

RE-ORGANIZATIONAL MEETING / TOWN BOARD MEETING

TOWN BOARD TOWN OF LIBERTY

119 NORTH MAIN STREET, LIBERTY, NY 12754

JANUARY 4, 2021

TIME: 6:30 P.M.

PLEDGE OF ALLEGIANCE

RE-ORGANIZATIONAL MEETING

1. The location for the Town Board, Zoning Board and Planning Board meetings for the year 2021 will be at the Liberty Senior Center, 119 North Main Street, Liberty, NY 12754 **(Due to COVID-19 meetings may be held via ZOOM)**

The meeting schedules are as follows:

Town Board Meetings:

- 1st Monday of the Month – Town Board Mtg. 6:30 p.m.
- 3rd Monday of the Month- Town Board Mtg. 7:00 p.m.

(When a regularly scheduled meeting falls on a holiday the meeting will take place the following Tuesday)

Planning Board Meetings:

- 1st Tuesday of the Month 7:00 p.m.

Zoning Board Meetings:

- 3rd Tuesday 7:00 p.m.

2. Designation of the Official Newspaper of the Town of Liberty
 - Sullivan County Democrat
3. Designation of the Custodial Banks
 - M&T Bank (for Jeff Bank & Catskill Hudson Bank)
 - JP Morgan Chase (for First Niagara Bank)
 - Federal Home Loan Bank (for TD Bank)
 - Bank of America (for M&T Bank)
 - Tompkins Trust Company (for Wayne Bank)
 - Key Bank (Bank of New York)
4. Designation of the Depository Banks
 - Jeff Bank
 - Key Bank
 - Catskill Hudson Bank
 - TD Bank
 - M&T Bank
 - Wayne Bank
5. Supervisor's appointments:
 - Veteran's Service Officer John Liddle
 - Budget Officer Cheryl Gerow

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TOWN BOARD TOWN OF LIBERTY

119 NORTH MAIN STREET, LIBERTY, NY 12754

JANUARY 4, 2021

TIME: 6:30 P.M.

6. Set IRS Mileage rate for 2020 (.56¢)
7. Appoint Dog Control Officer (1 yr. term)
 - Joanne Gerow
8. Appoint Deputy Dog Control Officer (1 year term)
9. Appoint Sole Assessor
 - Vanessa Kelder
10. Appointment of Board of Assessment Review Member for a term expiring 9/30/2025.
 - Diane Silver
11. Appointment of Board of Assessment Review Member for a term expiring 9/30/2024
 - Vacant
12. Appointment of Zoning Board Chairman (1 yr. term)
 - Robert Werlau
13. Appointment of Zoning Board Member for a term expiring 12/31/2025.
 - Gene Burns
14. (2) Alternate Zoning Board Members (1 yr. term)
 - Linda Babicz
 - Vacant
15. Appointment of Planning Board Chairman (1 year)
 - Lynn Dowe
16. Re-appointment of Planning Board member for a term expiring 12/31/2025.
 - John VanEtten
17. (2) Alternate Planning Board Members (1 yr. term)
 - Anthony Dworetzky
 - Vacant
18. Re-appointment of Parks & Recreation Board for a term expiring 12/31/2025
 - John Ballard
19. Employees Relations Committee:
 - Highway (3) Steven Schroeder / Andrew Bivins
 - Town Hall (2) Sunsoree Young / Dawn Bilancione
 - Parks & Rec (1) Kevin Delaney

RE-ORGANIZATIONAL MEETING / TOWN BOARD MEETING

TOWN BOARD TOWN OF LIBERTY

119 NORTH MAIN STREET, LIBERTY, NY 12754

JANUARY 4, 2021

TIME: 6:30 P.M.

- Water & Sewer (2)

20. (3) Appointment to an Ethics Committee.

SWAN LAKE WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT DISCUSSION

EXECUTIVE SESSION- Discussion regarding Water & Sewer Personnel

ADJOURN



Department Head Meeting 12/28/2020

File went out December 15, 2020 to Rosalie (State)

Assessor Clerk- Classes

NEW Data Collector is great! Hopefully soon to go through parcel (S.B.L) files starting March 1st, 2021.

