



TOWN OF LIBERTY
NEW YORK
A GREAT PLACE TO WORK, LIVE AND PLAY

TOWN BOARD MEETING

PLACE: SENIOR CITIZEN CENTER, 119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 3/2/26

TIME: 6:30 P.M. REGULAR MEETING

FRANK DEMAYO, SUPERVISOR

VINCENT MCPHILLIPS, COUNCILMEMBER

LAURIE DUTCHER, TOWN CLERK

BRUCE DAVIDSON, COUNCILMEMBER

DEAN FARRAND, COUNCILMEMBER

SHERRI KAVLESKI, COUNCILMEMBER

PLEASE NOTE: ALL ITEMS FOR THE AGENDA MUST BE RECEIVED BY NOON ON THE WEDNESDAY BEFORE THE MEETING.

PLEDGE OF ALLEGIANCE

CORRESPONDENCE

INCOMING:

1. Sullivan County 911 Communications.

OUTGOING:

NEW BUSINESS

1. Motion to authorize the Supervisor to submit a grant application for 4M through Senator Gillibrand's office, Congressionally Directed Spending (CDS), due March 22nd for the Swan Lake Sewer Plant.
2. Motion for the Town Board to be Lead Agency for an unlisted action-coordinated SEQR review for the Water Sewer Infrastructure Upgrade to serve Old Rt. 17 / Liberty Business Park.
3. Motion to consider construction phase services for the Loomis Wastewater Treatment Plant Clarifier Repair.
4. Motion to approve the use of Capital Reserve Funds for the Swan Lake WWTP Recirculation Pump Repairs.
5. Motion to award the bid Contract No. T21-G-26-General Construction for the Swan Lake WWTP Recirculation Pump Repair Project to Koester Associates, Inc., for the low bid price of \$61,484.82, contingent upon completion of the public notice period for use of the capital reserve funds.
6. Motion to authorize the Supervisor to execute the necessary paperwork (Notice of Award, Agreement, Notice to Proceed, pay requests, etc.) for contract initiation and completion of the work, for the repair of the Swan Lake WWTP Recirculation Pump.

MISSION STATEMENT

We provide effective, transparent and responsible municipal service that promotes the highest standard of life for our community.



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7. Motion for the Town Board to retain Delaware Engineering to provide bid award and construction phase services associated with the Swan Lake WWTP Recirculation Pump Repairs in accordance with the checklist agreed to at the March 2, 2026, meeting.
8. Motion for the Town Board to retain Delaware Engineering to provide construction phase services associated with the Loomis Clarifier Repairs in accordance with the checklist agreed to at the March 2, 2026, meeting. An amendment to the current contract will be provided for execution by the Town Supervisor.
9. Motion to submit the Swan Lake WWTP January 2026 NYSDEC Notice of Violation Interim Report to NYSDEC as submitted on February 25, 2026, OR as subsequently modified by/with the Town.
10. Motion to retain Delaware Engineering to provide services in support of NOV in 2026 as selected by the Town Board on March 2, 2026, and authorization for the Supervisor to execute the contract.
11. Motion approving the minutes of the 2/18/26 Regular Meeting as submitted by the Town Clerk.

DISCUSSION

1. One Way on Main Street in Parksville.
2. Battery Energy Storage Systems (BESS)
3. HR Documents
4. Follow up with Solar Farm / Commercial Industrial Zone
5. Town Hall Heat.

OLD BUSINESS

UNDER REVIEW

1. Quotes for tree removal at Town Hall.

IN PROGRESS

1. Illegal dumping of garbage.
2. Walnut Mt. Pavilion.
3. Solar Moratorium in the Commercial Industrial Zone.

PUBLIC PARTICIPATION

BOARD DISCUSSION

EXECUTIVE SESSION

ADJOURN

MISSION STATEMENT

We provide effective, transparent and responsible municipal service that promotes the highest standard of life for our community.



