**8. CONSTRUCTION REVIEW.** For projects involving construction, CLIENT acknowledges that under generally accepted professional practice, interpretations of construction documents in the field are normally required, and that performance of construction-related services by the design professional for the project permits errors or omissions to be identified and corrected at comparatively low cost. CLIENT agrees to hold ENGINEER harmless from any claims resulting from performance of construction-related services by persons other than ENGINEER.

**9. INSURANCE.** ENGINEER will maintain insurance coverage for Professional, Comprehensive General, Automobile, Worker's Compensation, and Employer's Liability in amounts in accordance with legal, and ENGINEER'S business requirements. Certificates evidencing such coverage will be provided to CLIENT upon request. For projects involving construction, CLIENT agrees to require its construction contractor, if any, to include ENGINEER as an additional insured on its policies relating to the Project. ENGINEER'S coverages referenced above shall, in such case, be excess over contractor's primary coverage.

**10. HAZARDOUS MATERIAL.** Hazardous materials may exist at a site where there is no reason to believe they could or should be present. ENGINEER and CLIENT agree that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the scope of work. ENGINEER agrees to notify CLIENT as soon as practically possible should unanticipated hazardous materials or suspected hazardous materials be encountered. CLIENT acknowledges and agrees that it retains title to all hazardous material existing on the site and shall report to the appropriate federal, state or local public agencies, as required, any conditions at the site that may present a potential danger to the public health, safety or the environment. CLIENT shall execute any manifests or forms in connection with transportation, storage and disposal of hazardous materials resulting from the site or work on the site or shall authorize ENGINEER to execute such documents as CLIENT'S agent. CLIENT waives any claim against ENGINEER and agrees to defend, indemnify, and save ENGINEER harmless from any claim or liability for injury or loss arising from ENGINEER'S discovery of unanticipated hazardous materials or suspected hazardous materials.

**11. INDEMNITIES.** To the fullest extent permitted by law, CLIENT and ENGINEER each agree to indemnify and hold the other harmless, and their respective officers, employees, agents, and representatives, from and against liability for all claims, losses, damages, and expenses, including reasonable attorneys fees, to the extent such claims, losses, damages, or expenses are caused by the indemnifying party's negligent acts, errors, or omissions. In the event claims, losses, damages or expenses are caused by the joint or concurrent negligence of CLIENT and ENGINEER, they shall be borne by each party in proportion to its negligence.

**12. LIMITATIONS OF LIABILITY.** No employee or agent of ENGINEER shall have individual liability to CLIENT.

CLIENT agrees that, to the fullest extent permitted by law, ENGINEER'S total liability to CLIENT for any and all injuries, claims, losses, expenses or damages whatsoever arising out of or in any way related to the Project or this Agreement from any causes including, but not limited to, ENGINEER'S negligence, errors, omissions, strict liability, or breach of contract and whether claimed directly or by way of contribution shall not exceed the limits of the ENGINEER'S insurance under this Agreement. If CLIENT desires a limit of liability greater than that provided above, CLIENT and ENGINEER shall include as an attachment to this Agreement the amount of such limit and the additional compensation to be paid to ENGINEER for assumption of such additional risk.

IN NO EVENT AND UNDER NO CIRCUMSTANCES SHALL ENGINEER BE LIABLE TO CLIENT FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, SPECIAL, OR PUNITIVE DAMAGES.

**13. ACCESS.** CLIENT shall provide ENGINEER safe access to any premises necessary for ENGINEER to provide the Services.

**14. REUSE OF PROJECT DELIVERABLES.** Reuse of any documents or other deliverables, including electronic media, pertaining to the Project by CLIENT for any purpose other than that for which such documents or deliverables were originally prepared, or alteration of such documents or deliverables without written verification or adaptation by ENGINEER for the specific purpose intended, shall be at the CLIENT'S risk. Further, all title blocks and the engineer's seal, if applicable, shall be removed if and when CLIENT provides deliverables in electronic media to another entity. CLIENT agrees that relevant analyses, findings and reports provided in electronic media shall also be provided in "hard copy" and that the hard copy shall govern in the case of a discrepancy between the two versions, and shall be held as the official set of drawings, as signed and sealed. CLIENT shall be afforded a period of 30 days in which to check the hard copy against the electronic media. In the event that any error or inconsistency is found as a result of this process, ENGINEER shall be advised and the inconsistency shall be corrected at no additional cost to CLIENT. Following the expiration of this 30-day period, CLIENT shall bear all responsibility for the care, custody and control of the electronic media. In addition, CLIENT represents that it shall retain the necessary mechanisms to read the electronic media, which CLIENT acknowledges to be of only limited duration. CLIENT agrees to defend, indemnify, and hold harmless ENGINEER from all claims, damages, and expenses, (including reasonable litigation costs), arising out of such reuse or alteration by CLIENT or others acting through CLIENT.

**15. AMENDMENT.** This Agreement, upon execution by both parties hereto, can be amended only by a written instrument signed by both parties.

**16. ASSIGNMENT.** Except for assignments (a) to entities which control, or are controlled by, the parties hereto or (b) resulting from operation of law, the rights and obligations of this Agreement cannot be assigned by either party without written permission of the other party. This Agreement shall be binding upon and inure to the benefit of any permitted assigns.

**17. STATUTES OF LIMITATION.** To the fullest extent permitted by law, parties agree that, except for claims for indemnification, the time period for bringing claims under this Agreement shall expire one year after Project completion.

**18. DISPUTE RESOLUTION.** Parties shall attempt to settle disputes arising under this agreement by discussion between the parties senior representatives of management. If any dispute can not be resolved in this manner, within a reasonable length of time, parties agree to attempt non-binding mediation or any other method of alternative dispute resolution prior to filing any legal proceedings.

**19. NO WAIVER.** No waiver by either party of any default by the other party in the performance of any particular section of this Agreement shall invalidate any other section of this Agreement or operate as a waiver of any future default, whether like or different in character.

**20. NO THIRD-PARTY BENEFICIARY.** Nothing contained in this Agreement, nor the performance of the parties hereunder, is intended to benefit, nor shall inure to the benefit of, any third party, including CLIENT'S contractors, if any.

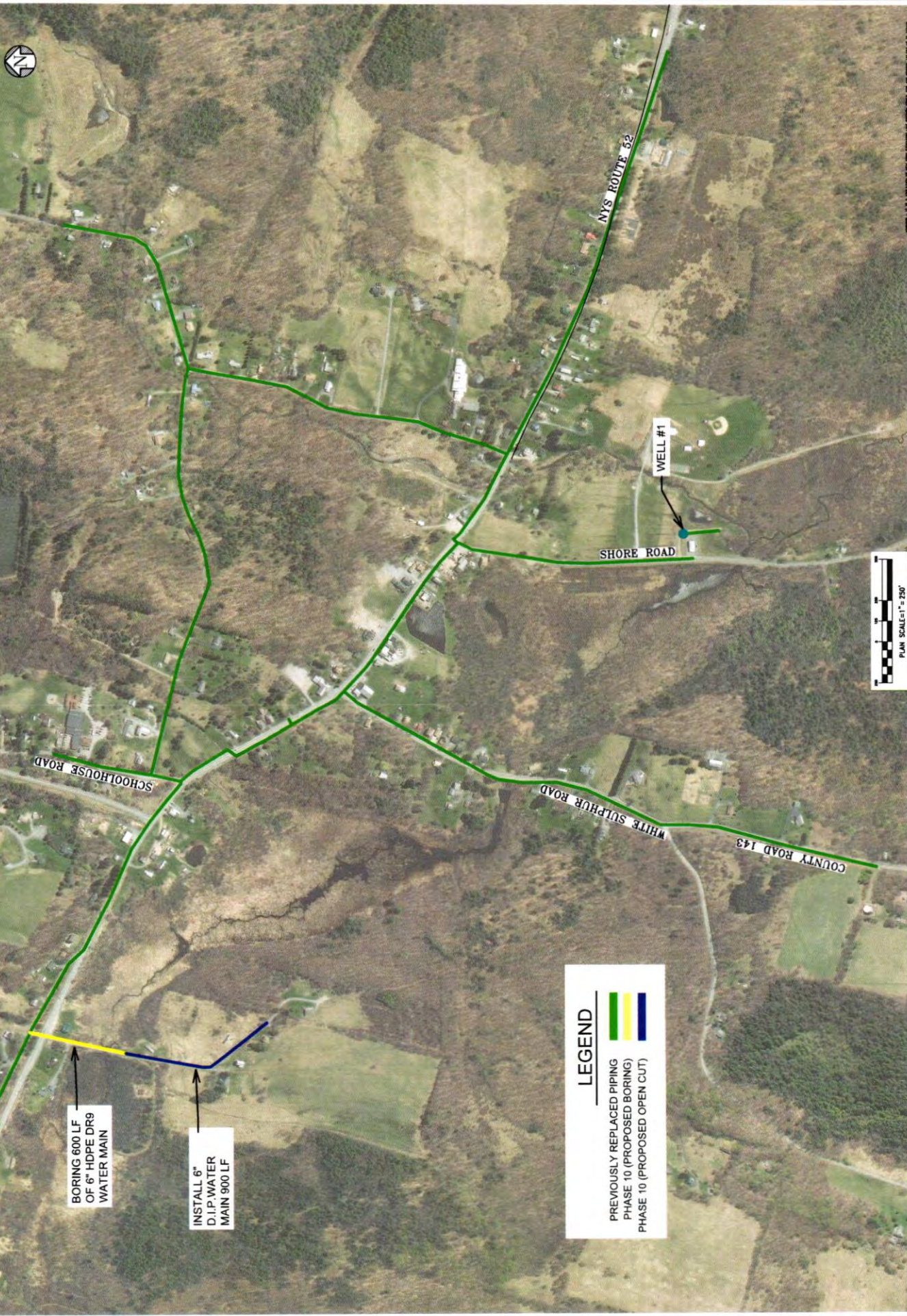
**21. SEVERABILITY.** The various terms, provisions and covenants herein contained shall be deemed to be separate and severable, and the invalidity or unenforceability of any of them shall not affect or impair the validity or enforceability of the remainder.

