

Town of Moreau  
Saratoga County, New York

Map, Plan and Report  
Sewer District No. 1  
Extension 5

May 2018

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## EXECUTIVE SUMMARY

The Town of Moreau, located in northern Saratoga County is seeking to address concerns regarding sewer disposal in the Route 9 corridor from the Adirondack Northway (I-87) Exit 17 to approximately 1,500-feet south of Butler Road and an area off of Bluebird Road called Bluebird Estates.

Soils within the proposed district boundary are excessively well drained. This condition allows wastewater from existing deep on-site septic systems to rapidly drain and intercept groundwater without adequate treatment. Dense development patterns that exist in this corridor in many locations do not allow for development of properly designed replacement septic systems due to lack of site area. Also, large areas of vacant land exist within the proposed district boundary that have had development difficulties due to soil conditions and lack of public sewer.

There are nearly 500 manufactured housing units contained within three parks that are contained within the proposed district boundary. The septic systems for these homes typically have 3 or 4 homes connected to a single 1,000 gallon septic tank and associated leach field or drywell. Should any of the systems fail, each home must be provided with its own septic tank in addition to installing an onsite septic system to current standards. This will not only result in a significant cost but the loss of available home sites within the parks. The Bluebird Terrace Park is under an administrative order to pump holding tanks until such time as the onsite systems can be repaired.

The proposal consist of the installation of approximately 31,000 linear feet of gravity sewers, 27,400 linear feet of forcemain raging in size from 6 to 10-inches and 6 sanitary sewer lift stations. The lift stations will utilize the proposed forcemain to connect with the existing 8-inch forcemain that was constructed for the Moreau industrial Park. The industrial park forcemain transports the sewerage to the City of Glens Falls for Treatment. The Town has an existing intermunicipal agreement that allows the Town to purchase treatment capacity from the City.

The preliminary opinion of probable construction cost is \$16,000,000. The annual debt service is proposed to be divided based on a formula that distributes 90% of the cost using assessed value and the remaining 10% using parcel acreage. The ad valorem rate is \$6.74/\$1,000, and the acreage rate is \$74.77 per acre.

Operation and maintenance expense is projected to be \$169,000 in the first year and allocated on a use basis at a rate of \$4.61 per 1,000 gallons as measured by the existing water meters, and at an ad valorem rate of \$1.22/\$1,000 of assessed value.

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## I. PROJECT BACKGROUND and HISTORY

### 1. Site Information

#### a. Location

The proposed project lies within the northwestern portion of the Town of Moreau. The service area can generally be described as the area along Route 9 North of Northway Exit 17 and approximately 1,500-feet south of Butler Road. A portion of the proposed district is also located on Bluebird Road. The two areas, while not contiguous, are proposed to be part of the same sewer district.

Refer to Appendix A for the following:

- General Location Map
- Proposed District Boundary Map
- Proposed District Description

#### b. Geologic Conditions

Soils within the proposed sewer district and areas of proposed forcemain construction that fall outside of the proposed sewer district boundary are predominately Windsor loamy sand. The soil group is Hydraulic Group A and is excessively drained. The typical profile for Windsor loamy sand is:

- O - 0 to 1 inches: moderately decomposed plant material
- A - 1 to 3 inches: loamy sand
- Bw - 3 to 25 inches: loamy sand
- C - 25 to 65 inches: sand

The depth to the water table is typically more than 80 inches. This will need to be verified by soil borings required for final design of the project.

Based upon the NRCS Soil Resource Report the depth to restrictive layers such as bedrock is in excess of 80 inches. Verification of bedrock, or lack thereof, in the proposed district must be confirmed by soil borings along the proposed sewer route.

Refer to Appendix B for the NRCS Soil Resource Report for the proposed district.

The topography in the area is gently undulating with slopes ranging between 0 and 10 percent. This undulation has a significant effect upon the proposed sewer system design.

#### c. Environmental Resources

Based upon the New York Department of Environmental Conservation, the project area does contain some environmental resources. These resources include:

- Freshwater Forested/Shrub Wetlands in the vicinity of:
  - Route 9 and Fawn Road
  - Route 9 and Reynolds Road
  - Bluebird Road near Bluebird Terrace
  - Bluebird Road and Sisson Road
  
- Rare Plants and Animals
 

The area along Route 9 from interchange 17 of Interstate 87 and Route 9's intersection with Fortsville Road (Rt. 31) has the potential to contain rare plants and animals. Based upon the U.S. Fish and Wildlife Service IPaC Trust Resource Report (Appendix C) previous prepared for earlier proposals, the following are identified as potentially affected by activities in these locations:

  - Karner Blue Butterfly – Endangered
  - Indiana Bat – Endangered
  - Norther Long-eared bat – Threatened
  
- Cultural Resources
 

Based upon review by the Office of Parks, Recreation and Historic Preservation (OPRHP) contained in Appendix D, the project falls within archaeologically sensitive areas. OPRHP recommends that a Phase 1 archaeological survey is warranted for the project with Phase 1B survey components for areas that are not located between the edge of pavement and the far edge of an existing excavated ditch or existing utility lines.

d. Floodplain Considerations

The proposed district and all areas of proposed construction are not impacted by floodplains.

Refer to Appendix E for FEMA maps that cover the area of the project.

2. Ownership and Service Area

The proposed service area is comprised of commercially zoned property and dense residential uses within manufactured housing parks. There is a significant amount of vacant commercial property in the corridor which is expected to develop over time especially with the introduction of municipal wastewater disposal.

All existing wastewater disposal systems are owned and operated by individual property owners. All proposed facilities to be constructed will be owned and maintained by the Town of Moreau. Since this is a new district, there will be no outside users.

The project does require the Town to purchase additional wastewater treatment capacity from the City of Glens Falls. The Town currently utilizes the City's wastewater treatment plant for the existing Town sewer districts. There is an existing intermunicipal agreement between the Town and City to provide for this purchase. See Appendix G which contains a copy of the existing agreement.

3. Existing Facilities and Present Condition

Other than the aforementioned individual onsite waste disposal systems there are no existing wastewater facilities within the proposed sewer district boundary. The proposed improvements will connect to the existing 8-inch diameter sanitary sewer forcemain that serves the Moreau Industrial Park (Sewer District No. 1) and extends from the pump station in the Industrial Park to the City of Glens Falls. The 8-inch forcemain also provides service to two private developments, the Bluebird Village Condominiums and the Leonelli Apartments. The condominiums, located at the intersection of Bluebird Road and Fort Edward Road, have a dedicated lift station and forcemain that connects to the Moreau Industrial Park (MIP) forcemain near the intersection of Bluebird Road and Sisson Road. The apartments also have a dedicated lift station and forcemain that connects to the MIP forcemain near Van Buren Street. The pumping rates for the MIP, Bluebird Village, and Leonelli Apartments are 402, 180 and 325gpm respectively.

The private pump stations are equipped with radio telemetry and pump controls so that they discharge to the forcemain only when the Industrial Park lift station is not active.

4. Definition of the Problem

The Town of Moreau, through the implementation of this project is attempting to solve multiple problems in the area that will comprise the proposed sewer district.

- a. Large portions of the proposed sewer district along Route 9 are densely developed and are served by on-site wastewater disposal systems that do not meet current Department of Health Standards. Many septic systems are using deep drywells for disposal and since soils are excessively drained, although the systems appear to be functioning, it is likely that required treatment is not being accomplished before flows reach ground water.
- b. Bluebird Terrace Mobile Home Park  
The Bluebird Terrace Mobile Home Park is located on Bluebird Road. Refer to the District Boundary Map in Appendix A for the location of the park. The park contains about forty (40) homes on 6.4 acres. The park has a history of wastewater disposal problems and has been under orders to rectify faulty systems. See Appendix G for a history of the various actions taken by the New York State Department of Health in regard to this facility. In order to comply with the DOH administrative decision, the park owner is currently pumping septic tanks frequently to prevent wastewater problems at a cost of approximately \$10,000 per year. At some point, the owner will need to replace the existing septic systems at considerable cost. In addition to the expense of installation, it is likely that several homes will need to be removed to make enough area for a system that meets the current standards.

c. Lamplighter Mobile Home Park & Pines Mobile Home Park

The Lamplighter Mobile Home Park and Pines Mobile Home Park are densely developed communities located adjacent to each other on Route 9. The Lamplighter Mobile Home Park contains nearly 400 homes on 80 acres, while the Pines Mobile Home Park contains about 35 homes on 7.8 acres. Both parks utilize on-site septic systems consisting of a septic tank and dry wells. Multiple homes are connected to a single 1,000 gallon septic tank. As the on-site systems are required to be replaced due to failure or as bedrooms are added with newer home installations, the Health Department is requiring that each unit be provided with its own septic tank. The Lamplighter Mobile Home Park, in an effort to avoid having to replace the septic systems and therefore install numerous additional septic tanks, does not allow added bedrooms and has initiated a program of pumping out each septic tank once every two years. This is a significant annual expense. Even though the pumping program has helped avoid septic replacement, it is inevitable that the existing septic systems will fail and thereby require replacement in conformance with standards.

Due to space limitations, it will not be possible for the park owner to upgrade the onsite systems without having to eliminate some home sites. This will result in the displacement of low to moderate income residents.

d. Economic Growth

Economic development and commercial rate payers are required for a sustainable sewer district. The Route 9 commercial corridor near Northway Exit 17 is the best location for economic growth to occur in the Town. Lack of municipal wastewater collection facilities has severely limited the interest in the large vacant tracts of property, as well as existing commercial properties that could be redeveloped, since the space and expense required for on-site waste disposal is significant. Large commercial and retail operations, while interested in the area, eliminate this location from consideration due to lack of sanitary sewers.

5. Financial Status

Until such time as a district is created, there is no public debt or operating expenses. All costs associated with wastewater disposal are to be paid by individual property owners within the District.

II. ALTERNATIVES ANALYSIS

The following alternatives have been considered for this project:

- a. No Action Alternative
- b. Low Pressure Sewers with Treatment at the City of Glens Falls
- c. Gravity Sewer Collection with Treatment at the City of Glens Falls

1. Flow Projections

Metered water usage in the proposed sewer district is 25,000,000 gallons per year or an average of 68,500 gpd. The majority of this use is by the three mobile home parks that are in the proposed district bounds. These include:

	<u>Gal./Yr.</u>	<u>Gal./Day</u>
Lamplighter	15,930,000	43,650
Bluebird Terrace	2,700,000	7,400
<u>Pines MHP</u>	<u>955,000</u>	<u>2,600</u>
Total	19,585,000	53,650

The three parks account for nearly 80 percent of the water consumption of the proposed district. The remaining 5,500,000 gallons or 15,100 gpd, are used by 53 other water users which are for the most part commercial uses with only nine (9) one-family and two-family homes.

The total area of the district includes approximately 535 acres of which 240 are vacant and 94 comprise the mobile home parks. Since the mobile home parks listed above are at or near their capacity, increased use at these facilities will be minimal and is expected to remain near 55,000 gpd. The remaining 201 acres of mixed commercial development use the above referenced 15,100 gpd which is 75 gallons/day/acre.

For design purposes, it is assumed that moderate development will occur in the Route 9 corridor and will include a variety of uses. The primary zoning districts are the General Commercial districts C-1 and CC-1 which have the same permitted uses with the exception that telecommunications towers and equipment are permitted in the CC-1 zone. Permitted principal uses include:

- Business which primarily service highway traffic such as restaurants, diners and bars.
- Places of public assembly
- Professional offices
- Boat storage repairs and sales
- Farm and construction equipment sales and service
- Commercial greenhouse and nursery
- Mobile home sale
- Social club, hall and fraternal organization
- Motel, hotel and inn
- Fire station
- Municipal building
- Office building
- Post office: bank
- Funeral home
- Parking garage

Since future development is expected to be similar to the existing, applying the per acre water use to the total area of the district, excluding the mobile home parks, results in projected additional use of 18,000 gallons per day. Due to the uncertainty of the actual development in the Route 9 corridor, a safety factor of 3 has been applied resulting in an additional 36,000 gpd.

The total projected water use within the district is as follows:

Mobile Home Parks	55,000 gpd
Projected Use	18,000 gpd
<u>Safety Factor</u>	<u>36,000 gpd</u>
Total	109,000 gpd

2. Basis of Design

The basis for design of all gravity sewers, forcemain and lift stations is the Recommended Standards for Wastewater Facilities, Policies for the Design, Review, And Approval of Plans and Specifications for Wastewater Collection and Treatment Facilities, 2014 Edition.

3. Alternatives

In regard to treatment, other than treatment at the City of Glens Falls WWTP, no other alternatives were considered since the Town and City have an existing IMA and there is no need to construct another treatment plant in the area to handle the proposed sewer district. A copy of the existing IMA is contained in Appendix F.

A. No Action Alternative

This alternative will not resolve the problems defined in Section I-4 of this report. The no action alternative will result in the maintaining of individual on-site wastewater treatment systems which are likely affecting groundwater resources. Existing commercial operations may be forced to close when their existing septic systems fail if they do not have enough space or land available for a properly designed on-site septic system. The mobile home parks will continue to spend heavily on pumping and hauling to extend the useful life of their existing septic systems, but eventually existing homes will be lost to provide space for properly designed on-site replacement systems. The Route 9 commercial corridor will continue to be under developed.

B. Low Pressure Sewers

During past study of the area, low pressure sewers were evaluated however the Town did not find the use of low pressure sewers desirable as they could potentially limit the capacity and growth potential of the sewer system. With so much vacant property, it was decided that gravity sewer collection systems would be the most desirable.

C. Gravity Sewer Collection Alternatives

The Town of Moreau has been studying the possibility of installing sewers in the commercial Route 9 corridor for many years. The last report, prepared by C2AE

dated November 2016, recommended the installation of gravity sewers in conjunction with nine (9) lift stations. Each station directed wastewater to the next section of gravity sewer which in turn conveyed the flow to the next pump station where it was then pumped again to the next section and so on. The last report also proposed to include a significant number of single-family residential homes in the proposed sewer district. The previous project was not broadly supported by the public and was abandoned.

In an effort to maximize the number of parcels inside of the Route 9 commercial corridor with a defined need, reduce cost, and provide maximum flexibility, an alternative approach has been evaluated. Rather than utilizing a series of short forcemains that pump from one gravity service area to the next, the gravity sewer alternative presented herein utilizes a common forcemain that runs the entire length of the corridor. This allows the gravity sewer portions of the system to be installed as required or desired along the forcemain thereby reducing the initial capital outlay, assuming the entire corridor may not be sewerred all at one time.

Two gravity alternates were considered for final connection to the City of Glens Falls treatment plant. Gravity Alternate 1 proposes a forcemain that discharges to a point in the Village of South Glens Falls which in turn connects to the Glens Falls WWTP. Gravity Alternate 2 directs the forcemain along Blue Bird Road to a connection point with the existing Town owned 8-inch forcemain that connects the Town's Industrial Park lift station to the City of Glens Falls.

#### C.1. Gravity Alternate 1

Gravity Alternate 1 will resolve the issue of providing sewer to the commercial Route 9 corridor, however it will not resolve the Bluebird Terrace Mobile Home Park issue. By discharging into the South Glens Falls sanitary sewer system, Bluebird Road is bypassed thus not allowing a connection point for the mobile home park. In addition, utilizing South Glens Falls as a conveyance system to the City of Glens Falls treatment plant adds the need for another intermunicipal agreement and additional transport cost. See Appendix H which presents Gravity Alternate 1.

#### C.2. Gravity Alternate 2

Gravity Alternate 2 will resolve the issue of providing sewer to the Route 9 corridor, will provide sewer to the Bluebird Terrace Mobile Home Park and avoids use of the Village of South Glens Falls sewer system. This alternative takes advantage of the existing forcemain from the Industrial Park Sewer District, which discharges to Manhole 5 in the City of Glens Falls. Since this alternative proposes to install a forcemain along Route 9 and Bluebird Road, sewer infrastructure will be available to serve properties along the corridor as the need arises.

Gravity Alternate 2 resolves each of the problems defined earlier in this document. See Appendix H which presents Gravity Alternate 2.

As presented, the gravity collection system is a series of collection subsystems that serve distinct areas within the district. Subsystems are required because of undulating topography of the corridor and to avoid deep sewer and lift station depths that are both expensive to construct and to maintain. Since all gravity subsystems serve a limited area, 8-inch diameter pipe is proposed for all gravity sewers.

Each gravity subsystem terminates at a lift station that pumps the waste into a common forcemain used by all of the lift stations in the system. The proposed forcemain sizing is presented in Appendix I -Schematic Forcemain Layout, The total length of forcemain to be installed as part of this project is 27,400 linear feet.

The six (6) sanitary lift stations are proposed to be either submersible or suction lift type and will connect via new force main to the existing MIP force main. Currently there are three (3) existing lift stations that utilize the existing industrial park forcemain. One is the Industrial Park lift station and the other two are privately owned and serve separate apartment projects developed on Bluebird Road and Sisson Road. As proposed, not all pump stations will be able to operate simultaneously as the dynamic head in the system will be over 500 feet resulting in unsafe pressures within the system and the need for extraordinarily high horsepower requirements for the pumps.

In order to alleviate the need for high horsepower pumps and to eliminate the potential of unsafe operating pressures, not all lift stations can operate at once. It is proposed that the system will be designed to operate similar to a low pressure sewer (LPS) system wherein while there are many pumps on the system, they do not all operate at the same time. The three (3) existing lift stations are equipped with radio telemetry to prevent simultaneous operation. The proposed pump stations will incorporate similar control functions such that the maximum flow rate within the system is 540 gallons per minute. This will reduce the total dynamic head to less than 100 feet at any given time. It will also allow more than one station to operate as long as the combined flow does not exceed the 540 gallon per minute limit.

The proposed pumping rate of each station was selected on the basis of peak flow into the station and the pumping rate required to achieve a minimum velocity of 2 feet per second within the forcemain to prevent deposition of solids. The proposed pumping rate for each of the proposed pumps is presented on the Schematic Forcemain/Lift Station Layout in Appendix I as well the Pump Run Time/Wetwell Size tabulation contained in Appendix J.

There will be periods when the minimum velocity will not be obtained. This occurs if Station 1, 2 or 3 is operating alone in the proposed system. While the pumping rate will achieve the minimum velocity in the 6-inch portion of the system, it will not in the 8, or 10-inch sections. This is mitigated by the fact that Station 3 has a pumping rate of 300 gallons per minute and will thereby periodically provide the scour velocity required to keep the main clean. Likewise, Station 5 has a pumping

rate of 480 gpm which will provide the minimum velocity necessary for a 10-inch main.

Between existing and proposed, there will be nine (9) lift stations utilizing some or all of the existing and proposed forcemain. As noted above, in order to keep the total dynamic head to a reasonable level, not all stations can operate at the same time. An evaluation of pump run time and initial wetwell sizing was performed to determine the practicality of this approach. Appendix J contains information regarding the pump run time, both daily and peak hour. Initial wetwell sizing is also included. With regard to the wetwell sizing, the minimum wetwell volume is based upon a 20 minute fill time for each pump cycle with an additional volume equal to that required for another 10 minutes of peak flow into the station. This additional volume is intended to provide a buffer should another station or stations be operating that prohibit the pumps from operating. The maximum runtime for a pump cycle in the entire system is only 7 minutes with the typical run time being 3 to 5 minutes.

The peak hour flow to the various lift stations will not all be the same. Proposed lift stations 5 and 6 have all residential connections which will have the typical diurnal flow patterns. The same is true of the existing Bluebird Village and Leonelli Apartments lift stations. The remaining lift stations serve commercial areas where the peak flows are expected to be during the day when the residential flows are reduced. This offset of peak flow times further assists in the sharing of the forcemain and reduces pump run time conflicts.

#### 4. Land Requirements

Land will be required at the proposed locations of the lift stations. The stations are relatively small in nature. An area of roughly 80 feet by 80 feet or less should suffice for each station.

Depending upon utility congestion within the Route 9 and Bluebird Road rights of way, it may be necessary to obtain permanent utility easements for the some or all of the proposed sewer alignment. The width of the required easement will depend upon the location of the sewer in relation to the right of way. The maximum recommended easement width is 30 feet. That width can be reduced if the sewer alignment is on or close to a highway right of way boundary. In general it is preferred to have at least 15 feet available on each side of the sewer main.

Permanent easements will be required for sanitary sewers and forcemains to be constructed within the three mobile home parks. These easements are proposed to be 30 feet in width.

#### 5. Environmental Impacts and Mitigation Measures

In general, there shall be no significant negative environmental impacts associated with this alternative. As outline in the Environmental Resource section, there is the potential of the presence of threatened and endangered species, archaeological resources, and freshwater wetlands.

- **Threatened and Endangered Species**  
Due to the proposed location of the improvements in and along highway rights of way, impacts to threatened or endangered species are unlikely. However, in the NYSDEC response to the Town regarding Lead Agency they indicate that development of the project may require a permit pursuant to the implementing regulations of the New York State Endangered Species Act and that a request for determination of jurisdiction should be made to the Department. The Town will have to undertake a field survey to determine the location or absence of threatened or endangered species within the project area. The estimated cost for such a survey has been included in the Preliminary Opinion of Probable Costs for the overall project. Should there be a threatened or endangered species in the path of the proposed sewer location, it will be relatively simple to avoid those locations with a shift in the alignment.

Since any threatened or endangered species can be avoided by realignment of the proposed sewer, no significant negative impact to such species should occur as a result of this project.

- **Archaeological Resources**  
There is the potential of archaeological resources within the project area that could be disturbed by construction. The Town will have to undertake a Phase 1 and potentially a Phase 1B survey for the project. The estimated cost of such survey has been incorporated into the Preliminary Opinion of Probable Cost for the overall project. If the majority of the construction occurs between the edge of pavement and the far side of an existing ditch or utility, the area of the resource survey will be minimized. Should the survey result in the identification of archeological resources, avoidance by relocation of the sewer will be the easiest, most expeditious and economical course of action.

Since any identified archaeological resource should be avoidable by realignment of the proposed sewer, no significant negative impact to such resources should occur as a result of this project.

- **Freshwater Wetlands**  
The Town will have to undertake a field survey to determine the location of Freshwater Wetlands. The estimated cost for such a survey has been included in the Preliminary Opinion of Probable Costs for the overall project. Impacts to the nearby freshwater wetlands should be completely avoidable with alignment selection and utilizing directional drilling techniques. No significant negative impacts to wetlands are anticipated for this project.

6. SEORA Status

The Town Board on December 20, 2016, as part of its deliberations regarding the previously proposed sewer project for this area, had made the determination that the project would have no significant negative effect upon the environment and resolved that a Negative Declaration be prepared. The project proposed herein is less intense than that previously proposed, and does not extend beyond the previous project limits. The determination made at that time should apply to this project. The Town Board intends to reaffirm by resolution the December 20, 2016 determination. The following documents relating to SEORA are located in Appendix K:

- Draft copy of the pending resolution affirming prior SEORA determination
- December 20, 2016 resolution
- Original EAF
- Lead Agency Coordination Request
- Agency responses

7. Energy Efficiency

The proposed sewer improvements energy use is confined to the proposed lift stations. Lift stations pumps will utilize premium efficiency motors if possible along with VFDs.

8. Constructability

There are no known constructability issues. It is proposed that the forcemain be installed by directional drilling methods or be placed in the same trench as the gravity sewers where they are to be installed.

9. Preliminary Opinion of Probable Cost

The preliminary opinion of probable cost for the recommended alternative is \$16,000,000. The detail for this figure is located in Appendix L. Note that the cost opinion includes the fee to be paid to the City of Glens Falls to purchase the required treatment capacity for the proposed district.

10. Operation and Maintenance

The operation and maintenance cost of a sewer district includes personnel, equipment, fuel, electricity, materials, payroll benefits and many miscellaneous items. The estimated operation and maintenance cost for the proposed sewer district has been estimated and presented in the table below.

Operation and Maintenance Costs

Personnel	\$ 40,000*
Electricity	\$ 42,000
Glens Falls Treatment	\$ 62,000
Materials	\$ 7,500
Reserve	\$ 10,000
Miscellaneous	\$ 7,500
Total	\$169,000

\*Assumes shared personnel with other districts.

## 11. Treatment Costs

Treatment of wastewater will occur at the City of Glens Falls Wastewater Treatment Plant. There are several costs associated with the use of the plant.

### A. Reserve Capacity

Based upon the July 7, 2011 Addendum to Facility Agreement contained in Appendix F, the Town currently has 190,000 gpd of capacity at the City's treatment plant. The projected average daily flow for the proposed district, combined with Sewer District No.1 and all of its extensions, is 325,000 gpd resulting in a need to purchase an additional 135,000gpd of reserve capacity. The cost per gallon to purchase the capacity as stated in the agreement is based upon a price of \$2.89 per gallon per day as adjusted by Consumer Price Index (CPI) at the time of purchase. The addendum states that the CPI as of June 2011 shall constitute the base CPI. The addendum was silent on which CPI figure to use. For this analysis the CPI-U basis is utilized. The CPI-U for June of 2011 is 225.71. The most current CPI-U for 2018 is that of February and is 248.991; this represents an increase of 10.31% resulting in a purchase price of \$3.19 per gallon per day. Based upon purchasing an additional 135,000 gallons of reserve capacity, the total cost is estimated to be \$430,650. The purchase of reserve capacity is a one-time cost. As stated above, the reserve purchase cost is included in the preliminary opinion of probable cost for the project.

### B. Facility Operation and Maintenance

The Operation and Maintenance fee is an annual fee to cover the cost of the operation and maintenance of the City of Glens Falls facility. The cost is determined by formula presented on page 14 of the Facility Agreement between the Board of Water and Sewer Commissioners of the City of Glens Falls and the Town of Moreau. (Appendix F) Based upon previous billings to the Town for the existing sewer districts, this cost is estimated to be \$62,000 for the first year of operation. Appendix F contains a copy of the last billing from the City of Glens Falls upon which the above estimated first year cost is based. This cost is included in the annual operation and maintenance costs identified above.

### C. Future Reconstruction

The future reconstruction cost is an annual charge to provide funds for the reconstruction of treatment facilities. The formula used to determine the Town's cost is found on page 15 of the facility agreement. The charge shall not exceed 5% of the Town's share of the operation and maintenance expense except that the minimum charge shall be \$5,000.

### D. Other Fees

The agreement lists additional fees and charges which are in addition to the operation and maintenance, and reconstruction fees. The fees include a miscellaneous direct charge fee, fees for violation of pretreatment regulations and late payment charges. Since these fees are incurred only in the event of a

problem they are not included in the typical annual operating cost for the proposed district.

12. Non-Monetary Factors

The most relevant non-monetary factor for this alternative includes the potential avoidance of displacing low or moderate income residents. It is inevitable that existing septic systems will eventually fail and in the case of the three mobile home parks, lack of space will require homes to be removed to provide enough area for properly designed replacement systems.

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### III. USER COSTS

Since only Gravity Alternate 2 fulfills the goals of the project, user cost information is provided only for that particular option. The annual user cost is comprised of two components, debt service and operation and maintenance.

#### 1. Debt Service

The amount of the project to be financed, and hence the annual debt service, will be affected by the ability to obtain grants and low interest loans to assist in decreasing the amount to be financed and the cost of financing. This analysis includes the use of:

1. Community Development Block Grant(CDBG)  
CDBG provides up to \$750,000 in grant funds for income eligible areas. This amount increases to \$1,000,000 in situations where the project is co-funded with another grant agency, in this case, the NYS Water Grant and/or the EFC financing described below.
2. NYS Water Grant  
This program provides up to 25 percent of the total project cost, less other agency grant contributions, in grant funds. Not to exceed a total grant amount of \$5,000,000.
3. EFC Hardship Financing  
EFC will provide zero interest, 30 year loans for income eligible areas.

The total capital cost for this project is \$16,000,000. The annual debt service payment will vary depending on the applicability of any successful grant and loan applications.

#### 2. Debt Service Scenarios

For this project, in addition to conventional financing, the following funding scenarios have been evaluated and used to determine the annual debt service payment.

1. No Funding Assistance  
Project is financed with a 30 year loan at 5 percent interest.
2. NYS Water Grant Assistance Only  
Project is funded with a grant in the amount of 25 percent of the total project cost and the remainder is financed with a 30 year loan at 5 percent interest.
3. NYS Water Grant and EFC Hardship Financing  
Project is funded with a grant in the amount of 25 percent of the total project cost and the remainder is financed with a 30 year loan at 0 percent interest.
4. NYS Water Grant, CDBG Grant and EFC Hardship Financing  
Project is funded with a CDBG Grant in the amount of \$1,000,000 and a NYS Water grant in the amount of 25 percent of the remaining project cost. The remainder is financed with a 30 year loan at 0 percent interest.

3. Debt Service Rates

The annual debt service cost will be spread across the properties in the proposed district on both an ad valorem basis and parcel area basis. Ninety (90%) percent of the debt service cost will be distributed using the ad valorem basis and the remaining ten (10%) percent based upon parcel acreage. The table below presents a matrix of potential financing options using the scenarios identified above and the associated rates.

	<u>FINANCING SCENARIO</u>			
	1	2	3	4
TERM	30	30	30	30
INTEREST RATE	5.00%	5.00%	0%	0%
PROJECT COST	\$16,000,000	\$16,000,000	\$16,000,000	\$16,000,000
CDBG	\$0	\$0	\$0	\$1,000,000
NYS WATER	\$0	\$4,000,000	\$4,000,000	\$3,750,000
AMOUNT TO FINANCE	\$16,000,000	\$12,000,000	\$12,000,000	\$11,250,000
DEBT SERVICE	\$1,040,823	\$780,617	\$400,000	\$375,000
ASSESSED VALUE	\$53,399,300	\$53,399,300	\$53,399,300	\$53,399,300
TAX RATE (90 %)	\$17.64	\$13.23	\$6.78	\$6.35
AREA RATE (10%)	\$194.55	\$145.91	\$74.77	\$70.09

As presented above, while the total capital cost for the project is \$16,000,000, the amount to finance could be as low as \$11,250,000 depending upon the ability to leverage the existing grant/loan programs available to the Town.

The row labeled TAX RATE (90%) presents the various tax rates that would apply depending upon project funding. They range from a high of \$17.64 with no grant/loan assistance to a low of \$6.35 with all grant/loan programs contributing.

Likewise, the row labeled AREA RATE (10%) presents the various cost per acre that would apply depending upon project funding. They range from a high of \$194.55 with no grant/loan assistance to a low of \$70.09 with all grant/loan programs contributing.

Appendix M contains a listing of all properties and what the annual cost will be for each property using the above described method. The annual debt service costs associated with scenarios 1 and 2 have been discarded as cost prohibitive and therefor the cost presented

in the listing is based upon funding Scenario 3 which has a tax rate of \$6.74/\$1,000 and an area rate of \$74.77 per acre.

4. Operation and Maintenance Rates

Operation and maintenance costs are proposed to be recouped through a combination of an ad valorem charge and a use charge. The annual operation and maintenance cost for the system is projected to be \$169,000.

All costs associated with personnel, equipment, materials and reserve are proposed to be charged on an ad valorem basis. These costs, totaling \$65,000, are required to maintain the system for the benefit of all properties in the district whether they will initially be connected to the system or not. The resulting ad valorem tax rate is \$1.22 per \$1,000 of assessed value.

The remaining costs associated with electricity and treatment costs are directly related to water use and are propose to be charged on a water use basis. These are estimated to be \$104,000 in the first year of operation. Water use in the proposed district is approximately 25,000,000 gallons per year. The cost per 1,000 gallons of metered water use is therefore \$4.19. Since usage is estimated based on water meter readings it should be fairly accurate. Even so, it is recommended that the rate be inflated in the first year to be sure to cover any operating costs should the flow estimate be too high. As such, it is recommended the rate be increased by 10 percent to \$4.61 per 1,000 gallons. The rate can be modified annually once there is sufficient historical flow data to justify a change in the rate. Any extra funds that may be collected can always be applied to the following year's budget.

5. Total Annual Cost-Typical Properties

The total annual cost, including debt service and operation and maintenance, for all properties within the proposed district is presented in the table below. For operation and maintenance cost, the average water consumption for the 55 water customers is 455,000 gallons, median consumption is 47,000 gallons and the mode is 9,300 gallons. The average use figure is skewed considerably since a single user within the proposed district uses nearly 16,000,000 gallons or roughly 64 percent of the total demand. By removing this user from the analysis, the average annual water use per water customer is reduced to 168,100 gallons. This is the figure that is used to estimate the annual costs in the table below.

For report purposes, the figures are based upon a 30 year zero interest loan and 25 percent grant funding from the NY Water program (Scenario 3).

Estimated Annual Cost  
All Properties

	<u>Assessment</u>	<u>Debt Service</u>	<u>O &amp; M</u>	<u>Total</u>
Average Property	\$596,881	\$4,511	\$2,058	\$6,568
Median Property	\$300,000	\$2,306	\$ 462	\$3,336
Mode Property	_____	N/A	_____	_____

(Due to the large variation in values, there is no mode.)

6. One Time Costs

In addition to the above annual user costs, there will be a one time cost to each property owner when connecting to the system. Each property owner will be responsible for installing the connection to the sewer lateral that will be constructed by the project and terminates at the highway right of way. Since the corridor is commercial in nature and buildings are located at various distances from the highway right of way this report does not present a typical cost for the work to be undertaken by individual property owners.

IV. SUMMARY and COMPARISON of ALTERNATIVES

Gravity Alternate 1 addresses the problem within the Route 9 corridor but does not address the problems at the Bluebird Terrace Mobile Home Park. Gravity Alternate 1 also requires the use of the Village of South Glens Falls sanitary sewer system to transport sewage to the City of Glens Falls Wastewater Treatment Plant. While an analysis of the Village system has not been performed, it is likely that the pumping rates in the proposed sewer district will require improvements in the Village system. In addition, the Town of Moreau and the Village will need an agreement for use of the Village system which will include an additional annual cost.

Gravity Alternate 2 addresses all the problems identified in the area and utilizes the Town's existing connection to the City of Glens Falls thereby avoiding the need to enter into an agreement with the Village of South Glens Falls and any additional costs that may result therefrom.

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V. RECOMMENDATIONS

Should the Town decide to progress the project, the following action items are recommended:

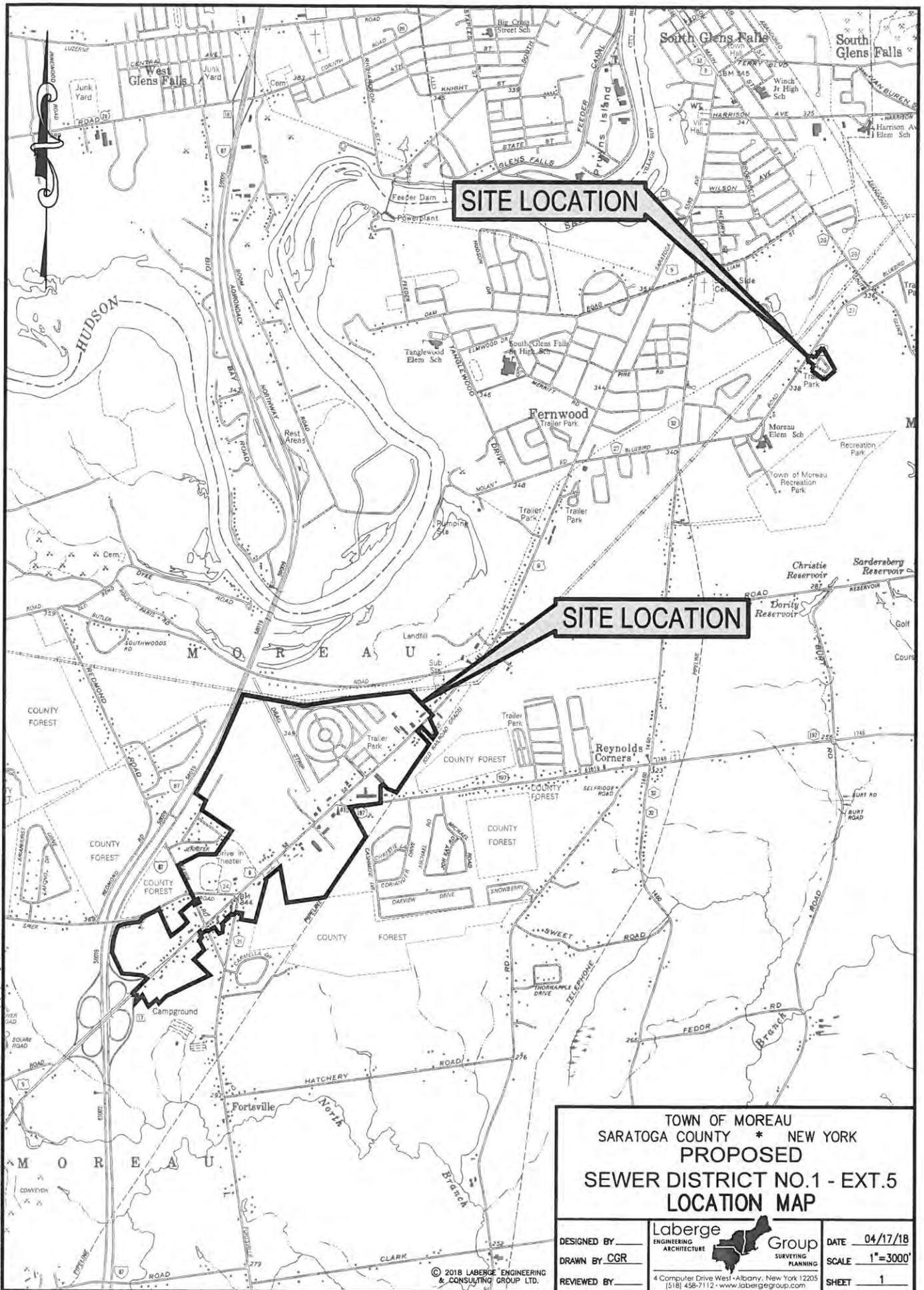
1. As recommended by the Attorney for the Town, reaffirm the SEQRA determination previously made by the Board that the project will have no significant adverse environmental impact.
2. Finalize the income survey that was commenced on March 30<sup>th</sup> to determine eligibility for certain grant and loan programs.
3. Formally submit this report to EFC and DEC for review and approval.
4. Prepare or cause to be prepared the following grant and loan applications:
  - a. NYS Water Grant
  - b. CDBG Block Grant with co-funding option
  - c. EFC CWSRF Financial Application
5. Establish the proposed sewer district by Town Board resolution after conducting the requisite public hearing.
6. Authorize preparation of plans and specifications for the project suitable for bidding.

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APPENDIX A

General Location Map  
USGS Topography  
Proposed District Description  
Proposed District Boundary Map  
Land Use Map  
Zoning Map

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TOWN OF MOREAU  
SARATOGA COUNTY \* NEW YORK  
**PROPOSED  
SEWER DISTRICT NO.1 - EXT.5  
LOCATION MAP**

DESIGNED BY _____ DRAWN BY CGR REVIEWED BY _____	 <b>Laberge Group</b> ENGINEERING ARCHITECTURE SURVEYING PLANNING 4 Computer Drive West Albany, New York 12205 (518) 458-7112 • www.labergegroup.com	DATE 04/17/18 SCALE 1"=3000' SHEET 1
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Town of Moreau  
Saratoga County, New York

District Boundary description  
Proposed Sewer District No. 1 – Extension 5

The following is intended to describe the bounds of the proposed Sewer District No. 1 – Extension 5 in the town of Moreau, Saratoga County, New York as shown on the map entitled “Town of Moreau, Proposed Sewer District No. 1 – Ext. 5, Boundary Map” prepared by Laberge Group and dated May 29, 2018. The district is comprised of two noncontiguous areas.

AREA 1

Beginning at a Point located at the intersection of the northerly bounds of New York State Route 9 and the easterly bounds of Tax Map Parcel (Parcel) 63.4-1-76, and continuing northerly along said easterly bounds to a point located with the intersection of the southerly bounds of lands N/F of National Grid;

Thence westerly, along the northerly bounds of the following Parcels: 63.4-1-76, 63.4-1-75, 63.3-1-1, 63.-4-2;

Thence northerly, across the lands of N/F National Grid along the projection of the easterly bounds of Parcel 63.-4-9.11 and continuing along said bounds to the southerly bounds of Butler Road;

Thence westerly along the southerly bounds of Butler Road to its intersection with the easterly bounds of Interstate 87;

Thence, southerly along the easterly bounds of Interstate 87 to the northwest corner of Parcel 63.-4-8-12;

Thence southerly, along the westerly bounds of Parcel 63.-4-9.12 to its intersection with the northerly bounds of Parcel 63.-4-14.2;

Thence westerly, and then southerly, along the northerly and westerly bounds of Parcel 63.-4-14.2 to its point of intersection with the northerly bounds of Parcel 77.1-1-62.1;

Thence westerly, along the northerly bounds of Parcel 77.1-1-62.1 to its intersection with the easterly bounds of Fawn Road;

Thence southerly along the easterly bounds of Fawn Road to the point of intersection with the northerly bounds of Parcel 77.1-1-59;

Thence easterly, southerly and westerly around the bounds of Parcel 77.1-1-59 to the point of intersection with the southerly bounds of Parcel 77.1-1-59 with the easterly bounds of Fawn Road;

Thence westerly, across Fawn Road to a point on the westerly bounds of Fawn Road;

Thence northerly along the westerly bounds of Fawn Road to its intersection with the northerly bounds of Parcel 77.1-1-55;

Thence westerly, along the northerly bounds of Parcel 77.1-1-55 to the intersection with the westerly bounds of Parcel 77.1-1-55;

Thence southerly along the westerly bounds of Parcel 77.1-1-55 to its point of intersection with the northerly bounds of Parcel 77.1-1-48;

Thence westerly along the northerly bounds of Parcels 77.1-1-48 and 77.1-1-79 to its point of intersection with the easterly bounds of parcel 77.1-1-43.1, said point being the northwest corner of Parcel 77.1-1-79;

Thence first westerly and then northerly along the easterly bounds of Parcel 77.1-1-43.1 to its intersection with the southerly bounds of Spier Falls Road;

Thence westerly, along the southerly bounds of Spier Falls Road to its intersection with the easterly bounds of Interstate 87;

Thence southerly, along the easterly bounds of Interstate 87 to its point of intersection with the northerly bounds of Parcel 76.3-17.1;

Thence southerly, along the westerly bounds of Parcel 76.3-17.1 and 76.-3-20 to the northerly bounds of New York State Route 9;

Thence southerly, across New York State Route 9 to a point on the southerly bounds of New York State Route 9, said point being the north easterly corner of Parcel 76.-3-22;

Thence westerly, along the easterly bounds of New York State Route 9 to the northwest corner of Parcel 76.-3-23;

Thence southerly, along the westerly bounds of Parcel 76.-3-23 to the southwest corner of Parcel 76.-3-23;

Thence easterly along the southerly bounds of Parcel 76.-3-23 to its point of intersection with the westerly bounds of parcel 76.-3-22;

Thence southerly along the bounds of Parcel 76.-3-22 to the south west corner of Parcel 76.-3-22;

Thence easterly and then northerly along the bounds of Parcel 76.-3-22 to its intersection with the southerly bounds of New York State Route 9;

Thence easterly along New York State Route 9 to its intersection with the easterly bounds of Parcel 76.-3-21-1;

Thence southerly along the easterly bounds of Parcel 76.-3-21-1 to the southwest corner of Parcel 76.-3-21.2;

Thence easterly along the southerly bounds of Parcels 76.-3-21.2 and 77.1-1-39.1 to the southeast corner of Parcel 77.1-1-39.1;

Thence northerly, along the easterly bounds of Parcel 77.1-1-39.1 to the southwest corner of Parcel 77.1-1-35;

Thence easterly along the southerly bounds of Parcel 77.1-1-35 to the south east corner of said parcel;

Thence northerly along the easterly bounds of Parcel 77.1-1-35 to its intersection with the southerly bounds of New York State Route 9;

Thence easterly, along the southerly bounds of New York State Route 9 to the northwest corner of Parcel 77.1-1-70.2;

Thence first southerly and then easterly along the westerly and southerly bounds of Parcel 77.1-1-70.2 to the point of intersection with the westerly bounds of Fawn Road;

Thence easterly, across Fawn Road to the point of intersection of the easterly bounds of Fawn Road with the southerly bounds of Parcel 77.1-1-71;

Thence northerly along Fawn Road to its intersection with New York State Route 9;

Thence easterly along New York State Route 9 to the westerly bounds of Parcel 77.1-1-24;

Thence southerly along the westerly bounds of Parcel 71.1-1-24 to the southern bounds of said parcel;

Thence easterly, along the southerly bounds of parcels 77.1-1-24, 77.1-1-22, 77.1-1-21 and 77.1-1-20 to the westerly bounds of Fortsville Road then northerly along the westerly bounds of Fortsville Road to a point directly opposite the intersection of the easterly bounds of Fortsville Road and the southerly bounds of Parcel 77.1-1-6.1;

Thence easterly, across Fortsville to said point of intersection of the easterly bounds of Fortsville Road and the southerly bounds of Parcel 77.1-1-6.1;

Thence along the westerly and then northerly bounds of Parcel 77.1-1-6.1 to its intersection with the westerly bounds of Parcel 77.1-1-3;

Thence northerly and then easterly, then southerly, along the bounds of Parcel 77.1-1-3 to its intersection with the northwest corner of Parcel 77.-4-1;

Thence easterly, then southerly and westerly along the bounds of Parcel 77.4-1 to the point of intersection with the northwest corner of Parcel 77.-4.3;

Thence along the southerly bound of Parcels 77.-4-3, 77.-4-2, 77.-4-36.2 and 77.-4-36.11 to a point;

Thence northerly along the easterly bounds of Parcel 77.-4-36.11 to a point on the southerly bounds of Reynolds Road;

Thence northerly, across Reynolds Road to a point on the northerly bounds of Reynolds Road;

Thence easterly along the northerly bounds of Reynolds road to the south east corner of Parcel 63.3-1-6.1;

Thence northerly, along the easterly bounds of Parcel 63.3-1-6.1 to its intersection with the south west corner of Parcel 63.3-1-3.21;

Thence easterly, along the southern bounds of Parcel 63.3-1-3.21 to the westerly bounds of Parcel 63.3-1-3.12;

Thence southerly, along the westerly bounds of Parcel 63.3-1-3.12 to the south east corner of said Parcel;

Thence easterly along the southerly bounds of Parcels 63.3-1-3.12, 63.3-1-26, 63.3-1-25, 63.3-1-23, 63.3-1-24, 63.3-1-3.111, 63.3-1-3.14, 63.3-1-3.13, and 63.4-1-71 to the south east corner of Parcel 63.4-1-71;

Thence northerly, along the easterly bounds of Parcel 63.4-1-71 to its intersection with the southerly bounds of New York State Route 9;

Thence easterly, along the southerly bounds of New York State Route 9 to its point of intersection with the westerly bounds of Parcel 63.4-1-69.1;

Thence first southerly, then easterly and then northerly around the bounds of Parcel 63.4-1-69.1 to a point on the southerly bounds of New York State Route 9;

Thence from said point, northerly across New York State Route 9 to the Point and Place of Beginning.