Sullivan County 911 Communications EMS Dispatch Report April 2023



Ambulance Agencies	Jeffersonville	Cochecton	Livingston Manor	Lumberland	Mountaintop	Tusten	Neversink	Rock Hill	Roscoe/ Rockland	Bethel	Woodbourne	Mamakating	Highland EMS	Upper Delaware	Grahamsville	Catskill Hatzalah	Empress	County EMS	Total	
Call Type																				
Abdominal Pain	0	0	3	0	1	1	0	0	0	2	0	4	1	1	0	1	16	10	40	
Allergic Reaction	0	0	0	2	0	0	0	0	0	1	0	0	0	0	0	0	1	2	6	
Animal Bite	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	
Assault/Sexual Assault	0	0	1	1	0	1	1	2	0	1	1	2	0	0	0	0	5	5	20	
Back Pain	0	0	0	0	0	1	0	0	0	3	0	3	0	0	1	0	5	1	14	
Breathing Problems	0	0	10	1	2	1	3	0	1	9	1	9	2	0	1	1	48	44	133	
Burns / Electrical	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	2	
Cardiac Arrest	1	0	2	0	0	0	0	2	1	3	0	0	0	0	0	1	7	8	25	
Cardiac Problem	1	0	0	1	0	1	1	0	0	3	0	2	1	0	0	1	3	8	22	
Chest Pain	5	0	5	0	1	0	1	5	0	9	0	7	2	1	1	1	41	40	119	
Choking	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	2	4	
Diabetic	0	0	0	0	0	0	0	1	0	2	0	0	0	1	0	0	8	5	17	
Drowning/Water Related	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Eye Problems	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	1	0	3	
Fall	8	1	9	2	3	6	2	3	2	15	3	18	5	4	2	1	68	39	191	
Headache	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	2	2	5	
Heat/Cold Emergencies	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	1	3	
Hemorrhage/Laceration	2	0	1	1	1	0	1	0	1	4	1	2	1	0	1	2	14	8	40	
Inaccessible/Entrapment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Medical Facilities	0	0	15	0	1	0	0	2	4	6	0	4	1	0	0	2	61	27	123	
Mental Emergencies	1	0	1	0	0	2	2	3	0	7	0	2	0	0	1	0	36	9	64	
MVA	1	1	5	0	0	1	4	5	3	6	1	13	1	1	3	2	31	34	112	
Overdose	1	0	1	0	0	0	0	0	0	2	1	2	0	0	0	1	14	10	32	
Poisoning/HAZMAT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pregnancy	0	0	2	0	0	0	0	0	0	2	0	0	0	0	0	0	5	4	13	
Seizures	1	0	2	1	1	0	1	0	0	2	1	6	2	1	1	2	21	22	64	
Sick Person (Gen. Ill)	11	1	16	3	4	8	4	4	1	33	2	33	9	2	4	3	141	83	362	
Stab/GSW	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	
Stroke(CVA)	1	0	1	0	0	0	0	0	0	5	2	4	1	2	0	1	12	15	44	
Trauma	2	0	1	0	0	1	1	2	1	1	0	0	0	0	0	0	9	5	23	
Unconscious/Fainting	0	2	0	0	0	1	2	1	1	3	0	5	3	4	1	0	27	29	79	
Unknown Medical	1	2	4	0	0	8	0	2	1	3	2	5	0	0	0	0	14	12	54	
Mutual Aid	1	7	0	4	5	1	1	27	8	0	12	7	1	1	1	0	96	0	172	
Standby	1	0	0	4	1	3	1	0	0	2	2	1	5	3	3	0	3	1	30	
Agency Totals	38	14	79	21	20	36	25	59	24	128	29	130	35	21	21	19	693	427	1819	



Sullivan County 911 Communications Law Enforcement Activity Report January 2026



	Sheriff	NYSP	LPD	MPD	FPD	WPD	EnCon	DEC	NYC DEP	NPS	Totals
Assist EMS	20	46	21	42	12	3	0	0	2	0	146
Assist Fire	8	15	3	26	1	0	2	0	0	0	55
P-101 Abduction	0	0	1	0	0	0	0	0	0	0	1
P-102 Abuse/Abandonment/Neglect	0	0	0	0	0	0	0	0	0	0	0
P-103 Administrative	0	0	0	0	0	0	0	0	0	0	0
P-104 Alarms	0	1	0	2	0	0	0	0	0	0	3
P-105 Animal	3	4	0	1	1	0	0	0	1	0	10
P-106 Assault/Sexual Assault	2	2	0	1	1	0	0	0	0	0	6
P-107 Assist Other Agency	3	6	0	1	0	0	0	0	0	0	10
P-108 Bomb Found/Susp Package	0	0	0	0	0	0	0	0	0	0	0
P-109 Bomb Threat	0	0	0	1	0	0	0	0	0	0	1
P-110 Burglary	0	1	2	3	0	0	0	0	0	0	6
P-111 Damage/Vandalism/Mischief	0	0	0	2	0	0	0	0	0	0	2
P-112 Deceased Person	0	1	0	0	0	0	0	0	0	0	1
P-113 Disturbance	15	31	7	17	5	1	0	0	0	0	76
P-114 Domestic Violence	28	55	14	23	11	0	0	0	0	0	131
P-115 Driving Impaired	0	2	0	0	0	0	0	0	0	0	2
P-116 Drugs	0	0	1	0	0	0	0	0	0	0	1
P-117 Explosion	0	0	0	0	0	0	0	0	0	0	0
P-118 Fraud/Deception	0	0	0	0	0	0	0	0	0	0	0
P-119 Harassment/Stalking/Threat	2	1	0	3	0	0	0	0	0	0	6
P-120 Indecency/Lewdness	0	0	0	0	0	0	0	0	0	0	0
P-121 Mental Disorder	13	22	4	17	3	1	0	0	1	0	61
P-122 Miscellaneous	0	12	0	0	0	1	0	0	0	0	13
P-123 Missing/Found Person	1	1	0	0	0	0	0	0	0	0	2
P-124 Officer Needs Assistance	7	13	0	1	2	0	0	0	0	0	23
P-125 Public Svc	14	22	5	5	2	2	0	0	0	0	50
P-126 Robbery/Carjacking	0	0	0	0	0	0	0	0	0	0	0
P-127 Suicidal Persn/Att Suicide	0	2	0	0	0	0	0	0	0	0	2
P-128 Supplemental	1	39	0	0	0	0	0	0	0	0	40
P-129 Susp/Wanted Pers/Veh	1	8	2	4	0	0	0	0	0	0	15
P-130 Theft (Larceny)	2	5	1	3	0	0	0	0	0	0	11
P-131 MVA	55	144	9	8	16	2	0	0	7	0	241
P-132 Traffic Violation/Hazard	22	40	2	2	5	0	0	0	0	0	71
P-133 Trespassing/Unwanted	4	6	2	9	1	0	0	0	0	0	22
P-134 Unknown Problem	4	17	5	8	5	0	0	0	1	0	40
P-135 Weapons/Firearms	2	2	0	1	0	0	0	0	0	0	5
P-Abandoned Call	20	58	28	36	24	3	0	0	0	0	169
P-Responder Safety	0	0	0	0	0	0	0	0	0	0	0
Transfers	52	88	14	51	17	N/A	N/A	N/A	N/A	N/A	222
Totals	279	644	121	267	106	13	2	0	12	0	1444