**22. AUTHORITY.** The persons signing this Agreement warrant that they have the authority to sign as, or on behalf of, the party for whom they are signing.

**23. COMPENSATION.** ENGINEER will prepare and submit invoices to the CLIENT on a monthly basis. CLIENT shall make payment to the ENGINEER within 30 calendar days of the date of the invoice. Checks shall be forwarded to Delaware Engineering, D.P.C., 28 Madison Avenue Extension, Albany, NY 12203.

**24. ADDITIONAL SERVICES.** Additional services can be provided if deemed necessary and approved by the CLIENT. Compensation for additional services can be negotiated as needed. Additional work will be approved by the CLIENT prior to the execution of the additional tasks.

Services not indicated or included in the above-listed scope of services or which are subsequently requested, either verbally or in writing, will be considered additional services. The fee will be based upon either a mutually agreed fixed fee or an hourly basis at rates in effect at the time the services are performed, plus subcontracts and reimbursable expenses as outlined in the Rate Schedule for the year in which the work is being performed.



THIS MAP IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER DESIGN OR ACTION WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER.



**LEGEND**

- PREVIOUSLY REPLACED PIPING
- PHASE 10 (PROPOSED BORING)
- PHASE 10 (PROPOSED OPEN CUT)

BORING 600 LF  
 OF 6" HDPE DR9  
 WATER MAIN

INSTALL 6"  
 D.I.P. WATER  
 MAIN 900 LF

the Consultant/Engineer which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions. (Ref: Exhibit 4-1, Item 8.d.)

5. The **Town** and **Consultant/Engineer** indemnify the Housing Trust Fund Corporation its agents and employees, from and against any and all claims, actions, damages, losses, expenses and costs of every nature, including reasonable attorney's fees, incurred by or assessed or imposed against the Housing Trust Fund Corporation, to the fullest extent permitted by law, arising from the project being funded with CDBG funds. (Ref: Exhibit 4-1, Item 8.e.)
6. The **Town** and **Consultant/Engineer** will comply with all applicable Federal, State and local laws and regulations.

**12. Attachments**

- Figure G-1 – District Map Phases of Work (last revised 2.19.2021)
- 2022 Rate Schedule
- Standard Terms and Conditions

**Endorsements**


Thank you for the opportunity to submit a proposal for these services. If all is acceptable and you wish us to proceed with the work, please sign below and return a copy to our office.

The following endorsement accepts the terms of this proposal and authorizes Delaware Engineering, D.P.C. to proceed with the work set forth above.

**(OWNER/CLIENT)**  
**TOWN OF LIBERTY, NY**

**(ENGINEER)**  
**DELAWARE ENGINEERING, D.P.C.**

By: \_\_\_\_\_  
(Signature)  
Print Name: Frank DeMayo  
Title: Town Supervisor  
Date: \_\_\_\_\_

By:   
(Signature)  
Print Name: Dave Ohman, P.E.  
Title: Principal  
Date: April 13, 2022

Frank,

I interviewed a gentleman by the name of Abraham Lax who has shown interest in joining the BAR. After a half hour of questions and answers I felt good about this applicant. He appears to have a good disposition, smart, and calm. I called all of the members of the board about the potential of having Abraham filling the 5th seat and they all highly support his desire to help us. Our board unanimously would like the Town Board to consider appointing Abraham as our new member - thank you- Allen Werlau

Abraham Lax  
63 Marx St  
Liberty N.Y. 12754  
abrahamdlax@gmail.com

To Whom This May concern,

I would like to submit This letter to be appointed to the Town of Liberty Tax assessment Board.

My name is Abraham Lax Grew Up in Brooklyn Neighborhood graduated college with a bachelor degree of science and concentration in accounting.

Right now I'm running my own company goes by the name D&S Appliances Inc that serves the tri state area in which it comes out to deal with a lot of people from all walks of life and we focus treating everybody with respect and dignity.

Given that I found Town of Liberty so welcoming and such a warm neighborhood I would like to give back to the people of this great Town and apply my knowledge and skills to serve the people of this great town.

I am looking forward to contribute and serve this awesome town and community.

Abraham Lax  
347-799-3361

*abraham lax*

# Kelly Bridge Road Solar Project

## History of Decommissioning Agreement

**TOWN OF LIBERTY  
PLANNING BOARD MINUTES  
SEPTEMBER 6, 2016**

**MEMBERS PRESENT**

Lynn Dowe, Chairman  
John Van Etten  
Branden Reeves  
Anthony Dworetzky  
Judy Siegel  
Lydia Rolle  
Denise Birmingham

**ABSENT**

**ALSO PRESENT**

Jacob Billig, Town Attorney  
See attached sign in sheet

---

**CHAIRMAN DOWE CALLED THE MEETING TO ORDER AT 7:00PM.**

**Delaware River Solar, LLC  
Kelly Bridge Road  
Special Use Permit  
SBL: 40.-1-10.6  
Zone: RD #2016-0017**

John Schmauch and Manuel Folgado appeared for this matter. Mr. Folgado advises the Board that additional screening will be added along the neighboring property as requested. Mr. Folgado explains that there was no action taken on the Area Variance at the Zoning Board meeting because they are waiting on the Town Board. Attorney Billig explains that the financial guarantee issues at the Town Board level for decommissioning need to be finalized before the Planning Board can take action. Town Board member Dean Farrand advises that a PILOT agreement and a decommissioning plan must be worked out with the Town Board. The decommissioning plan will be a cash bond and require quotes from 3 contractors for removal at future value. Mr. Farrand also advises that the next Town Board meeting will be September 19<sup>th</sup>. Chairman Dowe advises that the approval for the Area Variance will be required before the Planning Board can take action.



# TOWN OF LIBERTY

120 NORTH MAIN STREET  
LIBERTY, NEW YORK 12754  
[l.dutcher@townofliberty.org](mailto:l.dutcher@townofliberty.org)

LAURIE DUTCHER, CMC, RMC  
TOWN CLERK/TAX COLLECTOR

(845) 292-5110  
FAX (845) 292-1310

May 17, 2017

Lynn Dowe, Chairman  
Town of Liberty Planning Board  
120 North Main Street  
Liberty, NY 12754

Dear Chairman Dowe,

At the Town Board Meeting held on May 15, 2017 the Town Board was asked by Delaware River Solar (DRS) to review the following:

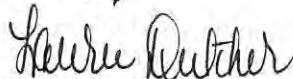
- Solar Modules
- Decommissioning Agreement
- PILOT Agreement

The Town Board has completed a positive review of these items and has authorized the Supervisor to sign the Decommissioning agreement.

This letter is to notify the Planning Board to proceed with their review of this project.

If you have any questions, please do not hesitate to contact me.

Yours truly,



Laurie Dutcher,  
Town Clerk on behalf of the Town Board

LD/  
CC: Town Board

## **APPENDIX 2-1**

### **Original Town Engineer Decommissioning Report**

**GLENN L. SMITH, P.E.**  
**Consulting Engineer, P.C.**

Licensed in New York, New Jersey and Pennsylvania

533 Broadway / P.O. Box 156  
Monticello, New York 12701  
Telephone: (845) 796-2216

Fax: (845) 796-2716

Date: January 30, 2017  
From: Glenn Smith  
To: Supervisor Charlie Barbuti, (T) Liberty  
Subject: Kelly Bridge Road Solar Array Decommissioning Bond

---

Supervisor Barbuti,

The attached table lists a breakdown of the three (3) prior cost proposals submitted to the town by solar related companies, along with my corresponding preliminary cost estimates, for decommissioning/restoration of the Kelly Bridge Road property at termination of the solar energy system operations at a future date.

Of the five (5) work items listed I am in general agreement with #2-5. The most significant disagreement is item #1 "Disassemble & remove the pV panels and steel support racks". My estimate of \$105,000 for that work is based on several laborers and foreman + backhoe and truck with operator and driver for a lengthy period of time. For approximately 7,750 solar panels to be disconnected, unbolted, removed and loaded onto a truck, then the steel support posts pulled out of the ground and loaded for removal, my number is equivalent to approximately \$13.50/panel. The other two proposals by REC and Fonroche are equivalent to approximately \$1.62 and \$3.48/panel, which appear much too low considering the amount of work involved.