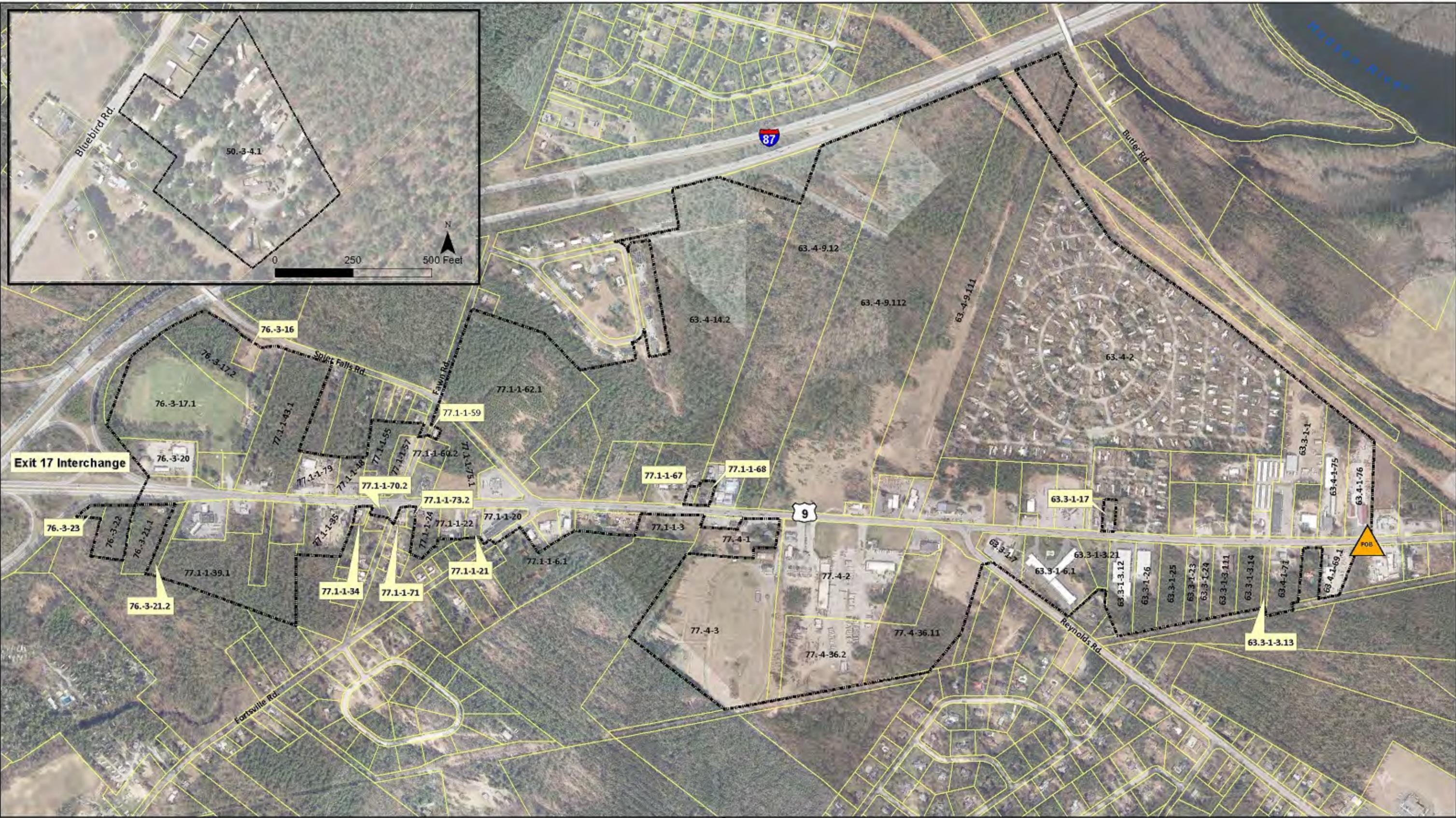
Excepting therefrom Parcels 77.1-1-67, 77.1-1-68, 63.3-1-17 and lands N/F of National Grid.

## AREA 2

Beginning at a Point located at the intersection of the easterly bounds of Bluebird Road and the southerly bounds of Parcel 50.-3-4.1 thence continuing in a clockwise direction around the bounds of said Parcel to the Point and Place of Beginning.

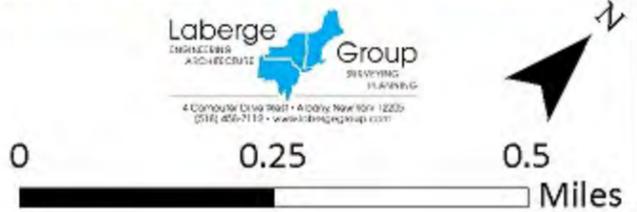
All of the above intending to describe the bounds of proposed Sewer District No.1 – Extension 5 as shown on the map entitled “Town of Moreau, Proposed Sewer District No. 1 – Ext. 5, Boundary Map” prepared by Laberge Group and dated April 5, 2018.

All Tax map Parcels references are based upon those in use as of May 29, 2018.



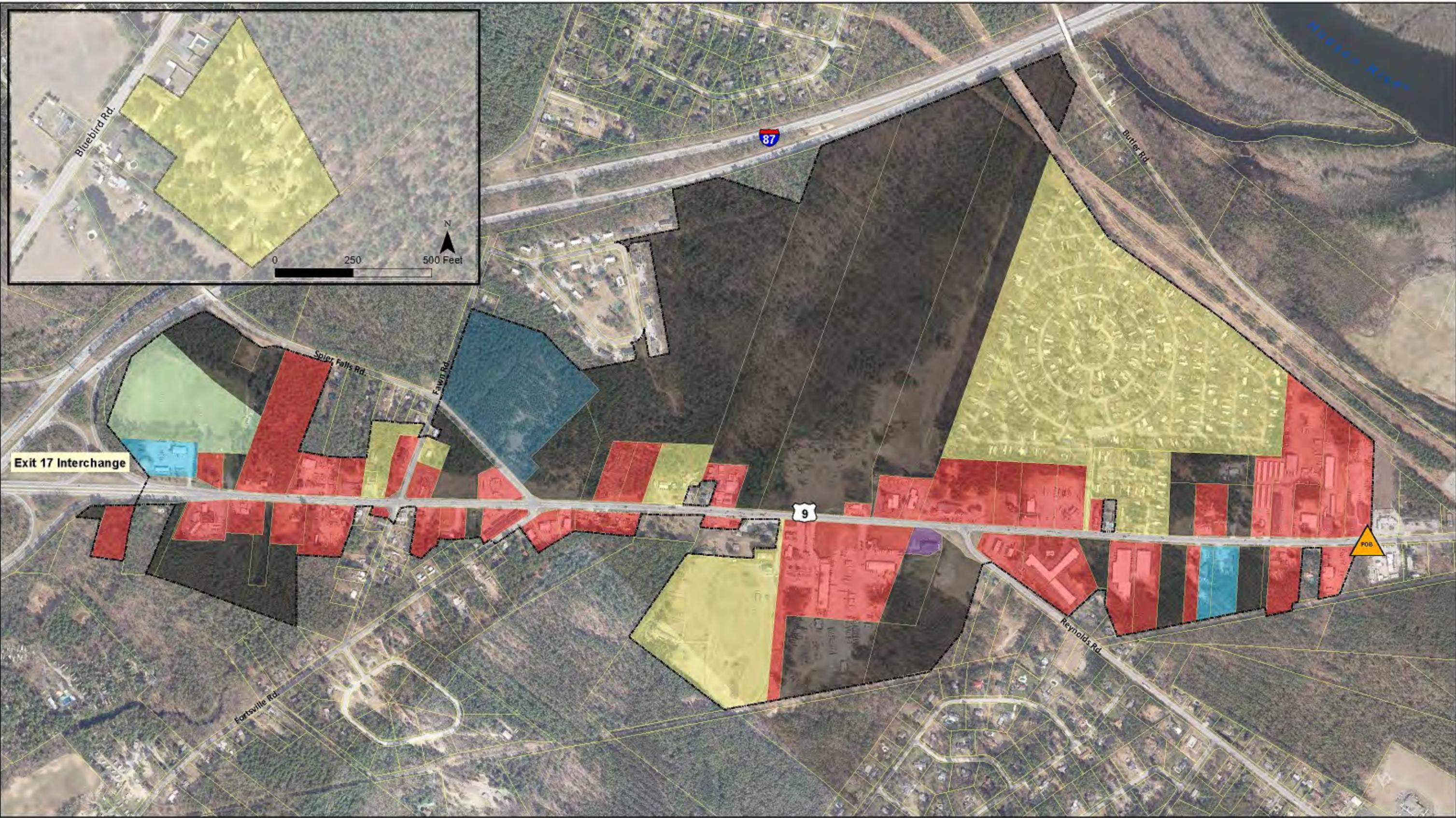
 Proposed Sewer District Boundary  
 Tax Parcels

**Town of Moreau**  
**Proposed Sewer District No. 1 - Ext. 5**  
**Boundary Map**  
**May 29, 2018**



Project # 2017065, Map Produced 4-3-18. Created for illustrative purposes only. Accuracy not guaranteed.





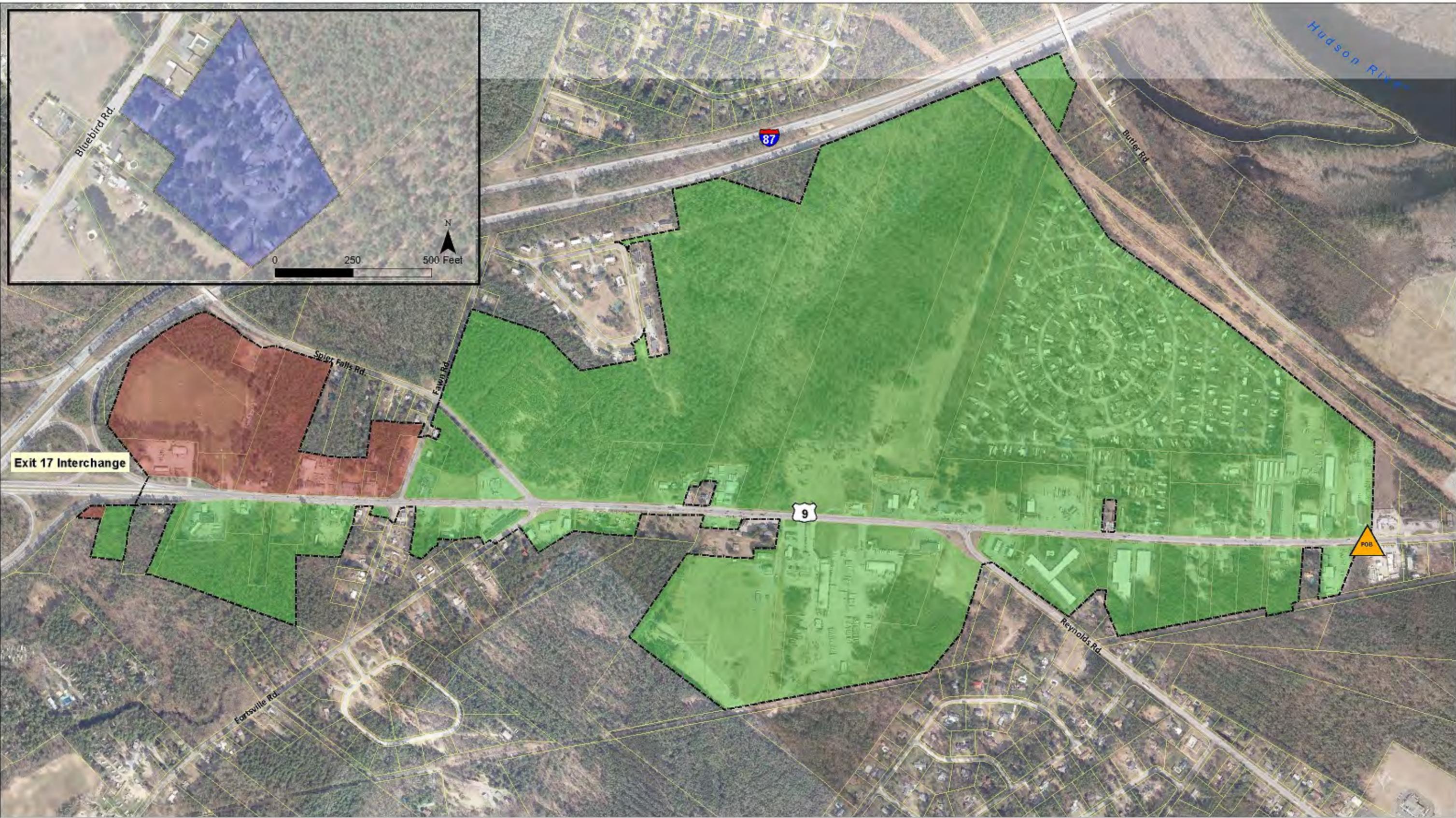
- |                                  |                          |                    |
|----------------------------------|--------------------------|--------------------|
| Proposed Sewer District Boundary | Commercial               | Community Services |
| Tax Parcels                      | Industrial               | Public Services    |
| Residential                      | Recreation/Entertainment | Vacant             |

**Town of Moreau**  
**Proposed Sewer District No. 1 - Ext. 5**  
**Land Use Map**  
**May 29, 2018**



Project # 2017065, Map Produced 5-29-18. Created for illustrative purposes only. Accuracy not guaranteed.





- Proposed Sewer District Boundary
- Tax Parcels
- C1 Zoning
- CC1 Zoning
- R1 Zoning

**Town of Moreau**  
**Proposed Sewer District No. 1 - Ext. 5**  
**Zoning Map**  
**May 29, 2018**



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APPENDIX B

NRCS Soil Resource Report

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United States  
Department of  
Agriculture

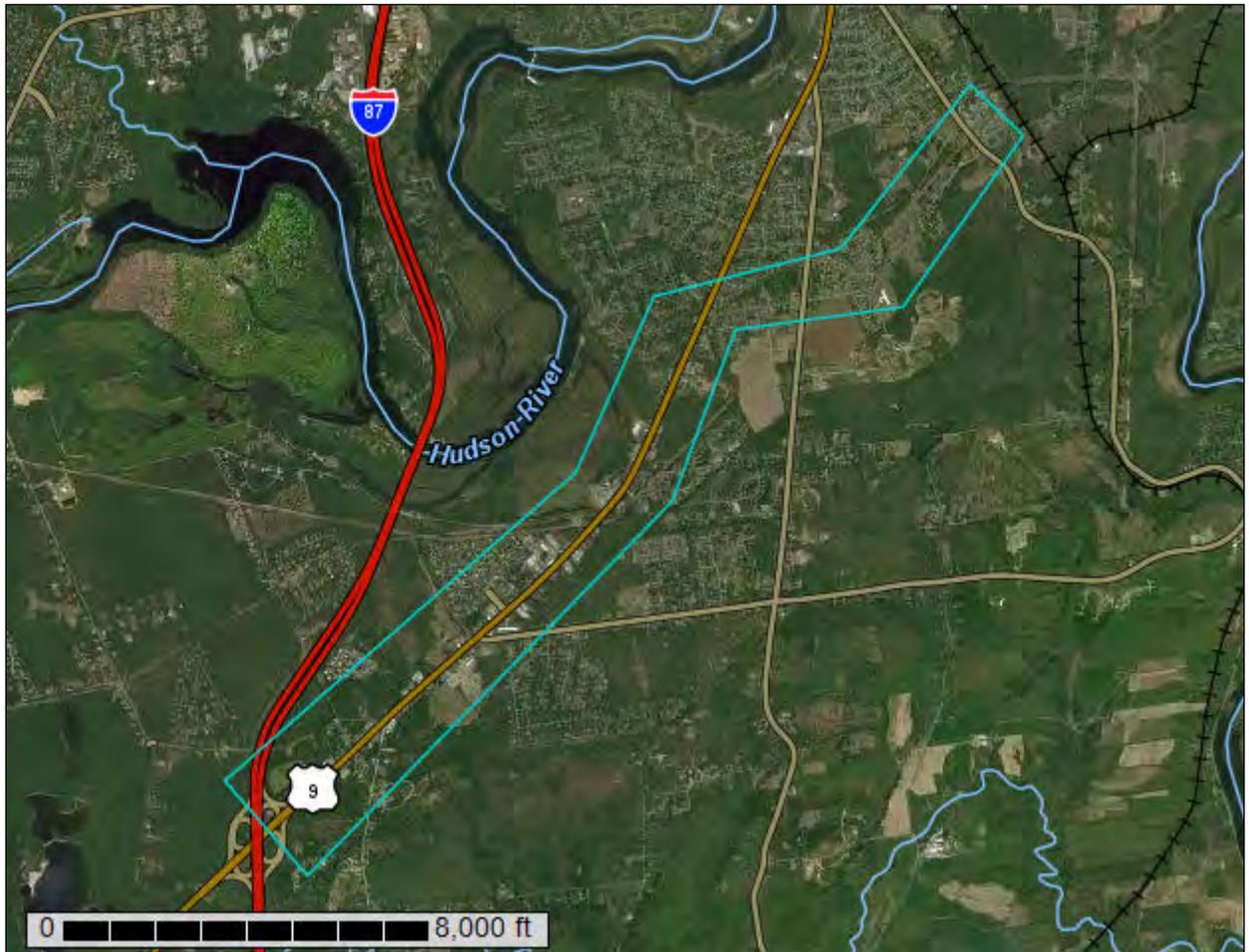
**NRCS**

Natural  
Resources  
Conservation  
Service

A product of the National  
Cooperative Soil Survey,  
a joint effort of the United  
States Department of  
Agriculture and other  
Federal agencies, State  
agencies including the  
Agricultural Experiment  
Stations, and local  
participants

# Custom Soil Resource Report for **Saratoga County, New York**

## Town of Moreau - Route 9 Sewer District



# Preface

---

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

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# How Soil Surveys Are Made

---

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

## Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

## Custom Soil Resource Report

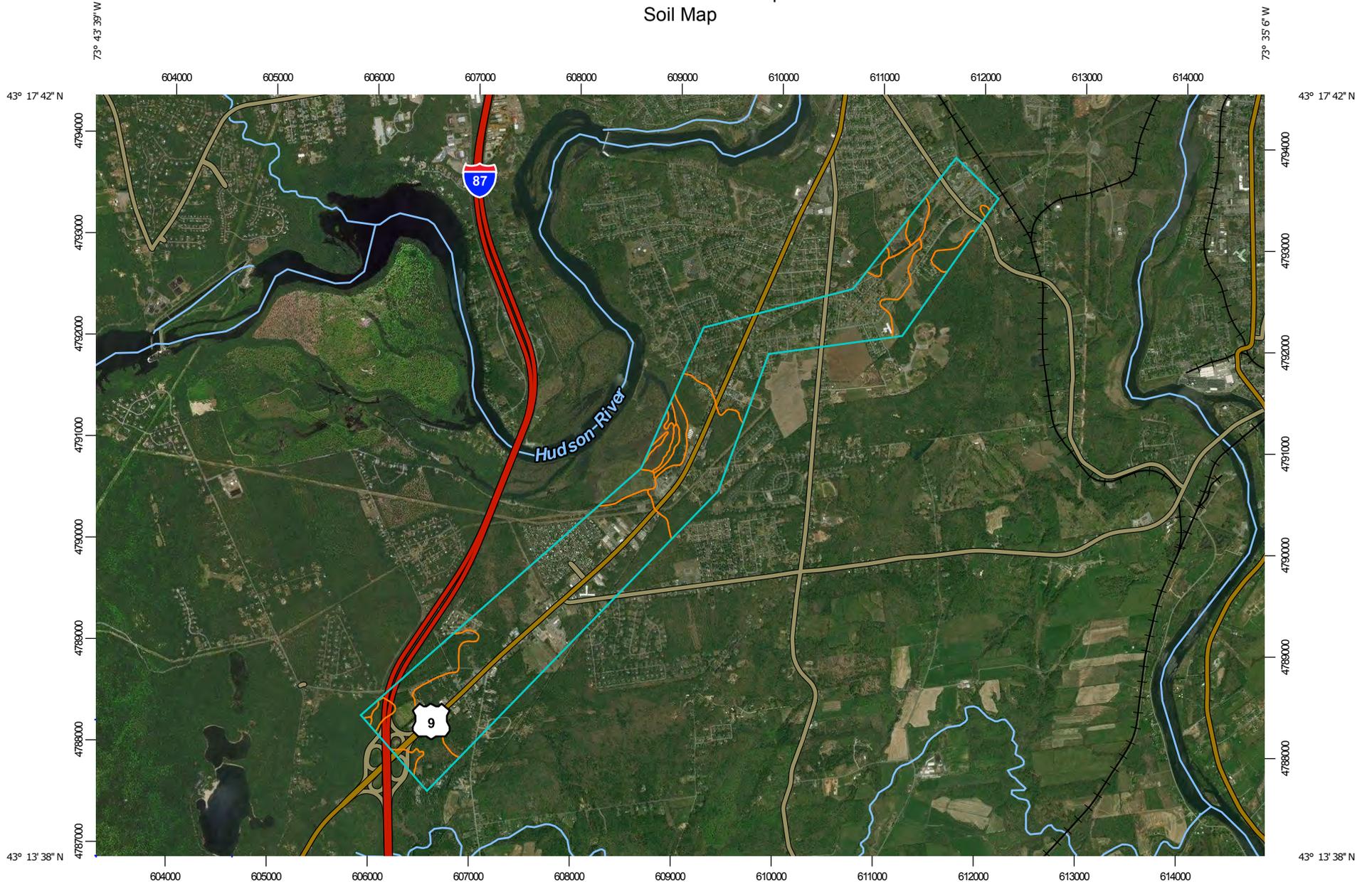
identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

# Soil Map

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The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

# Custom Soil Resource Report Soil Map



Map Scale: 1:52,900 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



### MAP LEGEND

**Area of Interest (AOI)**

 Area of Interest (AOI)

**Soils**

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

**Special Point Features**

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

**Water Features**

 Streams and Canals

**Transportation**

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

**Background**

 Aerial Photography

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Saratoga County, New York  
 Survey Area Data: Version 17, Oct 8, 2017

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 10, 2015—Mar 29, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
DeA	Deerfield loamy fine sand, nearly level	19.6	1.3%
DeB	Deerfield loamy fine sand, undulating	13.6	0.9%
Lm	Limerick-Saco complex	17.7	1.2%
Ma	Madalin mucky silty clay loam	1.7	0.1%
OeE	Windsor loamy sand, 25 to 35 percent slopes	18.1	1.2%
Pv	Pits, sand and gravel	10.3	0.7%
Te	Teel silt loam	9.2	0.6%
Ue	Udorthefts, smoothed	34.6	2.3%
W	Water	3.8	0.2%
Wa	Wareham loamy sand	2.9	0.2%
WnA	Windsor loamy sand, 0 to 3 percent slopes	901.7	59.8%
WnB	Windsor loamy sand, 3 to 8 percent slopes	474.0	31.4%
<b>Totals for Area of Interest</b>		<b>1,507.2</b>	<b>100.0%</b>

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They

## Custom Soil Resource Report

generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## Saratoga County, New York

### DeA—Deerfield loamy fine sand, nearly level

#### Map Unit Setting

*National map unit symbol:* 9w9t

*Elevation:* 0 to 1,000 feet

*Mean annual precipitation:* 36 to 48 inches

*Mean annual air temperature:* 45 to 48 degrees F

*Frost-free period:* 125 to 160 days

*Farmland classification:* Farmland of statewide importance

#### Map Unit Composition

*Deerfield and similar soils:* 75 percent

*Minor components:* 25 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Deerfield

##### Setting

*Landform:* Outwash plains, deltas, terraces

*Landform position (two-dimensional):* Summit

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Concave

*Across-slope shape:* Convex

*Parent material:* Sandy glaciofluvial or deltaic deposits derived mainly from granite, gneiss, or sandstone

##### Typical profile

*H1 - 0 to 10 inches:* loamy fine sand

*H2 - 10 to 26 inches:* loamy fine sand

*H3 - 26 to 72 inches:* fine sand

##### Properties and qualities

*Slope:* 0 to 3 percent

*Depth to restrictive feature:* More than 80 inches

*Natural drainage class:* Moderately well drained

*Capacity of the most limiting layer to transmit water (Ksat):* High to very high (1.98 to 19.98 in/hr)

*Depth to water table:* About 18 to 36 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water storage in profile:* Low (about 3.8 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 3w

*Hydrologic Soil Group:* A

*Hydric soil rating:* No

#### Minor Components

##### Oakville

*Percent of map unit:* 10 percent

*Hydric soil rating:* No

## Custom Soil Resource Report

### **Claverack**

*Percent of map unit:* 7 percent  
*Hydric soil rating:* No

### **Wareham**

*Percent of map unit:* 4 percent  
*Hydric soil rating:* Yes

### **Wareham**

*Percent of map unit:* 4 percent  
*Hydric soil rating:* No

## **DeB—Deerfield loamy fine sand, undulating**

### **Map Unit Setting**

*National map unit symbol:* 9w9v  
*Elevation:* 590 to 1,000 feet  
*Mean annual precipitation:* 35 to 50 inches  
*Mean annual air temperature:* 45 to 48 degrees F  
*Frost-free period:* 120 to 160 days  
*Farmland classification:* Farmland of statewide importance

### **Map Unit Composition**

*Deerfield and similar soils:* 75 percent  
*Minor components:* 25 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### **Description of Deerfield**

#### **Setting**

*Landform:* Deltas, terraces, outwash plains  
*Landform position (two-dimensional):* Summit  
*Landform position (three-dimensional):* Tread, rise  
*Down-slope shape:* Concave  
*Across-slope shape:* Convex  
*Parent material:* Sandy glaciofluvial or deltaic deposits derived mainly from granite, gneiss, or sandstone

#### **Typical profile**

*Ap - 0 to 10 inches:* loamy fine sand  
*Bw1 - 10 to 14 inches:* loamy fine sand  
*Bw2 - 14 to 26 inches:* loamy fine sand  
*C1 - 26 to 44 inches:* fine sand  
*C2 - 44 to 72 inches:* fine sand

#### **Properties and qualities**

*Slope:* 3 to 8 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Moderately well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* High to very high (1.98 to 19.98 in/hr)

## Custom Soil Resource Report

*Depth to water table:* About 18 to 36 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water storage in profile:* Low (about 3.8 inches)

### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 2w  
*Hydrologic Soil Group:* A  
*Hydric soil rating:* No

### Minor Components

#### Oakville

*Percent of map unit:* 10 percent  
*Hydric soil rating:* No

#### Claverack

*Percent of map unit:* 7 percent  
*Hydric soil rating:* No

#### Wareham

*Percent of map unit:* 4 percent  
*Landform:* Depressions  
*Hydric soil rating:* Yes

#### Wareham

*Percent of map unit:* 4 percent  
*Hydric soil rating:* No

## Lm—Limerick-Saco complex

### Map Unit Setting

*National map unit symbol:* 9wbj  
*Elevation:* 50 to 500 feet  
*Mean annual precipitation:* 36 to 48 inches  
*Mean annual air temperature:* 45 to 48 degrees F  
*Frost-free period:* 125 to 160 days  
*Farmland classification:* Not prime farmland

### Map Unit Composition

*Limerick and similar soils:* 50 percent  
*Saco and similar soils:* 40 percent  
*Minor components:* 10 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Limerick

#### Setting

*Landform:* Flood plains  
*Landform position (two-dimensional):* Toeslope  
*Landform position (three-dimensional):* Dip

## Custom Soil Resource Report

*Down-slope shape:* Concave  
*Across-slope shape:* Concave  
*Parent material:* Alluvium that is dominantly silt and very fine sand

### Typical profile

*H1 - 0 to 5 inches:* silt loam  
*H2 - 5 to 44 inches:* very fine sandy loam  
*2C - 44 to 72 inches:* loamy fine sand

### Properties and qualities

*Slope:* 0 to 3 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Poorly drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)  
*Depth to water table:* About 0 to 18 inches  
*Frequency of flooding:* Frequent  
*Frequency of ponding:* None  
*Available water storage in profile:* Very high (about 13.3 inches)

### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 5w  
*Hydrologic Soil Group:* B/D  
*Hydric soil rating:* Yes

## Description of Saco

### Setting

*Landform:* Depressions  
*Landform position (two-dimensional):* Toeslope  
*Down-slope shape:* Concave  
*Across-slope shape:* Concave  
*Parent material:* Silty alluvium derived mainly from crystalline rock, shale, and sandstone

### Typical profile

*H1 - 0 to 13 inches:* silt loam  
*H2 - 13 to 23 inches:* silt loam  
*Cg2 - 23 to 72 inches:* silt loam

### Properties and qualities

*Slope:* 0 to 2 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Very poorly drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)  
*Depth to water table:* About 0 to 6 inches  
*Frequency of flooding:* Frequent  
*Frequency of ponding:* None  
*Available water storage in profile:* Very high (about 13.4 inches)

### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 5w  
*Hydrologic Soil Group:* B/D  
*Hydric soil rating:* Yes

**Minor Components**

**Fluvaquents**

*Percent of map unit:* 5 percent  
*Landform:* Flood plains  
*Hydric soil rating:* Yes

**Teel**

*Percent of map unit:* 5 percent  
*Hydric soil rating:* No

**Ma—Madalin mucky silty clay loam**

**Map Unit Setting**

*National map unit symbol:* 9wbk  
*Mean annual precipitation:* 36 to 48 inches  
*Mean annual air temperature:* 45 to 48 degrees F  
*Frost-free period:* 125 to 160 days  
*Farmland classification:* Not prime farmland

**Map Unit Composition**

*Madalin and similar soils:* 80 percent  
*Minor components:* 20 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Madalin**

**Setting**

*Landform:* Depressions  
*Landform position (two-dimensional):* Toeslope  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Concave  
*Across-slope shape:* Concave  
*Parent material:* Clayey and silty glaciolacustrine deposits

**Typical profile**

*H1 - 0 to 9 inches:* mucky silty clay loam  
*H2 - 9 to 36 inches:* clay  
*H3 - 36 to 72 inches:* clay

**Properties and qualities**

*Slope:* 0 to 3 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Very poorly drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Very low to moderately high (0.00 to 0.20 in/hr)  
*Depth to water table:* About 0 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* Frequent

## Custom Soil Resource Report

*Calcium carbonate, maximum in profile:* 10 percent  
*Available water storage in profile:* Moderate (about 8.5 inches)

### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 5w  
*Hydrologic Soil Group:* C/D  
*Hydric soil rating:* Yes

### Minor Components

#### Rhinebeck

*Percent of map unit:* 10 percent  
*Hydric soil rating:* No

#### Unnamed soils

*Percent of map unit:* 10 percent  
*Hydric soil rating:* Yes

## OeE—Windsor loamy sand, 25 to 35 percent slopes

### Map Unit Setting

*National map unit symbol:* 2sv17  
*Elevation:* 10 to 1,110 feet  
*Mean annual precipitation:* 36 to 71 inches  
*Mean annual air temperature:* 39 to 55 degrees F  
*Frost-free period:* 140 to 240 days  
*Farmland classification:* Not prime farmland

### Map Unit Composition

*Windsor and similar soils:* 90 percent  
*Minor components:* 10 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Windsor

#### Setting

*Landform:* Dunes, outwash plains, outwash terraces, deltas  
*Landform position (three-dimensional):* Tread, riser  
*Down-slope shape:* Convex, linear  
*Across-slope shape:* Convex, linear  
*Parent material:* Loose sandy glaciofluvial deposits derived from granite and/or loose sandy glaciofluvial deposits derived from schist and/or loose sandy glaciofluvial deposits derived from gneiss

#### Typical profile

*Oe - 0 to 1 inches:* moderately decomposed plant material  
*A - 1 to 3 inches:* loamy sand  
*Bw - 3 to 25 inches:* loamy sand  
*C - 25 to 65 inches:* sand

## Custom Soil Resource Report

### Properties and qualities

*Slope:* 25 to 35 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Excessively drained  
*Runoff class:* Low  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to very high (1.42 to 99.90 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Salinity, maximum in profile:* Nonsaline (0.0 to 1.9 mmhos/cm)  
*Available water storage in profile:* Low (about 4.5 inches)

### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 4e  
*Hydrologic Soil Group:* A  
*Hydric soil rating:* No

### Minor Components

#### Hinckley

*Percent of map unit:* 10 percent  
*Landform:* Outwash plains, deltas, kames, eskers  
*Landform position (two-dimensional):* Summit, shoulder, backslope  
*Landform position (three-dimensional):* Nose slope, side slope, crest, head slope, rise  
*Down-slope shape:* Convex  
*Across-slope shape:* Linear, convex  
*Hydric soil rating:* No

## Pv—Pits, sand and gravel

### Map Unit Setting

*National map unit symbol:* 9wc9  
*Mean annual precipitation:* 36 to 48 inches  
*Mean annual air temperature:* 45 to 48 degrees F  
*Frost-free period:* 125 to 160 days  
*Farmland classification:* Not prime farmland

### Map Unit Composition

*Pits, sand and gravel:* 80 percent  
*Minor components:* 20 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Pits, Sand And Gravel

#### Typical profile

*H1 - 0 to 72 inches:* very gravelly sand

**Minor Components**

**Windsor**

*Percent of map unit: 5 percent*  
*Hydric soil rating: No*

**Hoosic**

*Percent of map unit: 5 percent*  
*Hydric soil rating: No*

**Hinckley**

*Percent of map unit: 5 percent*  
*Hydric soil rating: No*

**Unnamed soils**

*Percent of map unit: 3 percent*

**Oakville**

*Percent of map unit: 2 percent*  
*Hydric soil rating: No*

**Te—Teel silt loam**

**Map Unit Setting**

*National map unit symbol: 9wcv*  
*Elevation: 600 to 1,800 feet*  
*Mean annual precipitation: 36 to 48 inches*  
*Mean annual air temperature: 45 to 48 degrees F*  
*Frost-free period: 125 to 160 days*  
*Farmland classification: All areas are prime farmland*

**Map Unit Composition**

*Teel and similar soils: 70 percent*  
*Minor components: 30 percent*  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Teel**

**Setting**

*Landform: Flood plains*  
*Landform position (two-dimensional): Summit*  
*Landform position (three-dimensional): Talf*  
*Down-slope shape: Concave*  
*Across-slope shape: Convex*  
*Parent material: Silty alluvium*

**Typical profile**

*H1 - 0 to 12 inches: silt loam*  
*H2 - 12 to 38 inches: silt loam*  
*H3 - 38 to 72 inches: very fine sandy loam*

## Custom Soil Resource Report

### Properties and qualities

*Slope:* 0 to 3 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Moderately well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)  
*Depth to water table:* About 18 to 24 inches  
*Frequency of flooding:* Occasional  
*Frequency of ponding:* None  
*Calcium carbonate, maximum in profile:* 2 percent  
*Available water storage in profile:* High (about 9.7 inches)

### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 2w  
*Hydrologic Soil Group:* B/D  
*Hydric soil rating:* No

### Minor Components

#### Tioga

*Percent of map unit:* 10 percent  
*Hydric soil rating:* No

#### Limerick

*Percent of map unit:* 10 percent  
*Landform:* Flood plains  
*Hydric soil rating:* Yes

#### Udipsamments

*Percent of map unit:* 10 percent  
*Hydric soil rating:* No

## Ue—Udorthents, smoothed

### Map Unit Setting

*National map unit symbol:* 9wcz  
*Mean annual precipitation:* 36 to 48 inches  
*Mean annual air temperature:* 45 to 48 degrees F  
*Frost-free period:* 125 to 160 days  
*Farmland classification:* Not prime farmland

### Map Unit Composition

*Udorthents, smoothed, well drained, and similar soils:* 80 percent  
*Minor components:* 20 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Udorthents, Smoothed, Well Drained

#### Typical profile

*H1 - 0 to 5 inches:* silt loam

## Custom Soil Resource Report

*H2 - 5 to 72 inches: channery loam*

### **Properties and qualities**

*Slope: 0 to 8 percent*

*Depth to restrictive feature: More than 80 inches*

*Natural drainage class: Well drained*

*Capacity of the most limiting layer to transmit water (Ksat): Moderately low to very high (0.06 to 19.98 in/hr)*

*Depth to water table: About 36 to 72 inches*

*Frequency of flooding: None*

*Frequency of ponding: None*

*Available water storage in profile: Low (about 5.5 inches)*

### **Interpretive groups**

*Land capability classification (irrigated): None specified*

*Land capability classification (nonirrigated): 6s*

*Hydrologic Soil Group: C*

*Hydric soil rating: Unranked*

### **Minor Components**

#### **Udorthents, smoothed, moderately well drained**

*Percent of map unit: 10 percent*

*Hydric soil rating: No*

#### **Unnamed soils**

*Percent of map unit: 10 percent*

## **W—Water**

### **Map Unit Setting**

*National map unit symbol: 9wd3*

*Mean annual precipitation: 36 to 48 inches*

*Mean annual air temperature: 45 to 48 degrees F*

*Frost-free period: 125 to 160 days*

*Farmland classification: Not prime farmland*

### **Map Unit Composition**

*Water: 100 percent*

*Estimates are based on observations, descriptions, and transects of the mapunit.*

## **Wa—Wareham loamy sand**

### **Map Unit Setting**

*National map unit symbol: 9wd4*

*Elevation: 100 to 1,000 feet*

*Mean annual precipitation: 36 to 48 inches*

*Mean annual air temperature: 45 to 48 degrees F*

## Custom Soil Resource Report

*Frost-free period:* 125 to 160 days

*Farmland classification:* Farmland of statewide importance

### Map Unit Composition

*Wareham, poorly drained, and similar soils:* 70 percent

*Minor components:* 30 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Wareham, Poorly Drained

#### Setting

*Landform:* Depressions

*Landform position (two-dimensional):* Toeslope

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Concave

*Across-slope shape:* Concave

*Parent material:* Sandy glaciofluvial or deltaic deposits

#### Typical profile

*O<sub>i</sub> - 0 to 2 inches:* slightly decomposed plant material

*H<sub>2</sub> - 2 to 8 inches:* loamy sand

*H<sub>3</sub> - 8 to 19 inches:* loamy sand

*C - 19 to 72 inches:* sand

#### Properties and qualities

*Slope:* 0 to 3 percent

*Depth to restrictive feature:* More than 80 inches

*Natural drainage class:* Poorly drained

*Capacity of the most limiting layer to transmit water (K<sub>sat</sub>):* Moderately high to high (0.20 to 5.95 in/hr)

*Depth to water table:* About 0 to 18 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water storage in profile:* Low (about 5.1 inches)

#### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 4w

*Hydrologic Soil Group:* A/D

*Hydric soil rating:* Yes

### Minor Components

#### Wareham, somewhat poorly drained

*Percent of map unit:* 10 percent

*Hydric soil rating:* No

#### Deerfield

*Percent of map unit:* 5 percent

*Hydric soil rating:* No

#### Scarboro

*Percent of map unit:* 5 percent

*Landform:* Depressions

*Hydric soil rating:* Yes

#### Raynham

*Percent of map unit:* 5 percent

## Custom Soil Resource Report

*Hydric soil rating:* No

### **Cheektowaga**

*Percent of map unit:* 5 percent

*Landform:* Depressions

*Hydric soil rating:* Yes

## **WnA—Windsor loamy sand, 0 to 3 percent slopes**

### **Map Unit Setting**

*National map unit symbol:* 2svkg

*Elevation:* 0 to 990 feet

*Mean annual precipitation:* 36 to 71 inches

*Mean annual air temperature:* 39 to 55 degrees F

*Frost-free period:* 140 to 240 days

*Farmland classification:* Farmland of statewide importance

### **Map Unit Composition**

*Windsor, loamy sand, and similar soils:* 85 percent

*Minor components:* 15 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

### **Description of Windsor, Loamy Sand**

#### **Setting**

*Landform:* Deltas, dunes, outwash plains, outwash terraces

*Landform position (three-dimensional):* Riser, tread

*Down-slope shape:* Linear, convex

*Across-slope shape:* Linear, convex

*Parent material:* Loose sandy glaciofluvial deposits derived from granite and/or loose sandy glaciofluvial deposits derived from schist and/or loose sandy glaciofluvial deposits derived from gneiss

#### **Typical profile**

*O - 0 to 1 inches:* moderately decomposed plant material

*A - 1 to 3 inches:* loamy sand

*Bw - 3 to 25 inches:* loamy sand

*C - 25 to 65 inches:* sand

#### **Properties and qualities**

*Slope:* 0 to 3 percent

*Depth to restrictive feature:* More than 80 inches

*Natural drainage class:* Excessively drained

*Runoff class:* Low

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to very high (1.42 to 99.90 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Salinity, maximum in profile:* Nonsaline (0.0 to 1.9 mmhos/cm)

*Available water storage in profile:* Low (about 3.6 inches)

## Custom Soil Resource Report

### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 2s

*Hydrologic Soil Group:* A

*Hydric soil rating:* No

### Minor Components

#### Deerfield, loamy sand

*Percent of map unit:* 10 percent

*Landform:* Terraces, outwash plains, deltas

*Landform position (two-dimensional):* Footslope

*Landform position (three-dimensional):* Tread, tal

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Hydric soil rating:* No

#### Hinckley, loamy sand

*Percent of map unit:* 5 percent

*Landform:* Deltas, kames, eskers, outwash plains

*Landform position (two-dimensional):* Summit, shoulder, backslope

*Landform position (three-dimensional):* Nose slope, side slope, crest, head slope, rise

*Down-slope shape:* Convex

*Across-slope shape:* Convex, linear

*Hydric soil rating:* No

## WnB—Windsor loamy sand, 3 to 8 percent slopes

### Map Unit Setting

*National map unit symbol:* 2svkf

*Elevation:* 0 to 1,210 feet

*Mean annual precipitation:* 36 to 71 inches

*Mean annual air temperature:* 39 to 55 degrees F

*Frost-free period:* 140 to 240 days

*Farmland classification:* Farmland of statewide importance

### Map Unit Composition

*Windsor, loamy sand, and similar soils:* 85 percent

*Minor components:* 15 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

### Description of Windsor, Loamy Sand

#### Setting

*Landform:* Deltas, dunes, outwash plains, outwash terraces

*Landform position (three-dimensional):* Riser, tread

*Down-slope shape:* Linear, convex

*Across-slope shape:* Linear, convex

## Custom Soil Resource Report

*Parent material:* Loose sandy glaciofluvial deposits derived from granite and/or loose sandy glaciofluvial deposits derived from schist and/or loose sandy glaciofluvial deposits derived from gneiss

### Typical profile

*O - 0 to 1 inches:* moderately decomposed plant material

*A - 1 to 3 inches:* loamy sand

*Bw - 3 to 25 inches:* loamy sand

*C - 25 to 65 inches:* sand

### Properties and qualities

*Slope:* 3 to 8 percent

*Depth to restrictive feature:* More than 80 inches

*Natural drainage class:* Excessively drained

*Runoff class:* Low

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to very high (1.42 to 99.90 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Salinity, maximum in profile:* Nonsaline (0.0 to 1.9 mmhos/cm)

*Available water storage in profile:* Low (about 4.5 inches)

### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 2s

*Hydrologic Soil Group:* A

*Hydric soil rating:* No

### Minor Components

#### Hinckley, loamy sand

*Percent of map unit:* 10 percent

*Landform:* Deltas, kames, eskers, outwash plains

*Landform position (two-dimensional):* Summit, shoulder, backslope

*Landform position (three-dimensional):* Head slope, nose slope, side slope, crest, rise

*Down-slope shape:* Convex

*Across-slope shape:* Convex, linear

*Hydric soil rating:* No

#### Deerfield, loamy sand

*Percent of map unit:* 5 percent

*Landform:* Outwash plains, deltas, terraces

*Landform position (two-dimensional):* Footslope

*Landform position (three-dimensional):* Tread, tal

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Hydric soil rating:* No

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- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

## Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. [http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2\\_054242](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242)

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APPENDIX C

US Fish & Wildlife IPaC Trust Resource Report

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# Sewer District #1 Extension #5

## *IPaC Trust Resources Report*

Generated November 16, 2016 06:57 AM MST, IPaC v3.0.9

This report is for informational purposes only and should not be used for planning or analyzing project level impacts. For project reviews that require U.S. Fish & Wildlife Service review or concurrence, please return to the IPaC website and request an official species list from the Regulatory Documents page.



# Table of Contents

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- Endangered Species ..... 2
- Migratory Birds ..... 4
- Refuges & Hatcheries ..... 6
- Wetlands ..... 7

U.S. Fish & Wildlife Service

# IPaC Trust Resources Report



**NAME**

Sewer District #1 Extension #5

**LOCATION**

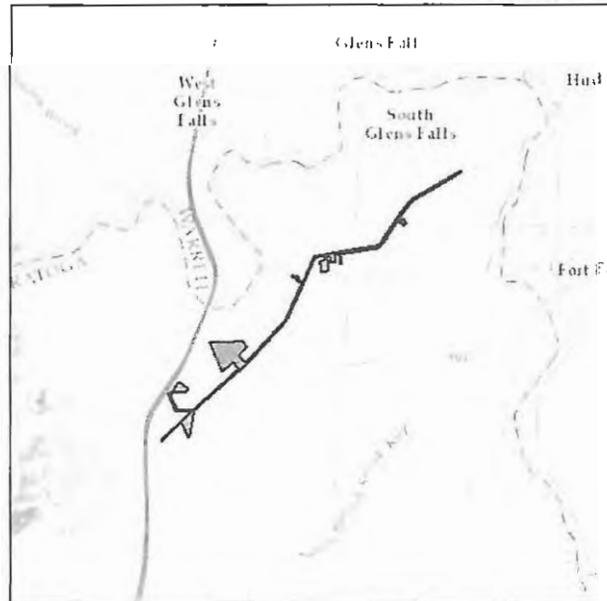
Saratoga County, New York

**DESCRIPTION**

Proposed Sanitary Sewer main along NYS Route 9 and some adjacent roads.

**IPAC LINK**

<https://ecos.fws.gov/ipac/project/OYBFR-XOQ3R-HS5HZ-NL6Z6-CXVREA>



## U.S. Fish & Wildlife Service Contact Information

Trust resources in this location are managed by:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9349

(607) 753-9334

# Endangered Species

Proposed, candidate, threatened, and endangered species are managed by the Endangered Species Program of the U.S. Fish & Wildlife Service.

**This USFWS trust resource report is for informational purposes only and should not be used for planning or analyzing project level impacts.**

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list from the Regulatory Documents section.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency.