Updating Data

Vanessa Kelder
Assessor
Thank You!

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

DATE: December 31, 2020
TO: Supervisor DeMayo and Town Board Members
FROM: Earl Bertsch/Cheryl Gerow
RE: December Monthly Report

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

1. Notified Employees of Health Insurance deductions for 2021
2. Notified Retirees of Dental Insurance costs if they wish to have coverage for 2021
3. Processed Health Insurance Buyout, Longevity and three regular payrolls
4. Met with Cooper and Arias and supplied various information to begin 2020 audit
5. Began year-end and preparation
6. Prepped for beginning of year procedures
7. Submitted payment request to EFC for Stevensville Water in the amount of \$526,163.83. Total requested and received to date is \$2,394,154.36
8. Worked with programmer to changes to Badger Meter
9. All other daily duties and responsibilities

**TOWN OF LIBERTY
HIGHWAY DEPARTMENT
DEPARTMENT HEAD REPORT
December 2020**

- December 1 - Clean out beaver dams
Put up Christmas lights at barn
- December 2 - Worked until 5:30PM
Plow/sand
- December 3 - Called in at 5Am
Check and sanded roads
- December 4 - Work on trucks/equipment in shop
- December 7 - Plow/sand
- December 8 - Called in at 5Am
Check and sand roads
- December 9 - Worked on trucks/equipment in shop
- December 10 - Worked on truck s/equipment in shop
- December 11 - Called in at 5AM
Check/sand/plow roads
- December 14 - Clean up snow around bard
Work on trucks/equipment in shop
- December 15 - Worked on chainsaws and chippers
Worked on trucks/equipment in shop
- December 16 - Prepared for winter storm
- December 17 - Called in at 12AM
Plow/sand
- December 18 - Called in at 5AM
Plow/sand
- December 21 - Worked on trucks/equipment in shop
Check roads
- December 22 - Clean trucks and shop
- December 23 - Patch

Lean out catch basins
Worked with water department from 7:30PM – 12AM
4 guys
Excavator
2 trucks
1 load cold patch
Crusher run
Sand

December 24 - Worked with Water and Sewer
Patch
Clean out catch basins

December 26 - Called in at 4AM
Plow/sand

December 28 - Plow/sand

December 29 - Fill in washouts
Sand

December 3 - Fill in wash outs
Clean up trees



119 NORTH MAIN STREET
LIBERTY, NEW YORK 12754
(845) 292-7690

January 2021
Department Head Report

Parks

- Keeping up with snow removal
- Working with NICA on setting up the high school mountain bike race for May

Recreation

- Holiday live event was successful! We wish we could have done it live!
- Self-Guided Holiday Winter Hike at Walnut Mountain. 12/25/2020-1/12/2021
- Youth Ice Fishing tournament scheduled February 6th from 7am-3pm on Dixie Lake at Hanofee Park
- Working with the school to start our youth basketball program (TBA)

Office

- Senior Center door is still on back order, will be installed as soon as it arrives

Account#	Account Description	Fee Description	Qty	Local Share
	Health Insurance	Highway Fund DA	2	0.00
		Sub-Total:		\$0.00
A 2590	Highway Fees	Road Access Permit	3	150.00
		Sub-Total:		\$150.00
A1255	Conservation	Conservation	1	0.28
	Marriage License	Marriage License Fee	2	35.00
	Small Sales	EZ Pass	6	150.00
		Marriage Certificate	4	40.00
		Sub-Total:		\$225.28
A2544	Dog Licensing	Female, Spayed	8	52.50
		Female, Unspayed	1	7.50
		Male, Neutered	14	100.00
		Male, Unneutered	2	25.00
		Sub-Total:		\$185.00
A2545	Dog	Redeemed Dog	1	75.00
		Sub-Total:		\$75.00
A3510.4	Dog	Reimbursement Of Expenses	1	25.00
		Sub-Total:		\$25.00
B2115	Building Fees	Lot Improvements	2	250.00
		Special Use	1	100.00
		Sub-Total:		\$350.00
B2770	Building Fees	Building Permit	11	7,515.00
		Municipal Search	23	1,250.00
		Sub-Total:		\$8,765.00
B3620.4	Reimbursement of Expenses	Reimbursement Of Expenses	1	22.00
		Sub-Total:		\$22.00

Total Local Shares Remitted: \$9,797.28

Amount paid to: Highway Fund DA	389.19
Amount paid to: Ny State Dept. Of Health	45.00
Amount paid to: NYS Ag. & Markets for spay/neuter program	31.00
Amount paid to: NYS Environmental Conservation	4.72

Total State, County & Local Revenues: \$10,267.19

Total Non-Local Revenues: \$469.91

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.