In the event the solar company is not in existence or otherwise unable to perform decommissioning operations at the time it is required and the Town of Liberty performs that work, labor costs would be subject to NYS prevailing wage rates, which could add approximately 30% to the labor costs. My \$141,000 total estimate includes approximately \$80,000 labor costs, so  $30\% \times \$80,000 = \$24,000$  increase, for a "town" bond estimate total of  $\$141,000 + \$24,000 = \$165,000$ .

For comparison, I checked with other towns in various stages of evaluating solar energy facilities. The Town of Bethel requires financial surety in an amount determined by a NYSPE retained by the applicant and then approved by the town's engineer for decommissioning costs. The Town of Goshen's ordinance requires a decommissioning bond in the amount of 150% of the estimate recommended by the town engineer, with that bond amount reviewed for revisions every 5 years. The Town of Thompson is not requiring financial security in their ordinance for decommissioning, the town will post a lien on the property to recover their costs to restore the site if found necessary.

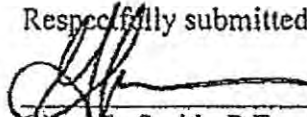
Although the three (3) decommissioning contractors who submitted proposals all advocate the potential salvage and recycle values of the scrapped equipment and materials generated by decommissioning operations, the actual amount of revenue generated by that in 20 to 30 years when the work takes place is completely unknown at this time, so it cannot, in my opinion, be factored into the current surety bond estimate.

At this point my recommendation for a financial surety/bond amount to cover the town's costs for decommissioning would be at least \$165,000. Your board may want to consider having the applicants NYSPE prepare and submit an estimated cost breakdown, since likely more familiar with the process, similar to Bethel's ordinance, for me to review and comment on. None of the three (3) contractor proposals you received were by NYSPE's. I also recommend keeping the annual 2½% cost escalation payment through the operating life of the system.

I plan to attend your February 6<sup>th</sup> board meeting to discuss the above.

Thank you.

Respectfully submitted,



Glenn L. Smith, P.E.

GLS/mdc  
Encl.

January 30, 2017

**SUMMARY TABLE DECOMMISSIONING COST PROPOSALS**

(T) Liberty – Kelly Bridge Road Project

| <u>Work Item</u>                                                                                 | <u>REC Solar<br/>(Joel Cipicic)</u> | <u>Fouroche<br/>Energy America</u> | <u>Renewable<br/>Energy Solutions</u> | <u>GLS Cost<br/>Estimate</u> |
|--------------------------------------------------------------------------------------------------|-------------------------------------|------------------------------------|---------------------------------------|------------------------------|
| 1. Disassemble/remove<br>pV panels & steel<br>support racks                                      | \$12,500                            | \$27,000                           | *                                     | \$105,000                    |
| 2. Remove / dispose of<br>buried electrical wiring                                               | \$15,000                            | \$12,000                           | *                                     | \$10,000                     |
| 3. Remove/dispose of<br>switchgear, transformers,<br>related equip. and conc.<br>foundation pads | \$2,000                             | \$5,000                            | *                                     | \$5,000                      |
| 4. Remove deer fence<br>and gates                                                                | \$12,500                            | \$10,000                           | *                                     | \$10,000                     |
| 5. Site restoration,<br>cleanup, rake & seed                                                     | \$18,000                            | \$10,000                           | *                                     | \$11,000                     |
| <b>TOTAL</b>                                                                                     | <b>\$60,000</b>                     | <b>\$64,000</b>                    | <b>\$78,240*</b>                      | <b>\$141,000</b>             |

*\*Lump Sum Cost based on \$54,240 labor/equip. + \$24,000 trucking*

**GLENN L. SMITH, P.E.**  
Consulting Engineer, P.C.

January 27, 2017

Project: Kelly Bridge Road, (T) Liberty  
Solar Array Decommissioning Cost Estimates

Job Item No.

1. Disassemble and remove pV panels and steel support racks:

- a) Estimate 2-man crews unscrewing each panel from steel rack struts, remove and load onto adjacent truck or trailer.

Estimate 3 mins/panel x ± 7,750 panels = 388 hours

|                                                             |          |
|-------------------------------------------------------------|----------|
| 2 laborers/crew @ \$45/man-hr. = \$90/crew-hr. x 388 hrs. = | \$34,920 |
| 1 foreman @ \$65/hr. x 100 hrs. =                           | \$ 6,500 |
| + 1 truck and driver, estimate \$95/hr. x 388 hrs. =        | \$36,860 |

- b) Use 1 backhoe and operator to clamp and pull each steel support post in rack system, load on truck or trailer. (Use 1 post per four pV panels, so 7,750 panels ÷ 4 = ± 1,950 posts)

Estimate 3 mins/post x ± 1,950 posts = 98 hrs.

|                                                      |                 |
|------------------------------------------------------|-----------------|
| 1 backhoe w/operator, estimate \$160/hr. x 98 hrs. = | \$15,680        |
| 1 truck and driver, estimate \$95/hr. x 98 hrs. =    | <u>\$ 9,310</u> |

Subtotal \$103,270  
Say \$105,000

2. Remove and dispose of electrical wiring

Buried electrical wiring will be installed at shallow depth along rows of pV panels (± several inch depth).

Use 1 machine (backhoe or skidsteer) to clamp and pull wire, coil and stockpile around site for load onto trucks for disposal.

Estimate ± 14,500' of buried wire (2.75 miles) to be removed, estimate 3,000'/day productivity = 5 days (40 hours)

|                                                        |                |
|--------------------------------------------------------|----------------|
| 1 machine and operator, estimate \$160/hr. x 40 hrs. = | \$6,400        |
| 2 laborers @ \$45/man-hr. = \$90/crew-hr. x 40 hrs. =  | <u>\$3,600</u> |

Subtotal \$10,000

**GLENN L. SMITH, P.E.**  
**Consulting Engineer, P.C.**

3. Remove and dispose of switchgear, transformer, inverter equipment and concrete foundation pads

Estimate 1 backhoe & operator, \$160/hr. for 2 days = \$160/hr. x 16 hrs. = \$2,560  
 + 2 laborers @ \$90/crew-hr. for 3 days = \$90hr. x 24 hrs. = \$2,160  
 Subtotal \$4,720  
 Say \$5,000

4. Deer fence and gates removal and disposal

For + 3,150' of deer fence + one dbl. leaf vehicle gate and 1 man gate, estimate crew of one backhoe/skidsteer with operator + 2 laborers, disassemble, remove and stockpile ± 1,000 ft. of fence/day, use 4 days total.

1 machine and operator, estimate \$160/hr. x 32 hrs. = \$5,120  
 3 laborers at \$135/crew-hr. x 32 hrs. = \$4,320  
 Subtotal \$9,440  
 Say \$10,000

5. Site restoration, include cleanup, York rake and seed/mulch disturbed area where racks, equipment, buried wiring and fence posts removed.

1 backhoe & operator, 2 days, \$160/hr. x 16 hrs. = \$2,560  
 Est. tractor-mounted rake & operator for 3 days at \$150/hr. x 24 hrs. = \$3,600  
 Estimate 3 laborers for 3 days @ \$135/crew-hr. x 24 hrs. = \$3,240  
 Seed & mulch, Estimate = \$1,200  
 Subtotal \$10,600  
 Say \$11,000

Estimated Total Decommissioning Costs:

|                                        |                  |
|----------------------------------------|------------------|
| 1. pV panels and racks                 | \$105,000        |
| 2. Electrical Wiring Removal           | \$ 10,000        |
| 3. Switchgear, Transformers & Inverter | \$ 5,000         |
| 4. Deer Fence & Gates                  | \$ 10,000        |
| 5. Site Restoration                    | <u>\$ 11,000</u> |
| Total                                  | \$141,000        |

**APPENDIX 2-2**

**REVISED Town Engineer Decommissioning Report**



**GLENN L. SMITH, P.E.**  
**Consulting Engineer, P.C.**

Licensed in New York, New Jersey and Pennsylvania

533 Broadway / P.O. Box 156  
Monticello, New York 12701  
Telephone: (845) 796-2216

Fax: (845) 796-2716

April 27, 2017

Town of Liberty  
Town Hall  
120 North Main Street  
Liberty, NY 12754

Attn: Charlie Barbuti, Supervisor

Re: Kelly Bridge Road, Solar Project

Dear Supervisor Barbuti,

Since submitting my last memo to your attention on March 6, 2017 regarding the Kelly Bridge Solar project, I have continued to review additional information on decommissioning costs and procedures for these facilities. A brief summary of related information is as follows:

- 1) Delaware Engineering of Albany N.Y. prepared a January 10, 2017 report to the (T) Delaware planning board regarding a proposed 2-MW,  $\pm$  10 acre array on Hospital Road. They also provided a NYSERDA fact sheet document, "Decommissioning Solar Panel Systems", which provided estimated potential costs for decommissioning a 2-MW ground-mounted solar panel system on the  $\pm$  10 acre site. (Similar to Kelly Bridge site size.) Those estimates worked out to about \$6,100/acre (Approximately \$61,000 adjusted for inflation at 2.5%/year = \$100,000 in 20 years.)
- 2) Delaware Engineering also prepared a March 2, 2017 report to the (T) Delaware regarding a proposed 2-MW,  $\pm$  10 acre solar array on Baer Road. Their current cost estimate for decommissioning was \$76,000, or approximately \$7,600/acre, which increases to approximately \$125,000 in 20 years with a 2.5%/year inflation increase.
- 3) Studies on solar farm decommissioning costs in New York and other states have also shown an average of up to \$10,000/acre. Based on the Kelly Bridge Road array area of approximately 9 acres, this results in a \$90,000 estimate at today's costs.
- 4) The three (3) contractor's decommissioning quotes your board received last Fall from REC Solar, Fonroche Energy and Renewable Energy Solutions all worked out to between \$6,700 and \$8,700/acre, which I had found to be too low.