**A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list either from the Regulatory Documents section in IPaC or from the local field office directly.**

The list of species below are those that may occur or could potentially be affected by activities in this location:

## Insects

**Karner Blue Butterfly** *Lycaeides melissa samuelis* Endangered

CRITICAL HABITAT

**No critical habitat** has been designated for this species.

[http://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?spcode=I00F](http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=I00F)

## Mammals

**Indiana Bat** *Myotis sodalis* Endangered

CRITICAL HABITAT

**No critical habitat** has been designated for this species.

[http://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?spcode=A000](http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=A000)

**Northern Long-eared Bat** *Myotis septentrionalis* Threatened

CRITICAL HABITAT

**No critical habitat** has been designated for this species.

[http://ecos.fws.gov/tess\\_public/profile/speciesProfile.action?spcode=A0JE](http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=A0JE)

## Critical Habitats

**There are no critical habitats in this location**

## Migratory Birds

Birds are protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Any activity that results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish & Wildlife Service.<sup>[1]</sup> There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

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1. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:

- Birds of Conservation Concern  
<http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Conservation measures for birds  
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Year-round bird occurrence data  
<http://www.birdscanada.org/birdmon/default/datasummaries.jsp>

The following species of migratory birds could potentially be affected by activities in this location:

<b>American Bittern</b> <i>Botaurus lentiginosus</i>	Bird of conservation concern
Season: Breeding <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0F3">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0F3</a>	
<b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i>	Bird of conservation concern
Season: Year-round <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0Q8">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0Q8</a>	
<b>Black-billed Cuckoo</b> <i>Coccyzus erythrophthalmus</i>	Bird of conservation concern
Season: Breeding <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HI">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HI</a>	
<b>Black-crowned Night-heron</b> <i>Nycticorax nycticorax</i>	Bird of conservation concern
Season: Breeding <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0EU">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0EU</a>	

<b>Blue-winged Warbler</b> <i>Vermivora pinus</i> Season: Breeding	Bird of conservation concern
<b>Canada Warbler</b> <i>Wilsonia canadensis</i> Season: Breeding	Bird of conservation concern
<b>Golden-winged Warbler</b> <i>Vermivora chrysoptera</i> Season: Breeding <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0G4">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0G4</a>	Bird of conservation concern
<b>Olive-sided Flycatcher</b> <i>Contopus cooperi</i> Season: Breeding <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0AN">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0AN</a>	Bird of conservation concern
<b>Peregrine Falcon</b> <i>Falco peregrinus</i> Season: Breeding <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FU">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FU</a>	Bird of conservation concern
<b>Pied-billed Grebe</b> <i>Podilymbus podiceps</i> Season: Breeding	Bird of conservation concern
<b>Prairie Warbler</b> <i>Dendroica discolor</i> Season: Breeding	Bird of conservation concern
<b>Red-headed Woodpecker</b> <i>Melanerpes erythrocephalus</i> Season: Breeding	Bird of conservation concern
<b>Short-eared Owl</b> <i>Asio flammeus</i> Season: Wintering <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HD">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HD</a>	Bird of conservation concern
<b>Upland Sandpiper</b> <i>Bartramia longicauda</i> Season: Breeding <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HC">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HC</a>	Bird of conservation concern
<b>Willow Flycatcher</b> <i>Empidonax traillii</i> Season: Breeding <a href="http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0F6">http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0F6</a>	Bird of conservation concern
<b>Wood Thrush</b> <i>Hylocichla mustelina</i> Season: Breeding	Bird of conservation concern

## Wildlife refuges and fish hatcheries

**There are no refuges or fish hatcheries in this location**

# Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

## DATA LIMITATIONS

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

## DATA EXCLUSIONS

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

## DATA PRECAUTIONS

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

This location overlaps all or part of the following wetlands:

## Freshwater Forested/shrub Wetland

### PFO1E

A full description for each wetland code can be found at the National Wetlands Inventory website: <http://107.20.228.18/decoders/wetlands.aspx>





U.S. Fish &amp; Wildlife Service

# National Wetlands Inventory

Ecological Services

Enter Classification code: \_\_\_\_\_ (Example: L1UB1Hx)

For geographically specific information\* (optional), please enter a State code: \_\_\_\_\_ (Example: TX for Texas)

LECC: \_\_\_\_\_

Description for code **PFO1E** :

**P** System **PALUSTRINE**: The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, emergents, mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean derived salts is below 0.5 ppt. Wetlands lacking such vegetation are also included if they exhibit all of the following characteristics: 1. are less than 8 hectares ( 20 acres ); 2. do not have an active wave-formed or bedrock shoreline feature; 3. have at low water a depth less than 2 meters (6.6 feet) in the deepest part of the basin; 4. have a salinity due to ocean-derived salts of less than 0.5 ppt.

Subsystem :

**FO** Class **FORESTED**: Characterized by woody vegetation that is 6 m tall or taller.

**1** Subclass **Broad-Leaved Deciduous**: Woody angiosperms (trees or shrubs) with relatively wide, flat leaves that are shed during the cold or dry season; e.g., black ash (*Fraxinus nigra*).

Modifier(s):

**E** WATER REGIME **Seasonally Flooded/Saturated**: Surface water is present for extended periods especially early in the growing season and when surface water is absent, substrate remains saturated near the surface for much of the growing season.



**NY Plant Specie(s):**

Scientific Name	Common Name	Indicator	Reference Info.
Acer saccharinum	Silver maple	R1:FACW	<a href="#">NRCS Plants Database</a>
Fraxinus pennsylvanica	Green ash	R1:FACW	<a href="#">NRCS Plants Database</a>
Osmunda cinnamomea	Cinnamon fern	R1:FACW	<a href="#">NRCS Plants Database</a>
Osmunda regalis	Royal fern	R1:OBL	<a href="#">NRCS Plants Database</a>
Quercus phellos	Willow oak	R1:FAC+	<a href="#">NRCS Plants Database</a>

**NY Soil(s):**

Series	Subgroup	Soils Fields Ind.	Drainage Class	Flood Frequency	Flood Duration	Flood Latest Depth	HWT Latest	LRR	Soil-5 Code



**Species Conclusions Table**

Project Name: Town of Moreau: Sewer District #1 Extension #5

Date: 11/16/2016

Species Name/Critical Habitat	Potential Habitat Present?	Species Present?	Critical Habitat Present?	ESA / Eagle Act Determination	Notes / Documentation Summary (include full rationale in your report)
Northern long-eared bat	Yes	Possible	NA - none proposed at this time	No effect/ No impact	Overviewing the summary of the NLE Bat from reading the FWS report and with our project being underground no tree removal or other disturbance to bats in their habitats, there will be <b>no effect</b> to any possible habitat within the project boundaries.
Bald eagle	no		no	Unlikely to disturb nesting bald eagles	
Karner Blue Butterfly	Yes	Possible	NA- none proposed at this time	No effect/No impact	Overviewing the summary of the Karner Blue Butterfly from reading the FWS report and with our project being underground with no tree removal or other disturbance to the butterflies in their habitat, there will be <b>no effect</b> to any possible habitat within the project boundaries.
Indiana Bat	Yes	Possible	NA- none proposed at this time	No effect/No impact	Overviewing the summary of the Indiana Bat from reading the FWS report and with our project being underground with no tree removal or other disturbance to the bats in their habitat, there will be <b>no effect</b> to any possible habitat within the project boundaries.



APPENDIX D

SHPO Recommendations

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ANDREW M. CUOMO  
Governor

ROSE HARVEY  
Commissioner

## ARCHAEOLOGY COMMENTS

### Phase I Archaeological Survey Recommendation for Buried Utilities 16PR08008 – Sewer District #1 Extension #5

Based on available information, your project is located in an archaeologically sensitive area. Therefore, the Office of Parks, Recreation and Historic Preservation (OPRHP) recommends that a Phase I archaeological survey is warranted and offers the following survey recommendations for the linear portions of the undertaking.

Phase IB archaeological survey is **not** recommended for those portions of the project route that are located between the edge of pavement and the far edge of an existing excavated ditch or existing utility lines, with the exceptions of alluvial settings and portions of the project route that are within the bounds of known archaeological sites. In the latter settings, Phase IB testing may be recommended for those portions of the route that fall between the edge of pavement and the far edge of an excavated ditch. Consultation with the OPRHP is recommended, to determine if Phase IB testing is warranted. Information on alluvial soils may be obtained from USDA Soil Surveys, or USDA website.

Phase IB archaeological survey **is** recommended for all portions of the project route that do not fall between the edge of pavement and the far edge of an existing excavated ditch or existing utility lines.

The above testing protocol is acceptable to our office with the understanding that the consulting archaeologist will be supplied with a set of accurate project construction plans before proceeding with Phase IB archaeological testing. These maps should be color coded for ease of review.

*Documentation* - The Phase I archaeological survey report must include a concise project area description that clearly outlines the location, extent and reason for not testing portions of the project route. This information must also be included on the project map.

Please also be aware that a Section 233 permit from the New York State Education Department (SED) may be necessary before archaeological fieldwork is conducted on State-owned land. If any portion of the project includes the lands of New York State you should contact the SED before initiating survey activities. The SED contact is Christina B. Rieth and she can be reached at (518) 402-5975. Section 233 permits are not required for projects on private lands.

If you have any questions concerning archaeology, please contact Daniel Bagrow at 518-268-2160 or [dan.bagrow@parks.ny.gov](mailto:dan.bagrow@parks.ny.gov)



## Parks, Recreation, and Historic Preservation

**ANDREW M. CUOMO**  
Governor

**ROSE HARVEY**  
Commissioner

November 28, 2016

Mr. James Salaway  
Engineer  
C2AE  
70 Main Street  
Canton, NY 13617

Re: EFC, DOH  
Village of Tupper Lake Water System Improvements  
Tupper Lake, Franklin County  
16PR06945

DEC  
Village of Tupper Lake Sanitary Sewer & WWTP Improvements Project  
Tupper Lake, Franklin County  
16PR07088

EFC, DEC  
Sewer District #1 Extension #5  
Moreau, Saratoga County  
16PR08008

Dear Mr. Salaway:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

SHPO has no concerns with the release of funds for planning and design purposes for the three projects referenced above. My office looks forward to continued consultation prior to any ground disturbing activities taking place.

If you have any questions or concerns I can be reached at 518-268-2160 or

---

**Division for Historic Preservation**

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • [www.nysparks.com](http://www.nysparks.com)

dan.bagrow@parks.ny.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Bagrow', with a long horizontal flourish extending to the right.

Daniel A. Bagrow  
Scientist (Archaeology)

---

**Division for Historic Preservation**

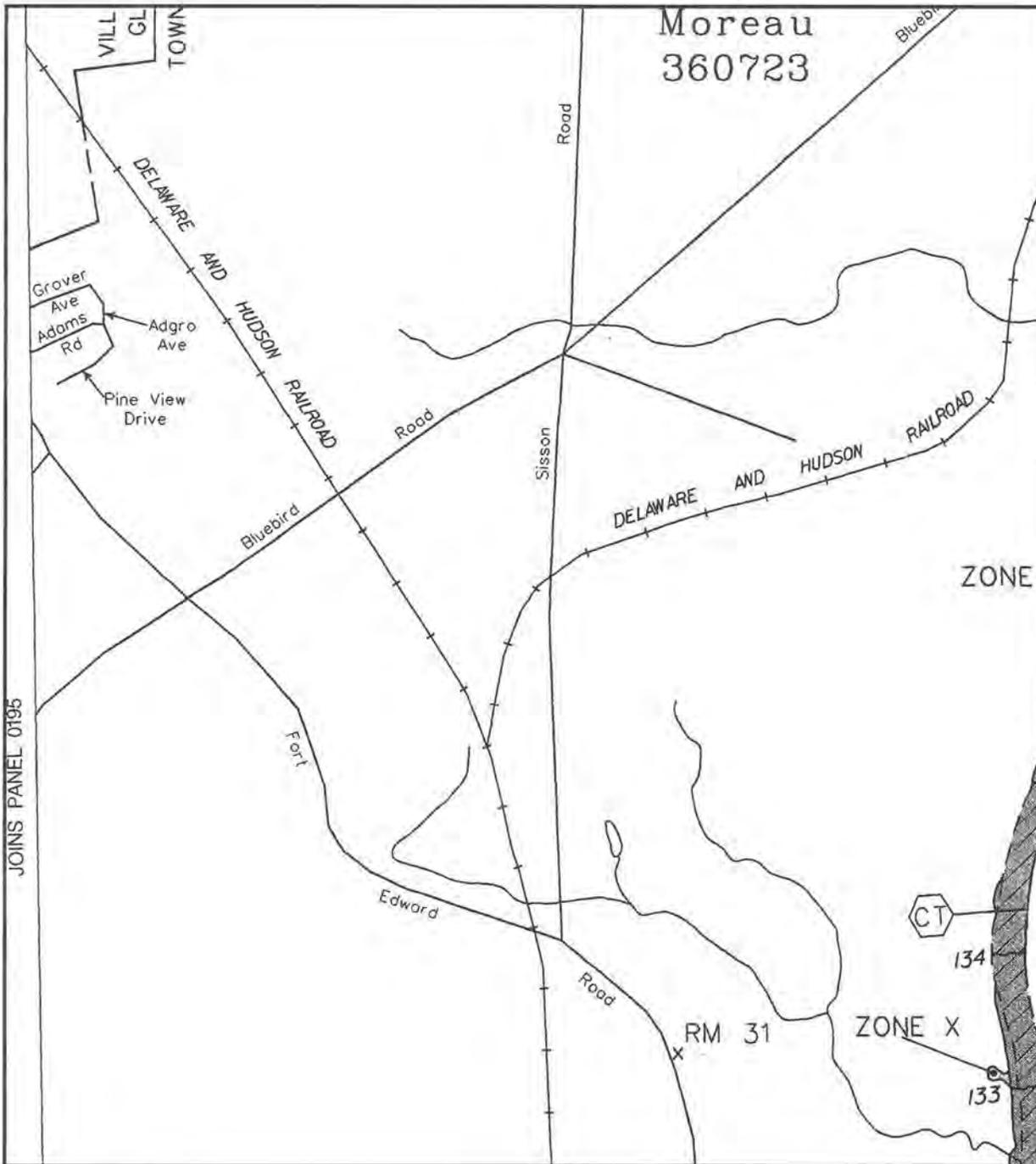
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APPENDIX E

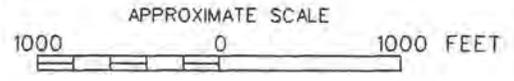
FEMA Maps

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JOINS PANEL 0195

Moreau  
360723



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP  
**SARATOGA COUNTY,  
NEW YORK  
(ALL JURISDICTIONS)**

PANEL 215 OF 693

(SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
MOREAU TOWN OF	360723	025	E
SOUTH GLENS FALLS VILLAGE OF	360730	025	E

Notice to user: The MAP NUMBER shown below should be used when placing map orders; the COMMUNITY NUMBER shown above should be used on insurance applications for the subject community.

MAP NUMBER  
36091C0215 E

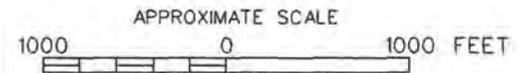
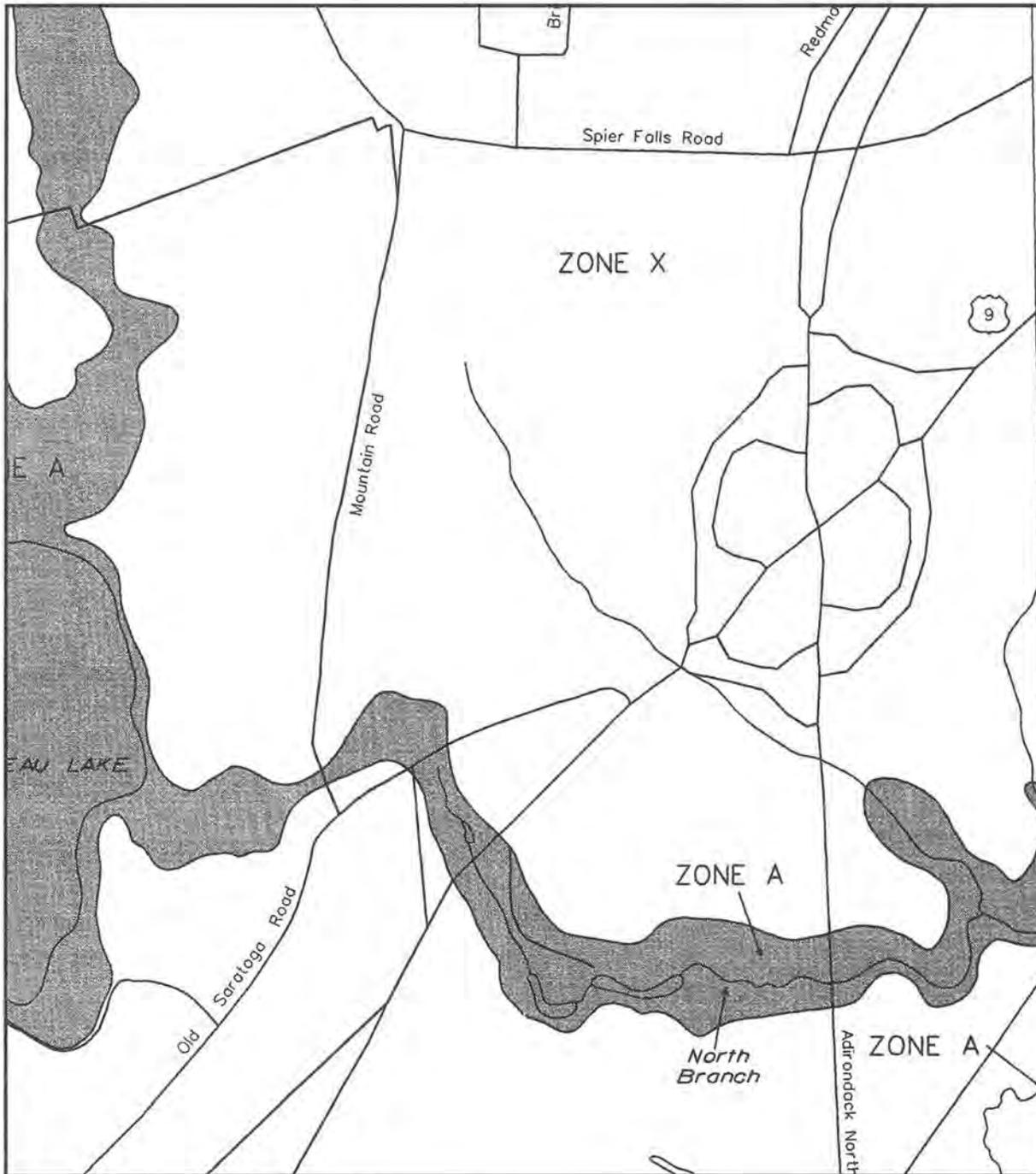
EFFECTIVE DATE :  
AUGUST 16, 1995



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)





NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
**FLOOD INSURANCE RATE MAP**  
**SARATOGA COUNTY,**  
**NEW YORK**  
**(ALL JURISDICTIONS)**

PANEL 330 OF 693

(SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
CORNILL TOWN OF	36075	0330	E
MOREAU TOWN OF	36073	0330	E

Notice to User: The MAP NUMBER shown above should be used when placing map orders; the COMMUNITY NUMBER shown above should be used on insurance applications for the subject community.

MAP NUMBER  
 36091C0330 E

EFFECTIVE DATE :  
 AUGUST 16, 1995

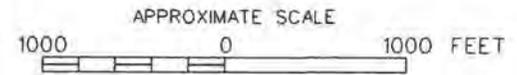


Federal Emergency Management Agency

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73° 41' 15"  
00"



ZONE X

Town

NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP  
**SARATOGA COUNTY,**  
**NEW YORK**  
**(ALL JURISDICTIONS)**

PANEL 335 OF 693

(SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
MORRIS TOWN OF	340723	0335	E

Notice to User: The MAP NUMBER shown below should be used when placing map orders. The COMMUNITY NUMBER shown above should be used on insurance applications for the subject community.

MAP NUMBER  
36091C0335 E

EFFECTIVE DATE:  
AUGUST 16, 1995



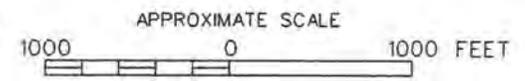
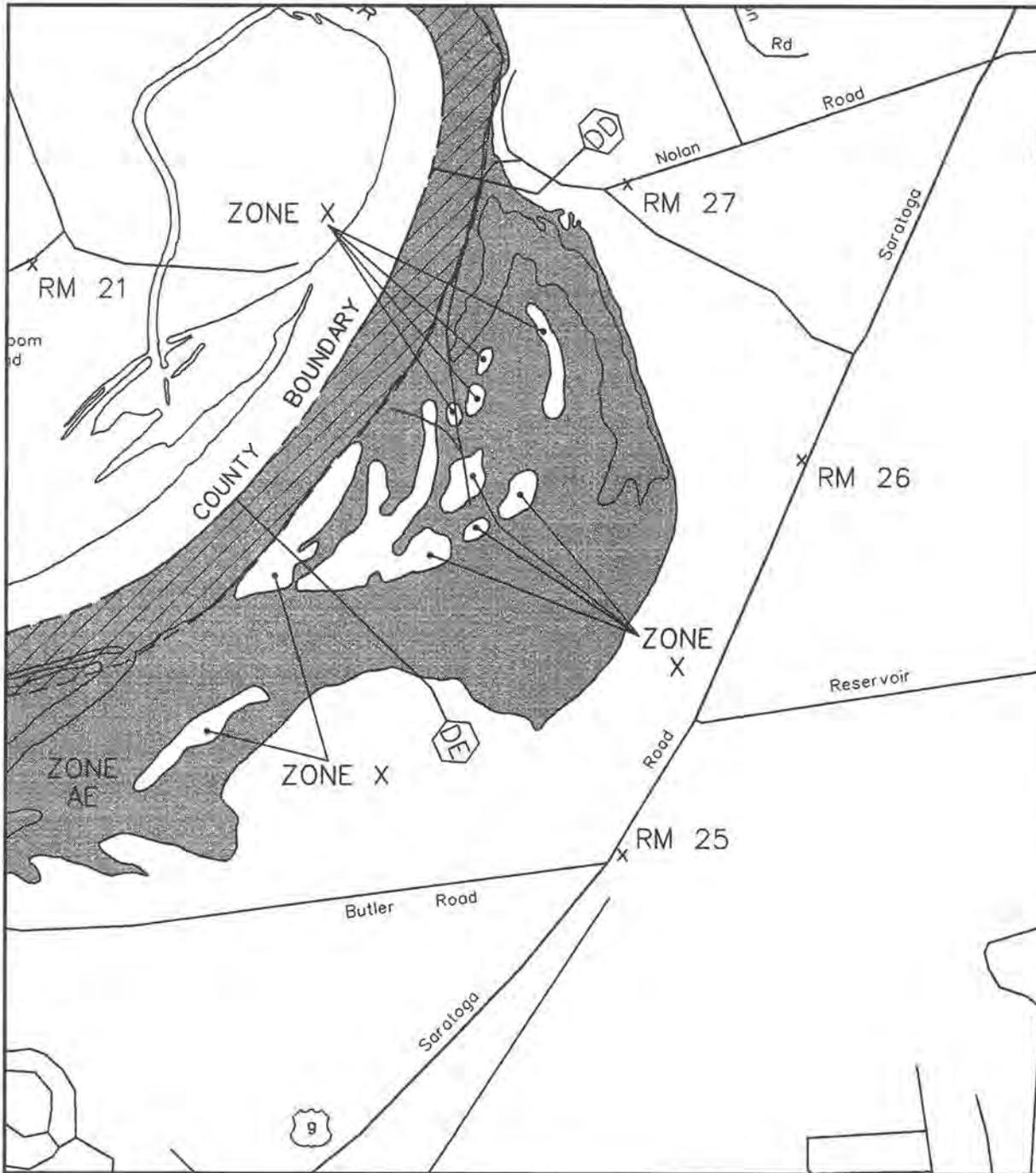
Federal Emergency Management Agency

JOINS PANEL 0330



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NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
**FLOOD INSURANCE RATE MAP**  
**SARATOGA COUNTY,**  
**NEW YORK**  
**(ALL JURISDICTIONS)**

PANEL 195 OF 693  
 (SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
WREARL TOWN OF	360123	085	E
SOUTH GLENS FALLS, VILLAGE OF	360130	085	E

Notice to User: The MAP NUMBER shown below should be used when placing map orders; the COMMUNITY NUMBER shown above should be used on insurance applications for the subject community.

MAP NUMBER  
 36091C0195 E

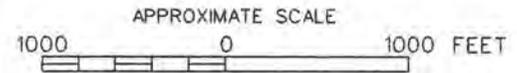
EFFECTIVE DATE:  
 AUGUST 16, 1995



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)





JOINS PANEL 0015

NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
 FLOOD INSURANCE RATE MAP  
 SARATOGA COUNTY,  
 NEW YORK  
 (ALL JURISDICTIONS)

PANEL 195 OF 693

(SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
MOREAU TOWN OF	360723	095	E
SOUTH GLENS FALLS VILLAGE OF	360730	095	E

Notice to User: The MAP NUMBER shown below should be used when placing map orders; the COMMUNITY NUMBER shown above should be used on insurance applications for the subject community.

MAP NUMBER  
 36091C0195 E

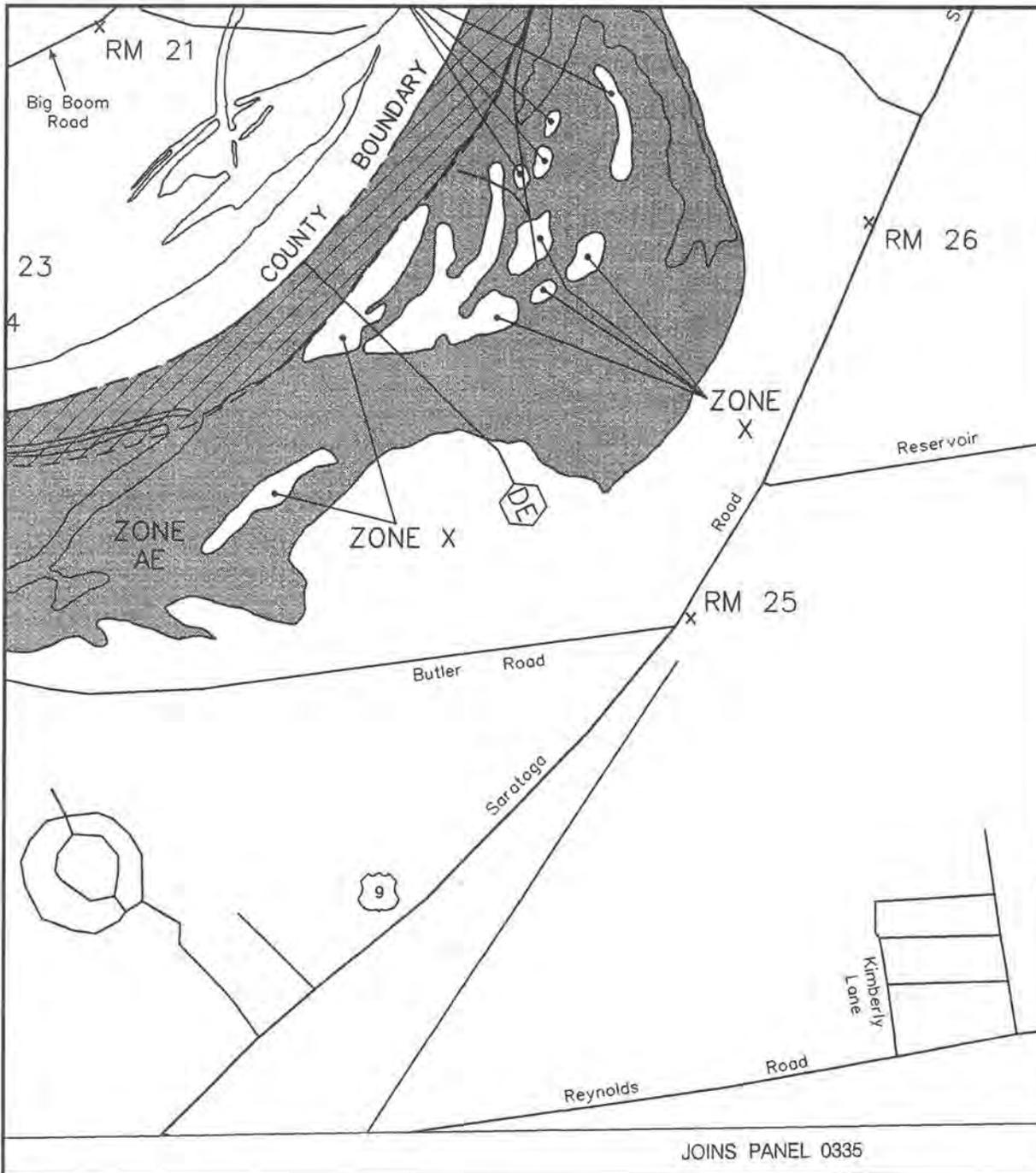
EFFECTIVE DATE:  
 AUGUST 16, 1995



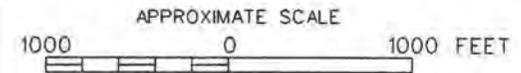
Federal Emergency Management Agency

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JOINS PANEL 0335



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
 FLOOD INSURANCE RATE MAP  
**SARATOGA COUNTY,**  
**NEW YORK**  
**(ALL JURISDICTIONS)**

PANEL 195 OF 693

(SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
WRELL TOWN OF	360123	085	E
SOUTH GLENS FALLS, VILLAGE OF	360130	085	E

Notice to User: The MAP NUMBER shown below should be used when placing map orders; the COMMUNITY NUMBER shown above should be used on insurance applications for the subject community.

MAP NUMBER  
 36091C0195 E

EFFECTIVE DATE:  
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Federal Emergency Management Agency

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APPENDIX F

Intermunicipal Agreement between Town of Moreau and City of Glens Falls  
2017 Treatment Invoice for City of Glens Falls

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**FACILITY AGREEMENT**

between

**THE BOARD OF WATER AND SEWER COMMISSIONERS  
OF THE CITY OF GLENS FALLS**

and

**THE TOWN OF MOREAU**



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## AGREEMENT

This Agreement made by and between the **BOARD OF WATER AND SEWER COMMISSIONERS** of the **CITY OF GLENS FALLS**, a municipal corporation with offices at 42 Ridge Street, Glens Falls, New York, (CITY) and the **TOWN OF MOREAU**, a municipal corporation with offices at 61 Hudson Street, South Glens Falls, New York (TOWN) is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

## RECITALS

**WHEREAS**, CITY operates and maintains a Facility for treatment of sewage and wastewater discharges; and

**WHEREAS**, CITY is bound by the provisions of its state pollutant discharge elimination system permit and other applicable statutes and regulations of the United States Environmental Protection Agency and New York State Department of Environmental Conservation; and

**WHEREAS**, CITY is agreeable to TOWN's discharge of a limited amount of wastewater into the Facility in strict accordance with the terms and provisions hereinafter set forth.

The parties hereto agree as follows:

### Section 1. DEFINITIONS

1.01 The terms used in this Agreement shall have the same meaning as the terms defined in the Federal Water Pollution Control Act (sometimes referred to as the "Clean Water Act") and Federal and New York regulations, except when the context herein clearly required otherwise or except as hereinafter provided.

1.02 The term "CITY" shall mean the Board of Water and Sewer Commissioners of the City of Glens Falls, a municipal corporation with offices at 42 Ridge Street, Glens Falls, New York.

1.03 The Term "DEC" shall mean the State of New York Department of Environmental Conservation, or its successor, if any.

1.04 The terms "EPA" shall mean the United States Environmental Protection Agency or its successor agency, if any.

1.05 The term "Facility" shall mean the CITY's wastewater treatment plant and appurtenant facilities located on a parcel of land on Shermantown Road, Glens Falls, New York, which parcel is more particularly described in Exhibit "A" attached hereto, together with any future modifications of or additions to said sewage treatment plant or any appurtenant facilities located on said parcel.

1.06 The term "GPD" shall mean gallon per day.

1.07 The term "Industrial User" shall mean the owner or operator of property used for an industrial purpose.

1.08 Manhole #5 shall mean the manhole #5 on Page A-4 of LMS Wastewater Treatment Plant Plans dated July 20, 1983. Page A-4 is titled "Yard work and General Yard Piping Plan".

1.09 Operation and maintenance costs of the Sewer System shall include capital costs not paid from the Reconstruction Fund.

1.10 The term "Publicly Owned Treatment Works" and "POTW" shall have the

same meaning as the terms "Sewer System" as defined at section 1.14 hereof.

1.11 The term "MGD" shall mean millions of gallons per day.

1.12 The term "Reconstruction" shall mean such major repairs, alterations or replacement of equipment or structures as are more substantial than routine maintenance.

1.13 The term "Reconstruction Fund" shall mean a fund established to pay for Reconstruction with monies received from Operating Costs Surcharges (as defined in Section 8 (c) hereof) and interest earned on such monies.

1.14 The term "Sewer Lines" shall mean the collection and transport system operated by the CITY and used to convey the CITY wastewater to the Facility, including but not limited to sewer pipes, pump stations and force mains.

1.15 The term "Sewer System" shall mean the Facility plus the Sewer Lines, ~~and~~ comprising all property, structures and equipment used for the collection, transportation and treatment of wastewater within the CITY. The term "Sewer System" and the term "Publicly Owned Treatment Works" or "POTW" shall have the same meaning in this Agreement, including Exhibits "B", and "C" and Appendix "A".

1.16 The term "Significant Industrial User" shall mean an Industrial User which discharges waste subject to pretreatment pursuant to 40 CFR Part 403, as amended, Chapter 88 of the Code of City, as amended; and Article 3 of Appendix A of this Agreement.

1.17 The term "User" shall mean a party that discharges wastewater to the Sewer System, including domestic, commercial and industrial discharges.

1.18 The term "Town Industrial User" (TOWN IU) shall mean an Industrial User located within the TOWN.

1.19 The term "Town Significant Industrial User" (TOWN SIU) shall mean a Significant Industrial User located within the TOWN.

1.20 The term "Wastewater" shall mean liquid and water-carried domestic, commercial, industrial, or municipal wastes discharged to the Sewer System. TOWN Wastewater shall not include ground water, surface water or storm water, except as found non-excessive in a report prepared by The Saratoga Associates entitled Engineering Report on Moreau Industrial Park dated October 29, 1991, incorporated herein by reference.

## Section 2. FACILITY ESTABLISHMENT

2.01 The CITY hereby agrees to operate and maintain the Facility so as to meet such requirements of the EPA and the DEC as may be in force from time to time and to accept the wastewater of TOWN as set forth hereinafter in Section 10. TOWN hereby agrees, on the terms and conditions set forth herein, that no wastewater other than that generated in the TOWN shall be discharged to the CITY sewer system and that no ground water surface water or storm water (other than as allowed under Section 1.20 hereof) shall be discharged by the TOWN into the CITY's Sewer System.

2.02 The CITY shall operate and maintain the Facility so as to dispose of wastewater delivered into the Facility, including wastewater from the TOWN, in compliance with EPA and DEC requirements.

2.03 Reconstruction of the Facility so as to permit continued treatment and

disposal of wastewater of the same volume and quality shall be made by the CITY as necessary and financed from the Reconstruction Fund and other charges as described hereinafter in Section 8.

2.04 TOWN shall construct all sewer lines and other structures necessary to comply with its obligations under the terms of this Agreement, including the transportation of TOWN wastewater to Facility at manhole #5 as described in Section 4 hereof. Plans and specifications for the force main within the CITY, all sampling and metering equipment and the pump station will be submitted to the CITY for the City's written approval prior to solicitation of bids and commencement of construction thereof by TOWN.

### Section 3. FACILITY MANAGEMENT

3.01 The maintenance and operation of the Facility shall be managed by the CITY through its duly authorized officials as its powers are established. The management responsibilities of the CITY include the following:

(a) The CITY is to review and direct the maintenance and operation of the Facility;

(b) The CITY shall maintain books of account and other records directly or indirectly concerning the operation of the Facility, including every element of cost, which records shall be prepared in accordance with Department of Audit and Control Guidelines and generally accepted accounting principles, a certified copy of which records shall be admissible as evidence in any judicial or administrative proceeding involving enforcement

or construction of this Agreement.

(c) The CITY shall cause the Facility to be insured against loss or damage by fire or other casualty in such amount and against such risks as are usually carried with respect to like property and without any co-insurance requirement provisions.

(d) In the event of any damage to the Facility, the CITY shall, as soon as reasonably possible, repair or replace the damaged property and restore the Facility to normal operation.

#### Section 4. WARREN STREET CONNECTION

4.01 Force Main. TOWN shall construct, at no expense to the CITY, a force main from TOWN's sewage pump station, along the Niagara Mohawk power line and the rear roadway at the Facility, and thence to the Facility at manhole #5. TOWN shall at no cost or expense to CITY construct the connection to the CITY's Facility at that location, subject however to the following requirements: 1. CITY's prior review and approval of the plans and specifications therefore as herein provided; 2. In no event shall TOWN disrupt the flow, pressure or physical integrity of the CITY's Sewer System; 3. TOWN shall not cut into the CITY's Sewer System without 96 hours prior written notice to CITY; and 4. CITY shall have the right to have an observer present at all times during such connection who shall have the right to direct TOWN activities if in his reasonable judgment, such is required to prevent a disruption of the flow, pressure or physical integrity of the CITY's Sewer System. Prior to completion of design the TOWN shall submit plans and specifications for the construction of said force main and connection and

exact location thereof, to the CITY for review and approval. CITY may require modification(s) of said plans and specifications, in which event TOWN shall submit modified plans and specifications to the CITY for approval. Upon its approval of a design, the CITY will grant to the TOWN construction permits which shall stipulate the condition of the work, including location, types of materials utilities and traffic maintenance requirements, environmental protection, restoration, and duration of the work. Utility protection, replacement and relocation, including CITY storm and sanitary sewers and water mains and laterals will be the sole responsibility of the TOWN. Approval of the TOWN's plans will not be unreasonably withheld. TOWN shall be responsible for the maintenance of the force main within the CITY up until the point of connection with the Facility at manhole #5. In this regard, TOWN will comply with all CITY requirements regarding street opening permits and other related issues; prior to the beginning of any such maintenance activities to which such requirements apply. TOWN will indemnify and hold harmless CITY and CITY's officers, agents and employees from all liability, cost, damages and judgments related to or arising out of any such activities of TOWN within the boundaries of CITY and the presence of any TOWN representatives within the boundaries of the CITY. Prior to entry of any TOWN representative into CITY for purposes as set forth in this section, or the beginning of any such activities by TOWN within CITY, TOWN shall obtain a liability insurance policy naming CITY and its officers, agents, and employees as insureds; shall submit a certificate of insurance, or the policy itself, as the CITY in its sole discretion shall direct, as written proof of such

insurance to CITY (which insurance policy shall, inter alia, provide that there shall be no cancellation or material alteration of the provisions thereof without thirty (30) days written notice to CITY); and shall have received written notice from CITY that said policy is acceptable in form and limits of coverage to CITY; provided, however, that in no event shall TOWN's obtaining the aforesaid insurance be deemed or construed as a waiver of or substitution for the TOWN's obligations to indemnify and hold harmless as aforesaid, it being the intention and Agreement of the parties hereto that said insurance shall be in aid of TOWN's obligations under this section but shall not affect or modify TOWN's obligations under this section except to the extent of the amounts of any such insurance proceeds received by CITY or CITY's officer's agents or employees.

4.02 The TOWN shall design, construct and operate its pump station and force main so as not to create any hydraulic problems at the point of discharge. The CITY will make available to the TOWN's engineers any data which the CITY possesses that may assist them in this design objective.

#### Section 5. FACILITY OPERATION

5.01 The CITY hereby agrees to operate the Facility in accordance with this Agreement and good operating practices such as are commonly employed in operating wastewater treatment systems comparable to the Facility and in compliance with EPA, DEC and other federal, state or local regulatory agency requirements as may from time to time exist, including without limitation, securing and complying with all necessary SPDES, RCRA and air discharge permits.

5.02 The CITY shall maintain and repair all portions of Sewer System located within the geographical boundaries of the CITY, except for the work required to be done by the TOWN pursuant to Section 4.01 hereof. TOWN shall repair and maintain all portions of sewer facilities located within TOWN and all facilities within the CITY connecting same to the Facility at manhole #5 at its own cost and expense. In engaging in maintenance and repair, the TOWN will insure that said activities of the TOWN will not negatively impact on the functioning of the Sewer System. The TOWN shall notify the CITY prior to performing any work on the TOWN's pump station and/or Force Main, and will obtain permission from the CITY prior to performing any work on that portion of the TOWN's force main located within the CITY.

#### Section 6. METERING AND ANALYSIS

6.01 In order to assess appropriate charges and assure TOWN compliance with this Agreement and applicable statutes, ordinances and regulations, the TOWN shall construct and maintain a metering station, including flow meters, composite sampling and related equipment such as records and charts showing the individual use of the Facility by the TOWN. The TOWN shall submit the plans and specifications for the pump station and a composite sampling and metering system to the CITY for review; the TOWN shall not let bids nor undertake construction without receiving CITY approval of the proposed installation. TOWN shall make such modification(s) in plans as mandated by CITY and shall construct and operate the pump station in accord with such plans as modified and approved by the CITY. Location of the metering and sampling station shall be at the

entry point of the TOWN's flow to the TOWN pumping station or such other location as may be acceptable to the CITY. No TOWN wastewater shall enter the pump station downstream from the metering and sampling station. The TOWN shall be responsible for the costs of all such measuring and sampling equipment, including replacements, and installation costs. TOWN shall be responsible for the preparation and cost of an operation and maintenance manual for all such measuring and sampling equipment, and shall supply same to the CITY prior to the discharge of TOWN wastewater into the Sewer System. The CITY will inspect the completed installation to assure conformity with the approved plans. The CITY shall have access to and control of said measuring and sampling equipment at all times. In addition, the CITY shall establish monitoring and testing procedures and methods in accordance with good engineering practice to insure the conformance of use of the Facility by TOWN with the above-mentioned requirements. Samples shall be analyzed by the CITY in accordance with the latest procedures and requirements mandated by the EPA and NYSDEC for the analysis of wastewater. Copies of all results of such analysis shall be furnished promptly to the TOWN. Results shall be deemed approved by the TOWN if no objection is filed by the TOWN with the CITY within fourteen (14) days after mailing the results to the TOWN. The TOWN shall reimburse the CITY for all costs incurred in conducting the monitoring and testing procedures; the cost of testing shall be at the appropriate rate, according to the rate schedule of the Glens Falls Wastewater Treatment Plant Laboratory; the cost of monitoring will be the actual labor costs expended. In addition, the TOWN shall be

responsible for operation and maintenance costs connected with the metering station for which the CITY will maintain a separate account. In addition to the data obtained from the metering station, the TOWN will supply to the CITY each month the water usage records for each Industrial User within the TOWN.

6.02 The TOWN may perform tests and analyses and may install additional sampling, metering and testing equipment at the metering station so long as it does not conflict with the operation and accuracy of said equipment under Section 6.01. The CITY shall inspect and calibrate, or cause the manufacturers of the metering equipment at such intervals as are in accordance with the manufacturers' recommendations for such equipment, but in any case not less frequently than once per year. TOWN shall reimburse CITY for the cost of said inspection and/or calibration. At the request of the TOWN, the CITY shall make additional tests of any or all of such metering equipment; provided, however, that the cost of such additional tests shall be borne by the TOWN. Reports on data secured by the CITY from such tests shall forthwith be delivered to the operating manager of the Facility and the TOWN.

6.03 In the case of missing data due to faulty calibration of the metering or sampling equipment or otherwise, an estimate of such data shall be made by the CITY for the purpose of determining the TOWN's financial obligation under the terms of this Agreement. This estimate shall be based on an evaluation of all records of use of the Facility and metered water usage data with the TOWN. If the TOWN is not in Agreement with such estimate, the parties agree to negotiate the issue in good faith prior

to exercising any options for judicial relief.

Section 7. TOWN LEGISLATION

7.01 TOWN shall adopt legislation applicable to the TOWN in compliance with the applicable provisions of the Federal Water Pollution Control Act as amended, and regulations promulgated pursuant thereto, including but not limited to 40 CFR Part 403, and Chapter 88 of the CITY Code as amended, so that all Users of the Facility located within the TOWN shall be legally bound to comply with the applicable provisions thereof, engage in pretreatment, establish metering and sampling facilities, issue reports, and in general to perform all acts mandated by the aforesaid legal authorities, so that TOWN will be able to comply with the provisions of this Agreement and so that in the event of a violation of any provision of this Agreement, especially a violation of Article 3 of Appendix A hereof, the particular violator(s) within the TOWN may be identified, and the sanction provisions of the TOWN legislation imposed upon said violator(s). TOWN shall not commence wastewater discharge to the Facility until such time as such legislation has been reviewed and approved by CITY and DEC. TOWN shall amend said ordinance from time to time in order to comply with any existing or amended federal or state statutes, regulations or requirements, or to comply with the provisions of Chapter 88 of the Code of the City of Glens Falls, as amended.

7.02 All TOWN SIUs must apply for and obtain an Industrial Wastewater Permit from the CITY prior to discharging any industrial wastewater into the TOWN's or the CITY's sewer system.

7.03 Should a TOWN SIU violate the terms of its permit, the CITY shall have the authority to enforce the terms of the permit pursuant to the enforcement provisions of Chapter 88 of the Glens Falls City Code, including any amendments thereto.

7.04 TOWN shall adopt legislation authorizing it to enter into an Agreement with the CITY and each applicable Significant Industrial User located in the TOWN in the form annexed hereto as Exhibit C.

Section 8. TOWN'S COSTS

8.01 TOWN shall pay CITY the following amounts:

(a) Facility Operation and Maintenance

i. TOWN shall pay its share of annual operation and maintenance for the Facility, calculated as follows:

$$\$ = \frac{1.20 (M) (J)}{A} \left( \frac{\text{BOD} + \text{TSS} + \text{TKN}}{200 \quad 200 \quad 40} \right) \left( \quad \quad \quad \right)$$

Where:

- \$ = TOWN's annual costs for the above.
- M = the total operating and maintenance costs, including allocated administration and employee benefit costs, incurred by the CITY for the wastewater disposal plant, reduced by any Federal and State aid and contributions by industrial contract users received by the CITY for these costs.
- A = the total annual plant flow minus the flow of any industrial contract user.
- J = Town of Moreau flow, calculated monthly and totaled annually.
- BOD = mg/l BOD<sub>5</sub>, monthly average for Town flow

TSS = mg/l TSS, monthly average for Town flow

TKN = mg/l TKN, monthly average for Town flow and if  

$$\frac{(\text{BOD} + \text{TSS} + \text{TKN})}{(200 \quad 200 \quad 40)} \div 3 < 1.0, \text{ use } 1.0$$

- ii. Prior to September 1st in each calendar year, TOWN shall submit to CITY an estimate of TOWN's total volume and constituents of wastewater discharge to the Sewer System for the upcoming calendar year. CITY shall consider, but shall not be bound by, that estimate, and shall prepare a proposed budget for Facility operation and maintenance for the upcoming calendar year.
- iii. The CITY shall submit its proposed operation and maintenance budget for the Facility to the TOWN for review and comment.
- iv. On or about November 1st of each year, CITY shall submit a bill to TOWN stating TOWN's share of the Facility operation and maintenance budget for the next calendar year. TOWN shall pay that bill in two (2) equal installments on or before January 15th and July 15th of the year following receipt of the November 1st Bill.
- v. During the first quarter of each calendar year, the CITY will calculate the TOWN's share of the Facility operation and maintenance costs based on actual costs and the TOWN's actual use of the Facility during the preceding calendar year, and the CITY shall adjust the next July bill to reflect either an additional charge for use in excess of the TOWN's estimate or a credit for use below the TOWN's estimate.

(b) Future Reconstruction

- i. It is recognized that portions of the Facility will wear out from time to time and need to be replaced. As required by 40 CFR Section 35.929-1, user charges must provide adequate funds for such replacement. Insofar as such Reconstructions constitutes more than normal maintenance, the CITY will pay for such Reconstruction with moneys available from a "Reconstruction Fund." Items subject to Reconstruction rather than normal maintenance shall be those items, the aggregate cost of which

would cause the budget line items for routine repair and reconstruction to be exceeded.