**Town of Liberty, NY
March 2, 2026 Town Board Meeting
Update on Projects**

- 1. Liberty Business Park Water & Sewer Infrastructure Upgrade Project (Old Rte 17 Corridor)**
 - Contract work and subcontracting related to Engineering Services (up to 50% design) are underway
 - SEQR Part 1 preparation work underway
 - Anticipate having SEQR Part 1, and package to go out to potentially affected agencies, to the Board for review by March 3, 2026, with review and discussion/acceptance at the March 18, 2026 meeting. This will allow Part 1 to be sent out to potentially affected agencies by March 17, 2026
 - **Recommend Town Board resolve to be lead agency for an unlisted action-coordinated SEQR review at the March 2, 2026 meeting. Resolution attached.**

- 2. Swan Lake WWTP Upgrade**
 - Continuing with preparation of response to NYSDEC SPDES permit/PER comment letter and design work
 - Conducted WQIP funding application debrief call with NYSDEC
 - On going discussions with USDA RD and State and Federal representatives on more grant funding

- 3. Swan Lake WWTP NYSDEC Notice of Violation (NOV)**
 - We have prepared the January 2026 Interim Report including the letter and proposed updated schedule of compliance (SOC). Review with the Board and agree upon a plan forward (attached)
 - Consider and identify engineering services for 2026 NOV work (see attached)
 - **Recommend the Town Board resolve to:**
 - **Submit the Swan Lake WWTP January 2026 NYSDEC Notice of Violation Interim Report package to NYSDEC as submitted on February 25, 2026 OR as subsequently modified by/with the Town; and**
 - **Agree to retain Delaware Engineering to provide services in support of the NOV in 2026 as selected by the Town Board on March 2, 2026 with a contract to be provided for Town Supervisor execution.**

- 4. Swan Lake Sewer System Evaluation/I/I EPG Study**
 - **Plan to do field work in March – April with Town Staff providing traffic control**
 - Contacting sewer CCTV subcontractor to identify a schedule
 - The Engineering Report needs to be done by February 2027 (18 months from execution of the Grant Agreement)

- 5. Loomis WWTP Clarifier Repair**
 - On February 6, 2026 the Town received bids for the Loomis WWTP Clarifier Repair Project.
 - Bid recommendation for award provided for consideration at the 2/18/26 meeting
 - At the February 18, 2026 meeting the Town Board resolved to award the Contract No. TL1-G-26 – General Construction for the Loomis WWTP Clarifier Repair Project to Poolbrook Contracting for the low bid price of \$56,610, contingent upon completion for the public notice period for use of the capital reserve funds.

DELAWARE ENGINEERING, D.P.C.

- Completion of contract award will continue upon completion for the public notice period for use of the capital reserve funds.
- **Delaware’s work for the bid document preparation and bid and award is complete.**
 - If the Board desires us to assist with construction phase work outlined in the October 29, 2025 Proposal for Engineering Services (i.e., submittals, payment requests, and onsite observation, engineering site visit) see excerpt below and check boxes and do the following resolution:
 - **The Town Board resolves to retain Delaware Engineering to provide construction phase services associated with the Loomis Clarifier Repairs in accordance with the checklist agreed to at the March 2, 2026 meeting. An amendment to the current contract will be provided for execution by the Town Supervisor.**

B. Loomis Clarifier Repair Additional Engineering Services – Construction Phase, IF REQUESTED BY TOWN:

Construction phase services that can be provided if desired by the Town include the following:

1. **Submittals – \$2,500**
 - Review and process shop drawings/submittals
 - Provide copy of submittals to the Town of completion of work
2. **Payment Requests – \$2,000**
 - Review and process up to two contractor payment requests
 - Provide payment request recommendations to the Town
3. **On-site Observation – \$1,200 per visit; up to \$2,400**
 - Provide up to two (2) site visits and prepare inspection reports in Corfix
 - Provide copy of the inspection reports to the Town at completion of the work
4. **Engineering Site Visit – \$1,500 per visit**
 - Provide up to one (1) site visit by engineering staff to review construction or any issues

If the Town desires construction phase services, check boxes below:

SERVICES SELECTED (TOWN TO CHECK BOXES)

Item	Fee	Yes	No
A.1. Base Scope	\$5,500	<input checked="" type="checkbox"/>	At 11/3/25 mtg.
A.2. Optional Scope (Bid and Award)	\$1,500	<input checked="" type="checkbox"/>	At 11/3/25 mtg.
B.1. Submittals	\$2,500	<input type="checkbox"/>	<input type="checkbox"/>
B.2. Payment Requests	\$2,000	<input type="checkbox"/>	<input type="checkbox"/>
B.3. On-site Observation	\$1,200/visit	-	<input type="checkbox"/>
	1 visit/\$1,200	<input type="checkbox"/>	<input type="checkbox"/>
	2 visits/\$2,400	<input type="checkbox"/>	<input type="checkbox"/>
B4. Engineering Site Visit	\$1,500	<input type="checkbox"/>	<input type="checkbox"/>

Total Fee = _____
(Town to Fill In)

6. **Swan Lake WWTP Recirculation Pump Repair**
 - On Friday February 20, 2026 the Town opened bids for the Swan Lake WWTP Recirculation Pump Repair Project
 - **Only one bid was received in the amount of \$61,484.82**
 - Bid recommendation letter package sent out to the Town Board and others under separate cover and for award consideration at the 3/2/26 meeting

DELAWARE ENGINEERING, D.P.C.