**GLENN L. SMITH, P.E.**  
Consulting Engineer, P.C.

(T) Liberty - Kelly Bridge Road, Solar Project  
April 27, 2017  
Page 2

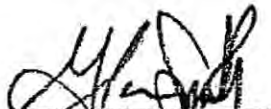
I have re-evaluated my January 2017 estimates for disassembling and removing the pV panels and racks based on a reduced crew size and time to complete, which reduced that portion of the work. Therefore, my recommendation for a cost to decommission would be to utilize the \$10,000/acre amount x 9 acres at Kelly Bridge = \$90,000. Then add 20% to account for paying NYS Prevailing Wage Labor Rates in the event the town performed the work, which is equivalent to \$18,000 more, or \$108,000 total.

At the inflation increase of 2.5% per year paid into the fund, the amount available in 20 years would be approximately \$177,000. (See attached Table)

Please give me a call if you would like to discuss the above.

Thanks very much.

Very truly yours,



Glenn L. Smith, P.E.

GLS/mdc  
Encl.

cc: Delaware River Solar, Rich Winters

**GLENN L. SMITH, P.E.**  
Consulting Engineer, P.C.

Date: April 27, 2017

Kelly Bridge Road Solar Decommissioning Fund  
(20 Year Period)

| <u>Year</u>        | <u>Amount (\$)</u><br><u>(Increase 2.5%/Year)</u> | <u>Cumulative (\$)</u> |
|--------------------|---------------------------------------------------|------------------------|
| Construction Start | \$108,000                                         | \$108,000              |
| 1                  | \$2,700                                           | \$110,700              |
| 2                  | \$2,768                                           | \$113,468              |
| 3                  | \$2,837                                           | \$116,305              |
| 4                  | \$2,907                                           | \$119,212              |
| 5                  | \$2,980                                           | \$122,192              |
| 6                  | \$3,055                                           | \$125,247              |
| 7                  | \$3,131                                           | \$128,378              |
| 8                  | \$3,210                                           | \$131,588              |
| 9                  | \$3,290                                           | \$134,878              |
| 10                 | \$3,372                                           | \$138,250              |
| 11                 | \$3,456                                           | \$141,706              |
| 12                 | \$3,543                                           | \$145,249              |
| 13                 | \$3,631                                           | \$148,880              |
| 14                 | \$3,722                                           | \$152,602              |
| 15                 | \$3,815                                           | \$156,417              |
| 16                 | \$3,910                                           | \$160,327              |
| 17                 | \$4,008                                           | \$164,335              |
| 18                 | \$4,109                                           | \$168,444              |
| 19                 | \$4,211                                           | \$172,655              |
| 20                 | \$4,316                                           | \$176,971              |

## DECOMMISSIONING AGREEMENT

This DECOMMISSIONING AGREEMENT (this "Agreement") dated as of January 9, 2017 (the "Effective Date") is made by and among the Town of Liberty (the "Town") and Delaware River Solar, LLC ("Owner", together with Town, the "Parties").

WHEREAS, Owner intends to build a solar energy generation project on Kelly Bridge Road in the Town (the "Project");

WHEREAS, the Parties wish to enter into this Agreement to set forth terms and conditions of having funds available to pay for the costs of any decommissioning of the Project; and

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. At the start of construction of the Project, Owner agrees to deposit sixty-thousand dollars (\$60,000) in a special purpose account designated in writing by the Town (the "Decommissioning Account"). At the end of each anniversary year of operation of the Project (the "Anniversary Date"), Owner agrees to deposit an additional 2.5% of the then existing amount in the Decommissioning Account on the Anniversary Date, as described in greater detail on Schedule I attached hereto. The Parties agree that the amount in the Decommissioning Account shall be used solely to pay for any decommissioning costs of the Project. Provided Owner complies with its obligations to deposit funds into the Decommissioning Account, Owner shall have no further payment obligations in connection with funding the Decommissioning Account; provided, however, in the event the actual decommissioning costs exceed the amount in the Decommissioning Account, Owner shall be responsible for any such excess costs.

2. The Parties agree that the decommissioning process of the Project may commence (and the funds to pay for the cost of any such decommissioning from the Decommissioning Account may be used) for the following reasons: (a) Owner provides written notice to the Town of its intent to retire or decommission the Project (the "Owner Decommissioning Notice"), (b) construction of the Project has not started within eighteen (18) months of site plan being approved by the Town, or (c) the Project ceases to be operational for more than twelve (12) consecutive months. The Town shall provide Owner thirty (30) days written notice (the "Town Decommissioning Notice") prior to the commencement of any decommissioning of the Project by the Town. In event the Owner fails to decommission the Project within one-hundred eighty (180) days after providing Owner Decommissioning Notice or fails to respond with a reasonable explanation for the delay in the construction or in-operation of the Project within 30 days of the Town Decommissioning Notice, the Town may commence the decommissioning of the Project. For the purposes of this Agreement, "ceases to be operational" shall mean no generation of electricity, other than due to repairs to the Project or causes beyond the reasonable control of Owner.

3. Upon removal of the infrastructure and disposal of any component of the Project from the site on which the Project is built, or in the event the Town becomes owner of the Project, any and all amount remaining in the Decommissioning Account shall be returned to Owner.

4. This Agreement may not be amended or modified except by written instrument signed and delivered by the Parties. This Agreement is binding upon and shall inure to the benefit of the Parties and their respective heirs, executors, administrators, successors and assigns. Owner may assign this Agreement to any purchaser or transferee of the Project. The Parties agree to execute and deliver any additional document or take any further action as reasonably requested by the other party to effectuate the purpose of this Agreement. The Parties agree that Owner shall have the option to replace the funds in the Decommissioning Account with a commercially reasonable decommissioning bond.


5. The Parties agree that this Agreement shall be construed and enforced in accordance with and governed by the laws of New York.

6. This Agreement may be executed through separate signature pages or in any number of counterparts, and each of such counterparts shall, for all purposes, constitute one agreement binding on all parties.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties have caused their names to be signed hereto by their respective representatives thereunto duly authorized as of the date first above written.

TOWN OF LIBERTY

By:   
Name: Charles Barbieri  
Title: SEPARATOR

DELAWARE RIVER SOLAR, LLC

By: \_\_\_\_\_  
Name:  
Title:

SCHEDULE I

| Decommissioning Fund (Deposits) |                |                    |
|---------------------------------|----------------|--------------------|
| Timeframe<br>(Year)             | Amount<br>(\$) | Cumulative<br>(\$) |
| Start of<br>Construction        | 60,000         | 60,000             |
| 1                               | 1,500          | 61,500             |
| 2                               | 1,538          | 63,038             |
| 3                               | 1,576          | 64,613             |
| 4                               | 1,615          | 66,229             |
| 5                               | 1,656          | 67,884             |
| 6                               | 1,697          | 69,582             |
| 7                               | 1,740          | 71,321             |
| 8                               | 1,783          | 73,104             |
| 9                               | 1,828          | 74,932             |
| 10                              | 1,873          | 76,805             |
| 11                              | 1,920          | 78,725             |
| 12                              | 1,968          | 80,693             |
| 13                              | 2,017          | 82,711             |
| 14                              | 2,068          | 84,778             |
| 15                              | 2,119          | 86,898             |
| 16                              | 2,172          | 89,070             |
| 17                              | 2,227          | 91,297             |
| 18                              | 2,282          | 93,580             |
| 19                              | 2,339          | 95,919             |
| 20                              | 2,398          | 98,317             |

## **APPENDIX 2-3**

### **Draft Decommissioning Agreement with Town Attorney**

## DECOMMISSIONING AGREEMENT

This DECOMMISSIONING AGREEMENT (this "Agreement") dated as of June 5, 2017 (the "Effective Date") is made by and among the Town of Liberty, having an address at 120 North Main Street, Liberty, New York 12754 (the "Town") and NY Liberty I, LLC, having an address at 33 Irving Place, Suite 1090, New York, NY 10003 ("Owner", together with the Town, the "Parties").