- ii. The Reconstruction Fund shall be an interest bearing fund established solely for the purpose of providing moneys for such Reconstruction. The CITY will transfer, as received, all payments of Operating Cost Surcharges (defined below) to the Reconstruction Fund. Moneys may be withdrawn from the Reconstruction Fund as needed to pay for Reconstruction. Operating Costs paid for from the Reconstruction Fund shall not be charged as Operating Costs for the period. The CITY will designate the bank institution in which the funds will be deposited and the CITY will provide the TOWN with an annual report on the balance and investments of the Reconstruction Fund.
- iii. TOWN will prepay \$5,000 as its initial contribution to the Reconstruction Fund on the date which the TOWN connects into the CITY's sewer system. TOWN will receive credit for this prepayment against surcharges which will be imposed upon TOWN.
- iv. The CITY shall annually prepare a schedule of all significant components of the Facility with estimated costs for Reconstruction of each component. The schedule, including costs estimates, shall be updated annually.
- v. The CITY shall establish a percentage surcharge (the "Operating Cost Surcharge") to all user charges such that, if such percentage remained applicable from year to year, it would provide sufficient funds for Reconstruction as needed from the reconstruction Fund. The CITY may use reasonable assumptions regarding anticipated aggregate user charges, interest levels and inflation in establishing the applicable percentage. The CITY shall adjust the applicable percentage at least annually as needed to maintain adequate funding of the Reconstruction Fund.
- vi. TOWN shall pay its share of the annual Reconstruction funding for the Facility, calculated as follows:

$$\text{\$} = (X/Y) Z$$

- \$ = annual fee payable to CITY by TOWN for TOWN's share of Facility Reconstruction Fund.
- X = total annual volume of TOWN's wastewater discharged into the Facility.
- Y = total annual flow through the Facility during the preceding calendar year.
- Z = total annual funding for the Reconstruction Fund established by the CITY for the forthcoming calendar year. Z shall be calculated by CITY in accord with CITY's standard policies and practices as authorized by Article 5 of Chapter 88 of the City Code, as amended and 40 CFR 35.929-1, as amended.

- vii. Notwithstanding the foregoing, the TOWN's minimum share of the annual funding for the reconstruction fund shall be \$5,000.00. The TOWN's maximum contribution shall not exceed 5% of the TOWN's share of the annual operation and maintenance budget for the Facility, unless said sum will be less than the minimum annual funding of \$5,000.00, in which event the TOWN shall pay the minimum sum as aforesaid.
- viii. TOWN's share of the annual funding of the Reconstruction fund shall be set forth in a bill submitted to the TOWN on or about November 1st of each calendar year. The TOWN shall pay said bill on or before January 15th of the next year.
- ix. In the event that the Reconstruction Fund is not sufficient to pay for any required Reconstruction of the existing Facility, the TOWN shall pay its share of such deficiency based on the above formula.

(c) Miscellaneous Direct Charges Fee

- i. TOWN shall pay the CITY as a miscellaneous direct charges fee the amount of any direct costs incurred by the CITY as a result of the TOWN's contribution of wastewater to the CITY's Sewer System, including but not limited to costs of monitoring or inspection of TOWN facilities or facilities of TOWN Industrial Users, costs of reviewing records supplied by TOWN

or TOWN Industrial Users, costs of pretreatment surveys, operation and maintenance of metering station under 6.01, and costs of processing, review and re-review of applications under this Agreement.

- ii. The amount of these costs shall be set by the CITY in good faith based upon the actual costs to the CITY therefore.
- iii. The miscellaneous direct charges fee shall be payable by TOWN to the CITY from time to time as the CITY incurs expenses included within this category and submits a written bill to the TOWN therefore.

(d) Fees for Violation of Pretreatment Regulations

- i. TOWN shall pay CITY any costs set forth in Article 6 of Appendix A hereto as such times and in such amounts as CITY shall determine, in compliance with the provisions of Article 6 of Appendix A.

(e) Minimum Annual Charge

- i. Notwithstanding the foregoing, after the flow of TOWN Wastewater begins, the minimum annual charge for Facility operation and maintenance shall be:

Up to 10 users	-	\$ 5,000.00
Over 10 users	-	10,000.00

(f) Late Payment Charge

- i. There shall be a late payment charge for late payment of any amounts owing under this Section 8, as follows:  
Interest chargeable on amounts that are unpaid more than 30 days after payment is due hereunder shall be equal to the prime interest rate reported in the Wall Street Journal plus two percent, adjusted daily; interest chargeable on amounts that are unpaid more than 60 days after payment is due hereunder shall be equal to the prime rate reported in the Wall Street Journal plus six percent, adjusted daily.

Section 9. EXPANSION

9.01 TOWN may, at any time subsequent to the effective date of this Agreement, request additional flow to or modification of the constituent makeup of the TOWN's wastewater discharge to the CITY's Sewer System. At such time as the TOWN so requests in writing, specifying the amount of said flow requested, and the proposed constituents of said flow including volume, mass and concentration of the various regulated pollutants set forth in Article 3 of Appendix A hereof, TOWN and CITY shall, at the earliest reasonable opportunity, meet to discuss possible expansion plans for the Facility. Approval or disapproval of TOWN's request shall be made at the sole discretion of CITY. If the expansion is approved by CITY, TOWN shall pay for the costs of said expansion, unless said expansion is made in conjunction with another expansion of the Facility, in which case TOWN shall pay its pro-rata share based on the amount of flow and constituents of its flow. Before the beginning of construction of any expansion requested by TOWN, either individually or jointly with others, CITY and TOWN shall execute an Agreement in form similar to this Agreement, which Agreement shall be in a form and containing such terms as are acceptable to CITY. Such an Agreement shall specify the modified responsibilities of TOWN for increased capital construction costs, user fees and reconstruction contribution as the result of this expansion.

9.02 In the event CITY shall, subsequent to the effective date of this Agreement, be ordered by EPA or DEC or any other successor agency thereto or governmental

agency with authority to so order CITY, modify the Facility, or if modification is necessary to maintain the CITY's SPDES permit or any other permit applicable to operation of the Facility, the TOWN's share of such additional capital costs of construction shall be based upon its proportionate share of the factors (flow and constituents) which contribute to the need for such modification. If the operation and maintenance costs for the modification to the Facility are computed separately, the TOWN's share of such additional operation and maintenance costs shall be based on its proportionate share of the factors (flow and constituents) which contribute to the need for modification.

9.03 CITY may expand the Facility on its own initiative at any time subsequent to the effective date of this Agreement. If said expansion is not pursuant to Sections 9.01 or 9.02 hereof, said expansion shall be completed at no additional expense to the TOWN.

In no event shall any such expansion interfere with the TOWN's access rights to the Facility as set forth in Section 10 of this Agreement.

9.04 In no event shall an expansion violate the provisions of any applicable federal or state pollution discharge requirement, the CITY's SPDES permit, or Chapter 88 of the Code of the CITY, as amended.

#### Section 10. ACCEPTANCE OF TOWN WASTEWATER

10.01 The TOWN agrees to discharge only wastewater to the CITY's Sewer System during the term of this Agreement. TOWN shall not discharge effluent into the Facility other than wastewater discharged by Users located within the TOWN. TOWN's

wastewater discharge to the CITY's Sewer System shall not include ground water (other than incidental ground water), surface water, or storm water. The CITY, agrees to accept said wastewater during the term of this Agreement, as soon as approvals have been received from the New York State Department of Environmental Conservation, and all terms and conditions set forth in this Agreement have been complied with.

10.02 The TOWN shall be entitled to discharge to the Facility the following maximum contributions:

	<u>Maximum Monthly Arithmetic Mean (MAM) Daily Flow</u>	<u>Maximum MAM Daily Concentration</u>	<u>Maximum MAM Daily Pounds</u>
Flow	150,000 GPD	-	-
BOD	-	200 mg/L	542.1
TSS	-	200 mg/L	542.1
TKN	-	40 mg/L	108.5

The above levels of discharge shall be termed TOWN's "Reserved Capacity". Regardless of whether or not the TOWN actually discharges to such levels, the CITY may not (whether temporarily or permanently) accept wastewater from any source other than the TOWN which would require the TOWN to reduce and maintain reduction in its levels of discharge below such Reserved Capacity, without the TOWN's express written consent, which shall not be unreasonably withheld. Under no circumstances will the TOWN discharge pollutants of such strength or quantity which would present or may present an imminent or substantial endangerment to the health or welfare of persons, or the environment, or which might cause interference with the operation of the Facility, or which would violate the terms or any pretreatment requirements, discharge permits or any

Consent Orders with State or Federal governmental agencies. The provisions of Appendix A are hereby incorporated herein by reference.

10.03 CITY and TOWN agree that prior to commencement of discharge of wastewater to the CITY's Sewer System, an industrial waste survey must be completed in the form and detail set forth in the annexed Exhibit "B", and acceptable to DEC and CITY pursuant to 40 CFR Part 403 Chapter 88 of the CITY code, as amended; and CITY, TOWN and each TOWN Significant Industrial User shall enter into an Agreement in the form annexed hereto as Exhibit C. In conducting its industrial waste survey, the TOWN shall use the standard NYSDEC Industrial Chemical Survey forms (along with standard survey forms) supplied by DEC.

10.04 (a) Given the present and proposed use levels for the CITY's Sewer System, and the CITY's need to maintain an excess reserve capacity to allow for development and increased use of the sewer system by Users within the CITY and potential contributions by other municipalities to the CITY's Sewer System, the parties hereto agree that in no event shall TOWN's Monthly Arithmetic Mean (MAM) daily flow of wastewater into the CITY's Sewer System exceed 150,000 gallons per day. TOWN shall, at its own cost and expense, construct, reconstruct, operate and maintain whatever facilities are necessary to assure that its MAM daily flow does not exceed said maximum. Prior to construction of these facilities, plans therefore shall be submitted to CITY for its review and approval.

(b) The parties hereto agree that if the TOWN violates its flow restrictions

set forth herein, CITY may apply to a Court of competent jurisdiction to obtain an injunction to prevent any further violation of this clause, and the CITY may apply for such preliminary relief such as a temporary restraining order and a preliminary injunction as the CITY may deem appropriate under the circumstances. In such an event, all attorney's fees, engineering fees, and other costs incurred by the CITY as a result of the TOWN's violation of its flow restrictions shall be paid by the TOWN, upon submittal of a written statement therefore from the CITY to the TOWN.

(c) In addition to any other relief available to the CITY, the TOWN shall be liable for a penalty of \$2.00 per 1,000 gallons or portion thereof per day for any TOWN wastewater discharged into the CITY's Sewer System in excess of a daily Monthly Arithmetic Mean (MAM) flow of 150,000 gallons per day. The penalty shall be calculated in 1994 dollars to account for future inflation ~~of~~ deflation of the dollar. The penalty will be calculated and paid on a monthly basis.

#### Section 11. CONTRACT PAYMENT

11.01 The TOWN shall pay to the CITY \$150,000 as its contribution toward the CITY's local share of the capital construction cost of the Facility, and any other of the CITY's program costs not funded by State or Federal agencies.

Upon execution of this Agreement the TOWN shall pay the CITY \$75,000. TOWN shall pay an additional \$75,000 as the final payment of TOWN's \$150,000 contribution upon commencement of discharge of TOWN wastewater into the Sewer System.

11.02 This contract is contingent upon the TOWN obtaining Federal and State grants for the construction of its pump station and force main. If the TOWN does not obtain said grant funding, it shall have the option of terminating this Agreement; however, \$5,000 00 of the \$75,000 paid upon the execution of this Agreement shall be retained by the CITY as compensation for costs incurred by the CITY in connection with this Agreement.

Section 12. TOWN RIGHTS TO CONSULTATION

12.01 CITY shall keep TOWN fully informed as to operating, maintenance and capital costs of the Facility, and any reconstruction plans of the CITY for the Facility, and shall allow TOWN access to relevant budgets, contracts, proposed contracts and other indicia of costs for TOWN's review upon receipt of a written request therefore. TOWN and CITY shall consult regarding said matters at such time as is reasonably possible after receipt by CITY of a written request from TOWN as to their exercise of the rights under this section. CITY shall consider TOWN input regarding these matters. To the extent of disagreement between CITY and TOWN as to the proper determinations to be made regarding such matters, CITY shall in its sole discretion make the final determination, after due consideration of the input of the TOWN.

Section 13. RECORDS

13.01 CITY agrees to furnish TOWN with copies of such records maintained by CITY pertaining to the operation of costs of the CITY's Sewer System in regard to the TOWN's responsibility therefore pursuant to this Agreement, as the TOWN may

reasonably request in writing. Any costs thereof shall be borne by the TOWN as a miscellaneous direct charge fee.

13.02 The records to be maintained by the CITY, and to be made reasonably available to the TOWN shall include all records, documents, charts, graphs, invoices, other writings, computer printouts, or electronic or otherwise accumulated data, where appropriate, estimated data compiled by or on behalf of the CITY in allocating user charges.

13.03 Statements from the CITY to the TOWN for payments pursuant to this Agreement shall give computational details to identify each of the cost factors recited in Section 8 above.

13.04 The CITY shall prepare and keep on file written operating reports of the actual use of the Facility.

13.05 The CITY further agrees to convey to the TOWN any communications it sends to or receives from any governmental agency, departments, or instrumentality relating to the Facility which the CITY reasonably determines may materially affect the TOWN's rights or obligations hereunder, or pursuant to law.

#### Section 14. TERM

14.01 This Agreement shall continue in effect from the date hereof set forth above through December 31, 2024, except that TOWN shall make its final payments for use of CITY's Sewer System during calendar year 2024 on or before July 15, 2025, in accordance with the provisions of Section 8 of this Agreement.

14.02 The TOWN shall have the option to renew this Agreement for successive terms of not less than ten years on the same terms and conditions by written notice exercising such option within three years prior to such expiration or any subsequent expiration. The TOWN will not be reassessed for Facilities for which the TOWN has already made a capital contribution.

**Section 15. RIGHT OF TERMINATION**

15.01 Notwithstanding any other provision of this Agreement, but subject to any controlling law, order, or regulation of EPA or DEC, or any other governmental agency except the CITY, if any of the following events occur, the TOWN may terminate this Agreement upon giving at least sixty (60) days prior written notice to the CITY:

- (a) If EPA, DEC or any other governmental instrumentality demands, orders or compels the TOWN to commence work on construction of its own wastewater treatment plant.
- (b) If a Court orders termination of this Agreement.

15.02 Notwithstanding any other provision of this Agreement, but subject to any controlling law, order or regulation of the EPA, DEC, or any other government agency except the CITY, the TOWN may terminate this Agreement by giving the CITY at least 365 days prior written notice.

15.03 In the event of termination by the TOWN pursuant to this section, the TOWN must pay or continue to pay in full any balance of its allocation of costs pursuant to the terms of the foregoing Section 8 hereof through the end of the then current calendar year. If notice pursuant to Section 15.01 is not received at least sixty (60) days

prior to the end of a calendar year, or if notice pursuant to Section 15.02 is not received at least one hundred eighty (180) days prior to the end of a calendar year, the TOWN will be liable for fifty percent (50%) of its allocation of costs pursuant to Section 8 hereof for the next calendar year, in addition to its share of costs for the year in which notice is given.

#### Section 16. FORCE MAJEURE

16.01 Each of the parties hereto shall be excused from performance hereunder to the extent prevented by any cause beyond its reasonable control, including but not limited to strikes, fire, floods, and other acts of God. Any party so excused shall use due diligence to correct or remove the cause giving rise to any such condition and to resume full performance herewith as soon as possible. This Section shall in no event relieve the TOWN of its liability for payment of its share of the CITY's Share of Project Costs and Operating Costs during the time the Facility is inoperable by reason of any such event.

#### Section 17. TRANSFER

17.01 The TOWN may not assign nor transfer, either temporarily or permanently, any part of its interest herein, including any part or all of its allocated share of capacity, to any person, corporation or other municipality.

#### Section 18. NOTICES

18.01 All notice and communications hereunder shall be deemed to have been duly delivered if deposited in an official depository of the United States Postal Service addressed to the party entitled to receive such notice at the address stated below:

If to the CITY:

Board of Water and Sewer Commissioners  
of the City of Glens Falls  
Glens Falls Wastewater Treatment Plant  
2 Shermantown Road  
Glens Falls, New York 12801  
Attention: Superintendent

If to the TOWN:

Town of Moreau  
61 Hudson Street  
South Glens Falls, New York 12803

**Section 19. ENTIRE UNDERSTANDING**

19.01 This Agreement represents the entire understanding of the parties hereto with respect to the subject matter hereto. This Agreement may be modified only by written Agreement signed by the parties hereto. Consent to modification for good cause shown shall not be unreasonably withheld. Notwithstanding the foregoing, in the event a modification hereof is necessary to prevent a violation of the CITY's SPDES permit, a violation of any applicable federal or state pollution discharge statute or regulation, interference with the Facility or appurtenant facilities; pass through of pollutants, or to improve opportunities to recycle or reclaim municipal or industrial wastewaters or sludge, the parties hereto shall execute an appropriate modification.

**Section 20. WAIVER AND SEVERABILITY**

20.01 No waiver by either party of any term or condition of this Agreement shall be effective unless in writing and signed by the party to be charged, nor shall such waiver

be deemed or construed as waiver of any other term or condition, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach, whether of the same or another provision of this Agreement.

20.02 Should any one or more of the provisions of this Agreement for any reason be held illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement; and this Agreement shall in all circumstances be construed and enforced as if such illegal or invalid provision had not been contained herein.

20.03 Any action taken by CITY pursuant to this Agreement or Appendix A hereto, or the failure of CITY to take an action allowed under this Agreement or Appendix A hereto, shall not diminish TOWN's responsibility to comply with the provisions of this Agreement and Appendix A hereto.

#### Section 21. COSTS OF ENFORCEMENT

21.01 TOWN shall pay any administrative, architectural, experts', engineering and attorney's fees of CITY incurred as a result of any violation of the provisions of this Agreement or Appendix A hereto by TOWN, or the enforcement of such provisions by CITY; whether or not resort is taken to a judicial or administrative proceeding to enforce or interpret same. Such payment shall be made within 30 days of written notice to TOWN setting forth such charges.

#### Section 22. SUCCESSORS AND ASSIGNS

22.01 This Agreement shall be binding upon and shall inure to benefit of the respective successors and assigns of the parties hereto.

Section 23. GOVERNING LAW

23.01 This Agreement shall be construed and enforced under the laws of the State of New York.

Section 24. SECTION HEADINGS, INDEX

24.01 The section headings and Index have been inserted herein for convenience only and shall not be deemed to be a part of this Agreement.

Section 25. DEC APPROVAL

25.01 This Agreement is subject to and conditioned upon approval of DEC. The TOWN agrees to comply with any changes in the terms of this Agreement required by DEC or EPA.

Section 26. COUNTERPARTS

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one Agreement.

IN WITNESS WHEREOF, each of the parties has duly executed this Agreement as of the 14 day of SEPT, 1994.

BOARD OF WATER AND SEWER  
COMMISSIONERS OF THE CITY  
OF GLENS FALLS

Attest:

\_\_\_\_\_

By: Vincent J. De Santis  
Title: Mayor

TOWN OF MOREAU

Attest:

\_\_\_\_\_

By: [Signature]  
Title: Sheriff

EXHIBIT "A"

**ALL THAT CERTAIN PIECE OR PARCEL OF LAND** located in the City of Glens Falls, Warren County, New York, more particularly bounded and described as follows: **BEGINNING** at the southerly right of way line of lands of Delaware and Hudson Railroad Company at its intersection with the division line between lands now or formerly of Niagara Mohawk Power Corporation on the west and the lands herein described on the east; said point of beginning being most easterly corner of Parcel #126C of New York Power and Light Corporation parcel as shown on map #F-2649 entitled "New York Power and Light Corporation, Lake George-Glens Falls Transmission Line, F.W. Wait Line Company Exchange of Parcels" dated May, 1933, thence in an easterly direction along the southerly line of lands now or formerly of Delaware and Hudson Railroad Company on a curve with a radius of 793.48 feet, intersecting angle  $22^{\circ} 18' 36''$ , tangent 156.47, and continuing 308.97 feet to a point; thence South  $68^{\circ} 28' 00''$  East, 162.45 feet to a point, thence South  $6^{\circ} 50' 00''$  West 161.14 feet to a point; thence North  $86^{\circ} 05' 00''$  East 238.92 feet to a point; thence South  $6^{\circ} 50' 00''$  West 826.42 feet to the shore of the Hudson River; thence along the shore of the Hudson River the following distances and courses, North  $88^{\circ} 06' 00''$  West 54.54 feet to a point, thence South  $79^{\circ} 53' 00''$  West 114.40 feet to a point; thence North  $67^{\circ} 37' 00''$  West 90.80 feet to a point; thence North  $87^{\circ} 20' 00''$  West 238.20 feet to a point, thence South  $89^{\circ} 15' 00''$  West 420.70 feet to a point; thence South  $82^{\circ} 22' 00''$  West 188.60 feet to a point; thence South  $74^{\circ} 13' 00''$  West 104.10 feet to a point, thence North  $82^{\circ} 30' 00''$  West 257.10 feet to a point on the shore of the Hudson River marking the southwest corner of the subject parcel, thence on a course away from the river, North  $7^{\circ} 10' 00''$  East 468.92 feet to a point, thence North  $55^{\circ} 34' 00''$  East 985.32 feet to a point, thence North  $6^{\circ} 50' 00''$  East 55.10 feet to the point of beginning.

**SUBJECT** to easements of record.

**ALSO BEING** the same premises conveyed by The Sherman Lime Company to the Village of Glens Falls by deed dated November 26, 1906 and recorded in the Warren County Clerk's Office on December 13, 1906 in Book 108 of Deeds at Page 510.

**BEING** the same premises conveyed by F.W. Wait Lime Company to the City of Glens Falls by deed dated March 15, 1939 and recorded in the Warren County Clerk's Office on April 19, 1939 in Book 211 of Deeds at Page 245.

## EXHIBIT "B"

### 2. INDUSTRIAL WASTE SURVEY

Section 403.8(f)(2) of the General Pretreatment Regulations requires a POTW to identify and locate all possible industrial users subject to the pretreatment program, and to identify the volume and character of pollutants discharged by these users. The Industrial Waste Survey (IWS) is commonly used to obtain this information. The information gathered during the IWS is essential in developing your pretreatment program because it provides the basis for most other activities. By identifying these industries and what they discharge, you can logically identify sources of known (or suspected) treatment plant problems, develop local limits for problem dischargers, determine sampling and analysis needs (both at the industries and in the treatment plant itself), and estimate manpower and equipment needs. Four major activities comprise the IWS:

1. Compiling a master list of potential industrial users located in the POTW service area.
2. Surveying each of these industries to collect the necessary information.
3. Conducting follow-up activities, where needed, to obtain complete and accurate information.
4. Summarizing the data for use in developing the pretreatment program.

Each of these activities is discussed in detail below.

#### 2.1 COMPILE A MASTER LIST OF INDUSTRIAL USERS

The first step in conducting an IWS is to develop a master list of all industries (commonly called industrial users or IUs) in your POTW's service area that discharge to the treatment system. To identify these potential industrial users (including those in neighboring jurisdictions where appropriate) and to obtain their mailing addresses, you may want to consult the following sources:

1. Existing sewer authority files.
2. Water use and billing records.
3. Utility company records.
4. Sewer connection permits.

5. Business license records.
6. Chamber of Commerce rosters.
7. Local telephone directory.
8. Property tax records.
9. City and State industrial directories.
10. Other standard listings of industrial firms.

Lists of industrial users from the first four sources are usually very complete and may be the best places to start in compiling a master list. If these listings are not available, the other sources indicated above may be consulted to develop the master list.

## 2.2 SURVEY INDUSTRIAL USERS

Once the master list has been compiled, the next step is to gather data from each IU. This information may be gathered by using questionnaires or telephone calls, or by visiting IUs. Some information may already be on file at the POTW. If your POTW is small (typically 7 or 8 mgd or less) and has very few industries (typically less than 10), you may visit or call to survey these industries. A POTW may also sponsor a workshop to distribute and explain survey questionnaires to its IUs. Questions about the survey or the local pretreatment program can be answered at this time.

POTWs with current industrial information may find it feasible to eliminate particular industries or groups of industries from survey efforts if the industry is:

1. A manufacturing operation which does not generate wastewater (drying manufacturing process).
2. A direct discharger.
3. A discharger of sanitary wastewater only.

If your master list of potential industrial users includes theaters, beauty shops, barber shops, or retail sales firms, such businesses can usually be eliminated prior to contacting the firms. These businesses can be eliminated because their discharges typically do not contain the volume or type of significant pollutants that concern the

## POTW.

Other listings may be classified as industries but are actually offices or warehouses, with no non-domestic wastewaters discharged. Thus, they also may be eliminated from the master list. Hotels, motels, restaurants, and gas stations may be removed as well if they do not contribute to problems in the collection system or the treatment plant involving oil and grease or other discharged substances. You should have reliable or verifiable information in order to eliminate any industry from the list. In addition, criteria for eliminating the industry from this list should be valid, and should be documented in your pretreatment program submission.

Regardless of how you decide to conduct the survey, the following information, at a minimum, should be requested from those industries that are contacted:

1. Name of Industry.
2. Address of Facility.
3. Standard Industrial Classification (SIC) code(s) or expected classifications.
4. Wastewater flow (if unknown, may use water consumption rate).
5. Types and concentrations (or mass) of pollutants contained in discharge.
6. Major products manufactured or serviced supplied if pollutant constituents in discharge are not known.
7. Description of existing on-site pretreatment facilities and practices.

Although these data are sufficient for developing the pretreatment program, you may consider requesting the following information to better evaluate your industrial dischargers:

1. Locations of discharge points.
2. Raw materials used or stored at the site.
3. Flow diagram or sewer map for the industry.
4. Number of employees.

5. Operation and production schedules.
6. Spill Prevention Control and Countermeasures (SPCC) plan description.

If the POTW already has portions of the necessary survey information in its files, then the survey need only request the outstanding portions of information. Generally, if the information was collected within the last three years, you may consider it up-to-date. However, this guideline should be followed only if POTW personnel can be relatively sure that the IUs in question have not significantly changed their operations during the period.

Most POTWs use questionnaires to gather the required information. You should develop questionnaires that are easy to read and understand. The questionnaire should require the signature of an official authorized to sign for the company, as well as the name of a company representative who can be contacted to arrange site visits for inspection and monitoring. A sample questionnaire is provided in Appendix H. This questionnaire uses a two-stage approach. If the company does not generate certain wastes (specified in Question A.8 of the questionnaire), then it need not complete the entire questionnaire. Also note that the questionnaire can serve as a wastewater discharge permit for the IU if the POTW chooses to use permits as a control mechanism.

A letter should accompany the questionnaire explaining the purposes of a local pretreatment program and describing how survey data will be used. It should also state the deadline for completing the form and returning it. Approximately two to three weeks should be sufficient time. The name and telephone number of a municipal official who can be contacted if the industries have questions about the survey should be included in the letter. To increase the initial response rate, you might include a stamped, self-addressed envelope for returning the completed questionnaire.

### 2.3 CONDUCT FOLLOW-UP ACTIVITIES

As industrial waste survey responses are gathered, they should be reviewed for completeness and accuracy. To determine which firms have not responded to the survey, you should develop a method to track firms that return a properly completed questionnaire and firms that do not respond. For firms that do not respond by the deadline, the POTW should undertake follow-up activities, such as letters of reminder, telephone calls, or site visits. A maximum of approximately six to eight weeks from the initial survey mailout date should be sufficient time to conduct follow-up activities. The amount of time you will need for follow-up activities will vary according to the number of firms which you are surveying. Your program submission should describe the follow-

up measures used and list any IUs that ultimately did not submit a completed form.

## 2.4 SUMMARIZE SURVEY RESULTS

Your next step will be summarize the type and number of local IUs and the types and quantities of specific pollutants, particularly toxic pollutants, entering the treatment plant system. This summary is the best way to interpret industrial data and begin to determine IU sampling and monitoring schedules, as well as specific local effluent limits.

Tables 2.1, 2.2 and 2.3 are presented here as sample work sheets for summarizing data. Table 2.1 provides a format to list industries surveyed by the POTW. Check marks can be used to complete the form where appropriate. Where further explanation is necessary for clarification, you can simply attach additional pages. Table 2.2 can be used to list those industries eliminated from survey efforts and the reason for their elimination. The combined lists of industries in Table 2.1 and 2.2 should represent your master list of industrial users; thus, a separate master list would not be required in your submission.

Table 2.3 can be used to summarize information specifically related to the quantity and quality of waste discharged by the IUs. It can also be valuable if you operate more than one treatment plant and/or service other jurisdictions with your plant. The list should include only those firms that discharge non-domestic industrial wastewater to the POTW. Data from the table can be organized in several formats:

1. By SIC categories.
2. By specific pollutants entering the POTW system.
3. By POTW system.

The example in Table 2.3 illustrates grouping SIC code. Depending on the format selected, the table can be used to identify industries subject to categorical standards, pollutants subject to local discharge limitations, or the treatment plant to which an industrial user discharges. To assist you in compiling these data, Appendix D presents the priority pollutants commonly found in the discharges of categorical industries, the SIC codes for industries affected by categorical standards, and a listing of generally accepted detection limits for the analysis of the priority pollutants.

### 2.4.1 INDUSTRIAL CLASSIFICATION SCHEME

At this stage of your pretreatment program development, it may be helpful to

group IUs according to a classification scheme. A classification scheme is not required for submission, but can be very useful for establishing monitoring, permitting, and administrative procedures. IUs can be classified by factors such as type of industry, flow rate, and the character of their waste. One suggested classification scheme involves a permit system and divides industries into the following three group:

Group 1 - Major or significant industries, defined as many industry that:

1. Is subject to categorical standards.
2. Discharges a non-domestic waste stream of 25,000 gallons per day (0.025) ~~\*~~ or more.
3. Contributes a non-domestic waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant.
4. Has a reasonable potential, in the opinion of the POTW Supervisor, to adversely affect the POTW treatment plant (inhibition, pass-through of pollutants, sludge contamination, or endangerment of POTW workers).

These industries would be regulated individually and have specific effluent limitations (including conventional pollutants, where necessary) placed on their discharges. They should also be monitored and inspected periodically to ensure compliance with their limitations. ~~\*~~

Group 2 - Minor IUs, defined as small industries and some commercial users (restaurants, auto repair shops, etc.) whose individual discharges do not significantly impact the treatment system, degrade receiving water quality, or contaminate sludge. Industries that have the potential to discharge a non-domestic or process water stream, but at the present time discharge only sanitary waste, may also be included in this group. However, this group does not contain any categorical industries. Industries in this classification may be included in a general permit system and occasionally monitored and inspected to determine if their status has changed. If waste streams from any of these users or a group of these IUs become a problem, the POTW may require a general permit for all IUs in that group or may wish to change their classification to a significant or major IU.

Group 3 - Insignificant IUs, define as those that have been eliminated from further consideration. These include industries that do not discharge to the POTW, or do not have any reasonable chance of discharging a non-domestic waste stream to the POTW.

#### 2.4.2 INDUSTRIAL WASTE SURVEY DATA MANAGEMENT

In conducting the IWS, a POTW (especially a large one with many industrial users) may generate a great quantity of data that must be summarized and readily accessible. To manage this information, you will need to establish a data management system, either by developing a new filing system, expanding your current filing system, or using a computerized management information system. For large POTWs, a computer may be the most accurate means to maintain and update IU information because of the varied capabilities it offer, such as:

1. Accepting IWS data.
2. Printing labels for mailing out questionnaires, notices, etc.
3. Tracking the status of each mailed questionnaire.
4. Storing survey responses in an accessible manner.
5. Providing aggregate data statistics.
6. Incorporating data from future monitoring programs.

Chapter 6 of this manual also discusses data management needs you might encounter as you develop the pretreatment program.

#### 2.5 IWS INFORMATION FOR THE PROGRAM SUBMISSION

To adequately document the IWS and assist the Approval Authority in reviewing your program, the submission should include the following:

1. Sources used to compile a comprehensive (master) list of IUs.
2. Methods used for the survey (questionnaire, site visit, telephone, etc.).
3. A copy of the questionnaire and the letter sent to the industries including dates the forms were sent (if questionnaire was used).

4. A description of follow-up actions taken by the POTW to obtain properly completed survey forms from IUs, and the response rate for the entire survey (including industries that did not return completed survey forms despite follow-up actions).
5. A master list of all industries discharging to the treatment plant that:
  - a. Indicates which industries were eliminated from the survey and the criteria used to eliminate them.
  - b. Summarizes IWS results including a list of IUs affected by the program, a classification of these users (either by SIC code, industrial category, or other appropriate scheme), and a list of pollutants known or suspected to be discharged from each IU. Where available, information on the concentrations of these pollutants should also be presented.

These two items can appear either separately or together (as a master list).

TABLE 2.1

INDUSTRIAL WASTE SURVEY RESULTS

<u>Company Name</u>	<u>Company Address</u>	<u>SIC Code</u>	<u>No Discharge to POTW</u>	<u>Domestic Wastewater Only (Noncontact Cooling, Boiler/Tower Blowdown)</u>	<u>Pollutants In Nondomestic Wastewater</u>	<u>Pollutants In Prohibited Pollutants</u>	<u>Did Not Respond</u>



TABLE 2.2  
 INDUSTRIES ELIMINATED FROM FURTHER SURVEY EFFORTS

<u>Company Name</u>	<u>Company Address</u>	<u>Company Contact</u>	<u>Telephone Number</u>
---------------------	------------------------	------------------------	-------------------------

NOTE: The reason for eliminating each of these industrial users from further survey efforts must be shown. If groups of industrial users were all eliminated for the same or similar reasons, these can be listed together and a single explanation provided.



TABLE 2.3

INDUSTRIAL USERS DISCHARGING NONDOMESTIC WASTE

Treatment Company Name <u>Jurisdiction</u>	SIC Code/ Industrial <u>Category</u>	Average Flow <u>(gpd)</u>	Pollutants Known or Suspected Present in <u>Nondomestic Wastestream</u>	Average Pollutant Concentrations, <u>If Known</u>	<u>Plant</u>
--	--	---------------------------------	---	---	--------------



## AGREEMENT

This Agreement entered into as of the \_\_\_\_ day of \_\_\_\_\_ 199\_\_ by and between the BOARD of WATER AND SEWER COMMISSIONERS OF THE CITY OF GLENS FALLS, a municipal corporation organized under the laws of the State of New York, with offices at 42 Ridge Street, Glens Falls, New York (the "CITY") and the TOWN OF MOREAU, a municipal corporation organized under the laws of the State of New York, with offices at 61 Hudson Street, South Glens Falls, State of New York (the "TOWN").

(TOWN SIU)

### RECITALS

Whereas, TOWN and CITY have entered into an Agreement for the discharge of Wastewater from the TOWN to the CITY's Sewer System;

Whereas, TOWN SIU is a Significant Industrial User located within the Town, which benefits from the availability of the Facility for treatment of its waste;

Whereas, the parties hereto intend to comply with all applicable federal and state pollution discharge requirements, including but not limited to 40 CFR Part 403 and the SPDES Permit of the CITY, and Chapter 88 of the City Code as amended; the parties hereto agree as follows:

1. Capitalized words in this Agreement shall have the same meaning as set forth in an Agreement between CITY and TOWN dated \_\_\_\_\_, 19\_\_.

2. TOWN SIU has received a copy of a reviewed the provisions of said Agreement between CITY and TOWN dated \_\_\_\_\_, 19\_\_\_\_, and agrees that in consideration for the CITY's treatment of its wastewater at the Facility, TOWN SIU shall comply with all provision in said Agreement which referenced TOWN SIU, including cooperation with TOWN and CITY in regard to completion of an industrial waste survey, compliance with TOWN Industrial Wastewater Discharge Permit conditions, monitoring requirements, reporting requirements, pollution discharge requirements, and pretreatment requirements.

3. TOWN SIU agrees that is shall not increase its flow to the TOWN sewer system, or alter the constituent makeup thereof, without making application to TOWN and CITY in accordance with the provisions of Appendix A of the said Agreement between the CITY and TOWN, and receipt of written approval therefore from the TOWN and CITY.

4. TOWN SIU shall make its records and plant facilities, and other property owned by it which is relevant to its discharge of pollutants to the TOWN sewer system, or record keeping pertaining thereto, to TOWN and CITY representatives upon demand.

5. TOWN SIU shall at its sole cost and expense, if ordered by TOWN or CITY, construct a sampling manhole at a location approved by, and in accordance with ~~\*~~ plans and operating procedures approved by CITY or TOWN as the case may be, which Facility shall be used for access for monitoring and sampling of TOWN SIU's Wastewater effluent discharge, and which Facility shall be made available to CITY and TOWN representatives upon demand.

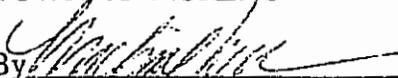
6. In the event of a violation of the provisions of this Agreement or the said Agreement between the CITY and TOWN by TOWN SIU, TOWN SIU agrees that the sanction provisions of Article 6 of Appendix A of the said Agreement between the CITY And the TOWN shall apply to it, and that in such event, said Article 6 shall be construed so that the term "TOWN" as set forth in said Article 6 shall also mean "TOWN SIU" as such latter term is defined herein, and in all other respects the provisions of said Article 6 shall remain as written in said Appendix A.

IN WITNESS WHEREOF; the parties hereto have executed this Agreement by the duly authorized representatives.

BOARD OF WATER AND SEWER COMMISSIONER OF  
THE CITY OF GLENS FALLS

By \_\_\_\_\_  
Chairman

TOWN OF MOREAU

By  \_\_\_\_\_

TOWN SIGNIFICANT INDUSTRIAL USER

\_\_\_\_\_  
(Name of Town SIU)

By \_\_\_\_\_  
(Title of Officer)

## APPENDIX A

### ARTICLE 1 - PURPOSE/POLICY/APPLICABILITY

#### Section 1.01

The provisions of the Federal Water Pollution Control Act, also known as the Clean Water Act, being 33 USC 1251, et. seq. as amended, and regulations promulgated pursuant thereto, particularly 40 CFR Part 403, as amended, and the local pollutant discharge requirements set forth in Chapter 88 of the Code of the City of Glens Falls, as amended, apply to the Facility and discharges therefrom. As a contributor to the Facility, the TOWN recognizes the legal constraints imposed upon the CITY by the aforesaid statutory and regulatory authority, as well as the interests of the CITY in complying with the provisions of its State Pollutant Elimination System (SPDES) Permit and in maintaining the engineering, biological and structural integrity of the Facility and appurtenant facilities. The provisions of this Appendix A are intended to insure continued compliance by the TOWN with the parameters imposed by the CITY in conjunction with the aforesaid legal requirements. For the purpose of this Appendix, the term CITY shall mean the Board of Water and Sewer Commissioners of the City of Glens Falls; Agreement shall mean the Agreement between CITY and TOWN to which this Appendix is a part; and the terms used in this Appendix shall have the same meaning as defined in Section 1 of the Agreement.

#### Section 1.02

This Appendix A is intended to prevent discharge into the Facility and appurtenant facilities of substances which may "interfere" with the Facility or "pass through" the Facility, and to improve opportunities to recycle the reclaim municipal and industrial wastewaters and sludges. (Quoted terms are defined in accord with 40 CFR 403.3).

#### Section 1.03

The CITY shall allow the TOWN to contribute Wastewater to the Facility, and the TOWN shall have the right to such contribution, subject to the provisions of this Appendix A. The provisions of this Appendix A apply to Wastewater discharge to the CITY's Sewer System through the Warren Street Connection, or such alternate or additional connection as may from time to time be established, except where the context clearly indicates a contrary meaning.

## ARTICLE 2 - INDUSTRIAL WASTE SURVEY

### Section 2.01

TOWN shall implement and complete an industrial waste survey, submit the results thereof to the CITY for review and approval, and conduct any additional related activities as CITY shall direct. Said industrial waste survey shall be conducted in accordance with procedures and practices acceptable to the EPA, DEC and CITY, at a minimum. TOWN shall adhere to the guidelines set forth in Exhibit B annexed to the Agreement in the implementation of said survey. Results of said survey shall enable TOWN and CITY to identify the amount of flow and constituent makeup of the flow of all TOWN Industrial Users, so that TOWN SIU's can be identified.

## ARTICLE 3 - POLLUTANT DISCHARGE AND PRETREATMENT REGULATIONS

### Section 3.01

a) TOWN shall not contribute or cause to be contributed to the Facility directly or indirectly, any pollutant, wastewater or other material which will inhibit or interfere with the operation or performance of the Facility, or the use or disposal of the sludge or ash generated by the Facility, or pass through the Facility without adequate treatment in violation of any applicable federal, state or local environmental regulation into the receiving waters of the Hudson River or into the sludge by-product or other emission of the Facility. TOWN shall be responsible under this Agreement for all discharges to the Facility from the TOWN, regardless of the source within the TOWN of such discharge, be it domestic, commercial, industrial, or any combination thereof. For purposes of this Agreement and this Appendix A, TOWN's contribution to the Facility shall be determined based on the discharge passing through the connection to the CITY's sewer lines on Warren Street, and through such additional connection points as may hereinafter be constructed as an alternative to, or in addition to such tie in.

b) TOWN shall not contribute, directly or indirectly, the following substances to the Facility:

- i. Any liquid, solid or gas which by reason of its nature or quantity is sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the Facility or appurtenant facilities or to the operation or operating personnel of the Facility. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the Lower Explosive Limits (LEL) of the meter. Materials

prohibits under this subsection include but are not limited to substance(s) which the CITY, the DEC or the EPA have notified TOWN poses a fire or explosion hazard to the Facility.

- ii. Any solid, viscous, suspended or other undissolved substance which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, oil or fat in concentrations exceeding 100 ppm by weight, garbage with particles greater than ½ inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass, clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grindings or polishing wastes.
- iii. Any wastewater having a pH less than 5.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structure, equipment or personnel of the Facility.
- iv. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, so as to potentially inhibit or interfere with the operation or performance of the Facility, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the Facility, or exceed a limitation set forth in a National Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Federal Water Pollution Control Act as amended, 33 USC 1251 et. seq. (the "ACT").
- v. Any wastes which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to health or life or are sufficient to prevent entry into the sewer system for their maintenance and repair.
- vi. Any substance which may cause the Facility's effluent or any other product of the Facility such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance, discharged to the Facility, cause the Facility to be in noncompliance with the sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the ACT; any criteria, guidelines, or regulations

affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act; or State criteria applicable to the sludge management method being used.

- vii. Any substance which may cause the CITY to violate its SPDES Permit or the receiving water quality standard.
  - viii. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
  - ix. Any wastewater having a temperature which may inhibit biological activity or result in interference with the operation of the Facility, but in no case wastewater with a temperature at the introduction into the Facility or appurtenant facilities which exceeds 40 degrees centigrade (104 degrees F).
  - x. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released in a sludge load at a flow and/or pollutant concentration which will cause interference to the Facility. In no case shall a slug load have a flow rate or contain concentrations or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
  - xi. Any wastewater containing any radioactive waste or isotopes of such half life or concentration as may exceed limits established by the CITY in compliance with applicable State or Federal regulations, or limits set forth in any applicable Federal or State regulation.
  - xii. Any waters or wastes containing suspended or settleable solids of such character and quantity that usual attention or expense is required to handle such materials at the Facility.
  - xiii. Any substance which exceeds a National Categorical Pretreatment Standard promulgated by the EPA, or any other applicable federal, state or local pollutant discharge regulation.
- c) i. Discharge of any of the following materials in excess of the concentration set forth below is prohibited:

SUBSTANCE

MAXIMUM CONCENTRATION OF  
DISCHARGE ALLOWED INTO POTW (mg/l)

(See attached Schedule I of Appendix A)

- ii. The provisions of this subsection (c) in no way limit the general regulations contained in subsections (a) and (b) of this section. At such time(s) as the CITY determines that modification of or addition to the provisions of subsection (c) (i) of this section is warranted, it shall contact TOWN, and the CITY and TOWN shall negotiate mutually acceptable modification(s) or addition(s) to such terms. TOWN approval of the CITY's proposals shall not be unreasonably withheld. Said modification(s) or addition(s) shall not be more stringent than those imposed upon other industrial users of the Facility, unless necessitated by the particular quantity or quality of the effluent discharge of TOWN. TOWN shall accept any such modification(s) or addition(s) which is deemed by the CITY to be necessary in order to prevent a violation of the CITY's SPDES permit, to prevent a violation of the CITY's contract with Ciba Geigy Corporation, interference with the Facility, pass-through of pollutants, or negative impact upon the recycling or reclamation of wastewater or sludge from the Facility.
- iii. Any such modification(s) or addition(s) shall be set forth in a writing executed by the parties hereto and shall become a part of this Agreement as of the effective date of such writing.

Section 3.02

Except where expressly authorized by an applicable pretreatment standard, TOWN and/or a VILLAGE Industrial User shall not increase the use of process water or in any way attempt to dilute a discharge as a partial or a complete substitute for adequate treatment to achieve compliance with any Federal, State or City pollution discharge limitations.

CITY in its sole discretion may set mass limitations on the TOWN or any individual TOWN Industrial User who is using dissolution to comply with the provisions of Article 3 hereof.

Section 3.03

- a) VILLAGE shall provide protection from accidental discharge of substances

regulated by this Agreement. Facilities to prevent accidental discharge of prohibited substances shall be provided by and maintained at TOWN's own cost and expense. Detailed plans acceptable to the CITY showing facilities and operating procedures to provide this protection shall be submitted to the CITY for review, and shall be approved by the CITY before construction or operation of such Facility. TOWN shall complete such a plan and shall have an accidental discharge system on line, functioning as approved by the CITY prior to discharge to the Sewer System. Review and approval of such plans and operating procedures shall not relieve TOWN from the responsibility to modify its Facility as necessary to meet the requirements of the Agreement or this Appendix A or from any of the sanctions set forth in Article 6 of this Appendix A in the event of a violation to which said Article 6 applies.

b) In the case of an accidental discharge, it is the responsibility of TOWN to immediately notify the CITY of the incident. The notification shall include the location of the discharge, type of waste, concentration and volume, and corrective actions taken and to be taken. Within five (5) days following an accidental discharge, TOWN shall submit to the CITY a detailed written report specifying the constituents, mass, volume, concentration and duration of the discharge, and describing the cause of the discharge and the measures to be taken by TOWN to prevent similar future occurrences. Such notification shall not relieve TOWN from any of the sanctions set forth in Article 6 of this Agreement for the violation of term(s) of this Agreement.

c) A notice shall be permanently and prominently posted in areas of plants of all Industrial Users within the TOWN which might be involved in the generation of an accidental discharge, within the meaning of this section, and in areas where employees are located who would likely become aware of such an accidental discharge. Such notice shall define accidental discharge in language understandable by the employees and state that as soon as an accidental discharge takes place, any employee who becomes aware thereof is to telephone the Superintendent of the Water and Sewer Department of the CITY and advise him of that fact. In addition, TOWN shall assure that all employees of such Industrial Users are told of the definitional and notification provisions of this section. The telephone notice provided for in this subsection shall be followed by the written notice provided for in subsection (b) of this section.

#### Section 3.04

a) Prior to the discharge of effluent to the Facility, TOWN shall assure that all effluent subject to pretreatment has been pretreated so as to comply with the terms of this Article 3. TOWN shall assure that all Users governed thereby shall achieve compliance with all National Categorical Pretreatment Standards (NCPS) within the time limitations specified in each of said pretreatment standards. If not time limit is set forth in the applicable NCPS, TOWN shall assure that compliance is achieved within three(e) years

from the date of this Agreement, or such shorter time as may be determined by the CITY, and transmitted by written notice to the TOWN, but in no event less thirty (30) days from the date of receipt of said notice by the TOWN.

b) All facilities required to pretreat effluent discharge to the Facility shall be constructed, operated and maintained in good working order satisfactory to the CITY at not cost or expense to the CITY.