- Package recommended that, at the March 2, 2026 Town Board meeting, the Town resolve to award the Swan Lake WWTP Recirculation Pump Repair Project to Koester Associates, Inc. for the low bid price of \$61,484.82.
- At the January 21, 2026 meeting, the Town resolved to authorize the Town Attorney to prepare a draft resolution for public notice for the use of capital reserve funds for this project. Capital reserve funds are expected to be available on or after March 20, 2026, thirty days (30) following adoption of the resolution.
- Recommend the Town Board resolve to award the bid to Koester Associates, Inc. for the bid price of \$61,484.82, and authorize the Town Supervisor to execute project paperwork, and Town staff to follow through with bid award and construction phase activities
- **Therefore, should the Town agree with our recommendations, we further recommend that the Town Board resolve to:**
 - **Adopt the final resolution for public notice for the use of capital reserve funds for the Swan Lake WWTP Recirculation Pump Repair Project.**
 - **Award the Contract No. T21-G-26 – General Construction for the Swan Lake WWTP Recirculation Pump Repair Project to Koester Associates, Inc. for the low bid price of \$61,484.82, contingent upon completion for the public notice period for use of the capital reserve funds.**
 - **Authorize the Town Supervisor and Clerk to execute the necessary paperwork (e.g., Notice of Award, Agreement, Notice to Proceed, pay requests etc.), for contract initiation and completion of the work.**
- Delaware’s work for the bid is complete unless that Board desires us to assist with bid award and/or construction phase work. **If the Board desires us to assist with bid award and construction phase work see below and check boxes and do the following resolution:**
 - **The Town Board resolves to retain Delaware Engineering to provide bid award and construction phase services associated with the Swan Lake WWTP recirculation Pump Repairs in accordance with the checklist agreed to at the March 2, 2026 meeting. A contract will be provided for execution by the Town Supervisor.**

B. Swan Lake WWTP Recirculation Pump Repair Additional Engineering Services – Construction Phase, IF REQUESTED BY TOWN:

Bid award and Construction phase services that can be provided if desired by the Town include the following:

0. **Bid and Award – \$1,500**
 - a. Provide copy of submittals to the Town of completion of work Review and summarize bids
 - b. Provide recommendation for award for Town consideration
 - c. Coordinate Award of Bid with the Town Clerk
1. **Submittals – \$2,500**
 - a. Review and process shop drawings/submittals
 - b. Provide copy of submittals to the Town of completion of work
2. **Payment Requests – \$2,000**
 - a. Review and process up to two contractor payment requests
 - b. Provide payment request recommendations to the Town
3. **On-site Observation – \$1,200 per visit; up to \$2,400**
 - a. Provide up to two (2) site visits and prepare inspection reports in Corfix
 - b. Provide copy of the inspection reports to the Town at completion of the work
4. **Engineering Site Visit – \$1,500 per visit**
 - a. Provide up to one (1) site visit by engineering staff to review construction or any issues

If the Town desires construction phase services, check boxes below:

SERVICES SELECTED (TOWN TO CHECK BOXES)

DELAWARE ENGINEERING, D.P.C.

Item	Fee	Yes	No
A.1. Base Scope (bid documents)	\$5,000	<input checked="" type="checkbox"/>	At 11/3/25 mtg.
B.0. Bid and Award	\$1,500	<input type="checkbox"/>	<input type="checkbox"/>
B.1. Submittals	\$2,500	<input type="checkbox"/>	<input type="checkbox"/>
B.2. Payment Requests	\$2,000	<input type="checkbox"/>	<input type="checkbox"/>
B.3. On-site Observation	\$1,200/visit	-	<input type="checkbox"/>
	1 visit/\$1,200	<input type="checkbox"/>	<input type="checkbox"/>
	2 visits/\$2,400	<input type="checkbox"/>	<input type="checkbox"/>
B4. Engineering Site Visit	\$1,500	<input type="checkbox"/>	<input type="checkbox"/>

Total Fee = _____
(Town to Fill In)

7. Ferndale Rd/Ferndale Loomis Road Intersection Waterline Crossing

- Nothing new this month

8. Basketball Court by Skate Park

- Reviewing revised conceptual plan and details with the Town based on recent site excavations to expose some existing retaining wall footings

9. Ferndale Water District Pump/Tank Communication and Mixer

- Coordination with Damon to confirm the scope is anticipated in March
- We will then prepare a contract for our work for Board consideration

10. Attachments

- Liberty Business Park SEQR Lead Agency resolution.
- Swan Lake WWTP NYSDEC Notice of Violation (NOV)
 - Draft January 2026 NOV Interim Report package to NYSDEC (letter and updated proposed Schedule of Compliance)
 - Swan Lake WWTP NYSDEC NOV Compliance – Engineering Services and Matrix