Supervisor

Date

Town Clerk

Date

**Town of Liberty Parks & Recreation Board
119 North Main Street
Liberty, NY 12754**

December 1, 2020

Frank DeMayo, Supervisor
Town of Liberty Town Board
120 North Main Street
Liberty, New York 12754

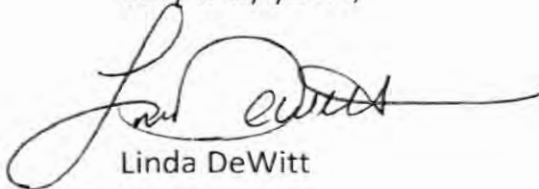
Dear Mr. DeMayo & Members of the Town Board:

At our Parks & Recreation Board meeting tonight, it came to the attention of the members that John Ballard's term as a Board Member is due to expire on the 31st of December. The Board unanimously approved the renewal of John Ballard for an additional five-year term and with this letter, we are requesting the Town Board likewise approve his renewal.

John has been a member of the Parks & Recreation Board for the past 24 years and has contributed his time and effort to maintain the integrity of the department and the Town of Liberty parks.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Linda DeWitt", with a long horizontal flourish extending to the right.

Linda DeWitt
Chairperson

supervisordemayo@townofliberty.org

From: ken@kenkleinlaw.net
Sent: Wednesday, December 23, 2020 9:32 AM
To: supervisordemayo@townofliberty.org
Subject: RE: Special Sewer District

Frank:

Just as I previously observed, there is no clear and decisive law on the issue. My sense is that the right argument, grounded in an equal protection claim, may be successful to compel an increase in sewer district facilities to provide service to unserved properties already in the district. That seems to be what the comptroller's opinion is saying.

Kenneth C. Klein
4880 State Route 52
P.O. Box 600
Jeffersonville, New York 12748
Phone (845) 482-5000
Fax (845) 482-5002

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From: supervisordemayo@townofliberty.org <supervisordemayo@townofliberty.org>
Sent: Wednesday, December 23, 2020 8:40 AM
To: ken@kenkleinlaw.net
Subject: FW: Special Sewer District

Good Morning Ken,

Here's what the AOT sent in response to my inquiry. Clear as mud as far as I'm concerned.

Any comments are appreciated.

Thanks,
Frank

From: Lori Mithen-Demasi <lmithen-demasi@nytowns.org>
Sent: Tuesday, December 22, 2020 4:56 PM
To: supervisordemayo@townofliberty.org
Subject: FW: Special Sewer District

Hi Supervisor DeMayo

I found one opinion from the state comptroller's office in response to your inquiry. Attached please find Op St Comp No 93-14 which discusses whether or not a municipality is required to provide service upon request to all property owners within an improvement district.

I hope this information is helpful to you. If we can be of assistance to you in the future, please do not hesitate to call or write.

Sincerely

Lori

Lori Mithen-Demasi
General Counsel
Association of Towns of the State of New York
150 State Street Albany NY 12207
Phone (518) 465-7933
Fax (518) 465-0724
Email lmithen-demasi@nytowns.org

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Begin forwarded message:

From: supervisordemayo@townofliberty.org
Date: December 17, 2020 at 9:18:09 AM EST
To: Kim Splain <ksplain@nytowns.org>
Subject: FW: Special Sewer District

Good Morning,

I hope all is well and you are safe and sound during these rather challenging times. My name is Frank DeMayo and I am the Town Supervisor in the Town of Liberty.