- c) i. VILLAGE shall take whatever measures are necessary to assure that any TOWN SIU shall submit to the VILLAGE and CITY written plans and operating procedures for pretreatment facilities existing as of the effective date hereof. These shall be approved by the CITY or rejected with a written statement of the reasons for rejection. Each such TOWN SIU shall alter its pretreatment facilities or procedures to comply with any written statement of rejection from the CITY, and resubmit a supplemental application for approval indicating how the CITY's comments have been addressed. Said pretreatment facilities shall be modified by each TOWN SIU in accordance with any comments from the CITY, and said modifications shall be approved by the CITY prior to the discharge of effluent by that TOWN SIU to the TOWN's facilities, or the CITY's Sewer System.
- ii. TOWN shall take whatever measures are necessary to assure that each TOWN SIU which does not have an operational pretreatment Facility as of the effective date hereof, shall submit to TOWN and CITY within thirty (30) days after the effective date hereof, written proposed plans and operating procedures for a pretreatment Facility to bring its effluent discharge within the limits set forth in Article 3 hereof. These shall be approved by CITY or rejected with a written statement of the reasons for such rejection. Each such TOWN SIU shall modify its proposed plans or operating procedures in accordance with CITY's comments and resubmit same to CITY for approval, indicating how the CITY's comments have been addressed. Upon approval of plans and procedures by CITY, each such TOWN SIU shall begin construction of such facilities at its sole cost and expense. No effluent shall be discharged to the CITY's Sewer System by such a TOWN SIU until after a pretreatment Facility is constructed and operational in accord with the CITY's approval, and CITY has verified that the as-built Facility complies with the approved plans.
- iii. In the event of any new TOWN IU's within the TOWN, or a proposed change in the effluent discharge of any TOWN IU

(presently within the TOWN), TOWN shall submit an application to CITY on a form approved by CITY specifying the amount of proposed flow or modified flow and constituent makeup thereof for the CITY's determination whether the proposed discharge requires pretreatment under the provisions of Article 3 of this Appendix A. CITY shall act on said application within 30 days of receipt thereof, by making a determination whether or not Article 3 applies or by requesting more information to make such a determination. CITY shall make a determination as to applicability of Article 3 within 30 days of receipt of a complete submittal by the TOWN. Upon the determination of Article 3 applies to a proposed discharge, (thereby classifying that TOWN IU as a TOWN SIU) TOWN shall (in conjunction with the affected TOWN SIU if the TOWN so desires), submit to CITY written plans and operating procedures for pretreatment facilities to be constructed to treat the said waste. These plans shall be approved by the CITY or rejected with the written statement of the reasons for the rejection. Pretreatment facilities shall be constructed in accordance with the comments of the CITY and the approval given by the CITY, and the pretreatment facilities shall be on line and approved by the CITY prior to the contribution, or the beginning of contribution of a modified effluent discharge as the case may be, to the TOWN, the CITY's Sewer System.

iv. Prior to construction of any pretreatment facilities by TOWN, TOWN shall obtain the written approval of the CITY therefore. TOWN shall submit written plans and operating procedures to the CITY as an application for approval. These shall be approved by the CITY, or rejected with a written statement of the reasons for the rejection. The CITY approval shall not be unreasonably withheld. TOWN shall alter its planned facilities or procedures to comply with any written statement of rejection by the CITY, and resubmit a supplemental application for approval indicating how the CITY's comments have been addressed.

d) Once a pretreatment Facility is constructed, CITY shall review the as-built plans and procedures and determine compliance with the approved plans and procedures. If any discrepancies are found, TOWN and any applicable TOWN SIU shall be notified in writing and shall correct same. No pretreatment Facility shall be operated, nor wastes to be treated thereby discharged to the CITY's Sewer System, until CITY has approved the as-built facilities.

e) Noncompliance of TOWN or any TOWN SIU with the accepted construction

plans or operating procedures shall be a violation of this Agreement by TOWN and shall subject TOWN to any of the sanctions set forth in Article 6.

f) The review of such plans and operating procedures will in no way relieve TOWN or any TOWN SIU from the responsibility to modify or construct, and to operate the Facility as necessary to comply with the terms of this Agreement and any applicable federal, state or local regulations. Approval of such plans, procedures or facilities by the CITY shall not relieve TOWN from liability as set forth in Article 6 of the Agreement.

g) Any changes in the physical Facility or in the operating procedures shall be reported in writing to the CITY and approved by it prior to effecting said changes.

h) In addition to the provisions of this Section, TOWN shall submit a report to the CITY within thirty (30) days of the effective date hereof, notifying the CITY of all TOWN SIU's subject to the pretreatment requirements under this Article 3. TOWN shall notify the CITY as soon as it is made aware that any new Industrial User not listed in said report intends to locate within the TOWN, and at least sixty (60) days prior to a proposed modification of the quality or quantity of effluent discharge by any TOWN IU. CITY shall then determine, in accord with this Section 3.04, whether pretreatment facilities are necessary for such an Industrial User.

#### Section 3.05

a) Any information submitted to the CITY pursuant to this Agreement or Appendix A may be claimed as confidential by TOWN or a TOWN IU. Any such claim must be asserted at the time of the submission by stamping the words "CONFIDENTIAL BUSINESS INFORMATION" on each page containing such information. If not claim is made at the time of the submission, the CITY May make the information available to the public without further notice. Any such request for confidential treatment of information and for access to such information shall be acted upon by the CITY in accordance with the procedures set forth in 40 CFR Part 2. Any information not so marked shall be available to the public at least to the extent provided in 40 CFR 2.302.

b) Notwithstanding the foregoing, information and data which are effluent data, such as identifying the nature and frequency of discharges to the Facility shall be available to the public without restriction.

#### Section 3.06

In the event of the concurrent applicability of any federal, state and/or local pretreatment or pollution discharge requirement, the more stringent requirement shall apply to TOWN's discharge to the CITY's Sewer System, and any TOWN Industrial

User's discharge to the CITY's Sewer System.

Section 3.07

TOWN shall develop an Industrial Wastewater discharge permit system governing the discharge of wastewater to the Sewer System by TOWN IU, which system shall address the issues set forth in Section 8.03 of Chapter 88 of the CITY Code as amended, containing such terms as will assure compliance by VILLAGE Industrial Users with the reporting, monitoring, and pollutant discharge limitations set forth in the VILLAGE Ordinance and the provisions of the Agreement and this Appendix A, and which will insure that any proposed modification in flow or constituent makeup thereof by a TOWN IU is reviewed and approved by CITY prior to implementation of such modification. The TOWN's permit system must be approved by the CITY And in operation prior to the TOWN's discharge of wastewater into the Sewer System.

ARTICLE 4 - REPORTING

Section 4.01

CITY and TOWN shall comply with the provisions of 40 CFR 403.12, as amended. The terms, "Industrial User" and "Control Authority" as used in 40 CFR 403.12 shall be construed as referring to TOWN and the CITY respectively. The TOWN shall be construed as an Industrial User for reporting purposes only.

Section 4.02

In addition to compliance with Section 4.01 hereof, TOWN shall submit quarterly written reports to the CITY identifying the nature and concentration of any substances in TOWN's effluent discharge which are referred to in Article 3 hereof and Section 10.02 of this Agreement. This report shall include a record of measured or estimated average and maximum flows for the reporting period and shall identify which figures are estimates and which are based on measurements, and in the case of estimates the basis therefore, and shall state that all pollution discharge limitations set forth in Article 3 and Section 10.02 of this Agreement have been complied with, or in the event there has been a violation (s) thereof, specify each instance of violation, the duration of the violation, the substance(s) involved in the violation, the concentration, volume and mass, the reason for the violation, and the measures adopted to prevent recurrence thereof. If the CITY has imposed mass limitations pursuant to 40 CFR 403.6 (d), this report shall state the masses of the discharge of such pollutants. This report shall also specify the flow and constituent makeup thereof of each TOWN IU.

### Section 4.03

TOWN Shall cause all affected TOWN SIU's to comply with the provisions of 40 CFR 403.12, and shall submit the reports of same to CITY immediately upon receipt thereof by TOWN.

### Section 4.04

Any of the reports submitted to the CITY under this Article shall be subject to the CITY's approval. If the CITY rejects a report, it shall state the reasons for the rejection in writing and TOWN shall submit a revised report in accord with those comments as soon thereafter as is possible. Approval or rejection of a report shall be by resolution.

## ARTICLE 5 - MONITORING

### Section 5.01

a) TOWN shall engage in continual self monitoring of its effluent discharge to the Facility and shall submit reports thereof in accord with Section 4.02 hereof. Additionally, the results of such monitoring shall at all times be available to authorized representatives of the CITY upon demand.

b) In the event of a violation of any provision of Article 3 hereof, TOWN shall immediately notify the CITY Superintendent of Water and Sewer Department by phone, and shall within five (5) days after the date of the violation, submit a written notification to the CITY specifying the date and time of each violation, duration of each violation, the substance(s) involved in violation, the concentration, volume and mass, and the reason for the violation.

### Section 5.02

a) Representatives of the CITY shall engage in scheduled and unscheduled monitoring of the effluent discharge of TOWN, at such times as the CITY in its sole discretion may determine. Authorized CITY representatives shall have full access to the facilities referred to in Section 6 of the Agreement for these purposes and shall have access to the plant and premises of TOWN and TOWN IU for purposes of inspecting the effluent discharge and pretreatment operations, procedures, facilities and records of the TOWN and TOWN IU in regard to effluent discharge to the Facility.

b) In the event of a violation of Article 3 by TOWN, or a reasonable suspicion on the part of the CITY that a violation has or is about to occur, representatives of the CITY may conduct unscheduled monitoring of the effluent discharge of TOWN or any TOWN

IU. In such a case, the CITY representatives shall have access to the facilities referred to in Section 6 of the Agreement and Section 5.02(a) hereof, to any business or other records of TOWN or TOWN IU relevant to the issue, and to any areas of the plant or premises of TOWN or TOWN IU for purposes of ascertaining the role of TOWN or TOWN IU in said actual or threatened violation and the volume, mass, concentration, duration and constituents of any such discharge.

c) TOWN and all TOWN Industrial Users shall allow CITY representatives access to areas of their facilities necessary for those representatives to sample, monitor or inspect any areas or facilities of any of them which are sources of effluent discharge to the Facility, the pretreatment Facility of TOWN, and/or any TOWN IU and facilities appurtenant thereto, and the records of TOWN and/or any TOWN IU regarding its discharges into the Facility. TOWN and any TOWN IU may allow for security personnel to accompany the CITY representatives while on their property; however, the access of CITY's representatives to the area set forth in this subsection may not be denied or curtailed.

d) TOWN shall cause CITY to have the right to such access to such TOWN IU's records and premises as set forth in this Section 5.02.

## ARTICLE 6 - ENFORCEMENT

### Section 6.01

In the event of any actual or threatened noncompliance with the provisions of the Agreement and this Appendix A, the CITY shall have the right to act according to the terms of this Article. The various enforcement techniques and sanctions set forth in this Article are not mutually exclusive and the CITY may at its sole discretion pursue any one or more of the provisions of this Article in addition to any other or further remedies provided in law or equity.

### Section 6.02

The CITY shall have the power to bring an action to enjoin TOWN and/or any one or more TOWN IUs from continuing a violation of the Agreement and this Appendix A. The CITY may pursue preliminary injunctive relief such as a temporary restraining order and preliminary injunction prior to the seeking of a permanent injunction against TOWN or any one or more TOWN IUs.

### Section 6.03

a) The TOWN shall be liable for any cost or damage incurred by the CITY as a

result of the TOWN's violation of the Agreement and this Appendix A; including, but not limited to, penalties imposed by EPA, DEC, or other governmental agency against the CITY, damage to the environment, legal expenses, engineering costs, etc..

b) Any costs incurred by the CITY required to enforce the terms of the Agreement and this Appendix A as a result of a violation the TOWN, shall be an expense of the TOWN and shall be added to its annual bill from the CITY. Such costs shall include, but not be limited to, all legal expenses, engineering costs, costs of testing, repairs, construction, etc.

#### Section 6.04

a) In the event of an actual or threatened discharge to the Sewer System which reasonably appears to present an imminent endangerment to the health or welfare of person, an imminent endangerment to the environment (including but not limited to actual or threatened discharges which would result in violation of any provision of the CITY's SPDES permit or pass through of pollutants), or an imminent danger of interference with the Facility, the CITY may, after such informal notice to TOWN and/or TOWN IU as the case may be as is reasonable under the circumstances (including a telephone call to the plant if time is of the essence), halt or prevent TOWN's and/or any TOWN IU's discharge to the Sewer System by whatever means are necessary to effect such a result, including if necessary physical blockage or severance of TOWN's and/or any TOWN IU's connection to the Sewer System.

b) In the event of a cessation of discharge to the Sewer System as a result of this section, TOWN shall pay all costs involved in restoring service once the violation is corrected and written proof of such correction has been submitted to and accepted by the CITY.

#### Section 6.05

Services provided to the TOWN under this Agreement are essential to the TOWN and the damages to the TOWN in the event such service is wrongfully curtailed is incapable of calculation as a specific dollar figure. Therefore, the parties covenant and agree that if CITY wrongfully fails to perform under this Agreement, TOWN may bring an action equity to compel specific performance of the provisions of this Agreement, including whatever preliminary relief such as a preliminary injunction and temporary restraining order as the TOWN may in its sole discretion determine, such action being the sole remedy of the TOWN hereunder.

**ARTICLE 7 - MISCELLANEOUS**

**Section 7.01**

**CITY, TOWN and TOWN IU shall enter into a contract in form and substance as approved by CITY, in substantially the form annexed to the Agreement as Exhibit C.**

## SCHEDULE I

<u>SUBSTANCE</u>	<u>MAXIMUM CONCENTRATION OF DISCHARGE ALLOWED INTO POTW (mg/l)</u>
Ammonia	40.0
Oil and Grease	50.0
Arsenic	0.25
Boron	5.0
Cadmium	0.25
Calcium	500.0
Chromium	1.0
Copper	1.0
Iron	5.0
Lead	1.0
Manganese	5.0
Mercury	0.05
Nickel	3.0
Silver	0.2
Zinc	1.5
Cyanide	3.0
Phenols	5.0
Benzene	0.1
Chloroform	1.0
Ethylbenzene	0.1
Methylene Chloride	1.0
Naphthalene	1.0
1,1,1-Trichlorethane	1.0
Toluene	0.1
Xylene	0.1

**ADDENDUM TO FACILITY AGREEMENT**

**THIS ADDENDUM** to Facility Agreement is entered into and effective as of July 7, 2011, by and between the BOARD OF WATER AND SEWER COMMISSIONERS OF THE CITY OF GLENS FALLS, a New York municipal corporation with its office at 2 Shermantown Road, Glens Falls, New York (the "CITY") and the TOWN OF MOREAU, a New York municipal corporation with its offices at P.O. Box 1349, South Glens Falls, New York 12803-1349 (the "TOWN") and serves as an amendment to the Facility Agreement between the CITY and the TOWN which was originally entered into on September 14, 1994 (the "Facility Agreement").

JP  
190,000  
WHEREAS, pursuant to the Facility Agreement, the Town has purchased and received 150,000 gallons per day capacity of wastewater flow in the Wastewater Treatment Facility Plant ("WWTP"), operated and maintained by the CITY.

WHEREAS, the Town has requested from the City an additional 1,000,000 gallons per day "Reserved Capacity" at the WWTP and the City has approved the Town's request.

WHEREAS, the parties hereto desire to enter into this Addendum to the Facility Agreement ("Addendum") for the purpose of memorializing their agreement for the purchase by the Town of the additional Reserved Capacity at the WWTP.

**NOW, THEREFORE, IT IS HEREBY UNDERSTOOD AND AGREED:**

1. Facility Agreement Provisions: This Addendum shall govern in the event of any conflict with the provisions of the Facility Agreement. All provisions of the Facility Agreement, including the defined terms specified therein, that are not superceded by this Addendum, remain in full force and effect and apply to this Addendum.

2. Additional Capacity: For a period of ten (10) years following the effective date of this Addendum, and which ten (10) year period expires on the tenth (10<sup>th</sup>) anniversary date of the effective date of this Addendum, the Town's aggregate Reserved Capacity specified in Section 10.02 of the Facility Agreement, representing the Maximum Monthly Arithmetic Mean (MAM) daily flow of wastewater shall increase by 1,000,000 gallons per day; provided, however, that the Town exercises its right to such additional Reserved Capacity in the purchase increments or in the aggregate as set forth in Schedule A annexed hereto and incorporated herein. During the term of this Addendum, the Town shall have the right to prepay any remaining total aggregate Reserve Capacity. The purchase price of the Reserve Capacity for the first purchase increment in Schedule A is \$2.89 per gallon per day which equates to a purchase price for the initial purchase of 300,000 gallons per day of \$867,000. Thereafter, the purchase price for the remaining purchases as set forth in Schedule A shall be adjusted by applying the consumer price index (CPI) of June 2011 to the CPI on the date of the second and third purchase increments respectively and making adjustments to the purchase price. Therefore the corresponding purchase prices for the June 1, 2017 purchase increment and the June 1, 2021 purchase increment as set forth in Schedule A are for estimation

purposes only. The Town shall continue to make all other payments to the City as required by the Facility Agreement. Notwithstanding the foregoing, after June 1, 2014 or at anytime thereafter during the term of this Addendum, the City may, by written notification to the Town, inform the Town that it intends to utilize all or any portion of the remaining Reserved Capacity for other purposes. Upon receipt of such notification, the Town shall have one hundred twenty (120) days to pay the City for the amount of Reserved Capacity (based upon \$2.89 per gallon per day and as adjusted by applying the CPI at that time and as provided for in this paragraph), the City seeks release of and pursuant to the City's written notification. In the event the Town does not pay the City for such Reserved Capacity within one hundred twenty (120) days of receipt of the written notification, the amount of the Reserved Capacity set forth in the City's written notification shall be released from this Addendum and the Town shall have no further right or obligation with respect to such amount of the Reserved Capacity released to the City. In such event, whatever amount of Reserved Capacity remains available to the Town under this Addendum shall be added to or subtracted from, as the case may be, the 400,000 gpd increment with the purchase date of on or before June 1, 2021.

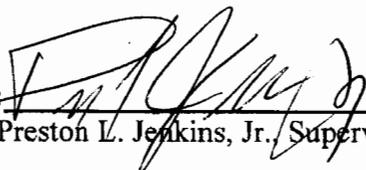
3. Entire Agreement: This Addendum to the Facility Agreement represents the entire understanding of the parties with regard to the subject matter hereof, and supercedes any prior oral or written agreements relating thereto. The Facility Agreement and this Addendum may be modified only by a written instrument signed by the parties hereto.

*IN WITNESS WHEREOF*, the parties hereto have signed this Addendum as of the Effective Date.

**BOARD OF WATER AND SEWER  
COMMISSIONERS OF THE CITY  
OF GLENS FALLS**

BY:  \_\_\_\_\_, Chairman

**TOWN OF MOREAU**

BY:  \_\_\_\_\_  
Preston L. Jenkins, Jr., Supervisor

**SCHEDULE A  
ADDENDUM TO FACILITY AGREEMENT**

<b>Purchase Increment Date</b>	<b>Gallon Per Day (gpd) Increment with Corresponding Purchase Price</b>	<b>Remaining Aggregate Purchase Price after Purchase</b>
On or before June 1, 2014	300,000 gpd - \$867,000	\$2,023,000
On or before June 1, 2017	300,000 gpd - \$867,000*	\$1,156,000*
On or before June 1, 2021	400,000 gpd - \$1,156,000*	\$0.0

\* Amount to be adjusted by applying CPI in accordance with paragraph 2 of the Addendum to arrive at the actual corresponding purchase price.

PAUL E. PONTIFF  
ALAN R. RHODES  
ROBERT S. McMILLEN  
PHILIP C. MCINTIRE  
MARK A. LEBOWITZ  
J. LAWRENCE PALTROWITZ  
MALCOLM B. O'HARA  
PATRICIA E. WATKINS  
MARK E. CERASANO  
MARTIN D. AUFFREDOU  
BRUCE O. LIFINSKI  
PAULA NADEAU BERUBE  
JONATHAN C. LAPPER  
BENJAMIN R. PRATT, JR.  
EILEEN M. HAYNES  
JAMES R. BURKETT  
STEFANIE DiLALLO BITTER  
KARLA WILLIAMS BUETTNER

**BARTLETT, PONTIFF, STEWART & RHODES, P.C.**  
ATTORNEYS AT LAW  
P.O. BOX 2168  
ONE WASHINGTON STREET  
GLEN FALLS, NEW YORK 12801-2168

TELEPHONE (518) 792-2117  
FAX (518) 792-3309  
EMAIL [info@bpsrlaw.com](mailto:info@bpsrlaw.com)  
WEBSITE [www.bpsrlaw.com](http://www.bpsrlaw.com)

RICHARD J. BARTLETT  
Retired

ELISABETH B. MAHONEY  
JOHN D. WRIGHT  
JESSICA HUGABONE VINSON  
BRIAN C. BORIE

ROBERT S. STEWART  
1932-2001  
BERTRAM J. DUBE  
1916-1999

June 9, 2011

David C. Klingebiel, Esq.  
Newell & Klingebiel  
One South Western Avenue  
P.O. Box 2152  
Glens Falls, NY 12801

Re: Addendum to Facility Agreement between The Board of  
Water and Sewer Commissioners of the City of Glens Falls  
and the Town of Moreau

Dear David:

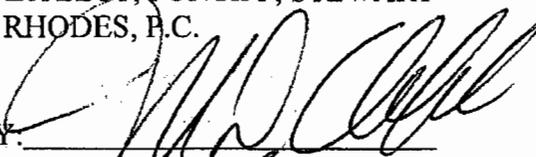
Enclosed please find revised proposed Addendum to Facility Agreement for your review. I understand that your Board is considering approving the Addendum at a meeting scheduled for next Monday. Please let me know if you require any further changes to the Addendum.

The Addendum remains subject to review and approval by the Town Board of the Town of Moreau.

As always, I thank you for your assistance.

Sincerely,

BARTLETT, PONTIFF, STEWART  
& RHODES, P.C.

BY: 

Martin D. Auffredou

Direct Line: (518) 832-6424

Direct E-mail: [mda@bpsrlaw.com](mailto:mda@bpsrlaw.com)

MDA:dam:Enc.

cc: Preston L. Jenkins, Jr., Supervisor (w/enc.)  
Tim Burley, P.E. (w/enc.)

VOUCHER

Purchase Order No.

**TOWN OF MOREAU**  
351 Reynolds Road  
Moreau, NY 12828-9261

Department: SEWER

Claimant's Name and Address: City of Glens Falls  
42 Ridge Street  
Glens Falls, NY 12801

Do Not Write in This Box	
Date Voucher Received	
Fund - Appropriation	Amount
G-I 8110.4	69,792.00
G-I 8110.4	5,000.00
TOTAL	74,792.00
Abstract No.	26

VOUCHER NO. 451

Vendor's Ref. No. \_\_\_\_\_ Terms \_\_\_\_\_

Date	Quantity	Description of Materials or Services	Unit Price	Amount
4/19/2017	1	2016 Actual <u>Operating &amp; Maintenance</u> Invoice # 15195		\$ <del>69,996.00</del> 69,792.00
4/19/2017	1	2016 <u>Reconstruction Charge @ minimum</u> Invoice# 15196		\$ 5,000.00
<p>NOTE CHANGES IN 2016 Billed 4/19/17                  (1) 6-78130-2100 Through 6-78130-2520 Removed FROM COSTS AND PLACED IN RECONSTRUCTION (382,335.66)                  RESULTS IN LOWER COST                  (2) EMPLOYEE BENEFITS ADDED HEALTH INSURANCE                  6-99062-9000 23,130 @ 70% NET AMOUNT ADDED 16,191.00</p>				
TOTAL				\$ 74,792.00

Invoice checked for mathematical accuracy  
 Invoice Attached and Signed as Received  
 Department Head Authorization Affixed  
 Board Members Authorization  
 Date Paid 5.31.17 Check No. 8008 RR

Claimant's Certification

I Michael Regan, the City of Glens Falls, Certify that the above account in the amount of \$ 74,996 is true and correct, that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied, that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

4-19-17 \_\_\_\_\_ Assistant Controller  
 Date Signature Title

(Space Below for Municipal Use)

Department Approval  
 The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.  
 5/10/17 \_\_\_\_\_  
 Date Authorized Official

Approval for Payment  
 This claim is approved and ordered paid from the appropriation indicated above.  
 5/23/17 \_\_\_\_\_  
 Date Auditing Board



PER PAYMENT CALCULATION  
PER CONTRACT

Should a TOWN SIU violate the terms of its permit, the CITY shall have the authority to enforce the terms of the permit pursuant to the enforcement provisions of Chapter 88 of the Glens Falls City Code, including any amendments thereto.

7.04 TOWN shall adopt legislation authorizing it to enter into an Agreement with the CITY and each applicable Significant Industrial User located in the TOWN in the form annexed hereto as Exhibit C.

Section 8. TOWN'S COSTS

8.01 TOWN shall pay CITY the following amounts:

(a) Facility Operation and Maintenance

i. TOWN shall pay its share of annual operation and maintenance for the Facility, calculated as follows:

*per 1,000*  
*See Pg. 16 Reconstruction 5,000/yr*

$$1.20 \times 2,575,291 \times 28,820 = 89,063,518.104$$

*their cost*  
*2000 above the plant*  
*69,791.88*

	(BOD + TSS + TKN)	=	<u>69,996.37</u>
\$ =	1.20 (M) (J)	( 200    200    40 )	
	A	(        3        )	

Where:

\$ = TOWN's annual costs for the above.

M = the total operating and maintenance costs, including allocated administration and employee benefit costs, incurred by the CITY for the wastewater disposal plant, reduced by any Federal and State aid and contributions by industrial contract users received by the CITY for these costs.

A = the total annual plant flow minus the flow of any industrial contract user.

J = Town of Moreau flow, calculated monthly and totaled annually.

BOD = mg/l BOD<sub>5</sub>, monthly average for Town flow

\$ 69,792  
*for 20*  
*yr.*

*Our Ann'l COST = 1.20 X Their COST X  $\frac{\text{our water usage (1000/gal)}}{\text{Their TOTAL FLOW}}$*



**CITY OF GLENS FALLS  
WATER-MUNICIPAL SEWER CHARGES  
BUDGET AND ESTIMATED CHARGES  
FOR THE YEAR ENDED DECEMBER 31, 2016**

*New for 2017*

	Yr 2016	Yr 2016 Calculated	Yr 2017 Budget	Yr 2017 Bud Calculated
City G71990-9000 (at 70%)	\$0 70%	\$0	\$0 70%	\$0
8110 (at 70%) (1) 219,622.97	219,622 70%	153,735	282,308 70%	197,616
Worker's Comp G78130-8000.6 (at 70%) (2) 30,715.16	30,715 70%	21,501	26,887 70%	18,821
s N.A. (at 70%)	0 70%	0	0 70%	0
ment System G89010-8000 (at 70%) (3) 180,015.00	180,015 70%	126,011	179,336 70%	125,535
Health Insurance G89011-8000, 89060, 89062-8000 (at 70%)	361,975 70%	253,383	464,346 70%	325,042
<i>270.27 (4) 279,574.72 (5) 23,120.00 = 361,975.49</i>				
<b>WWTP Operation &amp; Mtce</b>				
Electricity NIMO G78130-4415 (6) (7)	161,847 100%	161,847	170,000 100%	170,000
Insurance, Fees, & Other G78130-4470 & G78130-4402 (8) 68,620.19	68,620 100%	68,620	75,056 100%	75,056
WWTP FICA G78130-8000	65,027 100%	65,027	75,171 100%	75,171
Remaining G8130 (9) 1,400,100.50	1,335,083 100%	1,335,083	1,634,075 100%	1,634,075
WWTP Other G78130-4487 & G78130-4479	390,075 100%	390,075	382,064 100%	382,064
<b>Total</b>	<b>\$2,812,979</b>	<b>\$2,575,281</b>	<b>\$3,289,243</b>	<b>\$3,003,380</b>

**Reconstruction**

WWTP Reconstruction G78130-2007-2600 (10) 2100-2520 new 2017	\$410,696 100%	\$410,696	\$276,500 100%	\$276,500
WWTP Odor control & improvements (11) 410,676.16	72,801 100%	\$72,801	\$69,597 100%	\$69,597
WWTP Logistics	76,404 100%	\$76,404	\$86,404 100%	\$86,404
WWTP Aeration/Bar screen BAN (per Auditors)	36,500 100%	\$36,500	\$74,000 100%	\$74,000
WWTP UV disinfection	109,883 100%	\$109,883	\$109,237 100%	\$109,237
BAN-Incinerator project	13,145 100%	\$13,145	\$13,145 100%	\$13,145
Sewage Sludge Loading facility BAN	65,532 100%	\$65,532	\$65,532 100%	\$65,532
ESCO CONTRACT # 1	542,651 100%	\$542,651	\$570,015 100%	\$570,015
ESCO CONTRACT # 1	350,257 100%	\$350,257	\$322,892 100%	\$322,892
ESCO CONTRACT # 2 LEA @85% (12) 216,297.56	133,916 85%	\$113,829	\$141,141 85%	\$119,970
ESCO CONTRACT # 2 O&M@85%	82,381 85%	\$70,024	\$75,155 85%	\$63,882
WWTP Reconstruction(H7Capital)	1,894,167 100%	1,861,722	1,803,618 100%	1,771,174
<b>Total Reconstruction</b>	<b>3,788,333</b>	<b>3,723,444</b>	<b>3,607,236</b>	<b>3,542,347</b>

**TOWN OF MOREAU**

Town Flow (000)gals	28,820	28,820	28,820	28,820
City Flow (000)gals	1,272,402	1,272,402	1,272,402	1,272,402
%	2.265008%	2.265008%	2.265008%	2.265008%
WWTP factor	1.2	1.2	1.2	1.2
WWTP\$	\$76,457	\$69,996	\$89,402	\$81,632
Reconstruction \$ (13) 5% x 3,459.60 or 5,000	\$85,806	\$5,000	\$5,000	\$5,000
	\$162,263	\$74,996	\$94,402	\$86,632

Actual WWTP Billing 100%	\$0	\$0	\$89,402	\$81,632
Budget WWTP Billing 100%	76,457	69,996	0	0
WWTP This Bill 100%	76,457	69,996	89,402	81,632
Actual less Prior bill or Budget 50%	76,457	69,996	89,402	81,632
Actual Recons. Billing 100%	0	0	5,000	5,000
Budget Recons. Billing 100%	85,806	5,000	0	0
Recons. This Bill 100%	85,806	5,000	5,000	5,000
Actual less Prior bill or Budget 50%	85,806	5,000	5,000	5,000
<b>Grand Total This Bill</b>	<b>\$162,263</b>	<b>\$74,996</b>	<b>\$94,402</b>	<b>\$86,632</b>

GBUB Invoice # & Date  
GBHC Invoice # & Date







APPENDIX G

Bluebird Terrace DOH Documents

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# Department of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

September 14, 2015

In the matter of Finding of Violation against:

Docket No: 20150579

D/B/A: BLUEBIRD TERRACE MHP

Date Issued: August 28, 2015

Location: MOREAU

Address: 116 BLUEBIRD ROAD

Respondent: JOHN CANNONE  
CANNONE VENTURES INC.  
33-35 PALMER TERRACE  
GANSEVOORT, NY 12831

RE: Stipulation/Decision

Dear JOHN CANNONE:

Enclosed is the Administrative Tribunal Decision for the above noted action. This Decision is based on your agreement to the Department's Stipulation Offer executed by your signature on September 14, 2015.

Please read the enclosed documents carefully and with particular attention to any conditions and specific schedules. Failure to abide by these conditions and/or the recurrence of violations of the State Sanitary Code may subject you to additional enforcement action by the Department and more stringent legal sanctions.

Please contact me at (518) 793-3893 if you have any questions regarding this matter.

Sincerely,

Anita Gabalski  
Administrative Tribunal Representative of Limited Authority  
Glens Falls District Office  
77 Mohican Street  
Glens Falls, NY 12801  
Phone: 518-793-3893, Fax: 518-793-0427

Encl.

STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION

GF-2015-107  
app 9/14/15  
\$ 1200

Total Assessed Fines \$8,000.00      Total Fines Payable \$1,200.00  
Total Modified Fines \$1,200.00  
Total Amount Due \$1,200.00

c. This Stipulation shall be effective upon service on the Respondent or the Respondents's attorney or representative of a company by personal service or by certified or registered mail.

I accept the stipulation offer and will comply with the conditions set forth. Payment of the total fines of \$1,200 is enclosed. If the respondent fails to comply with the terms of this Stipulation, the Department may demand the balance of Total Assessed Fines immediately, without the opportunity for a hearing.

OR

I decline the stipulation offer and will appear for the hearing on October 13, 2015.

*Paul J. Carr*      9-14-15  
Owner / Operator      Date

AGREED AND SO ORDERED

*Christina M. Goralzki*      9/14/15  
Administrative Tribunal Representative      Date  
of Limited Authority

THIS STIPULATION IS SUBJECT TO PUBLIC RELEASE  
AS A FINAL AGENCY ACTION

Docket # 20150579

RECEIVED ON

SEP 14 2015

NYS DEPARTMENT OF HEALTH  
GLENS FALLS DISTRICT OFFICE

**COPY**

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL**

*Scan to  
Journal*  
August 28, 2015

Certified Mail - Return Receipt Requested

Name of Respondent: CANNONE VENTURES INC., JOHN CANNONE  
Address of Respondent: 33-35 PALMER TERRACE  
GANSEVOORT NY 12831

Respondent D/B/A: BLUEBIRD TERRACE MHP  
D/B/A Address: 116 BLUEBIRD ROAD  
FORT EDWARD

RE: Docket Number: 20150579

Dear JOHN CANNONE:

The New York State Department of Health has evidence of violations of the Public Health Law and/or Health Department Regulations contained in Title 10 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR), as set forth in the Finding of Violation(s) enclosed. A Hearing has been scheduled before an impartial Administrative Law Judge of the Administrative Tribunal on the following date, time, and place:

Date: October 13, 2015

Time: 10:00 AM

Place: NYS Department of Health, Glens Falls District Office, 77 Mohican Street, Glens Falls

**YOU ARE ON NOTICE THAT YOU HAVE SEVEN (7) DAYS FROM RECEIPT OF THIS NOTICE TO RESPOND TO THE DEPARTMENT. FAILURE TO RESPOND WITHIN SEVEN DAYS AFTER RECEIPT OF SERVICE WILL CONSTITUTE AN ADMISSION OF THE CHARGES AND A WAIVER OF THE RIGHT TO A HEARING, AND AUTHORIZE THE ADMINISTRATIVE LAW JUDGE, WITHOUT FURTHER NOTICE, TO FIND THE FACTS TO BE AS ALLEGED IN THE FINDING OF VIOLATION, AND TO RENDER A DECISION AND ORDER SUSTAINING THE ALLEGATIONS, AND IMPOSING A PENALTY. (SUMMARY OF THE APPLICABLE HEARING PROCEDURE IS ENCLOSED).**

**OFFER OF SETTLEMENT ALTERNATIVE**

If you wish to settle this matter without a Hearing, sign and return the enclosed Stipulation (Form AT-15) within seven (7) days of your receipt of this notice. This settlement offer includes payment of a fine of \$1,200.00, payable to the New York State Department of Health. Enclose your full payment with the signed stipulation and send to the NYS Department of Health, Glens Falls District Office, 77 Mohican Street, Glens Falls NY 12801-4429. Payment must be made with check or money order. If you wish to decline the offer of Stipulation and opt for a Hearing, please note such intention on the AT-15 Form where indicated, and mail back to the Department.

Sincerely,

*Anita M. Gabalski*

Anita Gabalski

Administrative Tribunal Representative

Glens Falls District Office

Enclosures

# STATE OF NEW YORK DEPARTMENT OF HEALTH

## ADMINISTRATIVE TRIBUNAL

### SUMMARY OF HEARING PROCEDURES:

1. The hearing will be held in conformance with Section 12a of the Public Health Law, Article 3 of the State Administrative Procedure Act and 10 NYCRR Part 76.7. Hearings are presided over by an Administrative Law Judge, and are open to the Public. The text of the Public Health Law and the Regulations at Title 10 are available at the New York State Department of Health's web site ([www.health.state.ny.us](http://www.health.state.ny.us)). The text of the State Administrative Procedure Act and all other New York State statutes are available at the New York State Senate's web site ([www.senate.state.ny.us](http://www.senate.state.ny.us))
2. The Hearing will be conducted in English. If you do not speak or understand English, the Department will provide an interpreter for the hearing, at no charge to you. You must advise the Department seven days before the hearing concerning the need for the interpreter and the language the interpreter must speak.
3. If you or any party or witness to this proceeding is a deaf person, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings and the testimony of any deaf person.
4. If you will be represented by an attorney, your attorney must furnish to the Department appropriate documentation of his or her authorization to represent you.
5. A record of all proceedings will be made and witnesses will be sworn and examined. The parties may appear in person and/or be represented by Counsel, may testify, present documentary evidence, produce witnesses, cross - examine adverse witnesses, examine such evidence as may be produced, request the issuance of subpoenas and have all rights essential to a fair and impartial hearing. The burden of proof at the hearing will be on the department.
6. You should bring to the Hearing any evidence of compliance efforts, such as receipts for purchases, contracts, estimates and design plans and be prepared to substantiate your corrective actions and/or plans for correction of violation(s). Prompt correction of violations may be considered by the Department in assessing penalties. However, correction alone does not excuse the violation and fines may be assessed for violations committed by the Respondent. Failure to correct violations after the hearing subjects you to further legal action by the Department.
7. Failure to respond within seven days after receipt of service will constitute an admission of the charges and a waiver of the right to a hearing and authorize the administrative law judge, without further notice to find the facts to be as alleged in the finding of violation and to render a decision and order sustaining the allegations and imposing a penalty.
8. If the Respondent does not appear at the hearing, either in person or by an attorney, the hearing may proceed. Failure to appear at the time and place designated for the hearing will constitute a default in appearance and a decision and order will be rendered and issued by the Administrative Law Judge based on the record.
9. At the conclusion of the Hearing, the Administrative Law Judge will issue a written decision sustaining or dismissing the Finding of Violation(s). The Decision will contain findings of fact and, as applicable, orders issued and penalties assessed based on evidence presented. The Respondent may also be assessed a fine not to exceed \$2,000 per violation, pursuant to Sections 12 and 206 of the Public Health Law or as otherwise provided under applicable regulations. Licenses to operate may also be suspended or revoked.

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
FINDING OF VIOLATIONS**

**Respondent:** CANNONE VENTURES INC., JOHN CANNONE

**Address:** 33-35 PALMER TERRACE  
GANSEVOORT NY 12831-

**Docket Number:** 20150579

**Date of Hearing:** October 13, 2015

**Date of Notice:** August 28, 2015

**Phone:** (518) 583-0445

**D/B/A:** BLUEBIRD TERRACE MHP

**Address:** 116 BLUEBIRD ROAD  
FORT EDWARD

Date of Violation	State Law, Sanitary Code, or Regulation (10 NYCRR)	Violation Findings	Maximum Assessable Fine	Surcharge
<i>[ Violation 1 of 4 Violation ID 131270 ]</i>				
Aug 13, 2015	17.6(b)(6) <i>Inadequately treated sewage on the surface of the ground shall be prohibited.</i>	Was violated in that: A pool of untreated sewage was observed on the ground's surface in a pit on lot 23. This condition has been noted several times before and the owner was advised to make a permanent repair by replacement of system with a new system.	\$2,000.00	
<i>[ Violation 2 of 4 Violation ID 131273 ]</i>				
Aug 13, 2015	17.10 <i>It shall be the responsibility of the operator of the mobile home park to see that all facilities are kept in good working order and in good repair. This includes water supply facilities, sewage treatment and disposal facilities, grounds, roadways, and any other facility, appliances, or equipment pertinent to the normal operation of the mobile home park.</i>	Was violated in that: Two open pits were observed on lot 23 without safety measures to reduce the risk of injury to humans from falling into the pit and to reduce the risk of contamination of humans and pets with pathogens present in the sewage on the ground in the one pit where septage is seen.	\$2,000.00	
<i>[ Violation 3 of 4 Violation ID 131274 ]</i>				
Aug 14, 2015	17.6(b)(6) <i>Inadequately treated sewage on the surface of the ground shall be prohibited.</i>	Was violated in that: While it appeared that the septic tank had been pumped and the pool of water was no longer on the ground's surface on lot 23, there was a significant amount of sewage residual that must be treated with a disinfectant in order to meet the requirements of this Regulation.	\$2,000.00	
<i>[ Violation 4 of 4 Violation ID 131275 ]</i>				
Aug 14, 2015	17.10 <i>It shall be the responsibility of the operator of the mobile home park to see that all facilities are kept in good working order and in good repair. This includes water supply facilities, sewage treatment and disposal facilities, grounds, roadways, and any other facility, appliances, or equipment pertinent to the normal operation of the mobile home park.</i>	Was violated in that: Two open pits were observed on lot 23 without safety measures to reduce the risk of injury to humans from falling into the pit and to reduce the risk of contamination of humans and pets with pathogens present in the sewage on the ground in the one pit where septage is seen.	\$2,000.00	

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION**

In the matter of Finding of Violation(s) against

**Respondent:** CANNONE VENTURES INC., JOHN CANNONE

**Address:** 33-35 PALMER TERRACE  
GANSEVOORT NY 12831-

**Docket Number:** 20150579

**Date Issued:** August 28, 2015

**D/B/A:** BLUEBIRD TERRACE MHP

**Address:** 116 BLUEBIRD ROAD  
FORT EDWARD

The parties wish to resolve this matter by means of a settlement instead of an administrative hearing and, therefore agree that:

- a. There exist valid and sufficient grounds, as a matter of fact and law, for the issuance of this Stipulation and Order under the Public Health Law and the Respondent consents to its issuance, accepts its terms and conditions and waives any right to challenge this Stipulation/Decision in a proceeding pursuant to Article 78 of the Civil Practice Law and Rules or in any other action or proceeding.
- b. That the Respondent agrees to the following terms and conditions:

Docket # 20150579

**State Law, Sanitary Code, or Regulation (10 NYCRR) Violation Findings**

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*[ Violation 1 of 4 ]*

*17 6(b)(6) Inadequately treated sewage on the surface of the ground shall be prohibited.*

Was violated in that: A pool of untreated sewage was observed on the ground's surface in a pit on lot 23. This condition has been noted several times before and the owner was advised to make a permanent repair by replacement of system with a new system.

**Conclusion:** Alleged  
**Assessed Fine:** \$2,000.00  
**Modified Fine:** \$200.00

The following abatements are to be completed:

- 1) On or Before August 14, 2015: Eliminate the occurrences of treated sewage on the ground's surface, with a temporary measure.

Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.

The date of completion may be extended for just cause on the mutual consent of the respondent and Department.

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION**

Docket # 20150579

**State Law, Sanitary Code, or Regulation (10 NYCRR) Violation Findings**

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[ Violation 2 of 4 ]

*17.10 It shall be the responsibility of the operator of the mobile home park to see that all facilities are kept in good working order and in good repair. This includes water supply facilities, sewage treatment and disposal facilities, grounds, roadways, and any other facility, appliances, or equipment pertinent to the normal operation of the mobile home park.*

Was violated in that: Two open pits were observed on lot 23 without safety measures to reduce the risk of injury to humans from falling into the pit and to reduce the risk of contamination of humans and pets with pathogens present in the sewage on the ground in the one pit where septage is seen.

**Conclusion: Alleged**  
**Assessed Fine: \$2,000.00**  
**Modified Fine: \$200.00**

**The following abatements are to be completed:**

- 1) On or Before August 14, 2015: Provide a barrier around the pits on the lot to prevent ingress of persons and animals.

Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.

The date of completion may be extended for just cause on the mutual consent of the respondent and Department.

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[ Violation 3 of 4 ]

*17.6(b)(6) Inadequately treated sewage on the surface of the ground shall be prohibited.*

Was violated in that: While it appeared that the septic tank had been pumped and the pool of water was no longer on the ground's surface on lot 23, there was a significant amount of sewage residual that must be treated with a disinfectant in order to meet the requirements of this Regulation.

**Conclusion: Alleged**  
**Assessed Fine: \$2,000.00**  
**Modified Fine: \$400.00**

**The following abatements are to be completed:**

- 1) On or Before August 17, 2015: Eliminate the occurrences of untreated sewage on the ground's surface. Inspect daily, report failures and take corrective actions.

Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.

The date of completion may be extended for just cause on the mutual consent of the respondent and Department.

- 2) On or Before October 31, 2015: Replace septic system with new code-compliant system OR connect to public sewer system.

Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.

The date of completion may be extended for just cause on the mutual consent of the respondent and Department.

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION**

Docket # 20150579

**State Law, Sanitary Code, or Regulation (10 NYCRR) Violation Findings**

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[ Violation 4 of 4 ]

*17.10 It shall be the responsibility of the operator of the mobile home park to see that all facilities are kept in good working order and in good repair. This includes water supply facilities, sewage treatment and disposal facilities, grounds, roadways, and any other facility, appliances, or equipment pertinent to the normal operation of the mobile home park.*

Was violated in that: Two open pits were observed on lot 23 without safety measures to reduce the risk of injury to humans from falling into the pit and to reduce the risk of contamination of humans and pets with pathogens present in the sewage on the ground in the one pit where septage is seen.

Conclusion: **Alleged**  
Assessed Fine: **\$2,000.00**  
Modified Fine: **\$400.00**

**The following abatements are to be completed:**

- 1) On or Before August 17, 2015: Place a permanent barrier around pit or eliminate pit.

Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.

The date of completion may be extended for just cause on the mutual consent of the respondent and Department.

- 2) On or Before October 31, 2015: Replace septic system with new code-compliant system OR connect to public sewer system.

Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.

The date of completion may be extended for just cause on the mutual consent of the respondent and Department.

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION**

Total Assessed Fines	<u>\$8,000.00</u>	<u>Total Fines Payable</u>	<u>\$1,200.00</u>
Total Modified Fines	<u>\$1,200.00</u>		
		<u>Total Amount Due</u>	<u>\$1,200.00</u>

c. This Stipulation shall be effective upon service on the Respondent or the Respondent's attorney or representative of a company by personal service or by certified or registered mail.

I accept the stipulation offer and will comply with the conditions set forth. Payment of the total fines of \$1,200 is enclosed. If the respondent fails to comply with the terms of this Stipulation, the Department may demand the balance of Total Assessed Fines immediately, without the opportunity for a hearing.

OR

I decline the stipulation offer and will appear for the hearing on October 13, 2015.