11. Items Discussed or Reviewed at Meeting but not distributed with this package:

- None

Liberty TBMtg Report 03-02-26.docx
Enclosures

Town of Liberty – Town Board Meeting
SEQR Meeting

Date: March 2, 2026

Municipal Resolution # _____-2026

**RESOLUTION DECLARING THE INTENT OF THE TOWN BOARD
TO SERVE AS LEAD AGENCY FOR THE COORDINATED
ENVIRONMENTAL REVIEW OF THE
WATER AND SEWER INFRASTRUCTURE PROJECT**

WHEREAS, the Town of Liberty has been identified by the Empire State Development Office as a severely distressed economic zone; and

WHEREAS, the Town desires to develop its tax base by expanding opportunities for commercial/industrial growth; and

WHEREAS, lack the municipal water and sewer infrastructure has been identified as a barrier to development; and

WHEREAS, a conceptual plan has been completed for a Project that would extend existing water and sewer infrastructure to serve the properties located on or near Harris Road (old Route 17) for an estimated cost of \$24M; and

WHEREAS, the Project scope includes the installation of ±6,700 lineal feet (lf) of new sanitary force main and the replacement of ±2,000 lf of sanitary force main; the installation of ±2,000 lf of new gravity sewer main and the replacement of ±1,500 lf of gravity sewer main; installation of two new sanitary pump stations and replacement of a 3rd sanitary pump station all of which will connect to the Village of Liberty wastewater treatment plant; and

WHEREAS, the Town, in conjunction with the Village, has determined that the Village wastewater treatment plant has sufficient capacity to support the project; and

WHEREAS, the Project also includes the replacement/upgrade of ±8,050 lf of watermain and the installation of ±800 lf of new watermain that will connect to the Town of Liberty's Ferndale Water District; and

WHEREAS, the Town has determined that the Ferndale water district has sufficient capacity to support the project; and

WHEREAS, the Town has applied for and received \$20M in grant funding through the FAST NY program, administered through the New York State Empire State Development and a \$1M State and Tribal Assistance Grant (STAG) through the United States Environmental Protection Agency in support of the water and sewer extension project; and

WHEREAS, in order to proceed with the Project, the Town must first complete an environmental review in accordance with 6 NYCRR Part 617, commonly known as a SEQR; and

WHEREAS, the proposed project does not meet the threshold for a Type 1 action as defined in 6 NYCRR 617.4, nor does it qualify as a Type 2 action as defined in 6 NYCRR Part 617.5; and

WHEREAS, the environmental review for this Project will require the discretionary approval from multiple local, state and federal agencies.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town Board of the Town of Liberty declares its intent to serve as lead agency for the State Environmental Quality Review of the infrastructure expansion project.
2. Under 6 NYCRR Part 617, the project is determined to be an Unlisted action.
3. In accordance with 6 NYCRR Part 617, a coordinated environmental review will be conducted.

Motion offered by: _____

Motion seconded by: _____

Roll Call Vote:

Dean Farrand:	
Bruce Davidson:	
Sherri Kavelski:	
Vincent McPhillips:	
Frank DeMayo:	

The Motion **is/is not** Adopted.

I HEREBY CERTIFY THAT:

This Resolution is a true and accurate representation of the proceedings of the Town of Liberty, Town Board on this the 2nd day of March, 2026.

Laurie Dutcher – Town Clerk
Town of Liberty

Office of the Supervisor



Town of Liberty Government Center

120 North Main Street • Liberty, New York 12754

Frank DeMayo
Supervisor

supervisordemayo@townofliberty.org

www.townofliberty.org

TEL: 845-292-5111

FAX: 845-292-1310

February 25, 2026

Stephen Monteverde
Environmental Engineering Technician 3
NYSDEC Division of Water - Region 3
21 South Putt Corners Road
New Paltz, New York 12561

Email: Stephen.Monteverde2@dec.ny.gov

Re: Town of Liberty
Sullivan County, NY
Swan Lake WWTP Compliance Inspection
SPDES No.: NY0030252

Subj.: Interim Progress Report (January 2026) to the December 20, 2024 NYSDEC Notice of Violation

Dear Mr. Monteverde:

This letter provides the Town's Interim Progress Report (January 2026) to the NYSDEC December 20, 2024 Notice of Violation (NOV) letter, as required by the current Schedule of Completion.

Attached is the updated Schedule of Compliance based on technical and virtual meetings with Department and review with the Town. An updated Schedule of Compliance has been provided based and actual milestones completed in 2025 and to reflect current status and anticipated completion dates.

In summary, non-compliance is principally related to the excessive screenings and rags entering the plant and clogging the process equipment, most notably the oxidation ditch jet aerators.

In order to best address the violations in the most technically feasible, cost-effective, and practical way forward the Town proposes the following items.

- Interim Progress Reports
- Improvements to Rags & Screenings Collection/Removal
- Flow Related Activities
- Process Performance Work
- Improve Sludge Wasting

All recommended work has been and would be funded by Town with funds already in place in reserves and operating budgets.

A. Interim Progress Report

The Town continues to provide brief interim progress reports in letter format with associated attachments as needed, every three months/quarterly, beginning on 7/1/25. This will keep the Department up to date on the NOV-related work.