My inquiry is this: If a developer has owned property within a Town Sewer District and has now decided to develop the property within the zoning regulations in said district, is the Town required to provide sewer services to the proposed development. Any reference to state law or case law to back up a response would be appreciated.

Thank you for your assistance. Be well and stay safe.

Frank

Supervisor – Town of Liberty
(845) 292-5111

**Opns St Comp, 1993 No. 93-14
New York State Comptroller**

March 19, 1993

TO: LAWRENCE E. CORBETT, JR., ESQ.
WASHINGTON COUNTY SEWER DISTRICT NO. II

County Law, §§ 256, 266, 268, 270, 271

1. COUNTIES—IMPROVEMENT DISTRICTS—EXTENSION OF SERVICE WITHIN A SEWER DISTRICT
2. IMPROVEMENT DISTRICTS—POWERS AND DUTIES—EXTENSION OF SERVICE WITHIN A COUNTY SEWER DISTRICT
3. SEWER DISTRICTS—CONSTRUCTION—EXTENSION OF SERVICE WITHIN COUNTY DISTRICT

It appears that, except in circumstances involving principles of equal protection or detrimental reliance on the part of a property owner, a county may not be compelled to construct sewer extensions.

This is in reply to your inquiry concerning the obligation of a county sewer district to extend the sewer system to serve additional properties within the district. The district, which was established in 1984, includes two villages and a portion of a town between the two villages. In 1985, the existing village sewer systems were conveyed to the county on behalf of the district. You indicate that the owners of two properties in one of the villages, not currently served by the district sewer system, have requested that the system be extended to serve their properties. You also indicate that while these properties do not pay the sewer rents imposed to finance the cost of operation and maintenance, they are assessed for the capital costs of the district. You ask whether the property owners have the right to compel the county to extend the sewer system to serve their properties.

In establishing the district, it was necessary for the board of supervisors to determine that the proposed facilities were satisfactory and sufficient, that all the property and property owners within the district were benefited thereby, that all property and property owners benefited were included in the district, and that it was in the public interest to establish the district (County Law, § 256). The courts in this state have held

that in determining whether a particular parcel is benefited by a public improvement, the test to be applied is whether the improvement generally enhances the value of the property (*Sheldon v Town of Highlands*, 153 AD2d 733, 545 NYS2d 199; *Pokoik v Incorporated Village of Ocean Beach*, 143 AD2d 1021, 533 NYS2d 749, lv denied 73 NY2d 706, 539 NYS2d 299; *DWS New York Holdings, Inc. v County of Dutchess*, 110 AD2d 837, 487 NYS2d 870; *Wright v Town Board of the Town of Carlton*, 41 AD2d 290, 342 NYS2d 577, affd 33 NY2d 977, 353 NYS2d 739). Determinations of benefit have been upheld even where certain of the owners deemed benefited are not served by the improvements (*Sheldon*, supra; *Pokoik*, supra; *DWS New York Holdings, Inc.*, supra; *Wright*, supra; *In re Assessment of Water Tax In Water District No. 3 of the Town of Niskayuna, Schenectady County*, 235 AppDiv 566, 258 NYS 690; *Koston v Town of Newburgh*, 59 Misc2d 540, 299 NYS2d 1007; see also 1988 Opns St Comp No. 88 30, p 56; 1987 Opns St Comp, No. 87 64, p 96; 1979 Opns St Comp No. 79 521, unreported; 10 Opns St Comp, 1954, p 46; 6 Opns St Comp, 1950, p 334; but see *Applebaum v Town of Oyster Bay*, 176 AD2d 773, 575 NYS2d 100, affd 81 NY2d 731, 593 NYS2d 764; *Landmark Colony at Oyster Bay Homeowners' Ass'n, Inc. v Town of Oyster Bay*, 145 AD2d 542, 536 NYS2d 96; *Sperry Rand Corporation v Town of North Hempstead*, 53 Misc2d 970, 280 NYS2d 600, affd 29 AD2d 968, 290 NYS2d 864, affd 23 NYS2d 666, 295 NYS2d 490, involving property owners who are precluded from receiving services paid for with ad valorem levies).