WHEREAS, Owner intends to build a solar energy generation project off Kelly Bridge Road in the Town (the "Project");

WHEREAS, the Parties wish to enter into this Agreement to set forth terms and conditions of having funds available to pay for the costs of any decommissioning of the Project; and

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Prior to issuance of a building permit for construction of the Project, Owner agrees to pay to the Town for deposit in a special purpose account designated in writing by the Town (the "Decommissioning Account") the initial sum of One Hundred Eight Thousand and 00/100 Dollars (\$108,000.00)(the "Initial Deposit"). Owner agrees to pay the Initial Deposit on the date (the "Initial Payment Date") when the building permit is issued. On each anniversary of the issuance of the building permit for the Project (the "Anniversary Date"), Owner agrees to deposit an additional 2.5% of the then existing amount in the Decommissioning Account on the Anniversary Date, as described in greater detail on Schedule I attached hereto. The Parties agree that the amount in the Decommissioning Account shall be used solely to pay for any decommissioning costs of the Project. Owner agrees to pay for the reasonable engineer's or other consulting professionals' fees of the Town in the re-evaluation and recalculation of the anticipated decommissioning costs as described below. On or about the tenth (10<sup>th</sup>) Anniversary Date and thereafter, every fifth (5<sup>th</sup>) Anniversary Date, the Town shall cause its engineers or other professional consultants to re-evaluate and recalculate the anticipated cost of decommissioning the Project in order to determine whether the amount then on deposit in the Decommissioning Account is sufficient to pay in full the then anticipated cost of decommissioning the Project. The Town shall notify Owner in writing of additional sum that will be required for the Decommissioning Account to have sufficient funds to pay the then anticipated cost of decommissioning the Project based upon the aforesaid re-evaluation and recalculation. Owner shall, within thirty (30) days of the giving of such notice by the Town, either (a) pay to the Town for deposit in the Decommissioning Account the sum required to bring the balance on deposit therein to the amount required for the then anticipated cost of decommissioning the Project, or (b) elect to engage a third-party engineer or consultant, approved by the Town, such approval not to be unreasonably withheld, to re-evaluate and recalculate the anticipated costs of



decommissioning the Project. In the event Owner elects to engage such third-party engineer or consultant and such third-party engineer or consultant determines an anticipated decommissioning cost which differs from the engineer or consultant of the Town, the average of their respective anticipated costs of decommissioning the Project shall be used and Owner shall deposit any additional sum that will be required for the Decommissioning Account to have sufficient funds to pay the then anticipated cost of decommissioning the Project based upon the aforesaid re-evaluation and recalculation within thirty (30) days of such determination. Owner shall thereafter continue to annually deposit an additional 2.5% of the then existing amount in the Decommissioning Account on the Anniversary Date. Provided Owner complies with its obligations to deposit funds into the Decommissioning Account in accordance with this Agreement, Owner shall have no further payment obligations in connection with funding the Decommissioning Account during the operation of the Project; provided, however, in the event the actual decommissioning costs exceed the amount in the Decommissioning Account, Owner shall be responsible for any such excess costs, provided such excess costs are not as a result of the Town using any amount in the Decommissioning Account for any reason other than to pay for decommissioning costs of the Project, inclusive of the Town's associated reasonable attorneys' and consulting professionals' fees as described above. In the event the Town uses any amount in the Decommissioning Account for any reason other than to pay for decommissioning costs of the Project in breach of this Agreement, inclusive of the Town's associated reasonable attorney's and consulting professionals' fees as described above, the Town agrees to be responsible for any and all damages incurred by Owner as a result of such use.

2. The Parties agree that the decommissioning process of the Project shall commence (and the funds to pay for the cost of any such decommissioning from the Decommissioning Account may be used) for the following reasons: (a) Owner provides written notice to the Town of its intent to retire or decommission the Project (the "Owner Decommissioning Notice"), (b) construction of the Project has not started within eighteen (18) months of site plan being approved by the Town, (c) the Project ceases to be operational for more than twelve (12) consecutive months, or (d) default of Owner to timely make any additional deposit to the Decommissioning Account in accordance with this Agreement. Upon the thirtieth (30<sup>th</sup>) Anniversary Date, in the event Owner wishes to continue operation of the Project, Owner agrees to seek the prior written approval of the Town, which the Town may provide within its sole discretion. The Town shall provide Owner thirty (30) days written notice (the "Town Decommissioning Notice") prior to the commencement of any decommissioning of the Project by the Town. In event the Owner fails to fully decommission the Project within one-hundred eighty (180) days after providing Owner Decommissioning Notice or within one hundred eighty (180) days after the Town providing the Town Decommissioning Notice, the Town may commence the decommissioning of the Project. For the purposes of this Agreement, "ceases to be operational" shall mean no generation of electricity, other than due to repairs to the Project or causes beyond the reasonable control of Owner.

3. Upon total completion of the decommission process, including removal of all of the Project's infrastructure and disposal of any and all components of the Project from the site on which the Project is built and restoration of such site to the substantially similar condition which existed prior to the commencement of construction of the Project, or in the event the Town becomes owner of the Project, any balance remaining in the Decommissioning Account shall be returned to Owner. Nothing contained herein shall be construed as an agreement or obligation on the part of the Town to become owner of the Project.

4. This Agreement may not be amended or modified except by written instrument signed and delivered by the Parties. This Agreement is binding upon and shall inure to the benefit of the Parties and their respective heirs, executors, administrators, successors and assigns. Owner may assign this Agreement to any subsidiary, or purchaser or transferee of the Project, provided that there is no condition in the approval by the Town's Planning Board prohibiting or restricting sale or transfer of the Project and further provided that Owner has first obtained the Town's written consent to such assignment, which consent shall not be unreasonably withheld. Notwithstanding any such assignment of this Agreement or transfer or sale of the Project, Owner shall remain liable to the Town for all obligations hereunder. The Parties agree to execute and deliver any additional document or take any further action as reasonably requested by the other party to effectuate the purpose of this Agreement.

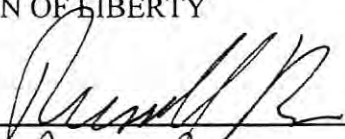
5. The Parties agree that this Agreement shall be construed and enforced in accordance with and governed by the laws of New York. In the event of a dispute between the parties, the prevailing party of any formal legal action shall be entitled to recover its reasonable attorneys' and consulting professionals' fees.

6. This Agreement may be executed through separate signature pages or in any number of counterparts, and each of such counterparts shall, for all purposes, constitute one agreement binding on all parties.

[signature page to follow]

IN WITNESS WHEREOF, the parties have caused their names to be signed hereto by their respective representatives thereunto duly authorized as of the date first above written.


TOWN OF LIBERTY

By:  \_\_\_\_\_

Name: Russell Reeves.

Title: Deputy Supervisor

NY LIBERTY I, LLC

By:  \_\_\_\_\_

Name: Robb Vinton

Title: CEO

SCHEDULE I

| Decommissioning Fund (Deposits) |             |                 |
|---------------------------------|-------------|-----------------|
| TimeFrame (Year)                | Amount (\$) | Cumulative (\$) |
| Permit Issuance                 | 108,000     | 108,000         |
| 1                               | 2,700       | 110,700         |
| 2                               | 2,768       | 113,468         |
| 3                               | 2,837       | 116,304         |
| 4                               | 2,908       | 119,212         |
| 5                               | 2,980       | 122,192         |
| 6                               | 3,055       | 125,247         |
| 7                               | 3,131       | 128,378         |
| 8                               | 3,209       | 131,588         |
| 9                               | 3,290       | 134,877         |
| 10                              | 3,372       | 138,249         |
| 11                              | 3,456       | 141,705         |
| 12                              | 3,543       | 145,248         |
| 13                              | 3,631       | 148,879         |
| 14                              | 3,722       | 152,601         |
| 15                              | 3,815       | 156,416         |
| 16                              | 3,910       | 160,327         |
| 17                              | 4,008       | 164,335         |
| 18                              | 4,108       | 168,443         |
| 19                              | 4,211       | 172,654         |
| 20                              | 4,316       | 176,971         |
| 21                              | 4,424       | 181,395         |
| 22                              | 4,535       | 185,930         |
| 23                              | 4,648       | 190,578         |
| 24                              | 4,764       | 195,342         |
| 25                              | 4,884       | 200,226         |
| 26                              | 5,006       | 205,232         |
| 27                              | 5,131       | 210,362         |
| 28                              | 5,259       | 215,621         |
| 29                              | 5,391       | 221,012         |
| 30                              | 5,525       | 226,537         |

**GLENN L. SMITH, P.E.**  
**Consulting Engineer, P.C.**

533 Broadway / P.O. Box 156  
Monticello, New York 12701  
Telephone: (845) 796-2216

Licensed in New York, New Jersey and Pennsylvania

Fax: (845) 796-2716

April 27, 2017

Town of Liberty  
Town Hall  
120 North Main Street  
Liberty, NY 12754

Attn: Charlie Barbuti, Supervisor

Re: Kelly Bridge Road, Solar Project

Dear Supervisor Barbuti,

Since submitting my last memo to your attention on March 6, 2017 regarding the Kelly Bridge Solar project, I have continued to review additional information on decommissioning costs and procedures for these facilities. A brief summary of related information is as follows:

- 1) Delaware Engineering of Albany N.Y. prepared a January 10, 2017 report to the (T) Delaware planning board regarding a proposed 2-MW,  $\pm$  10 acre array on Hospital Road. They also provided a NYSERDA fact sheet document, "Decommissioning Solar Panel Systems", which provided estimated potential costs for decommissioning a 2-MW ground-mounted solar panel system on the  $\pm$  10 acre site. (Similar to Kelly Bridge site size.) Those estimates worked out to about \$6,100/acre (Approximately \$61,000 adjusted for inflation at 2.5%/year = \$100,000 in 20 years.)
- 2) Delaware Engineering also prepared a March 2, 2017 report to the (T) Delaware regarding a proposed 2-MW,  $\pm$  10 acre solar array on Baer Road. Their current cost estimate for decommissioning was \$76,000, or approximately \$7,600/acre, which increases to approximately \$125,000 in 20 years with a 2.5%/year inflation increase.
- 3) Studies on solar farm decommissioning costs in New York and other states have also shown an average of up to \$10,000/acre. Based on the Kelly Bridge Road array area of approximately 9 acres, this results in a \$90,000 estimate at today's costs.
- 4) The three (3) contractor's decommissioning quotes your board received last Fall from REC Solar, Fonroche Energy and Renewable Energy Solutions all worked out to between \$6,700 and \$8,700/acre, which I had found to be too low.

**GLENN L. SMITH, P.E.**  
**Consulting Engineer, P.C.**

(T) Liberty - Kelly Bridge Road, Solar Project  
April 27, 2017  
Page 2

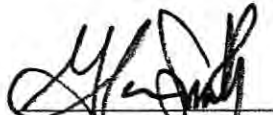
I have re-evaluated my January 2017 estimates for disassembling and removing the pV panels and racks based on a reduced crew size and time to complete, which reduced that portion of the work. Therefore, my recommendation for a cost to decommission would be to utilize the \$10,000/acre amount x 9 acres at Kelly Bridge = \$90,000. Then add 20% to account for paying NYS Prevailing Wage Labor Rates in the event the town performed the work, which is equivalent to \$18,000 more, or \$108,000 total.

At the inflation increase of 2.5% per year paid into the fund, the amount available in 20 years would be approximately \$177,000. (See attached Table)

Please give me a call if you would like to discuss the above.

Thanks very much.

Very truly yours,



Glenn L. Smith, P.E.

GLS/mdc  
Encl.

cc: Delaware River Solar, Rich Winters

**GLENN L. SMITH, P.E.**  
**Consulting Engineer, P.C.**

Date: April 27, 2017

Kelly Bridge Road Solar Decommissioning Fund  
(20 Year Period)

| <u>Year</u>        | <u>Amount (\$)</u><br><u>(Increase 2.5%/Year)</u> | <u>Cumulative (\$)</u> |
|--------------------|---------------------------------------------------|------------------------|
| Construction Start | \$108,000                                         | \$108,000              |
| 1                  | \$2,700                                           | \$110,700              |
| 2                  | \$2,768                                           | \$113,468              |
| 3                  | \$2,837                                           | \$116,305              |
| 4                  | \$2,907                                           | \$119,212              |
| 5                  | \$2,980                                           | \$122,192              |
| 6                  | \$3,055                                           | \$125,247              |
| 7                  | \$3,131                                           | \$128,378              |
| 8                  | \$3,210                                           | \$131,588              |
| 9                  | \$3,290                                           | \$134,878              |
| 10                 | \$3,372                                           | \$138,250              |
| 11                 | \$3,456                                           | \$141,706              |
| 12                 | \$3,543                                           | \$145,249              |
| 13                 | \$3,631                                           | \$148,880              |
| 14                 | \$3,722                                           | \$152,602              |
| 15                 | \$3,815                                           | \$156,417              |
| 16                 | \$3,910                                           | \$160,327              |
| 17                 | \$4,008                                           | \$164,335              |
| 18                 | \$4,109                                           | \$168,444              |
| 19                 | \$4,211                                           | \$172,655              |
| 20                 | \$4,316                                           | \$176,971              |

County Decommissioning  
Security Requirement  
Comparisons



**From:** Walter Garigliano <Walter@GariglianoLaw.com>  
**Sent:** Thursday, April 14, 2022 9:14 AM  
**To:** Frank DeMayo (SupervisorDeMayo@townofliberty.org); Ken Klein (Ken@kenkleinlaw.net)  
**Cc:** Rich Winter (rich.winter@delawareriversolar.com); Peter Dolgos; Jen Flad (jflad@sullivanida.com)  
**Subject:** Harris Road Decommissioning  
**Attachments:** HarrisRoadDecommissioning.xlsx

Here is a file with info on the decommissioning requirements per MW for projects in Sullivan County. As you can see Liberty Kelly Bridge Road is an outlier.

I am copying Peter Dolgos. Peter, please send Frank and Ken the Decommissioning Plan for this project.

DRS prefers to post a bond as financial security vs. cash or a LC. The form of bond will be very familiar to you given your prior career at Frontier. It will be much the same form as a mine reclamation bond.

Jen Flad also copied. Jen, can you send Frank a form of letter for him to send to IDA to satisfy the UTEP requirement of local support. It can be the letter from the Kelly Bridge Road project or any other Supervisor support letter you have handy.

Timing.....there is a Town Board meeting on Monday evening when Frank can present the decommissioning proposal. Walter

| <b>Project Company</b> | <b>Location</b>          | <b>Size/mw</b> | <b>Security</b>      |
|------------------------|--------------------------|----------------|----------------------|
| NY Delaware I          | Baer Road                | 2              | \$ 76,000.00         |
| NY Delaware II         | Hospital Road            | 1.75           | \$ 61,000.00         |
| NY Delaware III        | Villa Roma I             | 2              | \$ 76,000.00         |
| NY Delaware IV         | Villa Roma II            | 2              | \$ 76,000.00         |
| NY Delaware V          | Villa Roma III           | 2              | \$ 76,000.00         |
| NY Delaware V          | Villa Roma IV            | 2              | \$ 76,000.00         |
| <b>NY Liberty I</b>    | <b>Kelly Bridge Road</b> | <b>2</b>       | <b>\$ 108,000.00</b> |
| NY Thompson II         | Sackett Lake II          | 2              | \$ 60,000.00         |
| NY Thompson I          | Sackett Lake I           | 1.75           | \$ 52,500.00         |
| NY Fallsburg I         | Rosemond Road            | 2              | \$ 80,000.00         |
| NY Bethel I            | Hofstee 17B              | 4.4            | \$ 135,000.00        |
| Psychedelic Solar      | Town Gravel Bank/Landfi  | 2.7            | \$ 94,500.00         |

**Security mw**

|    |           |
|----|-----------|
| \$ | 38,000.00 |
| \$ | 34,857.14 |
| \$ | 38,000.00 |
| \$ | 38,000.00 |
| \$ | 38,000.00 |
| \$ | 38,000.00 |
| \$ | 54,000.00 |
| \$ | 30,000.00 |
| \$ | 30,000.00 |
| \$ | 40,000.00 |
| \$ | 30,681.82 |
| \$ | 35,000.00 |

# Harris Road Solar Project

## Proposed Decommissioning Agreement



# Decommissioning Plan

---

March 22, 2022

Harris Road  
(SBL: 36.-1-121.3)  
Solar Facility

Prepared for  
Town of Liberty  
Sullivan County, New York

Prepared By:  
**NY Liberty II, LLC**  
an affiliate of Delaware River Solar, LLC  
140 E 45<sup>th</sup> Street, Suite 32B-1  
New York, NY 10017

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## 1. Introduction

NY Liberty II, LLC (“**Project Owner**”), an affiliate of Delaware River Solar, LLC, proposes to build a photovoltaic (PV) solar facility at Harris Road in the Town of Liberty (“**Town**”) under New York State’s Community Solar initiative. The Solar Facility is planned to have a nameplate capacity of approximately 2 megawatts (MW) alternating current (AC) and possibly a battery storage component (collectively, the “**Solar Facility**”) to be constructed on private land (“**Project Site**”) leased by the Project Owner from the property owner (“**Property Owner**”).t

This Decommissioning Plan (“**Plan**”) is being submitted to the Town Planning Board, as part of the Application for the Site Plan Approval under Section §147-28. Procedure of the Town Code (“**Town Code**”).

This Plan provides an overview of activities that will occur during the decommissioning phase of the Solar Facility, including activities related to the restoration of land, management of materials and waste, and responsibility of removal.

The Solar Facility will have a useful life of thirty (30) years.