The 6/25/25 NOV follow-up meeting with NYSDEC fulfilled the requirement for the 7/1/25 Interim Progress Report. The next Interim Progress Report was due on 10/1/25 and was emailed/provided on 11/25/25.

We request that the Department accept this submittal as fulfilling the requirement for the January 2026 Interim Progress Report. The next interim progress report will be due April 1, 2026.

The Town is also open to holding conference calls/teams virtual meetings with the Department following submission of the interim reports, if/when desired by the Department.

B. To Address Screenings and Rags

The Town has considered several options to improve collection and removal of rags and screenings and have identified the following three items as the proposed plan forward do address the NOV.

1. Interim Improved Screenings Collection
2. New Mechanical Screen in the Influent Channel
3. Updating the Sewer Use Law

The following provides a description on each of these items.

1. Interim Improved Screenings Collection

The Town modified the existing coarse bar rack, with a temporary rack that reduced the effective spacing from 2-1/4" OC/2" Clear to 1" OC/3/4" Clear to capture more rags/screening and hired additional staff to manually clean the existing course and fine bar racks. The temporary bar was installed and additional staffing for rag removal began on 8/15/25 and continued until 8/31/25, when temporary rack was removed.

However, the full benefit of additional screenings removal was not seen because increased manual rag removal by increased staffing and installation of the temporary fine bar rack didn't occur until mid-August 2025. As such, some rag accumulation had already occurred in the jet aerators.

According to the WWTP Staff, the temporary rack reduced the need to de-rag the recirculation pumps from every day, down to 2-3 times per week.

The Town plans to reinstall the temporary bar rack and hire additional seasonal staff in advance of upcoming peak summer seasons when flow and rags increase until the planned WWTP Upgrade is complete. Proposed SOC compliance dates for 2026 are shown in the attached schedule.

2. New Mechanical Screen in Existing Influent Channel

The best means to consistently improve removal of rags and screenings includes replacing the existing manually-cleaned coarse bar rack (3" spacing) with a new double auger mechanical screen equipped with bar spacing of either 0.71" or 0.34" and a built-in overflow of flows over 1.5 MGD. The screen would be installed in the existing influent channel at the location of the existing coarse bar rack.

Screenings would be conveyed by dual augers upward and receive some dewatering and compression, with discharge into a bagger for ease of disposal.

This alternative provides reliable, continuous operation with minimal operator attention while capturing more screening and rags.

The planned upgrade would eliminate the need/continued use of this temporary system.

In light of the limited results in 2025 and the significant cost associated with the new screen, the Town proposes to delay proceeding with the design for the mechanical screen until after summer 2026 to see the results the other implement short term improvements over the full peak season from June – Labor Day (i.e., temporary screen with more manual rag removal, and temporary dewatering, etc.).

3. Update the Sewer Use Law

The Town intends to include provisions for larger contributors to install and maintain devices (e.g., tanks, bar rack, mechanical screens, etc.) to remove the predominance of rags at the source and prior to discharge to the Town's sanitary system.

It is anticipated that this would be similar to the current section requiring contributors of >3,000 gpd to install and maintain sanitary sewer effluent flow metering devices.

A draft sewer use law for rag control was prepared and provided to the Town 7/10/25. The Town is currently reviewing and refining the law.

A proposed SOC compliance date of 6/1/26 is shown in the attached schedule.

C. Flow Related Work

The Town has completed work related to effluent flow metering and will continue to improve enforcement of flow metering provisions in the existing sewer use law.

1. Review Accuracy of Flow Meters

Work to date was summarized in the 11/25/25 report. No further work is planned.

The Town will continue to use the existing permanent in line magnetic flow meter to record effluent flow for the monthly reports (DMR).

2. Improve Enforcement of Flow Metering of Large Contributors

The Town's current sewer use law includes provisions for users contributing more than 3,000 gpd to install and maintain effluent flow metering.

Compliance with these provisions was revisited in 2025. This included review some and updating of the list of affected contributors, issuance of Notice of Compliance as applicable to existing and new contributors, and continued follow up by Town staff.

The Town continues to work on this item. A SOC proposed compliance date of 8/1/26 is shown in the attached schedule.

D. Improve Process Performance

The Town investigated several options to improve process performance relative to removal of organics (BOD, TP, UOD, Nitrogen) as well as suspended solids and fecal coliform compliance.

It was concluded that all improvements to the oxidation ditch operations would be extremely costly and not suitable for long-term use.

In the summer of 2025, the Town cleaned one oxidation ditch and backflushed the jet aerators per the O&M manual to improve process performance. In addition, all blowers were operated when needed.

Thus, more effective removal of rags should continue to allow for improved process performance. As such, the Town is proposing to focus on improved screenings and rag removal rather than physical changes to the oxidation ditches.

The Town will continue to rotate ditches when available to clean diffusers turn on all oxidation ditch aeration blowers as needed to provide as much air as possible to the existing ditches. SOC compliance dates for 2026 are shown in the attached schedule.

E. Improve Sludge Wasting

In order to be able to waste and dispose of more sludge, the Town conducted temporary dewatering, and if needed, was ready to dispose of liquid sludge.

1. Conduct Temporary Dewatering

In March 2025 the Town solicited bids/proposals to provide a trailer mounted belt press for seasonal and temporary sludge dewatering, and dispose of dewatered sludge, and awarded contracts in April 2025.