\_\_\_\_\_  
Owner / Operator

\_\_\_\_\_  
Date

AGREED AND SO ORDERED

\_\_\_\_\_  
Administrative Tribunal Representative  
of Limited Authority

\_\_\_\_\_  
Date

**THIS STIPULATION IS SUBJECT TO PUBLIC RELEASE  
AS A FINAL AGENCY ACTION**

Docket # 20150579

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL**

November 27, 2012

**Name of Respondent:** YASMIN BADRUDDIN  
**Address of Respondent:** 22 ELIZABETH LANE  
QUEENSBURY NY 12804

**Respondent D/B/A:** BLUEBIRD TERRACE MOBILE PARK  
**D/B/A Address:** BLUEBIRD ROAD  
FORT EDWARD

**RE: Docket Number: 20120701**

Dear YASMIN BADRUDDIN:

The New York State Department of Health has evidence of violations of the Public Health Law and/or Health Department Regulations contained in Title 10 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR), as set forth in the Finding of Violation(s) enclosed. A Hearing has been scheduled before an impartial Administrative Law Judge of the Administrative Tribunal on the following date, time, and place:

**Date:** December 11, 2012

**Time:** 10:00 AM

**Place:** NYS Department of Health, Glens Falls District Office, 77 Mohican Street, Glens Falls

**YOU ARE ON NOTICE THAT YOU HAVE SEVEN (7) DAYS FROM RECEIPT OF THIS NOTICE TO RESPOND TO THE DEPARTMENT. FAILURE TO RESPOND WITHIN SEVEN DAYS AFTER RECEIPT OF SERVICE WILL CONSTITUTE AN ADMISSION OF THE CHARGES AND A WAIVER OF THE RIGHT TO A HEARING, AND AUTHORIZE THE ADMINISTRATIVE LAW JUDGE, WITHOUT FURTHER NOTICE, TO FIND THE FACTS TO BE AS ALLEGED IN THE FINDING OF VIOLATION, AND TO RENDER A DECISION AND ORDER SUSTAINING THE ALLEGATIONS, AND IMPOSING A PENALTY. (SUMMARY OF THE APPLICABLE HEARING PROCEDURE IS ENCLOSED).**

**OFFER OF SETTLEMENT ALTERNATIVE**

If you wish to settle this matter without a Hearing, sign and return the enclosed Stipulation (Form AT-15) within seven (7) days of your receipt of this notice. This settlement offer includes payment of a fine of \$50.00, payable to the New York State Department of Health. Enclose your full payment with the signed stipulation and send to the NYS Department of Health, Glens Falls District Office, 77 Mohican Street, Glens Falls NY 12801-4429. Payment must be made with check or money order. If you wish to decline the offer of Stipulation and opt for a Hearing, please note such intention on the AT-15 Form where indicated, and mail back to the Department.

Sincerely,

Anita Gabalski  
Administrative Tribunal Representative  
Glens Falls District Office

Enclosures

# STATE OF NEW YORK DEPARTMENT OF HEALTH

## ADMINISTRATIVE TRIBUNAL

### SUMMARY OF HEARING PROCEDURES:

1. The hearing will be held in conformance with Section 12a of the Public Health law, Article 3 of the State Administrative Procedure Act and 10 NYCRR Part 76.7. Hearings are presided over by an Administrative Law Judge, and are open to the Public. The text of the Public Health Law and the Regulations at Title 10 are available at the New York State Department of Health's web site ([www.health.state.ny.us](http://www.health.state.ny.us)). The text of the State Administrative Procedure Act and all other New York State statutes are available at the New York State Senate's web site ([www.senate.state.ny.us](http://www.senate.state.ny.us))
2. The Hearing will be conducted in English. If you do not speak or understand English, the Department will provide an interpreter for the hearing, at no charge to you. You must advise the Department seven days before the hearing concerning the need for the interpreter and the language the interpreter must speak.
3. If you or any party or witness to this proceeding is a deaf person, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings and the testimony of any deaf person.
4. If you will be represented by an attorney, your attorney must furnish to the Department appropriate documentation of his or her authorization to represent you.
5. A record of all proceedings will be made and witnesses will be sworn and examined. The parties may appear in person and/or be represented by Counsel, may testify, present documentary evidence, produce witnesses, cross - examine adverse witnesses, examine such evidence as may be produced, request the issuance of subpoenas and have all rights essential to a fair and impartial hearing. The burden of proof at the hearing will be on the department.
6. You should bring to the Hearing any evidence of compliance efforts, such as receipts for purchases, contracts, estimates and design plans and be prepared to substantiate your corrective actions and/or plans for correction of violation(s). Prompt correction of violations may be considered by the Department in assessing penalties. However, correction alone does not excuse the violation and fines may be assessed for violations committed by the Respondent. Failure to correct violations after the hearing subjects you to further legal action by the Department.
7. Failure to respond within seven days after receipt of service will constitute an admission of the charges and a waiver of the right to a hearing and authorize the administrative law judge, without further notice to find the facts to be as alleged in the finding of violation and to render a decision and order sustaining the allegations and imposing a penalty.
8. If the Respondent does not appear at the hearing, either in person or by an attorney, the hearing may proceed. Failure to appear at the time and place designated for the hearing will constitute a default in appearance and a decision and order will be rendered and issued by the Administrative Law Judge based on the record.
9. At the conclusion of the Hearing, the Administrative Law Judge will issue a written decision sustaining or dismissing the Finding of Violation(s). The Decision will contain findings of fact and, as applicable, orders issued and penalties assessed based on evidence presented. The Respondent may also be assessed a fine not to exceed \$2,000 per violation, pursuant to Sections 12 and 206 of the Public Health Law or as otherwise provided under applicable regulations. Licenses to operate may also be suspended or revoked.

**STATE OF NEW YORK : DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL**

**Finding of Violations for Docket Number 20120701**

**State Law, Sanitary Code, or Regulation (10 NYCRR)      Violation Findings**

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*Violation 1 of 1 (ID 124820)*

<b>17.6(b)(6)</b>	Was violated on September 07, 2012 in that: Inadequately treated sewage was observed on the ground beneath the home at Lot #6.	<b>Conclusion: Unknown</b> <b>Assessed Fine: \$2,000</b> <b>Modified Fine: \$50</b>
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**The following abatements are to be completed:**

- 1) On or Before August 01, 2013:      A New York State licensed professional engineer must evaluate the system. The evaluation performed by the professional engineer must detail the capacity of the existing septic system, and the waste volumes it is capable of receiving. If the system is undersized, plans for repairs or a replacement must be submitted to the DOH for approval. Lot #6 may not be reoccupied until a properly sized septic system is installed.  
  
Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.  
  
The date of completion may be extended for just cause on the mutual consent of the respondent and Department.
  
- 2) On or Before August 01, 2013:      The NYS DOH approved septic system must be installed or repaired within 30 days of DOH plan approval.  
  
Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.  
  
The date of completion may be extended for just cause on the mutual consent of the respondent and Department.

**STATE OF NEW YORK : DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL**

**Finding of Violations for Docket Number 20120701**

**State Law, Sanitary Code, or Regulation (10 NYCRR)      Violation Findings**

**The following abatements are to be completed:**

- 3) On or Before August 01, 2013:      Until modifications are complete, the septic system must be pumped as necessary to prohibit inadequately treated sewage from appearing on the ground surface.
- Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.
- The date of completion may be extended for just cause on the mutual consent of the respondent and Department.

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**Total Fine Payable                      \$50**

The total penalty assessed against Respondent for these Violations is \$50.00 and is payable within thirty (30) days from the date of this Decision.

Any civil penalty not paid by such date shall be subject to all provisions of law relating to debt collection by New York State. This includes, but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses {Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32}.

This Order shall be effective on personal service on the Respondent or 7 days from the date of mailing of a copy to Respondent by certified or registered mail.

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
FINDING OF VIOLATIONS**

**Respondent:** YASMIN BADRUDDIN  
**Address:** 22 ELIZABETH LANE  
QUEENSBURY NY 12804-

**Docket Number:** 20120701  
**Date of Hearing:** December 11, 2012  
**Date of Notice:** November 27, 2012

**Phone:** (518) 761-6190

**D/B/A:** BLUEBIRD TERRACE MOBILE PARK

**Address:** BLUEBIRD ROAD  
FORT EDWARD

Date of Violation	State Law, Sanitary Code, or Regulation (10 NYCRR)	Violation Findings	Maximum Assessable	
			Fine	Surcharge
Sep 07, 2012	17.6(b)(6) <i>Inadequately treated sewage on the surface of the ground shall be prohibited.</i>	Was violated in that: Inadequately treated sewage was observed on the ground beneath the home at Lot #6.	\$2,000.00	

[ Violation 1 of 1 Violation ID 124820 ]

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION**

**In the matter of Finding of Violation(s) against**

**Respondent:** YASMIN BADRUDDIN  
**Address:** 22 ELIZABETH LANE  
QUEENSBURY NY 12804-

**Docket Number:** 20120701  
**Date Issued:** November 27, 2012

**D/B/A:** BLUEBIRD TERRACE MOBILE PARK  
**Address:** BLUEBIRD ROAD  
FORT EDWARD

The parties wish to resolve this matter by means of a settlement instead of an administrative hearing and, therefore agree that:

- a. There exist valid and sufficient grounds, as a matter of fact and law, for the issuance of this Stipulation and Order under the Public Health Law and the Respondent consents to its issuance, accepts its terms and conditions and waives any right to challenge this Stipulation/Decision in a proceeding pursuant to Article 78 of the Civil Practice Law and Rules or in any other action or proceeding.
- b. That the Respondent agrees to the following terms and conditions:

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION**

Docket # 20120701

**State Law, Sanitary Code, or Regulation (10 NYCRR) Violation Findings**

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[ Violation 1 of 1 ]

17.6(b)(6) *Inadequately treated sewage on the surface of the ground shall be prohibited.*

Was violated in that: Inadequately treated sewage was observed on the ground beneath the home at Lot #6.

**Conclusion:** Unknown  
**Assessed Fine:** \$2,000.00  
**Modified Fine:** \$50.00

**The following abatements are to be completed:**

- 1) On or Before August 01, 2013: A New York State licensed professional engineer must evaluate the system. The evaluation performed by the professional engineer must detail the capacity of the existing septic system, and the waste volumes it is capable of receiving. If the system is undersized, plans for repairs or a replacement must be submitted to the DOH for approval. Lot #6 may not be reoccupied until a properly sized septic system is installed.  
  
Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.  
  
The date of completion may be extended for just cause on the mutual consent of the respondent and Department.
  
- 2) On or Before August 01, 2013: The NYS DOH approved septic system must be installed or repaired within 30 days of DOH plan approval.  
  
Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.  
  
The date of completion may be extended for just cause on the mutual consent of the respondent and Department.
  
- 3) On or Before August 01, 2013: Until modifications are complete, the septic system must be pumped as necessary to prohibit inadequately treated sewage from appearing on the ground surface.  
  
Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.  
  
The date of completion may be extended for just cause on the mutual consent of the respondent and Department.

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION**

Total Assessed Fines	<u>\$2,000.00</u>	<b>Total Fines Payable</b>	<u>\$50.00</u>
Total Modified Fines	<u>\$50.00</u>		
		<b>Total Amount Due</b>	<u>\$50.00</u>

- c. This Stipulation shall be effective upon service on the Respondent or the Respondent's attorney or representative of a company by personal service or by certified or registered mail.

I accept the stipulation offer, and will comply with the conditions set forth. Payment of the total fines of \$50 is enclosed. If the respondent fails to comply with the terms of this Stipulation, the Department may demand the balance of Total Assessed Fines immediately, without the opportunity for a hearing.

OR

I decline the stipulation offer and will appear for the hearing on December 11, 2012.

\_\_\_\_\_  
Owner / Operator

\_\_\_\_\_  
Date

AGREED AND SO ORDERED

\_\_\_\_\_  
Administrative Tribunal Representative  
of Limited Authority

\_\_\_\_\_  
Date

**THIS STIPULATION IS SUBJECT TO PUBLIC RELEASE  
AS A FINAL AGENCY ACTION**

Docket # 20120701

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL**

November 04, 2009

**Name of Respondent:** YASMIN BADRUDDIN  
**Address of Respondent:** 22 ELIZABETH LANE  
QUEENSBURY NY 12804

**Respondent D/B/A:** BLUEBIRD TERRACE MOBILE PARK  
**D/B/A Address:** BLUEBIRD ROAD  
FORT EDWARD

**RE: Docket Number: 20090755**

Dear YASMIN BADRUDDIN:

The New York State Department of Health has evidence of violations of the Public Health Law and/or Health Department Regulations contained in Title 10 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR), as set forth in the Finding of Violation(s) enclosed. A Hearing has been scheduled before an impartial Administrative Law Judge of the Administrative Tribunal on the following date, time, and place:

**Date:** December 08, 2009

**Time:** 10:00 AM

**Place:** NYS Department of Health, Glens Falls District Office, 77 Mohican Street, Glens Falls

**YOU ARE ON NOTICE THAT YOU HAVE SEVEN (7) DAYS FROM RECEIPT OF THIS NOTICE TO RESPOND TO THE DEPARTMENT. FAILURE TO RESPOND WITHIN SEVEN DAYS AFTER RECEIPT OF SERVICE WILL CONSTITUTE AN ADMISSION OF THE CHARGES AND A WAIVER OF THE RIGHT TO A HEARING, AND AUTHORIZE THE ADMINISTRATIVE LAW JUDGE, WITHOUT FURTHER NOTICE, TO FIND THE FACTS TO BE AS ALLEGED IN THE FINDING OF VIOLATION, AND TO RENDER A DECISION AND ORDER SUSTAINING THE ALLEGATIONS, AND IMPOSING A PENALTY. (SUMMARY OF THE APPLICABLE HEARING PROCEDURE IS ENCLOSED).**

**OFFER OF SETTLEMENT ALTERNATIVE**

If you wish to settle this matter without a Hearing, sign and return the enclosed Stipulation (Form AI-15) within seven (7) days of your receipt of this notice. This settlement offer includes payment of a fine of \$250.00, payable to the New York State Department of Health. Enclose your full payment with the signed stipulation and send to the NYS Department of Health, Glens Falls District Office, 77 Mohican Street, Glens Falls NY 12801-4429. Payment must be made with check or money order. If you wish to decline the offer of Stipulation and opt for a Hearing, please note such intention on the AI-15 Form where indicated, and mail back to the Department.

Sincerely,

Anita Gabalski  
Administrative Tribunal Representative  
Glens Falls District Office

Enclosures

# STATE OF NEW YORK DEPARTMENT OF HEALTH

## ADMINISTRATIVE TRIBUNAL

### SUMMARY OF HEARING PROCEDURES:

1. The hearing will be held in conformance with Section 12a of the Public Health law, Article 3 of the State Administrative Procedure Act and 10 NYCRR Part 76.7. Hearings are presided over by an Administrative Law Judge, and are open to the Public. The text of the Public Health Law and the Regulations at Title 10 are available at the New York State Department of Health's web site ([www.health.state.ny.us](http://www.health.state.ny.us)). The text of the State Administrative Procedure Act and all other New York State statutes are available at the New York State Senate's web site ([www.senate.state.ny.us](http://www.senate.state.ny.us))

2. The Hearing will be conducted in English. If you do not speak or understand English, the Department will provide an interpreter for the hearing, at no charge to you. You must advise the Department seven days before the hearing concerning the need for the interpreter and the language the interpreter must speak.

3. If you or any party or witness to this proceeding is a deaf person, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings and the testimony of any deaf person.

4. If you will be represented by an attorney, your attorney must furnish to the Department appropriate documentation of his or her authorization to represent you.

5. A record of all proceedings will be made and witnesses will be sworn and examined. The parties may appear in person and/or be represented by Counsel, may testify, present documentary evidence, produce witnesses, cross - examine adverse witnesses, examine such evidence as may be produced, request the issuance of subpoenas and have all rights essential to a fair and impartial hearing. The burden of proof at the hearing will be on the department.

6. You should bring to the Hearing any evidence of compliance efforts, such as receipts for purchases, contracts, estimates and design plans and be prepared to substantiate your corrective actions and/or plans for correction of violation(s). Prompt correction of violations may be considered by the Department in assessing penalties. However, correction alone does not excuse the violation and fines may be assessed for violations committed by the Respondent. Failure to correct violations after the hearing subjects you to further legal action by the Department.

7. Failure to respond within seven days after receipt of service will constitute an admission of the charges and a waiver of the right to a hearing and authorize the administrative law judge, without further notice to find the facts to be as alleged in the finding of violation and to render a decision and order sustaining the allegations and imposing a penalty.

8. If the Respondent does not appear at the hearing, either in person or by an attorney, the hearing may proceed. Failure to appear at the time and place designated for the hearing will constitute a default in appearance and a decision and order will be rendered and issued by the Administrative Law Judge based on the record.

9. At the conclusion of the Hearing, the Administrative Law Judge will issue a written decision sustaining or dismissing the Finding of Violation(s). The Decision will contain findings of fact and, as applicable, orders issued and penalties assessed based on evidence presented. The Respondent may also be assessed a fine not to exceed \$2,000 per violation, pursuant to Sections 12 and 206 of the Public Health Law or as otherwise provided under applicable regulations. Licenses to operate may also be suspended or revoked.



**STATE OF NEW YORK : DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL**

**Finding of Violations for Docket Number 20090755**

**State Law, Sanitary Code, or Regulation (10 NYCRR)      Violation Findings**

**The following abatements are to be completed:**

- 4) On or Before December 31, 2009:      A professional engineer must evaluate the septic system and determine what is causing the sewage on the ground. Plans for resolving this problem must be submitted by a professional engineer to the Glens Falls District Office.
- a.) Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.
- b.) The date of completion may be extended for just cause on the mutual consent of the respondent and the Department.

---

**Total Fine Payable                      \$250**

The total penalty assessed against Respondent for these Violations is \$250.00 and is payable within thirty (30) days from the date of this Decision.

Any civil penalty not paid by such date shall be subject to all provisions of law relating to debt collection by New York State. This includes, but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses {Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32}.

This Order shall be effective on personal service on the Respondent or 7 days from the date of mailing of a copy to Respondent by certified or registered mail.

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
FINDING OF VIOLATIONS**

**Respondent:** YASMIN BADRUDDIN  
**Address:** 22 ELIZABETH LANE  
QUEENSBURY NY 12804-

**Docket Number:** 20090755  
**Date of Hearing:** December 08, 2009  
**Date of Notice:** November 04, 2009

**Phone:** (518) 761-6190

**D/B/A:** BLUEBIRD TERRACE MOBILE PARK

**Address:** BLUEBIRD ROAD  
FORT EDWARD

Date of Violation	State Law, Sanitary Code, or Regulation (10 NYCRR)	Violation Findings	Maximum Assessable	
			Fine	Surcharge
Nov 02, 2009	17.6(b)(6) <i>Inadequately treated sewage on the surface of the ground shall be prohibited.</i>	Was violated in that: Untreated sewage was observed on the ground between Lots 5 & 6. This septic system serves lots 4, 5, 6 & 7.	\$2,000.00	

[ Violation 1 of 1 Violation ID 120050 ]

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION**

**In the matter of Finding of Violation(s) against**

**Respondent:** YASMIN BADRUDDIN  
**Address:** 22 ELIZABETH LANE  
QUEENSBURY NY 12804-

**Docket Number:** 20090755  
**Date Issued:** November 04, 2009

**D/B/A:** BLUEBIRD TERRACE MOBILE PARK  
**Address:** BLUEBIRD ROAD  
FORT EDWARD

The parties wish to resolve this matter by means of a settlement instead of an administrative hearing and, therefore agree that:

- a. There exist valid and sufficient grounds, as a matter of fact and law, for the issuance of this Stipulation and Order under the Public Health Law and the Respondent consents to its issuance, accepts its terms and conditions and waives any right to challenge this Stipulation/Decision in a proceeding pursuant to Article 78 of the Civil Practice Law and Rules or in any other action or proceeding.
- b. That the Respondent agrees to the following terms and conditions:

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION**

Docket # 20090755

**State Law, Sanitary Code, or Regulation (10 NYCRR) Violation Findings**

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[ Violation 1 of 1 ]

17.6(b)(6) *Inadequately treated sewage on the surface of the ground shall be prohibited.*

Was violated in that: Untreated sewage was observed on the ground between Lots 5 & 6. This septic system serves lots 4, 5, 6 & 7.

**Conclusion: Unknown**  
**Assessed Fine: \$500.00**  
**Modified Fine: \$250.00**

**The following abatements are to be completed:**

- 1) If a new septic system installation is required this must be completed within one month of DOH approval of the submitted plans.
  - a.) Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.
  - b.) The date of completion may be extended for just cause on the mutual consent of the respondent and the Department.
  
- 2) Until the sewage on the ground problem is resolved, monitoring of the existing system must be done on a weekly basis and a log must be maintained and submitted to the Glens Falls District Office monthly and by the first days of the following month.
  - a.) Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.
  - b.) The date of completion may be extended for just cause on the mutual consent of the respondent and the Department.
  
- 3) On or Before November 09, 2009: Untreated sewage must be removed and proper construction fencing be installed surrounding the affected area.
  - a.) Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.
  - b.) The date of completion may be extended for just cause on the mutual consent of the respondent and the Department.
  
- 4) On or Before December 31, 2009: A professional engineer must evaluate the septic system and determine what is causing the sewage on the ground. Plans for resolving this problem must be submitted by a professional engineer to the Glens Falls District Office.
  - a.) Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.
  - b.) The date of completion may be extended for just cause on the mutual consent of the respondent and the Department.

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION**

Total Assessed Fines	<u>    \$500.00</u>	<b>Total Fines Payable</b>	<u>    \$250.00</u>
Total Modified Fines	<u>    \$250.00</u>		
		<b>Total Amount Due</b>	<u>    \$250.00</u>

c. This Stipulation shall be effective upon service on the Respondent or the Respondents's attorney or representative of a company by personal service or by certified or registered mail.

I accept the stipulation offer and will comply with the conditions set forth. Payment of the total fines of \$250 is enclosed. If the respondent fails to comply with the terms of this Stipulation, the Department may demand the balance of Total Assessed Fines immediately, without the opportunity for a hearing.

OR

I decline the stipulation offer and will appear for the hearing on December 08, 2009.

\_\_\_\_\_  
Owner / Operator

\_\_\_\_\_  
Date

AGREED AND SO ORDERED

\_\_\_\_\_  
Administrative Tribunal Representative  
of Limited Authority

\_\_\_\_\_  
Date

**THIS STIPULATION IS SUBJECT TO PUBLIC RELEASE  
AS A FINAL AGENCY ACTION**

Docket # 20090755

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL**

June 22, 2009

**Name of Respondent:** MOHAMED BADRUDDIN, YASMIN BADRUDDIN  
**Address of Respondent:** 22 ELIZABETH LANE  
QUEENSBURY NY 12804

**Respondent D/B/A:** BLUEBIRD TERRACE MOBILE PARK  
**D/B/A Address:** BLUEBIRD ROAD  
FORT EDWARD

**RE: Docket Number: 20090229**

Dear YASMIN BADRUDDIN:

The New York State Department of Health has evidence of violations of the Public Health Law and/or Health Department Regulations contained in Title 10 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR), as set forth in the Finding of Violation(s) enclosed. A Hearing has been scheduled before an impartial Administrative Law Judge of the Administrative Tribunal on the following date, time, and place:

**Date:** July 14, 2009

**Time:** 10:00 AM

**Place:** NYS Department of Health, Glens Falls District Office, 77 Mohican Street, Glens Falls

**YOU ARE ON NOTICE THAT YOU HAVE SEVEN (7) DAYS FROM RECEIPT OF THIS NOTICE TO RESPOND TO THE DEPARTMENT. FAILURE TO RESPOND WITHIN SEVEN DAYS AFTER RECEIPT OF SERVICE WILL CONSTITUTE AN ADMISSION OF THE CHARGES AND A WAIVER OF THE RIGHT TO A HEARING, AND AUTHORIZE THE ADMINISTRATIVE LAW JUDGE, WITHOUT FURTHER NOTICE, TO FIND THE FACTS TO BE AS ALLEGED IN THE FINDING OF VIOLATION, AND TO RENDER A DECISION AND ORDER SUSTAINING THE ALLEGATIONS, AND IMPOSING A PENALTY. (SUMMARY OF THE APPLICABLE HEARING PROCEDURE IS ENCLOSED).**

**OFFER OF SETTLEMENT ALTERNATIVE**

If you wish to settle this matter without a Hearing, sign and return the enclosed Stipulation (Form AT-15) within seven (7) days of your receipt of this notice. This settlement offer includes payment of a fine of \$,00, payable to the New York State Department of Health. Enclose your full payment with the signed stipulation and send to the NYS Department of Health, Glens Falls District Office, 77 Mohican Street, Glens Falls NY 12801-4429. Payment must be made with check or money order. If you wish to decline the offer of Stipulation and opt for a Hearing, please note such intention on the AT-15 Form where indicated, and mail back to the Department.

Sincerely,

Anita Gabalski  
Administrative Tribunal Representative  
Glens Falls District Office

Enclosures

# STATE OF NEW YORK DEPARTMENT OF HEALTH

## ADMINISTRATIVE TRIBUNAL

### SUMMARY OF HEARING PROCEDURES:

1. The hearing will be held in conformance with Section 12a of the Public Health law, Article 3 of the State Administrative Procedure Act and 10 NYCRR Part 76.7. Hearings are presided over by an Administrative Law Judge, and are open to the Public. The text of the Public Health Law and the Regulations at Title 10 are available at the New York State Department of Health's web site ([www.health.state.ny.us](http://www.health.state.ny.us)). The text of the State Administrative Procedure Act and all other New York State statutes are available at the New York State Senate's web site ([www.senate.state.ny.us](http://www.senate.state.ny.us))
2. The Hearing will be conducted in English. If you do not speak or understand English, the Department will provide an interpreter for the hearing, at no charge to you. You must advise the Department seven days before the hearing concerning the need for the interpreter and the language the interpreter must speak.
3. If you or any party or witness to this proceeding is a deaf person, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings and the testimony of any deaf person.
4. If you will be represented by an attorney, your attorney must furnish to the Department appropriate documentation of his or her authorization to represent you.
5. A record of all proceedings will be made and witnesses will be sworn and examined. The parties may appear in person and/or be represented by Counsel, may testify, present documentary evidence, produce witnesses, cross - examine adverse witnesses, examine such evidence as may be produced, request the issuance of subpoenas and have all rights essential to a fair and impartial hearing. The burden of proof at the hearing will be on the department.
6. You should bring to the Hearing any evidence of compliance efforts, such as receipts for purchases, contracts, estimates and design plans and be prepared to substantiate your corrective actions and/or plans for correction of violation(s). Prompt correction of violations may be considered by the Department in assessing penalties. However, correction alone does not excuse the violation and fines may be assessed for violations committed by the Respondent. Failure to correct violations after the hearing subjects you to further legal action by the Department.
7. Failure to respond within seven days after receipt of service will constitute an admission of the charges and a waiver of the right to a hearing and authorize the administrative law judge, without further notice to find the facts to be as alleged in the finding of violation and to render a decision and order sustaining the allegations and imposing a penalty.
8. If the Respondent does not appear at the hearing, either in person or by an attorney, the hearing may proceed. Failure to appear at the time and place designated for the hearing will constitute a default in appearance and a decision and order will be rendered and issued by the Administrative Law Judge based on the record.
9. At the conclusion of the Hearing, the Administrative Law Judge will issue a written decision sustaining or dismissing the Finding of Violation(s). The Decision will contain findings of fact and, as applicable, orders issued and penalties assessed based on evidence presented. The Respondent may also be assessed a fine not to exceed \$2,000 per violation, pursuant to Sections 12 and 206 of the Public Health Law or as otherwise provided under applicable regulations. Licenses to operate may also be suspended or revoked.







**STATE OF NEW YORK : DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL**

**Finding of Violations for Docket Number 20090229**

**State Law, Sanitary Code, or Regulation (10 NYCRR)      Violation Findings**

The following abatements are to be completed:

- 3) On or Before August 31, 2009:      A professional engineer must evaluate the septic system and determine what is causing the sewage on the ground. Plans for resolving this problem must be submitted by a professional engineer to the Glens Falls District Office.
- Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.
- The date of completion may be extended for just cause on the mutual consent of the respondent and Department.

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**Total Fine Payable                      \$0**

The total penalty assessed against Respondent for these Violations is \$0.00 and is payable within thirty (30) days from the date of this Decision.

Any civil penalty not paid by such date shall be subject to all provisions of law relating to debt collection by New York State. This includes, but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses {Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32}.

This Order shall be effective on personal service on the Respondent or 7 days from the date of mailing of a copy to Respondent by certified or registered mail.

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
FINDING OF VIOLATIONS**

**Respondent:** MOHAMED BADRUDDIN, YASMIN BADRUDDIN

**Address:** 22 ELIZABETH LANE  
QUEENSBURY NY 12804-

**Docket Number:** 20090229

**Date of Hearing:** July 14, 2009

**Date of Notice:** June 22, 2009

**Phone:** (518) 761-6190

**D/B/A:** BLUEBIRD TERRACE MOBILE PARK

**Address:** BLUEBIRD ROAD  
FORT EDWARD

Date of Violation	State Law, Sanitary Code, or Regulation (10 NYCRR)	Violation Findings	Maximum Assessable Fine	Surcharge
<i>[ Violation 1 of 3 Violation ID 119038 ]</i>				
May 12, 2009	17.6(b)(6) <i>Inadequately treated sewage on the surface of the ground shall be prohibited.</i>	Was violated in that: Untreated sewage was observed on the ground between lots 1, 2 & 3 at the time of a Department of Health inspection.	\$2,000.00	
<i>[ Violation 2 of 3 Violation ID 119039 ]</i>				
May 12, 2009	17.6(b)(6) <i>Inadequately treated sewage on the surface of the ground shall be prohibited.</i>	Was violated in that: Untreated sewage was observed on the ground between lots 31 & 32 at the time of a Department of Health inspection.  *This is a repeat violation from 4/21/2009.	\$2,000.00	
<i>[ Violation 3 of 3 Violation ID 119040 ]</i>				
May 12, 2009	17.6(b)(6) <i>Inadequately treated sewage on the surface of the ground shall be prohibited.</i>	Was violated in that: Untreated sewage was observed on the ground between lots 26, 27 & 28 at the time of a Department of Health inspection.	\$2,000.00	

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION**

**In the matter of Finding of Violation(s) against**

**Respondent:** MOHAMED BADRUDDIN, YASMIN BADRUDDIN

**Address:** 22 ELIZABETH LANE  
QUEENSBURY NY 12804-

**Docket Number:** 20090229

**Date Issued:** June 22, 2009

**D/B/A:** BLUEBIRD TERRACE MOBILE PARK

**Address:** BLUEBIRD ROAD  
FORT EDWARD

The parties wish to resolve this matter by means of a settlement instead of an administrative hearing and, therefore agree that:

- a. There exist valid and sufficient grounds, as a matter of fact and law, for the issuance of this Stipulation and Order under the Public Health Law and the Respondent consents to its issuance, accepts its terms and conditions and waives any right to challenge this Stipulation/Decision in a proceeding pursuant to Article 78 of the Civil Practice Law and Rules or in any other action or proceeding.
- b. That the Respondent agrees to the following terms and conditions:





**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION**

Docket # 20090229

**State Law, Sanitary Code, or Regulation (10 NYCRR) Violation Findings**

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[ Violation 3 of 3 ]

17.6(b)(6) *Inadequately treated sewage on the surface of the ground shall be prohibited.*

Was violated in that: Untreated sewage was observed on the ground between lots 26, 27 & 28 at the time of a Department of Health inspection.

**Conclusion:** Unknown  
**Assessed Fine:** \$2,000.00  
**Modified Fine:** \$0.00

**The following abatements are to be completed:**

- 1) If a new septic system installation is required this must be completed within one month of DOH approval of the submitted plans.  
  
Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.  
  
The date of completion may be extended for just cause on the mutual consent of the respondent and Department.
  
- 2) Until the sewage on the ground problem is resolved, monitoring of the existing system must be done on a weekly basis and a log must be maintained and submitted to the Glens Falls District Office monthly and by the 1st day of the following month.  
  
Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.  
  
The date of completion may be extended for just cause on the mutual consent of the respondent and Department.
  
- 3) On or Before August 31, 2009: A professional engineer must evaluate the septic system and determine what is causing the sewage on the ground. Plans for resolving this problem must be submitted by a professional engineer to the Glens Falls District Office.  
  
Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.  
  
The date of completion may be extended for just cause on the mutual consent of the respondent and Department.

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION**

Total Assessed Fines	<u>    \$6,000.00    </u>	<u>    Total Fines Payable    </u>	<u>    \$0.00    </u>
Total Modified Fines	<u>    \$0.00    </u>	<u>    Total Amount Due    </u>	<u>    \$0.00    </u>

c. This Stipulation shall be effective upon service on the Respondent or the Respondents's attorney or representative of a company by personal service or by certified or registered mail.

I accept the stipulation offer and will comply with the conditions set forth. Payment of the total fines of \$0 is enclosed. If the respondent fails to comply with the terms of this Stipulation, the Department may demand the balance of Total Assessed Fines immediately, without the opportunity for a hearing.

OR

I decline the stipulation offer and will appear for the hearing on July 14, 2009.

\_\_\_\_\_  
Owner / Operator

\_\_\_\_\_  
Date

AGREED AND SO ORDERED

\_\_\_\_\_  
Administrative Tribunal Representative  
of Limited Authority

\_\_\_\_\_  
Date

**THIS STIPULATION IS SUBJECT TO PUBLIC RELEASE  
AS A FINAL AGENCY ACTION**

Docket # 20090229

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL**

April 06, 2009

**Name of Respondent:** YASMIN BADRUDDIN  
**Address of Respondent:** 22 ELIZABETH LANE  
QUEENSBURY NY 12804

**Respondent D/B/A:** BLUEBIRD TERRACE MOBILE PARK  
**D/B/A Address:** BLUEBIRD ROAD  
FORT EDWARD

**RE: Docket Number: 20090200**

Dear YASMIN BADRUDDIN:

The New York State Department of Health has evidence of violations of the Public Health Law and/or Health Department Regulations contained in Title 10 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR), as set forth in the Finding of Violation(s) enclosed. A Hearing has been scheduled before an impartial Administrative Law Judge of the Administrative Tribunal on the following date, time, and place:

**Date:** May 26, 2009

**Time:** 10:00 AM

**Place:** NYS Department of Health, Glens Falls District Office, 77 Mohican Street, Glens Falls

**YOU ARE ON NOTICE THAT YOU HAVE SEVEN (7) DAYS FROM RECEIPT OF THIS NOTICE TO RESPOND TO THE DEPARTMENT. FAILURE TO RESPOND WITHIN SEVEN DAYS AFTER RECEIPT OF SERVICE WILL CONSTITUTE AN ADMISSION OF THE CHARGES AND A WAIVER OF THE RIGHT TO A HEARING, AND AUTHORIZE THE ADMINISTRATIVE LAW JUDGE, WITHOUT FURTHER NOTICE, TO FIND THE FACTS TO BE AS ALLEGED IN THE FINDING OF VIOLATION, AND TO RENDER A DECISION AND ORDER SUSTAINING THE ALLEGATIONS, AND IMPOSING A PENALTY. (SUMMARY OF THE APPLICABLE HEARING PROCEDURE IS ENCLOSED).**

**OFFER OF SETTLEMENT ALTERNATIVE**

If you wish to settle this matter without a Hearing, sign and return the enclosed Stipulation (Form AT-15) within seven (7) days of your receipt of this notice. This settlement offer includes payment of a fine of \$50.00, payable to the New York State Department of Health. Enclose your full payment with the signed stipulation and send to the NYS Department of Health, Glens Falls District Office, 77 Mohican Street, Glens Falls NY 12801-4429. Payment must be made with check or money order. If you wish to decline the offer of Stipulation and opt for a Hearing, please note such intention on the AT-15 Form where indicated, and mail back to the Department.

Sincerely,

Anita Gabalski  
Administrative Tribunal Representative  
Glens Falls District Office

Enclosures

# STATE OF NEW YORK DEPARTMENT OF HEALTH

## ADMINISTRATIVE TRIBUNAL

### SUMMARY OF HEARING PROCEDURES:

1. The hearing will be held in conformance with Section 12a of the Public Health Law, Article 3 of the State Administrative Procedure Act and 10 NYCRR Part 76.7. Hearings are presided over by an Administrative Law Judge, and are open to the Public. The text of the Public Health Law and the Regulations at Title 10 are available at the New York State Department of Health's web site ([www.health.state.ny.us](http://www.health.state.ny.us)). The text of the State Administrative Procedure Act and all other New York State statutes are available at the New York State Senate's web site ([www.senate.state.ny.us](http://www.senate.state.ny.us))

2. The Hearing will be conducted in English. If you do not speak or understand English, the Department will provide an interpreter for the hearing, at no charge to you. You must advise the Department seven days before the hearing concerning the need for the interpreter and the language the interpreter must speak.

3. If you or any party or witness to this proceeding is a deaf person, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings and the testimony of any deaf person.

4. If you will be represented by an attorney, your attorney must furnish to the Department appropriate documentation of his or her authorization to represent you.

5. A record of all proceedings will be made and witnesses will be sworn and examined. The parties may appear in person and/or be represented by Counsel, may testify, present documentary evidence, produce witnesses, cross - examine adverse witnesses, examine such evidence as may be produced, request the issuance of subpoenas and have all rights essential to a fair and impartial hearing. The burden of proof at the hearing will be on the department.

6. You should bring to the Hearing any evidence of compliance efforts, such as receipts for purchases, contracts, estimates and design plans and be prepared to substantiate your corrective actions and/or plans for correction of violation(s). Prompt correction of violations may be considered by the Department in assessing penalties. However, correction alone does not excuse the violation and fines may be assessed for violations committed by the Respondent. Failure to correct violations after the hearing subjects you to further legal action by the Department.

7. Failure to respond within seven days after receipt of service will constitute an admission of the charges and a waiver of the right to a hearing and authorize the administrative law judge, without further notice to find the facts to be as alleged in the finding of violation and to render a decision and order sustaining the allegations and imposing a penalty.

8. If the Respondent does not appear at the hearing, either in person or by an attorney, the hearing may proceed. Failure to appear at the time and place designated for the hearing will constitute a default in appearance and a decision and order will be rendered and issued by the Administrative Law Judge based on the record.

9. At the conclusion of the Hearing, the Administrative Law Judge will issue a written decision sustaining or dismissing the Finding of Violation(s). The Decision will contain findings of fact and, as applicable, orders issued and penalties assessed based on evidence presented. The Respondent may also be assessed a fine not to exceed \$2,000 per violation, pursuant to Sections 12 and 206 of the Public Health Law or as otherwise provided under applicable regulations. Licenses to operate may also be suspended or revoked.

**STATE OF NEW YORK : DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL**

**Finding of Violations for Docket Number 20090200**

**State Law, Sanitary Code, or Regulation (10 NYCRR)      Violation Findings**

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*Violation 1 of 2 (ID 118831)*

<b>17.6(b)(6)</b>	Was violated on March 26, 2009 in that: Untreated sewage was observed on the ground between lots 31 & 32. No proper construction fencing was enclosing the affected area.	<b>Conclusion: Unknown</b> <b>Assessed Fine:     \$250</b> <b>Modified Fine:     \$50</b>
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**The following abatements are to be completed:**

- 1) On or Before April 10, 2009:      Untreated sewage must be covered and proper construction fencing be installed surrounding the affected area.
  - a.) Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.
  - b.) The date of completion may be extended for just cause on the mutual consent of the respondent and the Department.
  
- 2) On or Before April 30, 2009:      A draft for new septic system plans must be submitted to the Glens Falls District Office.

Installation of new septic system to be completed within one month of Department of Health plan approval.

  - a.) Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.
  - b.) The date of completion may be extended for just cause on the mutual consent of the respondent and the Department.

**STATE OF NEW YORK : DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL**

**Finding of Violations for Docket Number 20090200**

State Law, Sanitary Code, or Regulation (10 NYCRR)	Violation Findings		
<i>Violation 2 of 2 (ID 118832)</i>			
<b>17.10</b>	Was violated on March 26, 2009 in that: Two open pits near the septic system between lots 1, 2 & 3 without proper construction fencing was observed. Also observed were two pits, including a seepage pit, without proper construction fencing near lot 23.	<b>Conclusion:</b>	<b>Unknown</b>
		<b>Assessed Fine:</b>	<b>\$100</b>
		<b>Modified Fine:</b>	<b>\$0</b>

**The following abatements are to be completed:**

- 1) On or Before April 10, 2009: Open pits must be fenced off with proper construction fencing.
  - a.) Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.
  - b.) The date of completion may be extended for just cause on the mutual consent of the respondent and the Department.

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**Total Fine Payable                    \$50**

The total penalty assessed against Respondent for these Violations is \$50.00 and is payable within thirty (30) days from the date of this Decision.

Any civil penalty not paid by such date shall be subject to all provisions of law relating to debt collection by New York State. This includes, but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses {Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32}.

This Order shall be effective on personal service on the Respondent or 7 days from the date of mailing of a copy to Respondent by certified or registered mail.

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
FINDING OF VIOLATIONS**

**Respondent:** YASMIN BADRUDDIN  
**Address:** 22 ELIZABETH LANE  
QUEENSBURY NY 12804-

**Docket Number:** 20090200  
**Date of Hearing:** May 26, 2009  
**Date of Notice:** April 06, 2009

**Phone:** (518) 761-6190

**D/B/A:** BLUEBIRD TERRACE MOBILE PARK

**Address:** BLUEBIRD ROAD  
FORT EDWARD

Date of Violation	State Law, Sanitary Code, or Regulation (10 NYCRR)	Violation Findings	Maximum Assessable	
			Fine	Surcharge
Mar 26, 2009	<i>17.6(b)(6) Inadequately treated sewage on the surface of the ground shall be prohibited.</i>	Was violated in that: Untreated sewage was observed on the ground between lots 31 & 32. No proper construction fencing was enclosing the affected area.	\$2,000.00	
Mar 26, 2009	<i>17.10 It shall be the responsibility of the operator of the mobile home park to see that all facilities are kept in good working order and in good repair. This includes water supply facilities, sewage treatment and disposal facilities, grounds, roadways, and any other facility, appliances, or equipment pertinent to the normal operation of the mobile home park.</i>	Was violated in that: Two open pits near the septic system between lots 1, 2 & 3 without proper construction fencing was observed. Also observed were two pits, including a seepage pit, without proper construction fencing near lot 23.	\$2,000.00	

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION**

**In the matter of Finding of Violation(s) against**

**Respondent:** YASMIN BADRUDDIN  
**Address:** 22 ELIZABETH LANE  
QUEENSBURY NY 12804-

**Docket Number:** 20090200  
**Date Issued:** April 06, 2009

**D/B/A:** BLUEBIRD TERRACE MOBILE PARK  
**Address:** BLUEBIRD ROAD  
FORT EDWARD

The parties wish to resolve this matter by means of a settlement instead of an administrative hearing and, therefore agree that:

- a. There exist valid and sufficient grounds, as a matter of fact and law, for the issuance of this Stipulation and Order under the Public Health Law and the Respondent consents to its issuance, accepts its terms and conditions and waives any right to challenge this Stipulation/Decision in a proceeding pursuant to Article 78 of the Civil Practice Law and Rules or in any other action or proceeding.
- b. That the Respondent agrees to the following terms and conditions:

Docket # 20090200

**State Law, Sanitary Code, or Regulation (10 NYCRR) Violation Findings**

---

[ Violation 1 of 2 ]

17.6(b)(6) *Inadequately treated sewage on the surface of the ground shall be prohibited.*

Was violated in that: Untreated sewage was observed on the ground between lots 31 & 32. No proper construction fencing was enclosing the affected area.

<b>Conclusion:</b>	<b>Unknown</b>
<b>Assessed Fine:</b>	<b>\$250.00</b>
<b>Modified Fine:</b>	<b>\$50.00</b>

**The following abateements are to be completed:**

- 1) On or Before April 10, 2009: Untreated sewage must be covered and proper construction fencing be installed surrounding the affected area.
  - a.) Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.
  - b.) The date of completion may be extended for just cause on the mutual consent of the respondent and the Department.
  
- 2) On or Before April 30, 2009: A draft for new septic system plans must be submitted to the Glens Falls District Office.

Installation of new septic system to be completed within one month of Department of Health plan approval.

  - a.) Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.
  - b.) The date of completion may be extended for just cause on the mutual consent of the respondent and the Department.

**STATE OF NEW YORK DEPARTMENT OF HEALTH  
ADMINISTRATIVE TRIBUNAL  
STIPULATION**

Docket # 20090200

**State Law, Sanitary Code, or Regulation (10 NYCRR) Violation Findings**

---

[ Violation 2 of 2 ]

*17.10 It shall be the responsibility of the operator of the mobile home park to see that all facilities are kept in good working order and in good repair. This includes water supply facilities, sewage treatment and disposal facilities, grounds, roadways, and any other facility, appliances, or equipment pertinent to the normal operation of the mobile home park.*

Was violated in that: Two open pits near the septic system between lots 1, 2 & 3 without proper construction fencing was observed. Also observed were two pits, including a seepage pit, without proper construction fencing near lot 23.

**Conclusion: Unknown**  
**Assessed Fine: \$100.00**  
**Modified Fine: \$0.00**

**The following abatements are to be completed:**

- 1) On or Before April 10, 2009:
  - Open pits must be fenced off with proper construction fencing.
  - a.) Failure to complete the required corrective actions by the stipulated date will require payment of the suspended portion of the full assessed penalty.
  - b.) The date of completion may be extended for just cause on the mutual consent of the respondent and the Department.



