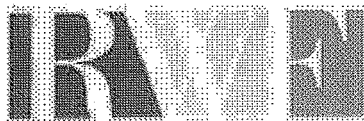


#14



Rider Weiner & Frankel P.C.
ATTORNEYS & COUNSELORS AT LAW

MEMORANDUM

P: 845.562.9100
F: 845.562.9126
655 Little Britain Road
New Windsor, NY 12553
P.O. Box 2280
Newburgh, NY 12550

TO: HON. SCOTT M. MANLEY, DEPUTY SUPERVISOR
TOWN BOARD MEMBERS
FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN
RE: TOWN OF NEWBURGH ORANGE LAKE WEST FAILING
SEPTIC SYSTEM REPLACEMENT STUDY GRANT
AGREEMENT
OUR FILE NO. 800.1(B)() (2022)
DATE: FEBRUARY 11, 2022

ATTORNEYS
David L. Rider
Charles E. Frankel
Michael J. Matsler
Mark C. Taylor
Deborah Weisman-Estis
M. Justin Rider
William E. Podszus

M. J. Rider
(1906-1968)
Elliott M. Weiner
(1915-1990)

COUNSEL
Stephen P. Duggan, III
John K. McGuirk
(1942-2018)

OF COUNSEL
Craig F. Simon
Irene V. Villacci

Enclosed please find the following the following draft resolution substantially in the same form as forwarded to me by Deputy Supervisor Manley for the Town Board's consideration:

RESOLUTION AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE NYS ENVIRONMENTAL FACILITIES CORPORATION (EFC) AND CLASSIFYING THE WEST SIDE ORANGE LAKE FAILING SEPTIC REPLACEMENT STUDY PROJECT AWARDED ENGINEERING PLANNING GRANT (EPG) FUNDING FROM THE EFC AS CONSTITUTING A TYPE II ACTIONS UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) id# 110685

The Resolution additionally commits the Town to expend \$2,000 in matching funds, the other \$2,000 in matching funds to be paid by the Orange Lake Homeowners Association. A copy of the Homeowners Association's President in that regard is also enclosed.

Should you have any questions in this regard, please feel free to contact me.

MCT:sel
Enclosure

cc: Lisa M. Vance Ayers, Town Clerk (via e-mail)
Ronald Clum, Town Accountant (via e-mail)
James Osborne, Town Engineer (via e-mail)
Pat Hines, McGoey, Hauser & Edsall (via e-mail)

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the 12th day of October, 2021 at 7:00 P.M., Prevailing Time.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION AUTHORIZING EXECUTION OF A GRANT AGREEMENT WITH THE NYS ENVIRONMENTAL FACILITIES CORPORATION (EFC) AND CLASSIFYING THE WEST SIDE ORANGE LAKE FAILING SEPTIC REPLACEMENT STUDY PROJECT AWARDED ENGINEERING PLANNING GRANT (EPG) FUNDING FROM THE EFC TO CONSTITUTE A TYPE II ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
ID# 110685

Councilman/woman _____ presented the following resolution which was seconded by

Councilman/woman _____

WHEREAS, State of New York grant funding is available through the NYS Environmental Facilities Corporation (EFC) Engineering Planning Grant Program (EPG) to support feasibility and engineering studies for the effective collection, conveyance, and treatment of municipal wastewater and other potential public sewer system projects which are undertaken by eligible municipalities; and

WHEREAS, the Town of Newburgh (Town) has been awarded \$20,000 in EPG funding from the EFC with an ID# 110685; and

WHEREAS, the Town will use the EPG funding to evaluate feasible solutions and alternatives to replace on-site septic systems on the West Side of Orange Lake that are believed to be contaminating drinking water wells and the larger Orange Lake watershed; and

WHEREAS, Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Section 617.5 under the State Environmental Quality Review Act (SEQRA) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law.

NOW, THEREFORE, BE IT RESOLVED, the Deputy Town Supervisor, Scott Manley, is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents, and instruments necessary to bring about the project and to fulfill the Town of Newburgh's obligations under the Grant Agreement, and be it

FURTHER RESOLVED, that the Town of Newburgh authorizes and will appropriate a minimum 20% local match as required by the Engineering Planning Grant Program (EPG) for the West Side Orange Lake Failing Septic Replacement Study Project. Under the EPG Program, the local match must be at least 20% of the EPG grant award of \$20,000. The source of the local match, and any amount in excess of the required match, shall be provided jointly by the Town of Newburgh and the Orange Lake Homeowners Association, divided 50% for each entity. The maximum local match shall not exceed a total of \$4,000 based upon a total estimated project cost of \$24,000. The Deputy Town Supervisor may increase the local match without further approval from the Town Board only through the use of in-kind services, and be it

FURTHER RESOLVED, the Town Board of the Town of Newburgh hereby determines that the proposed West Side Orange Lake Failing Septic Replacement Study Project as described in its grant application to the EFC under the EPG is a Type II Action in accordance with 6 NYCRR Section 617.5(c)(24), such action constituting the "information collection, including basic data collection and research; water quality and pollution studies; engineering studies; surveys;

subsurface investigations; and/or soils studies that do not commit the agency, to wit: the Town of Newburgh, to undertake, fund, or approve any Type I or Unlisted action" and such action is therefore not subject to further review under 6 NYCRR Part 617.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piacquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
COUNTY OF ORANGE) SS:
TOWN OF NEWBURGH)

I, Lisa M. Vance Ayers, Town Clerk of the Town of Newburgh, DO HEREBY CERTIFY that I have compared the foregoing resolution, duly adopted by the Town Board of the Town of Newburgh on the 14th day of February, 2022, and entered in the minutes of the proceedings of said Board, and that the foregoing is a true and correct copy of said resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my name and the seal of said Town on this _____ day of February, 2022.

Lisa M. Vance Ayers, Town Clerk

Mark Taylor

From: Dahlia Bartz Cabe <dabacabe@gmail.com>
Sent: Thursday, February 10, 2022 9:15 PM
To: Scott Manley; Mark Taylor; James Osborne
Subject: Commitment from OLHA for EPG

11 February, 2022

To: Councilman Scott Manley—Deputy Supervisor, Town of Newburgh (TON); Pat Hines—TON Engineer; Mark Taylor—TON Attorney; Gil Piaquadio—TON Supervisor

From: Orange Lake Homeowners Association (OLHA)

As requested by Scott Manley in conversation with Dahlia Bartz Cabe on 10 Feb 2022, this letter represents the intention and commitment of the OLHA, in partnership with TON, to pay ½ of the 20% matching funds for the EPG grant for a sewer feasibility study for the westside of Orange Lake, not to exceed \$2000.

Sincerely,

OLHA Board of Directors:

Jeff Farnell—President

Dahlia Bartz Cabe—Secretary