This Plan assumes the Solar Facility will be dismantled, and the Project Site restored to a state similar to its pre-construction condition, at the thirty (30) year anniversary of the Solar Facility’s commercial operation date (“**Expected Decommissioning Date**”). This Plan also covers the case of the abandonment of the Solar Facility, for any reason, prior to the Expected Decommissioning Date.

Decommissioning of the Solar Facility will include the disconnection of the Solar Facility from the utility electrical grid and the removal of all Solar Facility components, including:

- Photovoltaic (PV) modules, module racking and supports
- Inverter units, substation, transformers, battery storage and other electrical equipment
- Access roads, wiring cables, perimeter fence
- Inverter and battery pad concrete foundations.

This Plan is based on current best management practices and procedures. This Plan may be subject to revision based on new standards and emergent best management practices at the time of decommissioning. Permits will be obtained as required and notification will be given to stakeholders prior to decommissioning.

**2. The Proponent**

The Project Owner will manage and coordinate the decommissioning process. The Project Owner will obtain all necessary regulatory approvals that may vary depending on the jurisdiction, project capacity, and site location. The Project Owner will be committed to the safety, health, and welfare of the hosting community.

The conditions and obligations of this Plan shall be bound upon the Project Owner, it heirs, executors, administrators, successors or assigns.

Contact information for the proponent is as follows:

|                   |                                                                      |
|-------------------|----------------------------------------------------------------------|
| <b>Company:</b>   | <u>NY Liberty II, LLC</u>                                            |
| <b>Contact:</b>   | <u>Peter Dolgos</u>                                                  |
| <b>Address:</b>   | <u>140 E 45<sup>th</sup> Street, Suite 32B-1, New York, NY 10017</u> |
| <b>Telephone:</b> | <u>(646) 998-6495</u>                                                |
| <b>Email:</b>     | <u>peter.dolgos@delawareriversolar.com</u>                           |

**2.1 Project Information**

|                        |                                                |
|------------------------|------------------------------------------------|
| <b>Address:</b>        | <u>Harris Road, Liberty NY 12742</u>           |
| <b>Tax ID:</b>         | <u>1.-1-3</u>                                  |
| <b>Project Size:</b>   | <u>Solar Facility of approximately 2 MW AC</u> |
| <b>Property Owner:</b> | <u>Delaware River Solar Real Estate, LLC</u>   |
| <b>Site Agreement:</b> | <u>Executed Lease Agreement</u>                |

**3. Decommissioning of the Solar Facility**

At the time of decommissioning, the installed components will be removed, reused, disposed of, and recycled, where possible. All removal of equipment will be done in accordance with any applicable laws and regulations, including without limitation, the local laws of the Town applicable to solar energy systems, and manufacturer recommendations. All applicable permits, if any, will be acquired.

The decommissioning process of the Solar Facility may commence for the following reasons: (a) Project Owner provides written notice to the Town of its intent to retire or decommission the Project (“**Owner Decommissioning Notice**”) for any reason, including the Solar Facility is damaged and will not be repaired or replaced, (b) the Solar Facility ceases to be operational for more 360 days, or (c) the expiration of the lease agreement with the Property Owner. In event the Project Owner fails to decommission the Solar Facility within three hundred sixty (360) days after providing Owner Decommissioning Notice or fails to respond with a reasonable explanation for cessation of operation of the Project within 30 days of the Town Decommissioning Notice, the Town may commence the decommissioning of the Project. The Town shall provide Project Owner thirty (30) days written notice (“**Town Decommissioning Notice**”) prior to the commencement of any decommissioning of the Solar Facility by the Town. For the purposes of this Agreement, “ceases to be operational” shall mean no generation of electricity, other than due to repairs to the Project or causes beyond the reasonable control of the Project Owner.



#### **4.1 Equipment Dismantling and Removal**

Generally, decommissioning of a Solar Facility proceeds in the reverse order of the installation.

1. The Solar Facility shall be disconnected from the utility power grid.
2. PV modules and battery storage shall be disconnected, collected, and disposed at an approved recycler or reused / resold on the market.
3. Aboveground and underground electrical interconnection and distribution cables shall be removed and disposed off-site at an approved facility.
4. Galvanized steel PV module support and racking system support posts shall be removed and disposed off-site at an approved facility.
5. Electrical and electronic devices, including transformers and inverters shall be removed and disposed off-site by at approved facility.
6. Concrete foundations shall be removed and disposed off-site at an approved facility.
7. Fencing shall be removed and will be disposed off-site by at approved facility.

#### **4.2 Environmental Effects**

Decommissioning activities could result in environmental effects similar to those of the construction phase. For example, there is the potential for disturbance (erosion/sedimentation) to adjacent watercourses or significant natural features. Mitigation measures similar to those employed during the construction phase of the Solar Facility will be implemented. These will remain in place until the site is stabilized to mitigate erosion and silt/sediment runoff and any impacts on the significant natural features or water bodies located adjacent to the Project Site.

Road traffic will temporarily increase due to the movement of decommissioning crews and equipment. There may be an increase in particulate matter (dust) in adjacent areas during the decommissioning phase. Decommissioning activities may lead to temporary elevated noise levels from machinery and an increase in trips to the Project Site. Work will be undertaken during daylight hours and conform to any applicable restrictions.

#### **4.3 Site Restoration**

Project components (see **Appendix 1**) will be removed. As the Project Site will be cleared of trees during the construction phase, during the decommissioning phase rehabilitated lands will seeded with a low-growing species to help stabilize soil conditions, enhance soil structure, and increase soil fertility.

#### **4.4 Managing Materials and Waste**

During the decommissioning phase a variety of excess materials and wastes (see **Appendix 1**) will be generated. Most of the materials used in a Solar Facility are reusable or recyclable and some equipment may have manufacturer take-back and recycling requirements. Any remaining materials will be removed and disposed of off-site at an approved facility. The Project Owner will establish policies and procedures to maximize recycling and reuse and will work with manufacturers, local subcontractors, and waste firms to segregate material to be disposed of, recycled, or reused.

The Project Owner will be responsible for the logistics of collecting and disposing or recycling the PV modules and battery storage components. Currently, some manufacturers and new companies are looking for ways to recycle and/or reuse solar modules when they have reached the end of their lifespan. Due to the increase in the use of solar energy technology, a large number of panels from a variety of projects will be nearing the end of their lifespan in 25-30 years. It is anticipated there will be more recycling options available for solar modules at that time. The Project Owner will dispose of the solar modules and battery storage components using best management practices at the time of decommissioning.

#### **4.5 Decommissioning During Construction or Abandonment Before Maturity**

In case of abandonment of the Solar Facility during construction or prior to the Expected Decommissioning Date, the same decommissioning procedures as for decommissioning after ceasing operation will be undertaken and the same decommissioning and restoration program will be honored. The Solar Facility will be dismantled, materials removed and disposed, the soil that was removed will be graded and the site restored to as close to its original state as reasonably possible.

#### **4.6 Decommissioning Notification**

Decommissioning activities may require the notification of stakeholders given the nature of the works at the Project Site. The local municipality will be notified prior to commencement of any decommissioning activities. Prior to decommissioning, Project Owner will update their list of stakeholders and notify appropriate municipalities of decommissioning activities. Federal, county, and local authorities will be notified as needed to discuss the potential approvals required to engage in decommissioning activities.

#### **4.7 Approvals**

Well-planned and well-managed renewable energy facilities are not expected to pose environmental risks at the time of decommissioning. Decommissioning of the Solar Facility will follow standards of the day. Project Owner will ensure that any required permits are obtained prior to decommissioning.

This Decommissioning Plan may be updated as necessary in the future to ensure that changes in technology and site restoration methods are taken into consideration.

### **5. Cost of Decommissioning and Responsibility of Removal**

The estimated costs indicated on Appendix 2 have been reviewed by Empire Valorize LLC, the contractor expected to install and commission the Solar Facility.

While the salvage value of valuable recyclable materials (aluminum, steel, copper, etc.) is not factored into the decommissioning costs, the salvage value of such materials (determined on market rates at the time of salvage) is expected to be an amount that could substantially cover the estimated decommissioning cost.

### **6. Financial Surety for Decommissioning**

The Town Code does not require decommissioning financial surety. If it is determined during the site plan approval process that decommissioning financial surety is required, the Project Owner requests a bond surety to be considered.

The cost of decommissioning the Solar Facility will be the Project Owners expense.