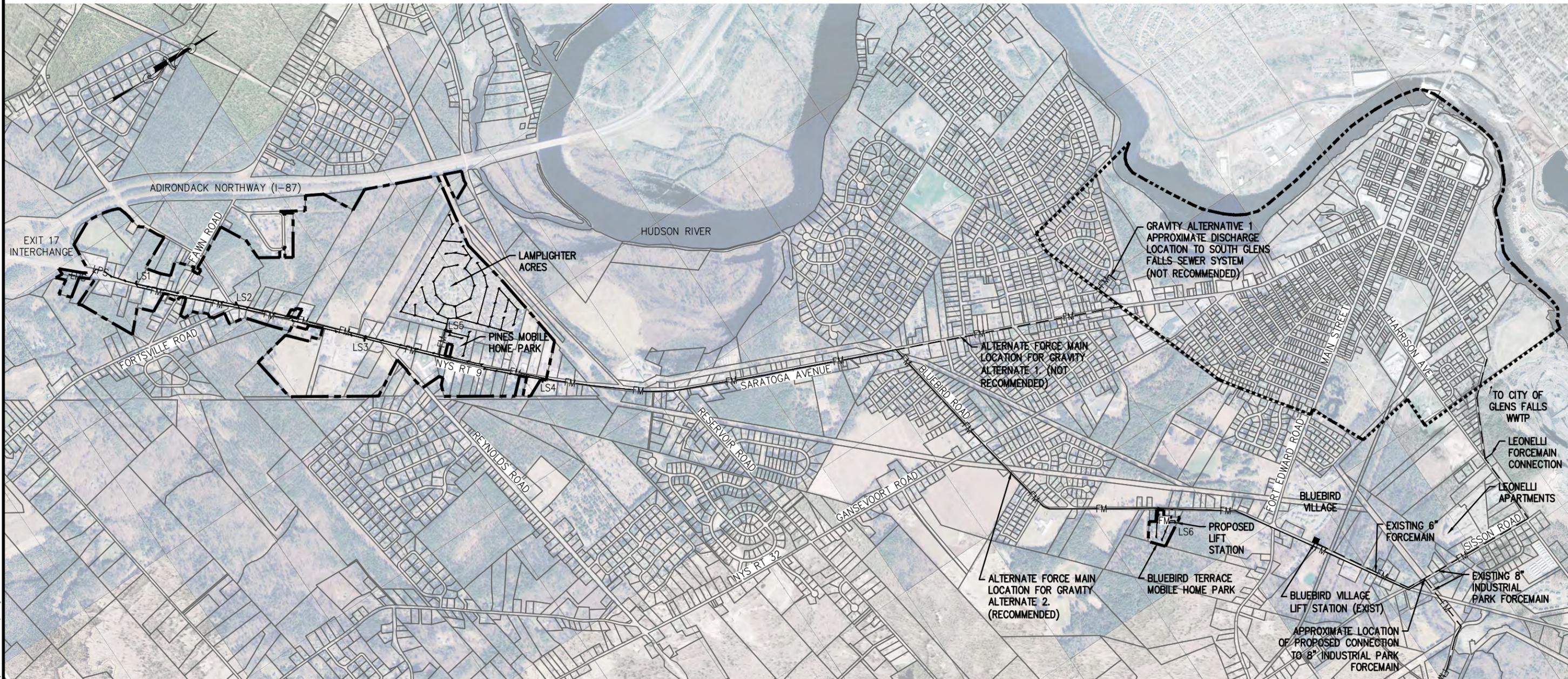


APPENDIX H

Project Alternatives

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Laberge Group - J:\2017065\Cadd\DWG\2017065\_P\_General Plan Gravity Alternates.dwg [Tox Map] May 30, 2018 - 3:35pm cgr



**LEGEND:**

- PROPOSED MANHOLE
- LS1 PROPOSED LIFT STATION & NUMBER
- GRAVITY SEWER (ALL GRAVITY SEWERS TO BE 8 INCH)
- LPS LOW PRESSURE SEWER
- FM —— FM FORCEMAIN
- PROPOSED DISTRICT BOUNDARY LINE
- SOUTH GLENS FALLS BOUNDARY LINE

**NOTE:**

1. SEE MAP ENTITLED "GENERAL PLAN—GRAVITY COLLECTION" FOR ADDITIONAL DETAILS.

HALF SCALE

<p style="transform: rotate(-45deg);">PRELIMINARY PLANS NOT FOR CONSTRUCTION 05/30/18</p>	<p>TOWN OF MOREAU SARATOGA COUNTY * NEW YORK</p> <p><b>PROPOSED SEWER DISTRICT NO.1 - EXT.5 GENERAL PLAN GRAVITY ALTERNATES 1 AND 2</b></p>		<p>DATE 05/30/18</p>
	<p>DESIGNED BY <u>RJL</u></p> <p>DRAWN BY <u>CGR</u></p> <p>REVIEWED BY _____</p>	<p><b>Laberge</b> ENGINEERING ARCHITECTURE</p> <p>Group SURVEYING PLANNING</p> <p>4 Computer Drive West • Albany, New York 12205 (518) 458-7112 • www.labergegroup.com</p>	<p>SCALE 1"=1000'</p> <p>SHEET 1</p>

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**ROUTE 9 COLLECTION SYSTEM**  
SCALE: 1"=400'

**BLUEBIRD TERRACE COLLECTION SYSTEM**  
SCALE: 1"=200'

HALF SCALE

Laberge Group - j:\2017065\_Cadd\DWG\2017065\_P\_General Plan Gravity Collection.dwg [Tax Map] May 30, 2018 - 3:39pm cgr

**LEGEND:**

- PROPOSED MANHOLE
- LS1 PROPOSED LIFT STATION & NUMBER
- SA — SA — GRAVITY SEWER (ALL GRAVITY SEWERS TO BE 8 INCH)
- LPS — LPS — LOW PRESSURE SEWER
- FM — FM — FORCEMAIN
- — — DISTRICT BOUNDARY LINE

**NOTES:**

1. PROPERTY BOUNDARY AND RIGHT OF WAY TAKEN FROM SARATOGA COUNTY TAX MAPS.
2. FINAL LOCATION OF ALL PROPOSED FACILITIES TO BE DETERMINED AFTER FIELD SURVEY AND MAPPING IS COMPLETED.

PRELIMINARY PLANS  
NOT FOR CONSTRUCTION  
05/30/18

TOWN OF MOREAU  
SARATOGA COUNTY • NEW YORK  
**PROPOSED**  
SEWER DISTRICT NO.1 - EXT.5  
**GENERAL PLAN**  
GRAVITY COLLECTION

DESIGNED BY RJL **Laberge** **Group** DATE 05/30/18  
 DRAWN BY CGR ENGINEERING ARCHITECTURE SURVEYING PLANNING SCALE AS SHOWN  
 REVIEWED BY \_\_\_\_\_ 4 Computer Drive West • Albany, New York 12205 SHEET 1  
 (518) 458-7112 • www.labergegroup.com

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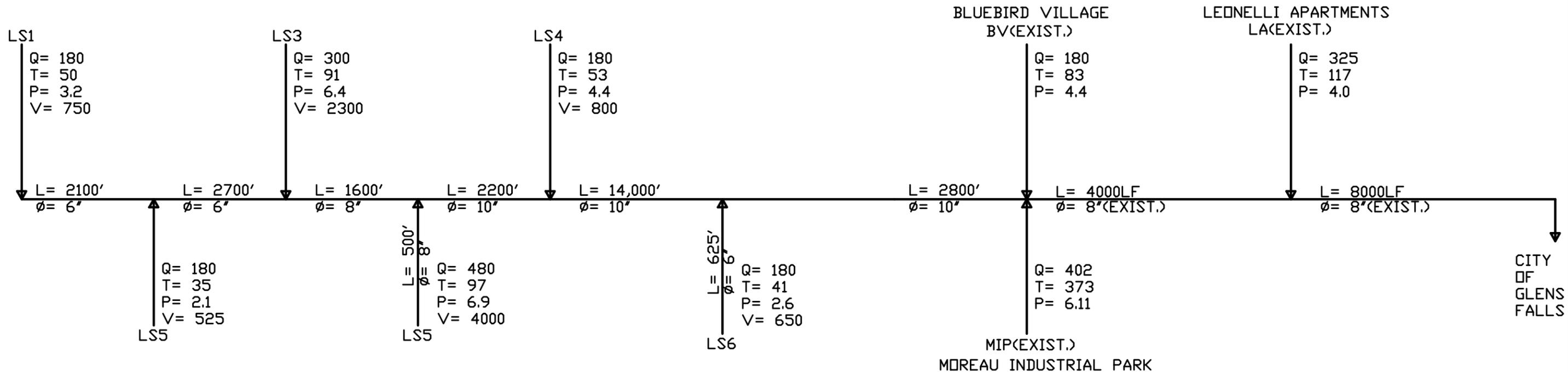


APPENDIX I

Schematic Forcemain/Lift Station Layout

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Laberge Group - J:\2017065\Cadd\DWG\2017065\_P\_Schematic Layout.dwg [11x17] April 05, 2018 - 2:20pm cgr



L= SECTION LENGTH OF FORCEMAIN  
 ø= FORCEMAIN SIZE  
 Q= PUMP RATE (GAL/MIN)  
 T= TOTAL PUMP RUN TIME (MIN/DAY)  
 P= PEAK HOUR PUMP RUN TIME (MIN/20MIN CYCLE)  
 V= AVAILABLE WET WELL VOLUME (GAL)  
 LS1= LIFT STATION & NUMBER

TOWN OF PLATTSBURGH  
 CLINTON COUNTY \* NEW YORK

## PROPOSED SEWER DISTRICT NO.1 - EXT.5 SCHEMATIC FORCEMAIN/ LIFT STATION LAYOUT

DESIGNED BY <u>RJL</u>	 <b>Laberge</b> ENGINEERING ARCHITECTURE SURVEYING PLANNING	DATE <u>04/05/18</u>
DRAWN BY <u>CGR</u>		SCALE <u>NTS</u>
REVIEWED BY _____		SHEET <u>1</u>

4 Computer Drive West • Albany, New York 12205  
 (518) 458-7112 • www.labergegroup.com



APPENDIX J

Pump Run Time/Wetwell Size

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Town of Moreau  
 Saratoga County, New York  
 Sewer District 1 - Extension 5  
 Run Time/Wetwell Size  
 April 2018

LIFT STATION	EXISTING CONDITION						PROJECTED CONDITION						WET WELL				
	Annual Water Use gal	Avg. Day gal	Peak Hour gal	Initial Pump Rate gpm	Station Run Time (min)		Annual Water Use gal	Avg. Day gal	Peak Hour gal	Pump Rate gpm	Station Run Time (min)		Peak Hour Flow Rate gpm	Min. Wet Well Volume gal	Peak Hour Run Time per 20 min cycle min	10 Minute Buffer Volume gal	Total Wet Well Volume gal
					Peak Hour	Daily					Peak Hour	Daily					
1	1,625,000	4,452	742	180	4	25	3,250,000	8,904	1,484	180	8	49	25	495	3.13	247	742
2	1,530,000	4,192	699	180	4	23	2,300,000	6,301	1,050	180	6	35	18	350	2.13	175	525
3	1,030,000	2,822	470	300	2	9	10,000,000	27,397	4,566	300	15	91	76	1,522	6.36	761	2,283
4	1,740,000	4,767	795	180	4	26	3,480,000	9,534	1,589	180	9	53	26	530	3.38	265	795
5	16,900,000	46,301	7,717	480	16	96	17,000,000	46,575	7,763	480	16	97	129	2,588	6.84	1,294	3,881
6	2,700,000	7,397	1,233	180	7	41	2,700,000	7,397	1,233	180	7	41	21	411	2.54	205	616
BV(Exist.)		22,300	3,717	180	21	124		25,000	4,167	180	23	139	69		4.16		
MIP(Exist.)		30,000	5,000	402	12	75		150,000	25,000	402	62	373	417		6.11		
LA(Exist.)		20,900	3,483	325	11	64		25,000	4,167	325	13	77	69		3.64		



## APPENDIX K

### SEQRA Documentation

- Draft Resolution Affirming SEQRA Determination
- 2016 SEQRA Resolution
- 2016 Lead Agency Resolution
- EAF
- Lead Agency Coordination

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**RESOLUTION DATED APRIL 24, 2018**  
**TOWN BOARD OF THE TOWN OF MOREAU**  
**SEQRA RESOLUTION REGARDING THE CREATION OF EXTENSION NUMBER 5**  
**TO SEWER DISTRICT NUMBER 1 AND THE CONSTRUCTION OF SEWER**  
**INFRASTRUCTURE THEREIN**

WHEREAS, on December 20, 2016, the Town Board of the Town of Moreau (“Town Board”) adopted a Resolution Regarding the Creation of Extension Number 5 to Sewer District Number 1 and the Construction of Sewer Infrastructure Therein (“SEQRA Resolution”); and

WHEREAS, subsequent to the adoption of the SEQRA Resolution, the then proposed Extension Number 5 to Sewer District Number 1 was not established; and

WHEREAS, the Town Board has renewed the creation of Extension Number 5 to Sewer District Number 1 through a Map, Plan and Report dated \_\_\_\_\_; and

WHEREAS, the Extension includes a smaller area, less parcels, and the infrastructure will not increase from the Map, Plan and Report considered by the Town Board for SEQRA purposes on December 20, 2016; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in 6 NYCRR Part 617 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, hereafter “SEQRA”, the Town Board must determine whether such proposal may have a “significant impact on the environment” and therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the Town Board in determining whether the proposal may have a significant impact upon the environment, a full environmental assessment form (EAF) has been prepared, a copy of which was presented and circulated at the Town Board’s December 20, 2016 special meeting and public hearing, and recirculated to the Town Board prior to the \_\_\_\_\_ Public Hearing; and

WHEREAS, pursuant to Part 617, the Town Board has again examined the EAF in order to make a determination as to the potential environmental significance of the proposal; and

WHEREAS, the New York State Department of Environmental Conservation (hereafter “NYSDEC”) and the New York State Department of Transportation (hereafter “NYSDOT”) are the involved agencies as that term is defined in 6 NYCRR Section 617.2(s); and

WHEREAS, no further review is required under SEQRA, and

WHEREAS, the Town Board desires to reaffirm its SEQRA Resolution given the fact that the proposed Extension is located in the same general location and involves less properties, therefore providing a decreased environmental impact;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Moreau as follows:

1. Reaffirms its SEQRA Resolution and finds that based on its examination of the EAF, the criteria set forth in Sections 617.6 and 617.7 of the regulations, and such to proceed with the project will not cause a significant impact on the environment, and the Town Board will not require the preparation of an environmental impact statement;
2. Reaffirms it SEQRA Resolution and determines that a negative declaration is to be prepared; and
3. The Town Clerk of the Town of Moreau, in conjunction with the Engineer for the Town on this matter and the Attorney for the Town, is hereby directed to cause to be filed and circulated the negative declaration in accordance with the requirements of SEQRA, a copy of the negative declaration shall be maintained in the Office of the Town Clerk in a file that will be readily accessible to the public, and the Clerk shall mail copies, return receipt requested, to:

Office of the Commissioner  
Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233

and Environmental Notice Bulletin  
NYSDEC  
625 Broadway, 4<sup>th</sup> Floor  
Albany, NY 12233-1750

and, NYSDOT  
50 Wolf Road  
Albany, NY 12232

4. All subsequent notices concerning this project shall state that a negative declaration pursuant to SEQRA has been issued.

Motion:

Second:

Roll Call:

Councilman Van Tassel	_____
Councilman Hogan	_____
Councilwoman LeClair	_____
Councilman Noonan	_____
Supervisor Kusnierz	_____

I hereby certify that this Resolution was duly adopted by the Town Board of the Town of Moreau at a Regular Meeting of the Town Board conducted on \_\_\_\_\_.

By: \_\_\_\_\_  
Leeann McCabe, Town Clerk  
Town of Moreau

530909



RESOLUTION DATED DECEMBER 20, 2016  
TOWN BOARD OF THE TOWN OF MOREAU  
SEQRA RESOLUTION REGARDING THE CREATION OF EXTENSION NUMBER 5 TO  
SEWER DISTRICT NUMBER 1 AND THE CONSTRUCTION OF SEWER INFRASTRUCTURE  
THEREIN

**WHEREAS, the Town Board of the Town of Moreau (“Town Board”)** is considering the creation of Extension Number 5 to Sewer District Number 1, wherein in the Town proposes to construct a sanitary sewer extension project; and

A Special Meeting and a Public Hearing were held by the Town Board of the Town of Moreau on December 20, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York. The Public Hearing on Extension #5 of Sewer District #1 and the Special Meeting to pass any resolutions and to conduct any other business that may come before the Board.

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in 6 NYCRR Part 617 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, hereafter “SEQRA”, the Town Board must determine whether such proposal may have a “significant impact on the environment” and therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the Town Board in determining whether the proposal may have a significant impact upon the environment, a full environmental assessment form (EAF) has been prepared, a copy of which was presented and circulated at the Town Board’s December 20, 2016 special meeting and public hearing; and

WHEREAS, pursuant to Part 617, the Town Board has examined the EAF in order to make a determination as to the potential environmental significance of the proposal; and

WHEREAS, the New York State Department of Environmental Conservation (hereafter “NYSDEC”) and the New York State Department of Transportation (hereafter “NYSDOT”) are the involved agencies as that term is defined in 6 NYCRR Section 617.2(s); and

WHEREAS, no further review is required under SEQRA;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Moreau as follows:

1. Based on its examination of the EAF, the criteria set forth in Sections 617.6 and 617.7 of the regulations, and such further investigation as the Town Board has deemed appropriate, no potential significant adverse impacts are known;
2. Consent to proceed with the project will not cause a significant impact on the environment, and the Town Board will not require the preparation of an environmental impact statement;
3. A negative declaration is to be prepared; and
4. The Town Clerk of the Town of Moreau is hereby directed to cause to be filed and circulated the negative declaration in accordance with the requirements of SEQRA, a copy of the negative declaration shall be maintained in the Office of the Town Clerk in a file that will be readily accessible to the public, and the Clerk shall mail copies, return receipt requested, to:

Office of the Commissioner  
Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233

and Environmental Notice Bulletin  
NYSDEC – Attn: Jack Nasca  
625 Broadway, 4<sup>th</sup> Floor  
Albany, NY 12233-1750

and, NYSDOT  
50 Wolf Road  
Albany, NY 12232

5. All subsequent notices concerning this project shall state that a negative declaration pursuant to SEQRA has been issued.

A Special Meeting and a Public Hearing were held by the Town Board of the Town of Moreau on December 20, 2016 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York. The Public Hearing on Extension #5 of Sewer District #1 and the Special Meeting to pass any resolutions and to conduct any other business that may come before the Board.

Roll Call:

Councilman Van Tassel	Yes
Councilman Prendergast	Absent
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Congdon	No

S

e

a

p



November 16, 2016

**RESOLUTION  
TOWN BOARD  
TOWN OF MOREAU**

SUBJECT: RESOLUTION SETTING STATUS UNDER SEQR AND ASSUMING LEAD AGENCY STATUS FOR MOREAU SEWER DISTRICT NO. 1 EXTENSION 5

WHEREAS, the Town of Moreau, hereinafter referred to as the "Town", is proposing to cause to be constructed a sewerage collection system to serve town residents, businesses, and institutions (the "Action"); and

WHEREAS, the Town of Moreau Town Board must evaluate all proposed actions submitted to it for its consideration that may affect the environment in light of the State Environmental Quality Review Act ("SEQR") and the regulations promulgated thereunder, and

WHEREAS, the involved agencies [as that term is defined in 6 NYCRR 617.2 (t)] include the New York State Department of Environmental Conservation and the New York State Department of Transportation, and the required environmental review will be conducted concurrently by the Town of Moreau Town Board; and

WHEREAS, the Town of Moreau desires to serve and act as the lead agency for the purposes of SEQR; and

WHEREAS, to aid the Town of Moreau Town Board in determining whether the Action may have a significant impact on the environment, a Full Environmental Assessment Form dated November 16, 2016, has been prepared by the Town with a copy filed with the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Moreau that the Town Board makes the following findings and determinations with respect to the proposed project:

- (1) The project constitutes a "Type I Action" as that term is defined in Section 6 NYCRR 617.2(ai) and 617.4;
- (2) The Town Board of the Town of Moreau desires to serve as lead agency for the purposes of SEQR;
- (3) The Attorney for the Town and/or the Engineer for the Town shall cause the New York State Department of Environmental Conservation and the New York State Department of Transportation, as other "involved agencies", and any other interested agencies, to be notified of this resolution.

This resolution shall take effect immediately.

MOTION: Councilwoman LeClair

SECOND: Councilman Prendergast

Roll Call:

Councilman Van Tassel	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Congdon	Yes

I hereby certify that this Resolution was duly adopted by the Town Board of the Town of Moreau at a Special Meeting of the Town Board conducted on Wednesday, November 16, 2016, at Moreau, New York.

By: Leeann McCabe  
Leeann McCabe, Town Clerk  
Town of Moreau

**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 project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: Sewer District #1 Extension 5		
Project Location (describe, and attach a general location map): Town of Moreau, Saratoga County		
Brief Description of Proposed Action (include purpose or need): The project involves replacing existing septic fields on residential and commercial properties through the installation of a new sewerage collection system. The system is comprised of approximately 64,600 linear feet of 8"/10"/12" gravity sewer, twelve (12) pump stations, 6,000 linear feet of 6" and 8" force main, 85,500 linear feet of individual 6" property sewer laterals, and a master sewer metering station for flows being discharged to the City of Glens Falls Treatment Plant. The Town has an inter-municipal agreement with the City for sewerage flows anticipated to be collected and discharged to the City for treatment. Potentially, portions of following roads in the Town of Moreau will be served by the improvements to the existing sewerage district #1 and the proposed sewer district extension: Astoria Avenue, Bluebird Road, Faman Road, Fawn Road, Flushing Avenue, Harrison Avenue, Jamaica Avenue, Parsons Avenue, Rose Road, Roslyn Avenue, NYS Route 9, Sisson Road, Spier Falls Road, Tulip Street, and Violet Street.		
Name of Applicant/Sponsor: Town of Moreau	Telephone: 518-792-1030	E-Mail: moreausuper@townofmoreau.org
Address: 351 Reynolds Road		
City/PO: Moreau	State: New York	Zip Code: 12828
Project Contact (if not same as sponsor; give name and title/role): Kevin Feuka, C2AE Project Manager	Telephone: 315-366-2623	E-Mail: kevin.feuka@c2ae.com
Address: 70 Main Street		
City/PO: Canton	State: NY	Zip Code: 13617
Property Owner (if not same as sponsor):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	District Formation, Bonding Approval	District Formation projected January 2017 Bonding Approval projected February 2017
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of Glens Falls (Existing IMA for Sewer Treatment)	Existing IMA for proposed flows in place
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Saratoga County Planning, Saratoga Co. Highway -Work Permit	Co. Planning projected fall 2017 Co. Hwy Dept. projected spring 2018
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDOT ROW Work Permit, NYSDEC/EFC Approval of Plans	NYSDOT projected spring 2018 NYSDEC/EFC projected winter 2017/2018
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
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
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
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part I</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
NYS Heritage Areas: Mohawk Valley Heritage Corridor, Remediation Sites: 546035, Remediation Sites: 546030, Remediation Sites: 546029, Remediation Sites: 546039	
_____	
_____	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?  
 This is a buried linear utility and encounters a number of zoning areas, a buried linear utility such as the proposed sewer collection system is an allowable and recommended activity/improvement for the project area.

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? South Glens Falls

b. What police or other public protection forces serve the project site?  
New York State Police, Sheriff, Moreau Emergency Squad

c. Which fire protection and emergency medical services serve the project site?  
South Glens Falls Fire District, Moreau EMS

d. What parks serve the project site?  
Moreau Recreation Park - Harry J. Betar Recreational 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)? Linear Utility - Sewer Collection System

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ 36 acres  
 b. Total acreage to be physically disturbed? \_\_\_\_\_ 36 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ 0 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)? % 70,600 Units: linear feet of new sewer

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 proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: \_\_\_\_\_ 18 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 \_\_\_\_\_

ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length

iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ 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? \_\_\_\_\_ 0 acres

vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ 0 acres

vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ 10 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 proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will 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: \_\_\_\_\_ 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: \_\_\_\_\_
- 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: \_\_\_\_\_

• Source(s) of supply for the district: \_\_\_\_\_

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), 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: 235,000 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): \_\_\_\_\_

Sanitary waste will be conveyed to and treated by the City of Glens Falls WWTP by IMA.

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

If Yes:

- Name of wastewater treatment plant to be used: City of Glens Falls
- Name of district: Sewer District #1
- 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

Yes  No  
 Yes  No

If Yes:
 

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 Additional force main from the extension service area will connect into the existing force main and ultimately discharge the proposed district extension flows into the City of Glens Falls WWTP.

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:
 

- Applicant/sponsor for new district: Town of Moreau - District Extension #5
- Date application submitted or anticipated: Anticipated January - March 2017
- What is the receiving water for the wastewater discharge? Hudson River ultimately from SPDES permitted Glens Falls WWTP

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):  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_

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?  Yes  No  
 If Yes:
 

- i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ 0 acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ 0 acres (parcel size)
- ii. Describe types of new point sources. N/A
- 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)?  
 The disturbed areas of the project during construction will be stabilized back to existing conditions. The project construction will be performed in accordance with a stormwater pollution and prevention plan by NYSDEC general permit.  
  - If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 N/A - resources will be protected during construction by erosion and sedimentation control devices per the approved SWPPP
  - Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

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?  Yes  No  
 If Yes, identify:
 

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 N/A
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 Temporary - excavation equipment will be used during the course of construction, and only for a short period of time as construction is linear.
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 N/A

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?  Yes  No  
 If Yes:
 

- 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)  Yes  No
- ii. In addition to emissions as calculated in the application, the project will generate:
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

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): \_\_\_\_\_

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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): \_\_\_\_\_

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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 \_\_\_\_\_ to \_\_\_\_\_

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

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: \_\_\_\_\_

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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: \_\_\_\_\_

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:	7 a.m. - 5 p.m.	• Monday - Friday:	sewer flows by gravity 24/7
• Saturday:	0	• Saturday:	sewer flows by gravity 24/7
• Sunday:	0	• Sunday:	sewer flows by gravity 24/7
• Holidays:	0	• Holidays:	sewer flows by gravity 24/7

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:  
Typical of utility construction periodically throughout Monday-Friday 7 a.m. - 5 p.m.

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

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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:  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

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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:  
Pump stations will be designed to minimized storage of wastewater. Pump station vents will be installed with carbon filters for elimination of odors.

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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 proposed storage facilities: \_\_\_\_\_

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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 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:  
 This project includes installation of a buried linear utility

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: installation of a buried linear utility includes site restoration to original conditions.	36	36	0

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:  
Moreau Elementary School will be connected to the sewer system. The collection system will eliminate any NYSDEC Private, Commercial, Institutional (PCI) General SPDES Permits for systems greater than 1,000 GPD and less than 10,000 GPD.

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): 0404111,0705659- adjacent parcel to ROW  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): 546035 , 546030 , 546029 ...  
 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): 546035 , 546001 , 546025 , 546030 , 546007, 546029, 546032, 546039  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
546035 - Class 04. 546001 - Class 04. 546007 - Class 04. 546029 - Class 02. All others are Closed

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? \_\_\_\_\_ >20 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:

Sands	_____	95 %
silt/clays	_____	5 %
	_____	%

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ >10 feet

e. Drainage status of project site soils:

<input checked="" type="checkbox"/> Well Drained:	_____	90 % of site
<input checked="" type="checkbox"/> Moderately Well Drained:	_____	5 % of site
<input checked="" type="checkbox"/> Poorly Drained	_____	5 % of site

f. Approximate proportion of proposed action site with slopes:

<input checked="" type="checkbox"/> 0-10%:	_____	100 % of site
<input type="checkbox"/> 10-15%:	_____	% of site
<input type="checkbox"/> 15% or greater:	_____	% 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 941-390 Classification C(T)
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Wetlands Approximate Size unknown
- Wetland No. (if regulated by DEC) \_\_\_\_\_

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: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 NA - Buried Linear Utility \_\_\_\_\_  
 Installed along Road ROW \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 The project is a buried linear utility installed along the Road Rights-of-Way. Project will be in areas previously disturbed and typically lawn.  
 ii. Source(s) of description or evaluation: Project involves Type 1 action and DEC and US. Fish and Wildlife will be consulted.  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

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?  Yes  No  
 Indiana Bat, Karner Blue Butterfly, Northern Long-eared Bat

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?  Yes  No  
 Indiana Brown Bat, Karner Blue Butterfly, Northern Long-eared Bat

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

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?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 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?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 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, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. 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. Describe possible resource(s): SHPO will be consulted for final determination and responses presented prior to completion of Part 2 of EAF.	
ii. 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. Identify resource: _____	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
iii. 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. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

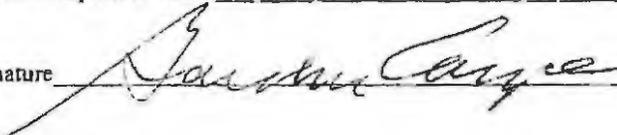
Attach any additional information which may be needed to clarify your project.

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 Town of Moreau Date 11/16/2016

Signature  Title Supervisor





Capital Consultants Architecture and Engineering  
70 Main St.  
Canton, NY 13617  
O: 315.386.2623  
www.c2ae.com

November 16, 2016

Mr. Robert Somers  
NYS Department of Agriculture and Markets  
1 Winners Circle  
Capital Plaza  
Albany, NY 12235

Re: Town of Moreau – Sewer District #1 Extension #5  
SEQR Coordinated Environmental Review

Dear Mr. Somers,

This project is proposing to install sanitary sewer main within the road rights-of-way along various roads within the Town of Moreau. Enclosed please find two maps, one showing the proposed project area and the other showing the 2 agriculture districts within Saratoga County. According to the agriculture map, our project area is not within or adjacent to any agriculture parcels and therefore will not be affecting any agriculture parcels.

In accordance with SEQR requirements, we respectfully request a written response within thirty days regarding any administrative and environmental permits required by your agency so the Town may issue its findings. Thank you in advance for your cooperation.

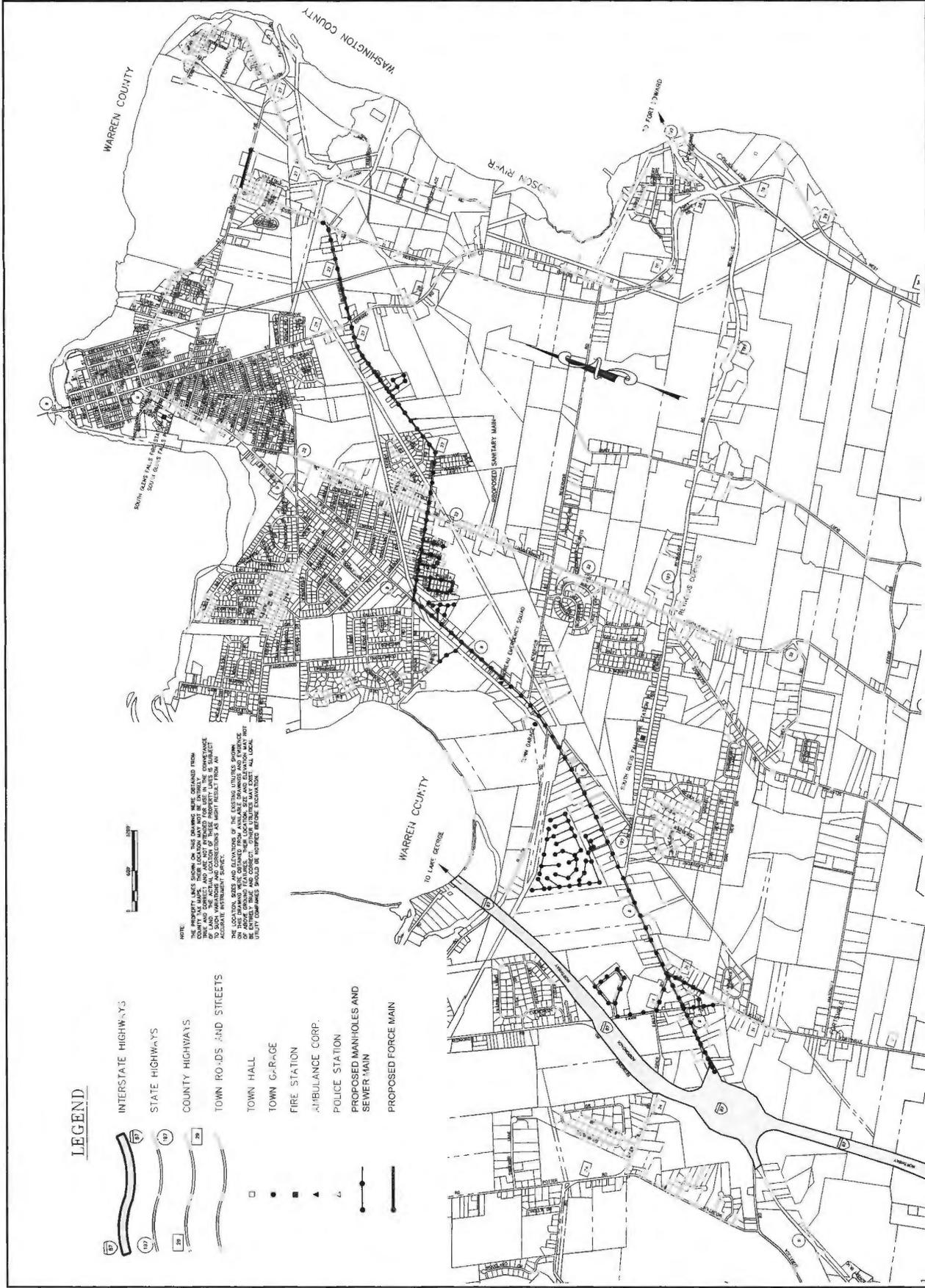
Should you have any questions or require additional information, please don't hesitate to contact us.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'James Salaway'.

James Salaway  
Engineer



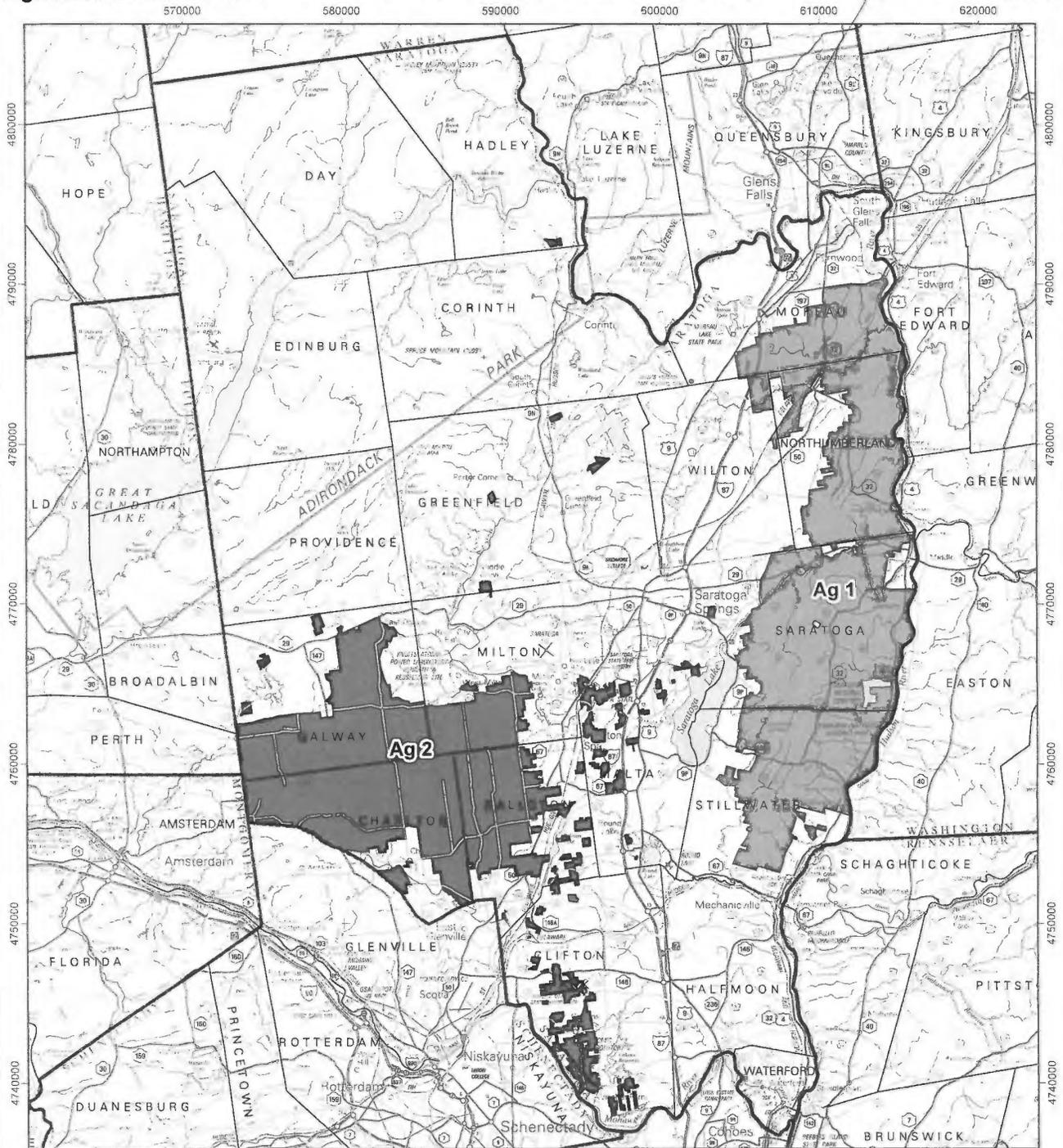


**LEGEND**

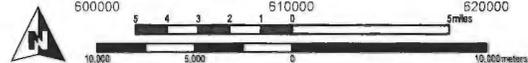
- INTERSTATE HIGHWAYS
- STATE HIGHWAYS
- COUNTY HIGHWAYS
- TOWN ROADS AND STREETS
- TOWN HALL
- TOWN GARAGE
- FIRE STATION
- AMBULANCE CORP.
- POLICE STATION
- PROPOSED MANHOLES AND SEWER MAIN
- PROPOSED FORCE MAIN

NOTE:  
 THE PROPERTY LINES SHOWN ON THIS DRAWING WERE OBTAINED FROM  
 TOWN AND CORRECTED, AND ARE NOT INTENDED FOR USE IN THE CONFORMANCE  
 TO SUCH WARRANTIES AND CONDITIONS AS MIGHT RESULT FROM AN  
 ACCURATE INSTRUMENT SURVEY.  
 THE DRAWINGS WERE OBTAINED FROM AVAILABLE DRAWINGS AND EVIDENCE  
 ON THIS DRAWING WERE OBTAINED FROM AVAILABLE DRAWINGS AND EVIDENCE  
 BY THE ENGINEER AND CORRECTED. OTHER UTILITIES MAY EXIST. ALL LOCAL  
 UTILITY COMPANIES SHOULD BE NOTIFIED BEFORE EXCAVATION.





**MAP PROJECTION**  
UTM Zone 18, NAD83 meters



**KEY**

Ag. District 1 

Ag. District 2 

**DISTRICT CERTIFICATIONS and TOWNS**

<b>DISTRICT 1</b> CERTIFIED 8/24/2005	<b>DISTRICT 2</b> CERTIFIED 5/6/2015
Moreau	Stillwater
Northumberland	Wilton
Saratoga	Ballston
	Galway
	Milton
	Charlton
	Greenfield city of
	Clifton Park
	Malta
	Saratoga Springs

**MAP SOURCE INFORMATION**

Map created at Cornell IRIS (Institute for Resource Information Sciences) <<http://iris.css.cornell.edu>> for the NYS Department of Agriculture and Markets

Agricultural Districts boundary data is available at CUGIR (Cornell University Geospatial Information Repository) website: <<http://cugir.mannlib.cornell.edu>>

Base Map: state250\_bw.tif 1998  
Scale: 1:250,000; County boundaries imported from the file nysshore.e00 from the NYSGIS Clearinghouse website: <<http://gis.ny.gov>>

**Base map contains data copyrighted by the NYS ITS GIS Program.**

**DISCLAIMER**

This is a general reference to Agricultural District boundaries; not a legal substitute for actual tax parcel information.

Boundaries as certified prior to January 2016

Open Enrollment Annual Additions are not included in this data. Check with county agencies to confirm the status of individual parcels.





**Agriculture  
and Markets**

**ANDREW M. CUOMO**  
Governor

**RICHARD A. BALL**  
Commissioner

RECEIVED

NOV 28 2016

Capital Consultants, Inc., P.C.  
C2222

November 22, 2016

James Salaway, P.E.  
Capital Consultants Architecture and Engineering  
70 Main Street  
Canton, New York 13617

RE: Town of Moreau, Saratoga County – Sewer District # 1 Extension # 5 Project

Dear Mr. Salaway:

The Department does not object to the Town of Moreau's request to act as lead agency pursuant to Sections 617.6(b)(2) and (3) of 6 N.Y.C.R.R. of the Environmental Conservation Law. Based upon information provided, it appears that the proposed action does not occur within a county adopted, State certified, Agricultural District (see attached image).

If you have any questions, please contact me at (518) 457-8887.

Sincerely,

Robert Somers, Ph.D.  
Manager, Agricultural Protection Unit

Enc.

c: Gardner Congdon, Supervisor, Town of Moreau

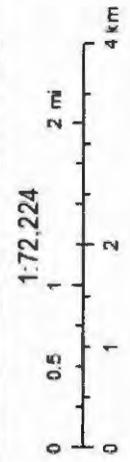


# Town of Moreau - Sewer District #1 Ext. # 5

Saratoga County, New York



□ Agricultural Districts



Thomas DellaRocco 22-NOV-2016 @ 11:06:40





Capital Consultants Architecture and Engineering  
70 Main St.  
Canton, NY 13617  
O: 315.386.2623  
www.c2ae.com

November 16, 2016

Mr. Marc Migliore  
NYSDEC  
1115 State Route 86, P.O. Box 296  
Ray Brook, NY 12977-0296

Re: Town of Moreau – Sewer District #1 Extension #5

Dear Mr. Migliore,

This request is for the State Environmental Quality Review (SEQR) of the Town of Moreau Sewer District #1 Extension #5 project. As required for project funding and by the New York State Department of Environmental Conservation an environmental review is underway.

This project is a sanitary sewer collection system utility project that will primarily be located in the road rights-of-way, with all stream crossings, if any, to be installed via directional drilling.

We have enclosed a map showing the proposed project area and proposed sanitary sewer main locations for your review purposes.

In accordance with SEQR requirements, we respectfully request a written response within thirty (30) days regarding any administrative and environmental permits required by your agency so the Town may issue its findings. Thank you in advance for your cooperation.

The Town of Moreau also wishes to act as lead agency as described in the enclosed resolution and Full Environmental Assessment Form for this Type I action.

Should your agency have any objections to Lead Agency, please notify the Town within the next twenty (20) days.

Should you have any questions, please contact our office.

James Salaway  
Engineer



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Environmental Permits, Region 5  
232 Golf Course Road, Warrensburg, NY 12885  
P: (518) 623-1282 | F: (518) 623-3603  
www.dec.ny.gov

November 28, 2016

RECEIVED

DEC 01 2016

Capital Consultants, Inc., P.C.  
C230

Leeann McCabe, Town Clerk  
Town of Moreau  
Moreau Town Hall  
351 Reynolds Road  
Moreau, NY 12828

**RE: Sewer District #1 Extension #5  
Town of Moreau, Saratoga County  
SEQR Lead Agency Coordination Response**

Dear Ms. McCabe:

Thank you for your November 16, 2016 lead agency communication for the above project, pursuant to the State Environmental Quality Review Act (SEQR).

**DEC Position: Based on the information provided, DEC concurs with your recommendation that the Town of Moreau as SEQR Lead Agency for this project.**

A portion of the project crosses a Class C(T) stream, a tributary to the Hudson River. Any disturbance to the bed or banks of the stream will require an Article 15 – Protection of Waters Permit.

Disturbance of more than one acre of total land will require a SPDES General Permit for Storm Water Discharges from Construction Activities (GP-02-01). This general permit requires development of a Storm Water Pollution Prevention Plan, and submission of a Notice of Intent to DEC. The General Permit and related information are available on the DEC website: <http://www.dec.ny.gov/chemical/43133.html>.

Please contact our Division of Water at (518) 623-1232 if you have questions regarding the stormwater requirements.

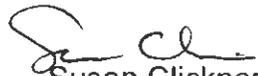
Previous DEC surveys have documented extant populations of the state and federally endangered Karner blue butterfly (*Plebejus melissa samuelis*) in a portion of the project area. Therefore, development of the parcel may require a permit pursuant to the implementing regulations (6NYCRR Part 182) of the New York State Endangered Species Act (Article 11-0535), and the applicant should request determination of jurisdiction pursuant to 6NYCRR Part 182.9. Failure to ask the Department for such a determination does not remove the subject activity from the potential for regulation.

Page 2

GIS review indicates that a portion of the project site is located within an archaeologically sensitive area. It is suggested that recommendations be sought from NYS OPRHP regarding the potential impacts on historic and archeological resources from the development of this area. Additional information can be found on NYS OPRHP's website at <http://nysparks.com/shpo/online-tools/> or by calling (518) 237-8643. Potential impacts to these resources must be considered in the State Environmental Quality Review (SEQR) documentation. For example, previous disturbance should be described to indicate whether future project components will have the potential to further affect archeological resources.

Thank you for providing this opportunity to review this project.

Sincerely,



Susan Clickner  
Agency Program Aide

Enclosure  
C J. Salaway, C2ae



Capital Consultants Architecture and Engineering  
70 Main St.  
Canton, NY 13617  
O: 315.386.2623  
www.c2ae.com

November 16, 2016

Ms. Cathy Crotty, NRCS State GIS Specialist  
Natural Resources Conservation Service  
441 S. Salina Street, Suite 354  
Syracuse, NY 13202-2450

Re: Town of Moreau – Sewer District #1 Extension #5  
SEQR Coordinated Environmental Review

Dear Ms. Crotty:

This request is for the State Environmental Quality Review (SEQR) of the Town of Moreau Sewer District #1 Extension #5 project. As required for project funding and by the New York State Department of Environmental Conservation an environmental review is underway.

This project is a sanitary sewer collection system utility project that will primarily be located in the road rights-of-way, with all stream crossings, if any, to be installed via directional drilling. The agricultural district map enclosed shows that there are no ag parcels within our project area.

We have enclosed a map showing the proposed project area and proposed sanitary sewer main locations for your review purposes as well as the Saratoga County NYS Department of Agriculture and Markets map. Also enclosed please find a NRCS Farmland Conversion Impact Rating Checklist and Form.

In accordance with SEQR requirements, we respectfully request a written response within thirty days regarding any administrative and environmental permits required by your agency so the Town may issue its findings. Thank you in advance for your cooperation.

Should you have any questions, please contact our office.

Very truly yours,

James Salaway  
Engineer

A handwritten signature in black ink, appearing to read "James Salaway".



Exhibit 1

**NRCS Farmland Conversion Impact Rating - Information Form/ Checklist**

Parties requesting a Farmland Conversion Impact Rating from NRCS must include the following information. Submission of the complete materials will avoid processing delays.

**A ..... Project Contact Information:**

Project Contact Name..... James Salaway  
Project Contact Email Address..... james.salaway@c2ae.com  
Project Contact Address..... 70 Main Street Canton, NY 13617  
.....  
Project Contact Telephone..... 315-386-2623  
Project Contact FAX..... 315-386-2632  
Preferred Method of Contact:.....  Email  Phone  Mail

**B ..... Project Information:**

Project Name..... Sewer District #1 Extension #5  
.....  
Requesting Agency or Business Name.. Town of Moreau  
Federal Agency Providing Funding ..... USDA  
Soil Survey Name..... Unknown  
Town and County Name..... Town of Moreau, Saratoga County  
Date of Request..... 11/16/2016

Is there a location map supplied on a topographic, aerial photography base or soil map with the project extent outlined? (soil map preferred)

Yes  No

MORE SOILS HELP: The Web Soil Survey (<http://soils.usda.gov/>) provides a web based application for delineation of an area (project location) and display of soil lines on a photography base with an associated report that includes acreage totals. The Soil Data Mart (<http://soildatamart.nrcs.usda.gov/>) provides a listing of counties that are digitized and a download of GIS format files.