Once a county sewer district has been established and the improvements have been acquired or completed, the construction of additional trunk and lateral sewers in the district may be authorized pursuant to the provisions of section 268 of the County Law. Section 268 provides that "(w)henever the board of supervisors shall determine it necessary" to acquire or construct additional facilities, the board shall, after a public hearing, determine whether the construction or acquisition of additional facilities is in the public interest. No provision of the County Law expressly requires the board of supervisors to extend the sewer system within a sewer district upon request and no procedure is provided by which property owners within such a district may petition the board of supervisors for the construction of lateral sewers (cf. *Town Law*, § 199, prescribing such a petition procedure for town districts).

Further, it is a general rule that, since the construction of sewers involves the exercise of the discretion of the governing board of a municipality, the municipality is not obligated to extend a sewer system to every property owner who requests it (*Charles v Diamond*,

41 NY2d 318, 392 NYS2d 594; see also *O'Donnell v City of Syracuse*, 184 NY 1; 54 NYJur, Sewers and Sewage § 2; 13 McQuillin, Municipal Corporations, § 37.27). We note, however, that several courts have, in relation to the construction or extension of municipal water systems, indicated that a municipality could be compelled to construct particular facilities in certain circumstances.

In *People ex rel. Hilliker v Pierce*, 64 Misc 627, 119 NYS 21, the court granted mandamus relief in relation to the extension of a village water system financed in part with general village taxes. The *Pierce* court concluded that apparently discretionary language found in the provisions of the former Village Law actually required a village to extend its water system upon the request of a property owner, "(c)onsidering the injustice a water board might perpetrate on a bare minority of property holders in a village, considering that all property in the village is liable for the expense of the construction and maintenance of the system, and considering that the cost of extensions is not usually violently out of proportion to the pro rata cost of original installation" (119 NYS at p 26; see also 1979 Opns St Comp No. 79 453, unreported; 24 Opns St Comp, 1968, p 368; 7 Opns St Comp, 1951, p 394). The court further stated that "[i]t was the intent of the Legislature to make this kind of an extension compulsory on the village, and if any village establishes a waterworks system it may not rest when it has supplied a chosen few". (119 NYS at p 26) Thus, the court appears to be applying, in effect, an equal protection argument to construe the statute as mandating extensions of the water line to taxpayers who are similarly situated to those who previously received service (see also 2 Antieau, Municipal Corporation Law, § 19D.02; *Juleah Co. v Incorp. Village of Roslyn*, 56 AD2d 483, 392 NYS2d 926, *affd* 44 NY2d 845, 406 NYS2d 760).

In *Bethpage Federal Credit Union v Greco*, 137 AD2d 816, 525 NYS2d 279, the Appellate Division, Second Department, reversed a lower court's order compelling a town water district to provide a water distribution system to a new development and remitted the matter for a new hearing. Despite the reversal of the lower court's order, it appears from the discussion of the facts, including the recitation of the developer's actions in reliance upon representations by the district, and the direction that the cost of the necessary facilities be considered at the new hearing, that the court was not foreclosing the possibility that the district could be compelled to provide water service to the development (cf. *Robert v Town of Amenia*, 121 AD2d 637, 504 NYS2d 40; see also 1972 Opns St Comp No. 72-1062, unreported). Apart from instances such as those found in *Pierce* and *Bethpage*, however, involving the application of principles of equal

protection and detrimental reliance on the part of a property owner, it appears to be the prevailing view that a municipality may not be compelled to construct sewer extensions.

We are not in a position to make the factual determinations necessary to determine whether the Pierce or Bethpage rationales are applicable here. We note, however, that the board of supervisors, in establishing the criteria upon which the determination of benefit required for the preparation of the annual assessment roll is to be based, may wish to consider the inclusion of factors which would reduce the proportion of the cost of the district assessed on properties not served by the district. The board of supervisors may also wish to consider increasing the proportion of the cost of the district which is financed through the imposition of user fees (see County Law, § 266).