## APPENDIX I

### Management of Excess Materials and Waste

| Material / Waste                                      | Means of Managing Excess Materials and Waste                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PV Modules                                            | If there is no possibility for reuse, the panels will either be returned to the manufacturer for appropriate disposal or will be transported to a recycling facility where the glass, metal and semiconductor materials will be separated and recycled.                                                                                                                                                                                                                         |
| Battery Storage Components                            | If there is no possibility for reuse, the batteries will either be returned to the manufacturer for appropriate disposal or will be transported to an approved recycling facility.                                                                                                                                                                                                                                                                                              |
| Metal array mounting racks and steel supports         | These materials will be disposed off-site at an approved recycling facility.                                                                                                                                                                                                                                                                                                                                                                                                    |
| Transformers and substation components                | The small amount of oil from the transformers will be removed on-site to reduce the potential for spills and will be transported to an approved facility for disposal. The substation transformer and step-up transformers in the inverter units will be transported off-site to be sent back to the manufacturer, recycled, reused, or safely disposed off-site in accordance with current standards and best practices.                                                       |
| Inverters, fans, fixtures                             | The metal components of the inverters, fans and fixtures will be disposed of or recycled, where possible. Remaining components will be disposed of in accordance with the standards of the day.                                                                                                                                                                                                                                                                                 |
| Gravel (or other granular)                            | It is possible that the municipality may accept uncontaminated material without processing for use on local roads, however, for the purpose of this report it is assumed that the material will be removed from the project location by truck to a location where the materials can be processed for salvage. It is not expected that any such material will be contaminated.                                                                                                   |
| Geotextile fabric                                     | It is assumed that during excavation of the components, a large portion of the geotextile will be "picked up" and sorted at the reprocessing site. Geotextile fabric that is remaining or large pieces that can be readily removed from the excavated aggregate will be disposed of off-site at an approved disposal facility.                                                                                                                                                  |
| Concrete inverter / transformer / battery foundations | Concrete foundations will be broken down and transported by a certified and licensed contractor to a recycling or approved disposal facility.                                                                                                                                                                                                                                                                                                                                   |
| Cables and wiring                                     | The electrical line that connects the utility electrical grid to the point of common coupling will be disconnected and disposed of at an approved facility. Support poles, if made of untreated wood, will be chipped for reuse. Associated electronic equipment (isolation switches, fuses, metering) will be transported off-site to be sent back to the manufacturer, recycled, reused, or safely disposed off-site in accordance with current standards and best practices. |
| Fencing                                               | Fencing will be removed and recycled at a metal recycling facility.                                                                                                                                                                                                                                                                                                                                                                                                             |
| Debris                                                | Any remaining debris on the site will be separated into recyclables/residual wastes and will be transported from the site and managed as appropriate.                                                                                                                                                                                                                                                                                                                           |

## APPENDIX 2

### Estimated Decommissioning Costs <sup>(1)</sup>

| Tasks                                                | Estimated Cost (\$) <sup>(2)</sup> |
|------------------------------------------------------|------------------------------------|
| <b>Solar Components:</b>                             |                                    |
| Remove Panels                                        | 3,000                              |
| Remove Racking Wiring                                | 3,000                              |
| Dismantle Racks                                      | 10,000                             |
| Remove and Load Electrical Equipment                 | 2,000                              |
| Break up Concrete Pads                               | 2,000                              |
| Remove Racks                                         | 8,000                              |
| Remove Cable                                         | 8,000                              |
| Remove Ground Screws and Power Poles                 | 10,000                             |
| Remove Fence                                         | 5,000                              |
| Grading                                              | 3,000                              |
| Seed Disturbed Areas                                 | 2,000                              |
| Truck to Recycling Center                            | 5,000                              |
| <b>Battery Storage Components:</b>                   |                                    |
| Remove battery storage and truck to Recycling Center | 7,000                              |
| <b>Decommissioning Cost - Current Total</b>          | <b>68,000</b>                      |

(1) Reviewed by Empire Valorize LLC, the contractor expected to install and commission the Solar Facility excluding and battery storage related costs.

(2) Does NOT include salvage value.

**supervisordemayo@townofliberty.org**

---

**From:** Jennifer Flad <jflad@sullivanida.com>  
**Sent:** Friday, April 22, 2022 2:48 PM  
**To:** Frank DeMayo  
**Subject:** RE: Harris Road Decommissioning  
**Attachments:** Letter of support IDA pilot.pdf

Good Afternoon Supervisor DeMayo,

I'm writing to follow up on the NY Liberty II, LLC project. Are you able to supply a letter similar to the attached on behalf of the Town of Liberty? Please let me know if you need any further information.

Thanks,

Jennifer M. Flad  
Executive Director  
County of Sullivan Industrial Development Agency  
548 Broadway  
Monticello, New York 12701  
tel: (845) 428-7575  
fax: (845) 428-7577  
TTY 711

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**From:** Jennifer Flad  
**Sent:** Thursday, April 14, 2022 9:29 AM  
**To:** Walter Garigliano <Walter@GariglianoLaw.com>; Frank DeMayo (SupervisorDeMayo@townofliberty.org) <supervisordemayo@townofliberty.org>; Ken Klein (Ken@kenkleinlaw.net) <ken@kenkleinlaw.net>  
**Cc:** Rich Winter (rich.winter@delawareriversolar.com) <rich.winter@delawareriversolar.com>; Peter Dolgos <peter.dolgos@delawareriversolar.com>  
**Subject:** RE: Harris Road Decommissioning

Good Morning,

As requested, attached please find a letter from Bethel Supervisor Dan Sturm in support of the Psychedelic Solar project. I hope this is helpful. If there is anything else I can do, please let me know.

Thanks,

Jennifer M. Flad  
Executive Director  
County of Sullivan Industrial Development Agency  
548 Broadway  
Monticello, New York 12701  
tel: (845) 428-7575  
fax: (845) 428-7577

TTY 711

*This institution is an equal opportunity provider and employer.*

**From:** Walter Garigliano <[Walter@GariglianoLaw.com](mailto:Walter@GariglianoLaw.com)>

**Sent:** Thursday, April 14, 2022 9:14 AM

**To:** Frank DeMayo ([SupervisorDeMayo@townofliberty.org](mailto:SupervisorDeMayo@townofliberty.org)) <[supervisordemayo@townofliberty.org](mailto:supervisordemayo@townofliberty.org)>; Ken Klein ([Ken@kenkleinlaw.net](mailto:Ken@kenkleinlaw.net)) <[ken@kenkleinlaw.net](mailto:ken@kenkleinlaw.net)>

**Cc:** Rich Winter ([rich.winter@delawareriversolar.com](mailto:rich.winter@delawareriversolar.com)) <[rich.winter@delawareriversolar.com](mailto:rich.winter@delawareriversolar.com)>; Peter Dolgos <[peter.dolgos@delawareriversolar.com](mailto:peter.dolgos@delawareriversolar.com)>; Jennifer Flad <[jflad@sullivanida.com](mailto:jflad@sullivanida.com)>

**Subject:** Harris Road Decommissioning

Here is a file with info on the decommissioning requirements per MW for projects in Sullivan County. As you can see Liberty Kelly Bridge Road is an outlier.

I am copying Peter Dolgos. Peter, please send Frank and Ken the Decommissioning Plan for this project.

DRS prefers to post a bond as financial security vs. cash or a LC. The form of bond will be very familiar to you given your prior career at Frontier. It will be much the same form as a mine reclamation bond.

Jen Flad also copied. Jen, can you send Frank a form of letter for him to send to IDA to satisfy the UTEP requirement of local support. It can be the letter from the Kelly Bridge Road project or any other Supervisor support letter you have handy.

Timing.....there is a Town Board meeting on Monday evening when Frank can present the decommissioning proposal. Walter

***Town of Bethel***

*Supervisor's Office  
3454 Route 55 North  
P. O. Box 300*

*White Lake, New York 12786*

*Daniel Sturm  
Town Supervisor  
Extension 102*

*Phone (845)583-4350 . Fax (845)583-0225*

*Kelly Bonnaci  
Confidential Secretary*

Jennifer Flad  
Executive Director  
County of Sullivan Industrial Development Agency  
1 Cablevision Center  
Ferndale, NY. 12734

Re: Town of Bethel Community Solar Project PILOT

Dear Ms. Flad:

This letter will serve as an expression of support for the County of Sullivan Industrial Development Agency ("CSIDA") to enter into a PILOT agreement with Psychedelic Solar, LLC. (the "Company") for the one (1) community solar project that has been currently proposed to be located at real property and improvements location commonly known as 608/636 Old White Lake Turnpike, having Bethel Tax Map ID: 18.-1-26.- and 18.-1-25.2 in the Hamlet of Swan Lake, Town of Bethel, Sullivan County, New York (the "community Solar Project").

The Town understands that the Community Solar Project will be eligible for a real property tax exemption pursuant to Real Property Tax Law §487 ("Rule 487") which would render all such improvements to the property wholly exempt from taxation for a period of 15 years in the absence of an agreement providing for payments in lieu of taxes ("a PILOT") entered into between each taxing jurisdiction and the owner of such improvements. The CSIDA may authorize the Company to act as its agent for purpose of constructing the Community Solar Project and confer on the Companies certain financial assistance, including a partial abatement from real property taxes for a period of five (5) years following the statutory exemption from real property taxes under Rule 487, which exemption shall be conferred through a certain PILOT agreement for the benefit of each municipality and school district having taxing jurisdiction over the Community Solar Project.

It is the Town's view that the most expedient, cost-effective and equitable means by which each taxing jurisdiction may establish a PILOT agreement is by participating in the Uniform Tax Exemption Policy for the Community Solar Project as developed by the CSIDA.

Please do not hesitate to contact me if you have any additional questions on this matter.

Sincerely,



Daniel Sturm  
Town of Bethel Supervisor