The Town worked with the press manufacturer and a chemical supplier to test performance of and provide polymer for dewatering, as well organized and submitted WTC information to NYSDEC for approval.

The Town took over the day-to-day operations of the belt press in early June 2025 and ran the press as needed, a few days per week until the rental was up in mid-September.

The press worked well all summer and the Town never fell behind on sludge removal from the plant that enhanced the performance of the biological processes.

To date, the Town has spent approximately \$100,000 to \$150,000 in press rental fees, chemical, and sludge disposal.

The Town plans to undertake procurement for temporary dewatering (bid package) and supply of dewatering chemicals (quote package) and provide/perform this work again in 2026 so that it can be in place if needed. Proposed SOC compliance dates for 2026 are shown in the attached schedule.

2. Additional Liquid Sludge Disposal

In March 2025 the Town solicited proposals and had a contract PO in place to provide liquid sludge disposal services, if/as needed.

With the temporary dewatering in place, the Town did not need to use this service, and did not have to spend \$30,000-\$50,000 that would have normally been spent to keep up with sludge production.

The Town plans to undertake this procurement and PO process again in 2026 so that it can be in place if needed. Proposed SOC compliance dates for 2026 are shown in the attached schedule.

To date the Town has spent approximately \$200,000 to move forward with the proposed NOV mitigation plan in 2025, and is expected to spend another \$100,000 to \$200,000 on improved temporary rag removal and temporary sludge dewatering every year until the WWTP upgrade is complete.

This reflects a serious effort and financial commitment (of local funds) to address these violations, understanding that all proposed items are temporary and will not be part of the planned \$40M upgrade.

Other Proposed Corrective Actions:

No change from the October 2025 IPR (as submitted 11/25/25).

In addition to the items set forth above:

- When phosphorous is an issue, plant operators propose to continue to consider increasing the pumping rate for sodium aluminate.
- Percent removal exceedances (less than 85% removal) for TSS and BOD during low flow conditions will continue to be challenging with the current aging facilities. However, plant staff will continue to optimize treatment to the maximum extent possible.

The Town is currently in the process of undertaking a major WWTP upgrade project, with the primary goal of replacing and upgrading aging facilities in order to provide continued SPDES permit compliance. The Town has executed a professional services contract with Delaware Engineering, D.P.C. and a Project Financing Agreement (PFA) with NYSEFC (the funding agency for this project; CWSRF Project Number is C3-5370-01-01). The project has been awarded a \$4.5 million (25% of eligible costs) CWSRF WIIA grant and a \$9 million (50% of eligible costs) BIL grant, as well as NYSEFC CWSRF short-term and long-term financing. The Town also submitted additional funding applications in 2025 (including up to \$10M Water Quality Improvement Project, \$2M Climate Smart Communities and \$1M to Northern Border Regional Commission). Funding was not awarded by NYSDEC's, WQIP and Climate Smart programs, nor NRBC in 2025.

The Town plans to reapply in 2026 for NYSDEC's WQIP and CSC programs.

Design of the WWTP upgrade is currently underway. It is anticipated that construction of the project could begin sometime in 2027.

Final design documents will be submitted to NYSEFC and NYSDEC for review, and final design approval will be obtained before construction commences. The Town is open to reviewing partially complete (e.g., 50%) design plans, if desired by the Department, to facilitate more timely approval of final design documents.

In the meantime, the Town remains committed to optimizing plant performance with the existing equipment and processes, as well as proposed short-term work outlined above, until the upgrade is completed. Long-term repairs and corrective actions will be made as a part of the major plant upgrade project described above.

Plant Operator Coverage

As stated in previous IPRs, in regards to plant operators, personnel currently available include:

- One chief operator (Level 2A)
- Two laborers with 2-3 years of experience at the WWTP
- Three laborers hired in 2025
- One working foreman
- One Level 2A operator available on an as needed basis

At present, the chief operator is available on a daily basis to operate the plant with the support of existing staff and the on-call level 2A operator. Weekend coverage is on a rotation basis with the chief operator available by telephone if not on-site.

Additionally, we have since enrolled three of our employees for Class 2A training with the intention to have the appropriate exams passed leading to Class 2A certifications for all three. All three are currently in training with expected completion sometime in June 2026

2025 Peak Season Performance Review

The following review was provided with the October 2025 IRP (submitted 11/25/25).

Based on WWTP records for May through August 2025 indicate that the plant was in compliance except for the following eight (8) violations:

Date	Non-Compliance	Cause	Immediate Corrective Action	Preventative Corrective Action	Limit	Result/Remarks ¹
May (5/4/25)	TSS % Removal	Dilute influent concentration	None	Continue to investigate I/I' WWTP upgrade needed	>85%	78% Daily Precipitation 1.7 in Inf. Flow 0.250 MGD Inf. TSS 40 mg/l Eff. TSS 8.9 mg/l
July (7/11/25)	TSS Conc, 30 Day Avg. TSS Load, 30 Day Avg. Phos., Conc., 30 Day Avg. Ammonia, Daily Max Fecal, 30 Day Avg. Fecal, 7 Day Avg.	High seasonal influent flow	Wasted and dewatered as much as possible to lower MLSS, ran all blowers, increased chemical feed	Same as Immediate; WWTP upgrade needed	30 mg/l 106 lb/day 1.0 mg/l 8.0 mg/l 200 MPN 400 MPN	35.4 mg/l 111 lb/d 1.276 mg/l 18.9 mg/l 1,031 MPN 1,031 MPN Influent Flow 0.389 MGD on 7/11/25 No significant Daily Precipitation Before Temporary Improved Screenings items (e.g., removable bar rack, additional staffing) were in place
August (8/5/25)	Phos., Conc., 30 Day Avg	High seasonal influent flow	Increased chemical feed	Same as Immediate; WWTP upgrade needed	1.0 mg/l	2.8 mg/l Influent Flow 0.468 MGD on 8/5/25 No significant Daily Precipitation

Note:

¹ Plant samples once per month such that monthly average limits for constituents are based on only a single day result.