Opns St Comp, 1993 No. 93-14 (N.Y.St.Cptr.), 1993 WL 489749

End of Document

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From: Michael Edwards <edwarmi@hotmail.com>
Sent: Monday, December 14, 2020 3:18 PM
To: supervisordemayo@townofliberty.org
Subject: Re: Public Comment: Swan lake sewer
Attachments: SwanLakeWWTPnewSEQRA.doc

hi Frank, attached is the letter I mentioned in my earlier email. Briefly, here are the key findings of our research as requested (happy to talk about them in more depth tomorrow):

- the Town Board has no legal obligation to expand the Swan Lake sewer plant's capacity in order to accommodate future development, and cannot be therefore be sued by developers on these grounds. Developers must fit in with the capacity of the plant, not the other way around (and must build their own sewer if insufficient capacity exists).
- the figure of 103,000 GPD given for "approved development (not built)" in the original proposal isn't supported by Planning Board data. The true figure is between 12,000 and 20,000 GPD. Also, there are no applications from developers currently in the pipeline that would affect the demand for sewer connections in the district.
- the plant operates at a level of approximately 150,000 GPD for around 35-40 weeks of the year, rising to 365,000 GPD during the summer vacation which lasts 8-10 weeks.
- therefore, a logical starting point for a discussion about right-sizing the upgrading of the plant should be the most cost-effective solution required to bring it into compliance at its current level of capacity, or just above.

Look forward to talking in the morning, Mike

Michael Edwards

Follow me on Twitter @edwarmi and check out [my website](#) for free downloads and all the latest news about my work. The fourth edition of [Civil Society](#) is now available.

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From: supervisordemayo@townofliberty.org <supervisordemayo@townofliberty.org>
Sent: Monday, December 14, 2020 9:44 AM
To: 'Michael Edwards' <edwarmi@hotmail.com>
Subject: RE: Public Comment: Swan lake sewer

10 works

From: Michael Edwards <edwarmi@hotmail.com>
Sent: Monday, December 14, 2020 8:28 AM
To: supervisordemayo@townofliberty.org
Subject: Re: Public Comment: Swan lake sewer

yes Nancy and I can do that Frank - what time? 10 or 10.30 or 11? Mike

Michael Edwards

Follow me on Twitter [@edwarmi](https://twitter.com/edwarmi) and check out [my website](#) for free downloads and all the latest news about my work. The fourth edition of [Civil Society](#) is now available.

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From: supervisordemayo@townofliberty.org <supervisordemayo@townofliberty.org>
Sent: Monday, December 14, 2020 8:18 AM
To: 'Michael Edwards' <edwarmi@hotmail.com>
Subject: RE: Public Comment: Swan lake sewer

Good Morning Michael,

Sorry for the late response. What's your schedule like this week? Tomorrow will work for me. I prefer morning meetings.

Thanks and enjoy the day.

Frank

From: Michael Edwards <edwarmi@hotmail.com>
Sent: Wednesday, December 9, 2020 9:42 AM
To: supervisordemayo@townofliberty.org
Subject: Re: Public Comment: Swan lake sewer

hi Frank, just following up on Monday's Board Meeting. Nancy is heading South at the end of this month so if we are going to meet we should do so fairly soon I think, before everyone gets preoccupied with the holidays. Thanks, Mike

Michael Edwards

Follow me on Twitter @edwarmi and check out [my website](#) for free downloads and all the latest news about my work. The fourth edition of [Civil Society](#) is now available.

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From: supervisordemayo@townofliberty.org <supervisordemayo@townofliberty.org>
Sent: Monday, December 7, 2020 12:51 PM
To: 'Michael Edwards' <edwarmi@hotmail.com>
Subject: RE: Public Comment: Swan lake sewer

Good Afternoon Michael,

I hope you and Cora are well amidst the craziness. Hopefully Covid will be behind us in the very near future.

We will be gearing up our discussions on the sewer plant and again and we would like to sit with you to discuss your findings. Can you please share the information you gathered so that we can prepare for a discussion.

Thanks and be well.

Frank

From: Michael Edwards <edwarmi@hotmail.com>
Sent: Monday, September 21, 2020 8:32 AM
To: supervisordemayo@townofliberty.org; Brian_mcphillips@yahoo.com; Vmcpillips@labellapc.com; Dean Farrand <DFarr0804@aol.com>
Subject: Public Comment: Swan lake sewer

Dear Sirs,

Please find attached an additional public comment in regard to your proposal to upgrade and expand the Swan Lake WWTP, prompted by the Town Board Meeting on September 16. I would be grateful if you would ensure that it is added to the public comments on the Town of Liberty website.