What is the current or planned zoning for the site?..... Residential  
Corridor width (if applicable)..... Existing Roads

---

Parts I and III of the AD-1006 form need to be completed by the requesting party. Access to a digital form is located at the FPPA site: <http://www.nrcs.usda.gov/programs/fppa/>. If access is not available answer the following questions.

a. Total Acres to be Converted Directly? 0

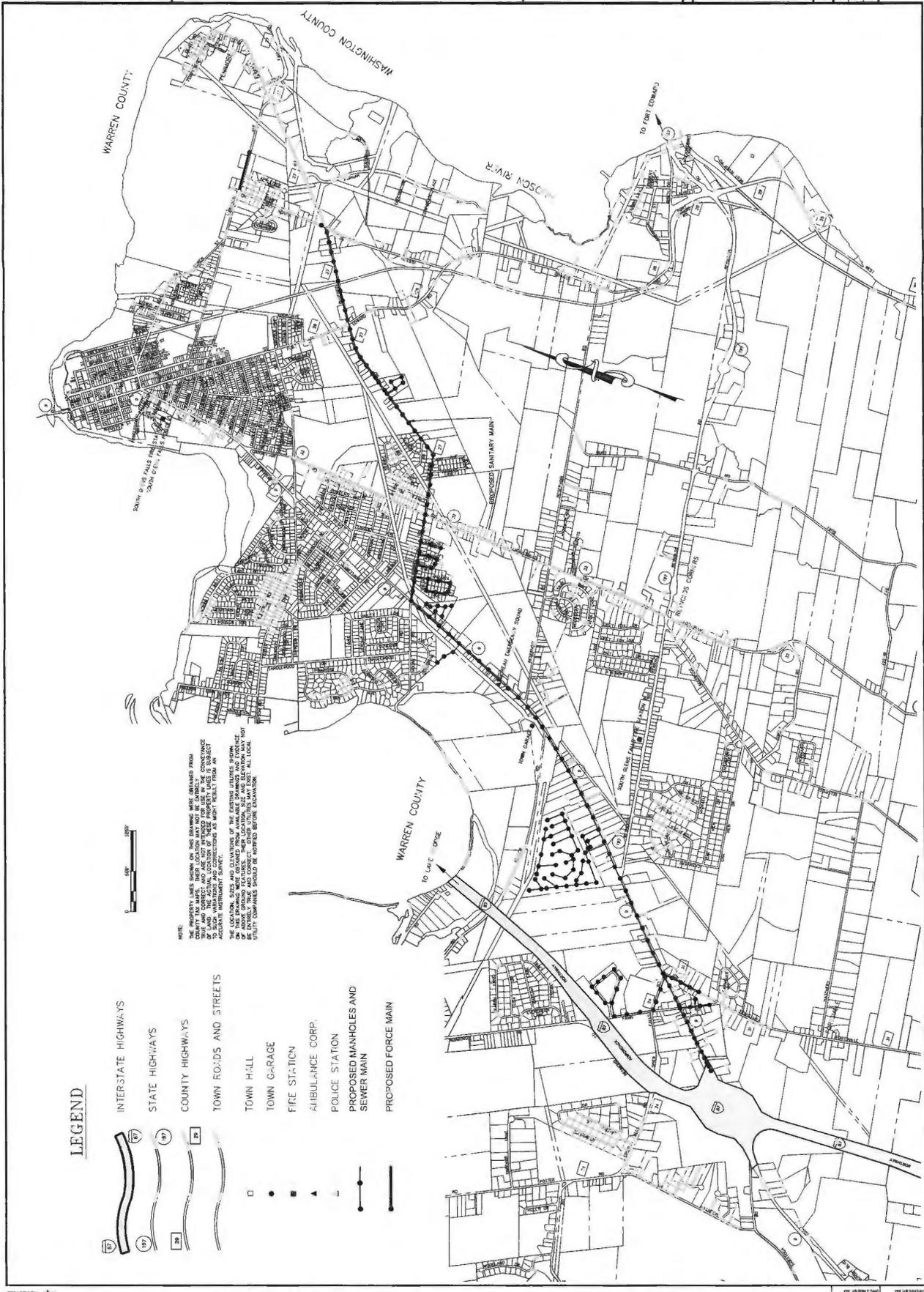
b. Total Acres to be Converted Indirectly?  
("Converted Indirectly" is defined as land that the specific project does not alter but creates a situation where the land can no longer be used for potential farming due to the project.) 0

c. Total Project Acres affected by FPPA (Acres should total the sum of a and b.)? 0

Any questions can be directed to Cathy Keenan: (315) 477-6525 or [cathy.crotty@ny.usda.gov](mailto:cathy.crotty@ny.usda.gov)

Please send completed materials to:

Cathy Crotty, NRCS State GIS Specialist  
Natural Resources Conservation Service  
441 S. Salina Street, Suite 354  
Syracuse, NY 13202-2450

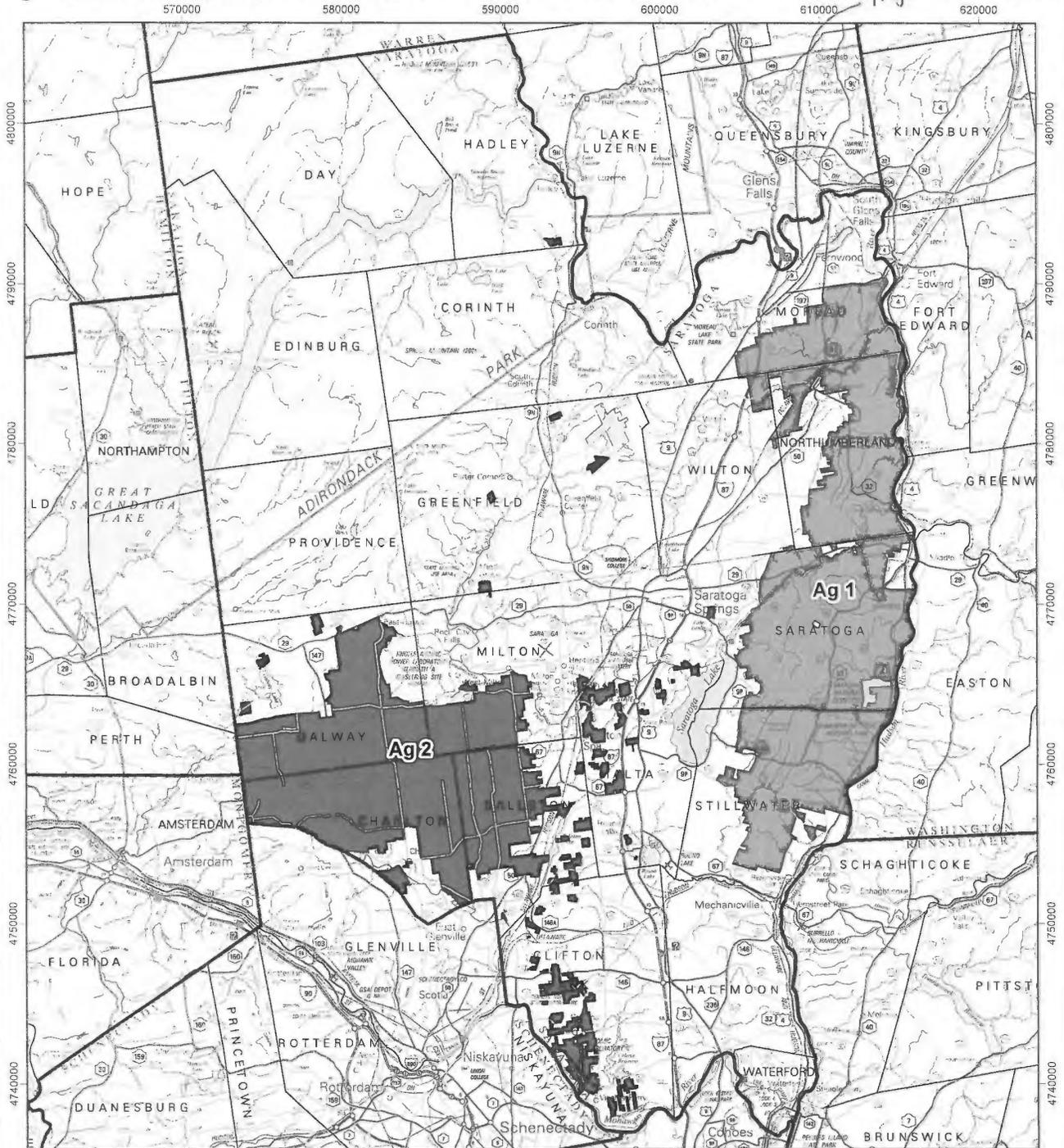


**LEGEND**

-  INTERSTATE HIGHWAYS
-  STATE HIGHWAYS
-  COUNTY HIGHWAYS
-  TOWN ROADS AND STREETS
-  TOWN HALL
-  TOWN GARAGE
-  FIRE STATION
-  AMBULANCE CORP.
-  POLICE STATION
-  PROPOSED MANHOLES AND SEWER MAIN
-  PROPOSED FORCE MAIN

NOTE:  
 THE PROPERTY LINES SHOWN ON THIS DRAWING WERE OBTAINED FROM THE TOWN OF MOREAU RECORDS. THE PROPERTY LINES SHOWN ON THIS DRAWING ARE NOT A GUARANTEE OF THE ACCURACY OF THE PROPERTY LINES. THE LOCATION, SIZE AND DIMENSIONS OF THE EXISTING UTILITIES SHOWN ON THIS DRAWING WERE OBTAINED FROM AVAILABLE RECORDS AND FIELD SURVEY. THE LOCATION, SIZE AND DIMENSIONS OF THE EXISTING UTILITIES MAY NOT BE ENTIRELY TRUE AND CORRECT. OTHER UTILITIES MAY EXIST. ALL LOCAL UTILITY COMPANIES SHOULD BE CONTACTED BEFORE CONSTRUCTION.





**MAP PROJECTION**  
UTM Zone 18, NAD83 meters



**KEY**

Ag. District 1

Ag. District 2

**DISTRICT CERTIFICATIONS and TOWNS**

DISTRICT 1 CERTIFIED 8/24/2005		DISTRICT 2 CERTIFIED 5/6/2015		
Moreau	Stillwater	Ballston	Galway	Milton
Northumberland	Wilton	Charlton	Greenfield	city of
Saratoga		Clifton Park	Malta	Saratoga Springs

**MAP SOURCE INFORMATION**

Map created at Cornell IRIS (Institute for Resource Information Sciences) <<http://iris.css.cornell.edu>> for the NYS Department of Agriculture and Markets

Agricultural Districts boundary data is available at CUGIR (Cornell University Geospatial Information Repository) website: <<http://cugir.mannlib.cornell.edu>>

Base Map: state250\_bw.tif 1998  
Scale: 1:250,000; County boundaries imported from the file nyshore.e00 from the NYSGIS Clearinghouse website: <<http://gis.ny.gov>>

**Base map contains data copyrighted by the NYS ITS GIS Program.**

**DISCLAIMER**

This is a general reference to Agricultural District boundaries; not a legal substitute for actual tax parcel information.

Boundaries as certified prior to January 2016

Open Enrollment Annual Additions are not included in this data. Check with county agencies to confirm the status of individual parcels.





Natural Resources  
Conservation Service

November 23, 2016

441 South Salina St.  
Suite 354  
Syracuse, NY 13212  
315-477-6506  
[kathryn.duncan@ny.usda.gov](mailto:kathryn.duncan@ny.usda.gov)

James Salaway  
c2ae  
70 Main St.  
Canton, NY 13617

Re: Town of Moreau Sewer District #1, Extension #5. Saratoga Co.  
NRCS FPPA review

Mr. Salaway,

I have received the materials with the information needed to complete a Farmland Conversion Impact Rating (NRCS-CPA-106) for the project cited above which is required by USDA Rural Development. After reviewing the documentation it is clear that the project is exempt from the Farmland Protection Policy Act (FPPA) provision.

Although the project may contain soils designated as prime or statewide important, the project is exempt because as described in 440-V-CPM Amendment 12 Part 523.11 E, the project is a corridor subsurface project and as long as a soil disturbance/removal and reconstruction plan is developed and implemented the project is exempt.

Please provide this letter of exemption to the agency that is providing federal funding to the project. If you have any questions about this determination please feel free to contact me.

Kathryn Duncan  
Cartographer

RECEIVED

NOV 28 2016

Capital Consultants, Inc., P.C.  
C288





Capital Consultants Architecture and Engineering  
70 Main St.  
Canton, NY 13617  
O: 315.386.2623  
www.c2ae.com

November 16, 2016

US Department of Interior, Fish & Wildlife Service  
3817 Luker Road  
Cortland, NY 13045

Re: Town of Moreau – Sewer District #1 Extension #5  
SEQR Coordinated Environmental Review submitted on- line via [FW5ES\\_NYFO@fws.gov](mailto:FW5ES_NYFO@fws.gov)

To whom it may concern,

This request is for the State Environmental Quality Review (SEQR) of the Town of Moreau Sewer District #1 Extension #5 project. As required for project funding and by the New York State Department of Environmental Conservation an environmental review is underway.

On behalf of our customer, the Town of Moreau, we are submitting this notice to obtain comments from your office regarding the presence of endangered or threatened species within the project area.

I have enclosed a map showing the proposed project area and proposed sanitary sewer main locations, the species conclusion table, a species list created by IPaC, and an environmental resource map created using NYSDEC mapper online for your review purposes.

In accordance with SEQR requirements, we respectfully request a written response within thirty days regarding any administrative and environmental permits required by your agency so the Town may issue its findings. Thank you in advance for your cooperation.

Should you have any questions, please contact our office.

Very truly yours,

A handwritten signature in black ink, appearing to read "James Salaway".

James Salaway  
Engineer





Capital Consultants Architecture and Engineering  
70 Main St.  
Canton, NY 13617  
O: 315.386.2623  
www.c2ae.com

November 16, 2016

Attn: Mr. Rocco Ferraro  
Capital District Regional Planning Commission  
One Park Place, Suite 102  
Albany, NY 12205

Re: Town of Moreau – Sewer District #1 Extension #5  
SEQR Coordinated Environmental Review

Dear Mr. Ferraro,

This request is for the State Environmental Quality Review (SEQR) of the Town of Moreau Sewer District #1 Extension #5 project. As required for project funding and by the New York State Department of Environmental Conservation an environmental review is underway.

This project is a sanitary sewer collection system utility project that will primarily be located in the road rights-of-way, with all stream crossings, if any, to be installed via directional drilling.

We have enclosed a map showing the proposed project area and proposed sanitary sewer main locations for your review purposes.

In accordance with SEQR requirements, we respectfully request a written response within thirty days regarding any administrative and environmental permits required by your agency so the Town may issue its findings. Thank you in advance for your cooperation.

Should you have any questions, please contact our office.

Very truly yours,

James Salaway  
Engineer





Capital Consultants Architecture and Engineering  
70 Main St.  
Canton, NY 13617  
O: 315.386.2623  
www.c2ae.com

November 16, 2016

Attn: Ms. Amy L. Gitchell  
US Army Corps of Engineers, 3<sup>rd</sup> Floor North  
1 Buffington Street, Watervliet Arsenal  
Watervliet, NY 12189-4000

Re: Town of Moreau – Sewer District #1 Extension #5  
SEQR Coordinated Environmental Review

Dear Ms. Gitchell,

**This request** is for the State Environmental Quality Review (SEQR) of the Town of Moreau Sewer District #1 Extension #5 project. As required for project funding and by the New York State Department of Environmental Conservation an environmental review is underway.

This project is a sanitary sewer collection system utility project that will primarily be located in the road **rights-of-way**, with all **stream** crossings, if any, to be installed via directional drilling.

We have enclosed 2 (two) maps, one showing the proposed project **area and proposed sanitary sewer main locations** and the other showing federal wetlands near the project **area**. **These maps are for your review purposes.**

In accordance with SEQR requirements, **we respectfully request** a written response within thirty days regarding any administrative and environmental **permits required** by your agency so the Town may issue its findings. Thank you in advance for **your cooperation.**

**Should you have any questions, please contact our office.**

Very truly yours,

A handwritten signature in black ink, appearing to read "James Salaway".

James Salaway  
Engineer



November 16, 2016

Attn: Mr. Steve Gurzler, P.E.  
City Engineer  
Wastewater Treatment Plant  
2 Shermantown Road  
Glens Falls, NY 12801

Re: Town of Moreau – Sewer District #1 Extension #5  
SEQR Coordinated Environmental Review

Dear Mr. Gurzler:

This request is for the State Environmental Quality Review (SEQR) of the Town of Moreau Sewer District #1 Extension #5 project. As required for project funding and by the New York State Department of Environmental Conservation an environmental review is underway.

This project is a sanitary sewer collection system utility project that will primarily be located in the road rights-of-way, with all stream crossings, if any, to be installed via directional drilling.

We have enclosed a map showing the proposed project area and proposed sanitary sewer main locations for your review purposes.

In accordance with SEQR requirements, we respectfully request a written response within thirty days regarding any administrative and environmental permits required by your agency so the Town may issue its findings. Thank you in advance for your cooperation.

Should you have any questions, please contact our office.

Very truly yours,

James Salaway  
Engineer







Capital Consultants Architecture and Engineering  
70 Main St.  
Canton, NY 13617  
O: 315.386.2623  
www.c2ae.com

November 16, 2016

Attn: Mr. Doug Rose  
Resident Engineer  
New York State Department of Transportation  
50 Wolf Road  
Albany NY 12232

Re: Town of Moreau – Sewer District #1 Extension #5  
SEQR Coordinated Environmental Review

Dear Mr. Rose:

This request is for the State Environmental Quality Review (SEQR) of the Town of Moreau Sewer District #1 Extension #5 project. As required for project funding and by the New York State Department of Environmental Conservation an environmental review is underway.

This project is a sanitary sewer collection system utility project that will primarily be located in the road rights-of-way, with all stream crossings, if any, to be installed via directional drilling.

We have enclosed a map showing the proposed project area and proposed sanitary sewer main locations for your review purposes.

In accordance with SEQR requirements, we respectfully request a written response within thirty (30) days regarding any administrative and environmental permits required by your agency so the Town may issue its findings. Thank you in advance for your cooperation.

The Town of Moreau also wishes to act as lead agency as described in the enclosed resolution and Full Environmental Assessment Form for this Type I action.

Should your agency have any objections to Lead Agency, please notify the Town within the next twenty (20) days.

Should you have any questions, please contact our office.

Very truly yours,

James Salaway  
Engineer





Capital Consultants Architecture and Engineering  
70 Main St.  
Canton, NY 13617  
O: 315.386.2623  
www.c2ae.com

November 16, 2016

Attn: Mr. Jason Kemper  
Saratoga County Planning  
50 West High Street  
Ballston Spa, NY 12020

Re: Town of Moreau – Sewer District #1 Extension #5  
SEQR Coordinated Environmental Review

Dear Mr. Kemper,

This request is for the State Environmental Quality Review (SEQR) of the Town of Moreau Sewer District #1 Extension #5 project. As required for project funding and by the New York State Department of Environmental Conservation an environmental review is underway.

This project is a sanitary sewer collection system utility project that will primarily be located in the road rights-of-way, with all stream crossings, if any, to be installed via directional drilling.

We have enclosed a map showing the proposed project area and proposed sanitary sewer main locations for your review purposes.

In accordance with SEQR requirements, we respectfully request a written response **with thirty days** regarding any administrative and environmental permits required by your agency so the Town may issue its findings. Thank you in advance for your cooperation.

Should you have any questions, please contact our office.

Very truly yours,

A handwritten signature in black ink, appearing to read "James Salaway".

James Salaway  
Engineer



APPENDIX L

Preliminary Opinion of Probable Construction Cost

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Town of Moreau  
Saratoga County, New York  
Sewer District 1 - Extension 5  
Preliminary Opinion of Probable Cost  
April 2018

ITEM	EST. QUAN.	UNIT	UNIT COST	TOTAL
8-Inch PCVC SDR35	31,000.00	LF	\$110	\$3,410,000
6-Inch HDPE Forcemain	5,500.00	LF	\$70	\$385,000
8-Inch HDPE Forcemain	2,000.00	LF	\$90	\$180,000
10-Inch HDPE Forcemain	20,000.00	LF	\$100	\$2,000,000
Gravity Manholes	100.00	EA	\$5,000	\$500,000
Air Release Manholes	6.00	EA	\$8,000	\$48,000
FM Junction Manholes	6.00	EA	\$8,000	\$48,000
Gravity Sewer Laterals				
Open Cut	8,150.00	LF	\$65	\$529,750
Directional Drill	38.00	EA	\$10,000	\$380,000
LPS Laterals	5.00	EA	\$4,000	\$20,000
Flushing Stations	19.00	EA	\$8,500	\$161,500
Lift Stations	6.00	EA	\$250,000	\$1,500,000
Emergency Generators	6.00	EA	\$50,000	\$300,000
SCADA Control System	1.00	LS	\$200,000	\$200,000
Grinder Pump Stations	3.00	EA	\$10,000	\$30,000
Select Backfill	19,000.00	CY	\$35	\$665,000
Subbase material	8,000.00	CY	\$50	\$400,000
Pavement - Binder	17,000.00	SY	\$20	\$340,000
Pavement - Top	17,000.00	SY	\$10	\$170,000
Misc Restorations	31,000.00	LF	\$20	\$620,000
Maint. & Protection of Traffic		LS	3%	<u>\$357,000</u>
Subtotal				\$12,244,250
Contingency	10%			\$1,225,000
Glens Falls WWTP Fee				\$500,000
Land Acquisition				\$120,000
Grant/Loan Administration				\$30,000
Geotechnical				\$75,000
Cultural Resource Survey/Ecological Review				\$65,000
Survey - Design Mapping				\$150,000
Survey -ROW/Easements				\$100,000
Engineering				\$940,000
Construction Observation				\$400,000
Permitting				\$15,000
Legal Counsel				\$50,000
Bond Counsel				<u>\$50,000</u>
			TOTAL	\$15,964,250
			<b>SAY</b>	<b>\$16,000,000</b>



APPENDIX M

Estimated Annual Cost per Parcel

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Town of Moreau  
Saratoga County, New York  
Sewer District No. 1 - Extension 5  
**ESTIMATED FIRST YEAR COST PER PARCEL W/O 1 and 2 FAMILY**  
May 2018

TAX MAP NUMBER	ADDRESS	OWNER	PROPERTY TYPE	ASSESSED VALUE	AREA (Ac.)	FRONTAGE (Feet)	WATER USE (Gallons)	DEBT SERVICE			OPERATION AND MAINTENANCE			ANNUAL TOTAL
								AV(90%)	AREA (10%)	TOTAL	AV	USE	TOTAL	
77.1-1-55	1291-1293 ROUTE 9	ROLAND, MADELINE E	Res Multiple	\$312,000	2.690000	85.65	1,300	\$2,115	\$201	\$2,316	\$380.64	\$6	\$387	\$2,703
76.-3-16	51 SPIER FALLS RD	Munter Land Holdings LLC	Res vac land	\$45,000	0.790000	179.23	0	\$305	\$59	\$364	\$54.90	\$0	\$55	\$419
63.3-1-21.21	1427-1429 ROUTE 9	ROGGE, DAVID D	Vac w/imprv	\$196,500	1.840000	200.30	0	\$1,332	\$138	\$1,470	\$239.73	\$0	\$240	\$1,709
76.-3-21.2	1280 ROUTE 9	GUTHIEL, HARRY G	Rural vac<10	\$8,700	0.860000	65.88	0	\$59	\$64	\$123	\$10.61	\$0	\$11	\$134
77.-4-36.2	430 REYNOLDS RD	HILLMAN PROPERTIES INC	Rural vac<10	\$11,400	8.840000	0.00	0	\$77	\$661	\$738	\$13.91	\$0	\$14	\$752
63.3-1-20.1	1417-1419 ROUTE 9	ROGGE, RICHARD C	Vacant comm	\$196,000	1.840000	200.00	0	\$1,329	\$138	\$1,466	\$239.12	\$0	\$239	\$1,705
63.3-1-21.22	ROUTE 9	ROGGE, DAVID D	Vacant comm	\$69,300	0.330000	0.00	0	\$470	\$25	\$494	\$84.55	\$0	\$85	\$579
63.3-1-25	1442-1444 ROUTE 9	OPPENHEIM, MOIRA	Vacant comm	\$225,000	3.000000	200.02	0	\$1,525	\$224	\$1,749	\$274.50	\$0	\$275	\$2,024
63.3-1-3.13	1458 ROUTE 9	DESANTIS ENTERPRISES INC	Vacant comm	\$68,000	0.560000	50.02	0	\$461	\$42	\$503	\$82.96	\$0	\$83	\$586
63.3-1-3.14	1454-1456 ROUTE 9	BATKAY, WILLIAM	Vacant comm	\$209,800	2.390000	200.06	0	\$1,422	\$179	\$1,601	\$255.96	\$0	\$256	\$1,857
63.3-1-3.21	1428-1432 ROUTE 9	NAJA, JOHN A	Vacant comm	\$187,300	1.490000	262.98	0	\$1,270	\$111	\$1,381	\$228.51	\$0	\$229	\$1,609
63.-4-14.2	1321 ROUTE 9	ENGLISH VILLAGE LLC	Vacant comm	\$240,900	44.959999	100.07	0	\$1,633	\$3,361	\$4,994	\$293.90	\$0	\$294	\$5,288
63.-4-9.111	1367 ROUTE 9	ABRAMS, GERALD	Vacant comm	\$110,800	33.310001	30.00	0	\$751	\$2,490	\$3,241	\$135.18	\$0	\$135	\$3,377
63.-4-9.112	1349-1361 ROUTE 9	ABRAMS, GERALD	Vacant comm	\$343,900	58.509998	664.17	0	\$2,331	\$4,375	\$6,706	\$419.56	\$0	\$420	\$7,125
63.-4-9.12	1345-1347 ROUTE 9	PETRUSH, EDWARD	Vacant comm	\$282,300	32.849998	200.00	0	\$1,914	\$2,456	\$4,370	\$344.41	\$0	\$344	\$4,714
76.-3-23	ROUTE 9	CONGDON, GARDNER R	Vacant comm	\$600	0.400000	280.00	0	\$4	\$30	\$34	\$0.73	\$0	\$1	\$35
77.1-1-38.1	1294 ROUTE 9	GUTHIEL, HARRY G	Vacant comm	\$95,900	1.570000	61.30	0	\$650	\$117	\$767	\$117.00	\$0	\$117	\$884
77.1-1-39.1	1292 ROUTE 9	GUTHIEL, HARRY G	Vacant comm	\$16,000	10.659999	0.00	0	\$108	\$797	\$905	\$19.52	\$0	\$20	\$925
77.1-1-63	1315-1319 ROUTE 9	PARILLO, FRANK J	Vacant comm	\$291,500	6.099999	299.60	0	\$1,976	\$456	\$2,432	\$355.63	\$0	\$356	\$2,788
77.1-1-75.1	1299 ROUTE 9	BURKE, THOMAS J	Vacant comm	\$254,300	4.170000	370.36	318,100	\$1,724	\$312	\$2,036	\$310.25	\$1,477	\$1,787	\$3,822
77.-4-36.11	416-422 REYNOLDS RD	THE ADIRONDACK TRUST CO	Vacant comm	\$354,200	10.520000	415.92	0	\$2,401	\$787	\$3,187	\$432.12	\$0	\$432	\$3,620
77.-4-36.12	428 REYNOLDS RD	JENSEN-BURNHAM, EILEEN	Vacant comm	\$5,400	3.589999	0.00	0	\$37	\$268	\$305	\$6.59	\$0	\$7	\$312
63.3-1-20.2	1425 ROUTE 9	ROGGE, BERNARD C-TRUSTEE	Com vac w/imp	\$35,000	3.319999	0.00	0	\$237	\$485	\$722	\$42.70	\$0	\$43	\$528
76.-3-17.2	53-59 SPIER FALLS RD	Munter Land Holdings LLC	Com vac w/imp	\$162,000	7.130000	555.00	0	\$1,098	\$533	\$1,631	\$197.64	\$0	\$198	\$1,829
76.-3-18	1267 ROUTE 9	MUNTER ENTERPRISES INC	Com vac w/imp	\$30,200	0.949999	100.00	0	\$205	\$71	\$276	\$36.84	\$0	\$37	\$313
77.1-1-56	1289 ROUTE 9	ROLAND, MADELINE E	Apartment	\$145,000	0.449999	97.85	79,800	\$983	\$34	\$1,017	\$176.90	\$370	\$547	\$1,564
77.1-1-66	1331-1335 ROUTE 9	SUTPHIN, ROSALIE M	Apartment	\$358,000	4.139999	325.00	0	\$2,427	\$310	\$2,736	\$436.76	\$0	\$437	\$3,173
77.-4-3	1386-1388 ROUTE 9	SASSONE, MARK S	Apartment	\$405,000	23.090000	25.00	96,970	\$2,745	\$1,726	\$4,472	\$494.10	\$450	\$944	\$5,416
63.3-1-6.1	1418 ROUTE 9	LANDMARK MOTOR LODGE CORP	Motel	\$2,170,000	5.949999	400.00	0	\$14,709	\$445	\$15,154	\$2,647.40	\$0	\$2,647	\$17,801
63.4-1-71	1462 ROUTE 9	BHATTI, ELISHBA	Motel	\$300,000	2.890000	250.00	395,200	\$2,034	\$216	\$2,250	\$366.00	\$1,835	\$2,201	\$4,450
77.1-1-22	1324-1328 ROUTE 9	CACCAVO, DEBRA J	Motel	\$290,000	1.149999	205.00	168,524	\$1,966	\$86	\$2,052	\$353.80	\$782	\$1,136	\$3,188
77.1-1-48	1287 ROUTE 9	BHATTI, ELISHBA	Motel	\$216,000	1.370000	200.00	438,700	\$1,464	\$102	\$1,567	\$263.52	\$2,036	\$2,300	\$3,867
50.-3-4.1	116 BLUEBIRD ROAD	CANNONE VENTURES INC	Mfg hsing pk	\$1,039,400	6.369999	150.00	2,700,000	\$7,045	\$476	\$7,522	\$1,268.07	\$12,533	\$13,801	\$21,323
63.3-1-22	1411 ROUTE 9	CROSS, CHERYL	Mfg hsing pk	\$1,098,600	7.809999	400.00	954,800	\$7,447	\$584	\$8,031	\$1,340.29	\$4,432	\$5,772	\$13,803
63.-4-2	1403 ROUTE 9	RDDC DEVELOPMENT CORP	Mfg hsing pk	\$16,410,000	80.029998	50.00	15,930,000	\$111,233	\$5,984	\$117,216	\$20,020.20	\$73,947	\$93,967	\$211,183
63.3-1-14	1393 ROUTE 9	SEAN KAM & LOGAN REALTY INC	Restaurant	\$300,000	0.340000	150.00	547,100	\$2,034	\$25	\$2,059	\$366.00	\$2,540	\$2,906	\$4,965
77.1-1-43.1	1269-1275 ROUTE 9	KILMER, JANE D	Snack bar	\$320,000	9.829999	416.80	0	\$2,169	\$735	\$2,904	\$390.40	\$0	\$390	\$3,294
77.1-1-75.2	1297 ROUTE 9	BURKE, THOMAS J	Fast food	\$550,000	1.230000	180.96	0	\$3,728	\$92	\$3,820	\$671.00	\$0	\$671	\$4,491
63.3-1-13.1	1377-1387 ROUTE 9	ROUTE 9 AUTOWORLD INC	Auto dealer	\$650,000	5.909999	600.56	0	\$4,406	\$442	\$4,848	\$793.00	\$0	\$793	\$5,641
63.3-1-9	1369 ROUTE 9	EMERICH, KEVIN A	Auto dealer	\$692,000	1.840000	200.06	87,000	\$4,691	\$138	\$4,828	\$844.24	\$404	\$1,248	\$6,076
63.3-1-15.2	1401 ROUTE 9	FISH, PHYLLIS R	Gas station	\$450,000	2.579999	225.00	29,800	\$3,050	\$193	\$3,243	\$549.00	\$138	\$687	\$3,930
63.3-1-15.1	1397 ROUTE 9	SEAN KAM & LOGAN REALTY INC	Auto body	\$274,000	3.059999	125.00	9,300	\$1,857	\$229	\$2,086	\$334.28	\$43	\$377	\$2,464
63.3-1-8	1365 ROUTE 9	PETRUSH, EDWARD	Auto body	\$110,000	0.460000	200.00	2,300	\$746	\$34	\$780	\$134.20	\$11	\$145	\$925
77.1-1-2	1378 ROUTE 9	DEEB, DAVID A	Auto body	\$145,000	0.600000	300.00	9,300	\$983	\$45	\$1,028	\$176.90	\$43	\$220	\$1,248
77.1-1-78	488 FORTSVILLE RD	BKM PROPERTIES LLC	Auto body	\$130,000	0.579999	99.89	11,290	\$881	\$43	\$925	\$158.60	\$52	\$211	\$1,136
63.3-1-1	1433 ROUTE 9	DMMH CORP	Warehouse	\$1,050,500	7.289999	175.80	16,700	\$7,121	\$545	\$7,666	\$1,281.61	\$78	\$1,359	\$9,025
77.1-1-64	1323 ROUTE 9	BLUE FLAME GAS CO INC	Fuel Store&Dist	\$350,300	2.009999	200.00	0	\$2,374	\$150	\$2,525	\$427.37	\$0	\$427	\$2,952
63.3-1-2.2	1435 ROUTE 9	DMMH CORP	MiniWhseSelfSto	\$785,000	1.740000	0.00	0	\$5,321	\$130	\$5,451	\$957.70	\$0	\$958	\$6,409
63.4-1-75	1441-1443 ROUTE 9	TIERNEY, THOMAS J	Lumber yd/ml	\$605,000	4.530000	215.98	43,200	\$4,101	\$339	\$4,440	\$738.10	\$201	\$939	\$5,378
77.-4-2	1390-1406 ROUTE 9	HILLMAN PROPERTIES INC	Truck termnl	\$2,045,000	17.409999	1031.00	11,300	\$13,862	\$1,302	\$15,163	\$2,494.90	\$52	\$2,547	\$17,711
63.4-1-1	1439 ROUTE 9	BAYMAX HOLDINGS LLC	Other Storage	\$300,000	1.889999	200.48	384,250	\$2,034	\$141	\$2,175	\$366.00	\$1,784	\$2,150	\$4,325
63.4-1-69.1	1470 ROUTE 9	BUHRMASTER PROPANE LLC	Other Storage	\$335,000	2.049999	291.39	12,000	\$2,271	\$153	\$2,424	\$408.70	\$56	\$464	\$2,888
63.4-1-76	1445-1447 ROUTE 9	SAUNDERS, RUSTY R	Other Storage	\$567,200	3.799999	210.00	63,000	\$3,845	\$284	\$4,129	\$691.98	\$292	\$984	\$5,113
77.1-1-77	1350 ROUTE 9	BKM PROPERTIES LLC	Other Storage	\$175,000	0.939999	120.08	9,900	\$1,186	\$70	\$1,256	\$213.50	\$46	\$259	\$1,516
77.1-1-79	1277-1283 ROUTE 9	FINKE ENTERPRISES LLC	Other Storage	\$485,000	2.250000	384.50	47,200	\$3,287	\$168	\$3,456	\$591.70	\$219	\$811	\$4,267
77.1-1-20	1332-1348 ROUTE 9	A G F ASSOC INC	Nbh shop ctr	\$1,250,000	1.350000	339.00	274,500	\$8,473	\$101	\$8,574	\$1,525.00	\$1,274	\$2,799	\$11,373
63.3-1-26	1438-1440 ROUTE 9	MOFFITT, PATRICIA A	Large retail	\$1,100,000	3.220000	200.01	9,200	\$7,456	\$241	\$7,697	\$1,342.00	\$43	\$1,385	\$9,082



Town of Moreau  
Saratoga County, New York  
Sewer District No. 1 - Extension 5

**ESTIMATED FIRST YEAR COST PER PARCEL W/O 1 and 2 FAMILY**

May 2018

TAX MAP NUMBER	ADDRESS	OWNER	PROPERTY TYPE	ASSESSED VALUE	AREA (Ac.)	FRONTAGE (Feet)	WATER USE (Gallons)	DEBT SERVICE			OPERATION AND MAINTENANCE			ANNUAL TOTAL
								AV(90%)	AREA (10%)	TOTAL	AV	USE	TOTAL	
63.3-1-3.12	1434 ROUTE 9	PJM 612 ENTERPRISES LLC	Large retail	\$1,825,000	3.160000	200.01	122,700	\$12,370	\$236	\$12,607	\$2,226.50	\$570	\$2,796	\$15,403
63.3-1-21.1	1421-1423 ROUTE 9	HEWLETT, GREGORY T	Dealer-prod.	\$276,300	2.289999	248.58	3,200	\$1,873	\$171	\$2,044	\$337.09	\$15	\$352	\$2,396
63.3-1-23	1446 ROUTE 9	STEPMAR DEVELOPMENT INC	Office bldg.	\$425,000	1.399999	100.03	270,000	\$2,881	\$105	\$2,985	\$518.50	\$1,253	\$1,772	\$4,757
77.1-1-70.2	1312 ROUTE 9	BAKHURU, DEEPAK H	Office bldg.	\$260,000	0.239999	99.50	38,400	\$1,762	\$18	\$1,780	\$317.20	\$178	\$495	\$2,276
63.3-1-13.2	1391 ROUTE 9	NORTH TRACT PROPERTIES LLC	Prof. bldg.	\$395,000	2.299999	200.00	11,400	\$2,677	\$172	\$2,849	\$481.90	\$53	\$535	\$3,384
77.1-1-57	35 FAWN RD	NAEC FOR PETS LLC	Kennel / vet	\$452,000	1.460000	461.97	141,950	\$3,064	\$109	\$3,173	\$551.44	\$659	\$1,210	\$4,383
76.-3-22	1270-1272 ROUTE 9	NAJA, JOHN A	Billboard	\$66,700	2.250000	204.60	0	\$452	\$168	\$620	\$81.37	\$0	\$81	\$702
77.1-1-65	1327-1329 ROUTE 9	BUCK, JAY	Billboard	\$65,400	2.099999	200.00	21,780	\$443	\$157	\$600	\$79.79	\$101	\$181	\$781
77.1-1-24	1320-1322 ROUTE 9	GROMA LLC	Det row bldg	\$190,000	1.679999	200.00	0	\$1,288	\$126	\$1,413	\$231.80	\$0	\$232	\$1,645
76.-3-19	1265 ROUTE 9	MUNTER ENTERPRISES INC	Converted Res	\$150,000	1.129999	216.00	0	\$1,017	\$84	\$1,101	\$183.00	\$0	\$183	\$1,284
77.1-1-4	1356 ROUTE 9	KLOSS, EDWARD M	Converted Res	\$150,000	2.180000	525.00	0	\$1,017	\$163	\$1,180	\$183.00	\$0	\$183	\$1,363
63.3-1-10	1373 ROUTE 9	GLENS FALLS AREA HABITAT FOR, H	1 use sm bld	\$458,000	1.230000	149.82	46,370	\$3,104	\$92	\$3,196	\$558.76	\$215	\$774	\$3,970
63.3-1-16	1405 ROUTE 9	RDDC DEVELOPMENT CORP	1 use sm bld	\$155,000	0.569999	100.00	11,700	\$1,051	\$43	\$1,093	\$189.10	\$54	\$243	\$1,337
63.3-1-2.1	1431 ROUTE 9	DYNAMITE REAL ESTATE INC	1 use sm bld	\$250,000	0.689999	149.91	0	\$1,695	\$52	\$1,746	\$305.00	\$0	\$305	\$2,051
77.1-1-1	1341 ROUTE 9	JABRO DEVELOPMENT LLC	1 use sm bld	\$500,000	1.940000	199.73	0	\$3,389	\$145	\$3,534	\$610.00	\$0	\$610	\$4,144
77.1-1-35	1304 ROUTE 9	GROMA LLC	1 use sm bld	\$228,000	3.220000	395.00	59,400	\$1,545	\$241	\$1,786	\$278.16	\$276	\$554	\$2,340
77.1-1-37	1296-1300 ROUTE 9	LINEHAN, DANIEL J	1 use sm bld	\$215,000	1.950000	264.00	27,400	\$1,457	\$146	\$1,603	\$262.30	\$127	\$389	\$1,993
77.1-1-76	1352 ROUTE 9	NOFTLE ENTERPRISES INC	1 use sm bld	\$300,000	0.600000	149.80	338,920	\$2,034	\$45	\$2,078	\$366.00	\$1,573	\$1,939	\$4,018
77.1-1-21	1330 ROUTE 9	EXECUTIVE PROPERTY SVC., LLC	?	\$483,900	0.689999	130.00	26,540	\$3,280	\$52	\$3,332	\$590.36	\$123	\$714	\$4,045
63.3-1-7	1416 ROUTE 9	HESS REALTY LLC	Mini-mart	\$1,100,000	2.170000	329.27	231,640	\$7,456	\$162	\$7,618	\$1,342.00	\$1,075	\$2,417	\$10,036
77.1-1-61	1311 ROUTE 9	KC BUSINESS INC	Mini-mart	\$580,000	1.389999	327.04	48,100	\$3,931	\$104	\$4,035	\$707.60	\$223	\$931	\$4,966
77.1-1-74	1284 ROUTE 9	MACS RETAIL LLC	Mini-mart	\$1,180,000	2.630000	324.46	0	\$7,998	\$197	\$8,195	\$1,439.60	\$0	\$1,440	\$9,635
77.1-1-80	1288 ROUTE 9	MACS RETAIL LLC	Mini-mart	\$270,000	1.710000	285.58	0	\$1,830	\$128	\$1,958	\$329.40	\$0	\$329	\$2,287
76.-3-17.1	61-63 SPIER FALLS RD	MUNTER LAND HOLDINGS LLC	Outdr sport	\$376,500	15.399999	580.00	0	\$2,552	\$1,151	\$3,703	\$459.33	\$0	\$459	\$4,163
63.3-1-3.111	1450 ROUTE 9	BREDA, MICHAEL	Educatin fac	\$550,000	2.589999	200.06	81,830	\$3,728	\$194	\$3,922	\$671.00	\$380	\$1,051	\$4,973
63.3-1-24	1448 ROUTE 9	HUDSON HEADWATERS HEALTH NE	Health bldg	\$532,000	1.360000	100.03	154,300	\$3,606	\$102	\$3,708	\$649.04	\$716	\$1,365	\$5,073
76.-3-20	1255 ROUTE 9	STATE OF NEW YORK	Highway gar	\$309,000	3.279999	380.00	182,000	\$2,095	\$245	\$2,340	\$376.98	\$845	\$1,222	\$3,562
77.-4-37	1408 ROUTE 9	ELECTRO-MED EXTRUSION INC	Manufacture	\$325,000	1.250000	238.36	35,300	\$2,203	\$93	\$2,296	\$396.50	\$164	\$560	\$2,857
77.1-1-62.1	6-22 SPIER FALLS RD	PARILLO FRANK J	Cell Tower	\$411,000	21.100000	898.80	125,830	\$2,786	\$1,578	\$4,363	\$501.42	\$584	\$1,086	\$5,449
63.-4-2....	Slash Accounts/1403 Route 9 (ADD TO AV)	RDDC Lamplighter Acres		\$1,778,500	0.000000	0.00	0	\$12,055	\$0	\$12,055	\$2,169.77	\$0	\$2,170	\$14,225

APPENDIX N

Smart Growth Assessment

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# Smart Growth Assessment Form

This form should be completed by the applicant's project engineer or other design professional.<sup>1</sup>

## Applicant Information

Applicant:

Project No.:

Project Name:

Is project construction complete?  Yes, date:  No

Project Summary: (provide a short project summary in plain language including the location of the area the project serves)

## Section 1 – Screening Questions

### 1. Prior Approvals

1A. Has the project been previously approved for EFC financial assistance?  Yes  No

1B. If so, what was the project number(s) for the prior approval(s)?  Project No.:

Is the scope of the project substantially the same as that which was approved?  Yes  No

IF THE PROJECT WAS PREVIOUSLY APPROVED BY EFC'S BOARD AND THE SCOPE OF THE PROJECT HAS NOT MATERIALLY CHANGED, THE PROJECT IS **NOT** SUBJECT TO SMART GROWTH REVIEW. SKIP TO SIGNATURE BLOCK.

### 2. New or Expanded Infrastructure

2A. Does the project add new wastewater collection/new water mains or a new wastewater treatment system/water treatment plant?  Yes  No

*Note: A new infrastructure project adds wastewater collection/water mains or a wastewater treatment/water treatment plant where none existed previously*

2B. Will the project result in either:  Yes  No

An increase of the State Pollutant Discharge Elimination System (SPDES) permitted flow capacity for an existing treatment system;

**OR**

An increase such that a NYSDEC water withdrawal permit will need to be obtained or modified, or result in the NYSDOH approving an increase in the capacity of the water treatment plant?

*Note: An expanded infrastructure project results in an increase of the SPDES permitted flow capacity for the wastewater treatment system, or an increase of the permitted water withdrawal or the permitted flow capacity for the water treatment system.*

<sup>1</sup> If project construction is complete and the project was not previously financed through EFC, an authorized municipal representative may complete and sign this assessment.

IF THE ANSWER IS "NO" TO BOTH "2A" and "2B" ON THE PREVIOUS PAGE, THE PROJECT IS NOT SUBJECT TO FURTHER SMART GROWTH REVIEW. SKIP TO SIGNATURE BLOCK.

**3. Court or Administrative Consent Orders**

- 3A. Is the project expressly required by a court or administrative consent order?  Yes  No
- 3B. If so, have you previously submitted the order to NYS EFC or DOH?  Yes  No  
If not, please attach.

**Section 2 – Additional Information Needed for Relevant Smart Growth Criteria**

EFC has determined that the following smart growth criteria are relevant for EFC-funded projects and that projects must meet each of these criteria to the extent practicable:

**1. Uses or Improves Existing Infrastructure**

- 1A. Does the project use or improve existing infrastructure?  Yes  No  
Please describe:

**2. Serves a Municipal Center**

Projects must serve an area in either 2A, 2B or 2C to the extent practicable.

- 2A. Does the project serve an area **limited** to one or more of the following municipal centers?
- i. A City or incorporated Village  Yes  No
  - ii. A central business district  Yes  No
  - iii. A main street  Yes  No
  - iv. A downtown area  Yes  No
  - v. A Brownfield Opportunity Area  Yes  No  
(for more information, go to [www.dos.ny.gov](http://www.dos.ny.gov) & search "Brownfield")
  - vi. A downtown area of a Local Waterfront Revitalization Program Area  Yes  No  
(for more information, go to [www.dos.ny.gov](http://www.dos.ny.gov) and search "Waterfront Revitalization")
  - vii. An area of transit-oriented development  Yes  No
  - viii. An Environmental Justice Area  Yes  No  
(for more information, go to [www.dec.ny.gov/public/899.html](http://www.dec.ny.gov/public/899.html))
  - ix. A Hardship/Poverty Area  Yes  No  
*Note: Projects that primarily serve census tracts and block numbering areas with a poverty rate of at least twenty percent according to the latest census data*

Please describe all selections:

- 2B. If the project serves an area located outside of a municipal center, does it serve an area located adjacent to a municipal center which has clearly defined borders, designated for concentrated development in a municipal or regional comprehensive plan and exhibit strong land use, transportation, infrastructure and economic connections to an existing municipal center?  Yes  No

Please describe:

- 2C. If the project is not located in a municipal center as defined above, is the area designated by a comprehensive plan and identified in zoning ordinance as a future municipal center?  Yes  No

Please describe and reference applicable plans:

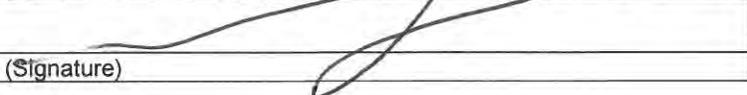
### 3. Resiliency Criteria

- 3A. Was there consideration of future physical climate risk due to sea-level rise, storm surge, and/or flooding during the planning of this project?  Yes  No

Please describe:

The area is outside locations that would be affected by the criteria listed.

**Signature Block:** By entering your name in the box below, you agree that you are authorized to act on behalf of the applicant and that the information contained in this Smart Growth Assessment is true, correct and complete to the best of your knowledge and belief.

Applicant: Town of Moreau	Phone Number:
Ronald J. Laberge, P.E., Vice President, Laberge Group	
<small>(Name &amp; Title of Project Engineer or Design Professional or Authorized Municipal Representative)</small>	
	April 6, 2018
<small>(Signature)</small>	<small>(Date)</small>



APPENDIX O

Engineering Report Certification

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## Appendix C: Engineering Report Certification

### Engineering Report Certification

#### To Be Provided by the Professional Engineer Preparing the Report

During the preparation of this Engineering Report, I have studied and evaluated the cost and effectiveness of the processes, materials, techniques, and technologies for carrying out the proposed project or activity for which assistance is being sought from the New York State Clean Water State Revolving Fund. In my professional opinion, I have recommended for selection, to the maximum extent practicable, a project or activity that maximizes the potential for efficient water use, reuse, recapture, and conservation, and energy conservation, taking into account the cost of constructing the project or activity, the cost of operating and maintaining the project or activity over the life of the project or activity, and the cost of replacing the project and activity.

Title of Engineering Report: Map, Plan and Report Sewer District No. 1 - Extension 5

Date of Report: May 2018

Professional Engineer's Name: Ronald J. Laberge, P.E., Vice President, Laberge Group

Signature:

Date: May 30, 2018