Sincerely Yours,

(Dr) Michael Edwards

This message is private and confidential. If you have received it by mistake, please tell me and delete it from your system. Please do not share this message with anyone unless the sender has given you explicit permission. Inappropriate sharing could put you and the sender at risk.

Dr Michael Edwards, 1495 Briscoe Rd. Swan Lake, NY 12783
845-747-4708; edwarmi@hotmail.com

To: Members of the Town Board, Town of Liberty

December 14, 2020

Dear Board members,

Thank you for agreeing to re-open the SEQRA process and set aside the "negative declaration" on the proposed upgrade of the Swan Lake WWTP, a decision reached at your Board meeting on December 7 2020 which I and others listened to via zoom. This is an important recognition of the considerable public interest and concern that exists in the community that is served by the sewer district. We look forward to being part of the new, open and thorough public process that the Liberty Town Supervisor agreed would commence sometime in early January. I and Nancy Levine also look forward to talking directly with Supervisor deMayo about these issues tomorrow morning.

It is my understanding that the new review process will start SEQRA over again from the beginning and reconsider all of the potential impacts of upgrading our sewer, including the 2010 assessment of the existing sewer treatment plant as part of this consideration. Such a process would also set aside the previous "negative declaration" under the previous review.

I look forward to receiving your written confirmation that the contents of this letter are correct.

With best regards,

Sincerely Yours,

Michael Edwards

Copies to:

Nancy Levine

Bill Liblick

Paul Edelstein Esq.

Evan Beck

From: THOMAS LAGATTUTA <tomlag1220@yahoo.com>
Sent: Sunday, December 27, 2020 4:24 PM
To: supervisordemayo@townofliberty.org; dfarr804@aol.com; brian_mcphillips@yahoo.com
Subject: Re: Proposed Swan Lake sewer treatment plant

After attending last weeks board meeting via zoom my concerns are even more so. According to statements it's apparent that the community most impacted by the proposed STP are collectively opposed to the project with the current information. I will outline the facts and try not to belabor the obvious. No impact study was done either environment nor economic. After protests from the residents in a public comment meeting in August, during the height of the pandemic and subsequent email correspondence as well as the knowledge of a possible lawsuit the board has chosen to move forward with plans. I understand that the size of the project is still being debated although I think we all know which one the board is leaning towards. To discount and ignore the will of the people is very poor policy. Councilman Vince Mcphillips indicated in the meeting, 75% of the speakers at the public meeting were opposed by some degree to the project as presented at this point.

- 1) No environmental impact study
- 2) No economic impact study
- 3) No comprehensive study of infiltration from compromised existing sewer lines and failed manholes. Which will certainly impact the proposed STP.
- 4) Impact of tax increases on residents of Swan Lake alone to satisfy promises made to prospective developers by others.
- 5) The unsubstantiated claim that package plants are inferior and will have a greater negative impact than the STP as proposed.
- 6) A 10-20 million dollar price tag.

There are too numerous reasons to list to table any action on this. IMMEDIATELY.
And not the least, obviously my daughters family, my grandchildren, home is a stones throw from the existing plant and the proposed plant. I have deep concerns about this. There is potential for health concerns. Again the tens of thousands of treated effluent that will flow to the Reservoir are potentially dangerous.
Again I and many others whom I will not list at this point have huge concerns.
Personally I am on board for responsible controlled growth. This is a very large project, the community and all impacted deserve proper representation by you all. I ask again for your tabling any action on this until after the pandemic is behind us and more information is available. My previous concerns are still there as well as outlined in this email. Do not take lightly the concerns of the people. I can't stress enough your need to understand the importance of this. Thanks. I am always available and look forward to any further information or discussion. Tommy
Sent from my iPhone

> On Dec 19, 2020, at 2:57 PM, THOMAS LAGATTUTA <tomlag1220@yahoo.com> wrote:
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> <Document.docx>
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> Sent from my iPhone