This is significantly less than the twenty-five (25) SPDES permit effluent limit exceedances noted in the December 2024 NOV.

Based on 2025 Peak Season Performance Review, there were less violations than last year. The Town plans to have the improved temporary rag removal and additional temporary staff in place in advance of upcoming peak summer seasons when flow and rags increase. Continue with the temporary sludge dewatering, Improved Process Performance Measures, and Other Proposed Corrective Actions, while following through with the WWTP upgrade program.

We believe this satisfies the current staffing requirements and remain open to comments by and/or discussion with Department staff.

The Town team is very grateful for the Department's continuing cooperation to work with us to address these NOV items.

If you have any questions, please contact me at (845) 292-5111 or via email at supervisordemayo@townofliberty.org, or the WWTP staff at 845-292-5620.

Respectfully,

TOWN OF LIBERTY, NY



Frank DeMayo
Town Supervisor

Liberty (T) Swan Lake WWTP Interim Progress Report (January 2026) to the December 20, 2024 NYSDEC Notice of Violation 02-25-26.docx
Enclosures

CC: Manju Cherian, P.E., NYSDEC R3 Regional Water Engineer (email w/letter and enclosures)
Alyssa Jaffee, NYSDEC R3 (email w/letter and enclosures)
Damon Knack, Town Water and Sewer Department Foreman (email w/letter and enclosures)
Wayne Banks, Facility Operator (email w/letter and enclosures)
Cheryl Gerow, Town Director of Finance (email w/letter and enclosures)
Kenneth Klein, Esq., Town Attorney (email w/letter and enclosures)
Laurie Dutcher, Town Clerk (email w/letter and enclosures)
Bruce Davidson, Town Council (email w/letter and enclosures)
Dean Farrand, Town Council (email w/letter and enclosures)
Vince McPhillips, Town Council (email w/letter and enclosures)
Sherri Kavleski, Town Council (email w/letter and enclosures)
Dan Fagnani, P.E. Delaware Engineering, D.P.C (email w/letter and enclosures)
Dave Ohman, P.E., Delaware Engineering, D.P.C. (email w/letter and enclosures)

Enclosures to This Response Letter:

- Updated Schedule of Compliance (last revised 02/25/26)

Town of Liberty, NY
Swan Lake WWTP – SPDES No.: NY0030252
January 2026 Interim Progress Report
Updated Schedule of Compliance
(February 25, 2026 Update)

Outfalls	Compliance Action	February 28, 2025 Proposed Compliance Date	Actual	January 2026 IRP Proposed Compliance Date	Remarks/Comments
001	<p>A. INTERIM PROGRESS REPORT (IPR) The permittee shall provide a status update on items listed below every 3 months starting July 1, 2025</p>	4/1, 7/1, 10/1, 1/1	7/1/25; 11/25/25, and this IPR for 1/1/26	4/1, 7/1, 10/1, 1/1	7/1/25 - 6/25/25 Tech. Mtg. 1/1/26 – This IPR Next IPR due by 4/1/26
	<p>B. RAGS AND SCREENINGS</p> <p>1. <i>Interim Improved Screenings Collection</i></p> <p>a. Hire additional staff to perform additional cleaning of coarse and fine bar racks</p> <p>b. Reduce spacing of coarse bar rack from 2-1/4” OC/2” Clear to 1” OC/3/4” Clear – contingent upon being able to hire more staff</p> <p style="margin-left: 20px;">i. Three (3) Quotes</p> <p style="margin-left: 20px;">ii. Modification to Bar Rack</p> <p style="margin-left: 20px;">iii. Eng Letter Report/Design to NYSDEC</p> <p style="margin-left: 20px;">iv. NYSDEC Approval</p> <p style="margin-left: 40px;">v. Reinstall Modified Bar Rack</p> <p>c. Additional Staff onsite & removing rags</p>	6/1/25 contingent upon being able to hire more staff	<p>6/25 - 8/25</p> <p>8/15/25 - 8/31/25</p> <p>7/25 7/25 - 8/15/25</p> <p>Manual Bar Rack detail included with the October 2025 (11/25/25) IPR</p> <p>8/15/25 - 8/31/25</p> <p>8/15/25 - 8/31/25</p>	<p>4/1/26-5/30/26</p> <p>6/1/26 - 9/15/26</p> <p>6/1/26 - 9/15/26</p>	<p>Repeat in 2026 and going forward with additional staffing in place for 6/1/26 through 9/1/26. Continue seasonally until WWTP Upgrade is complete.</p>

Town of Liberty, NY
Swan Lake WWTP – SPDES No.: NY0030252
January 2026 Interim Progress Report
Updated Schedule of Compliance
(February 25, 2026 Update)

Outfalls	Compliance Action	February 28, 2025 Proposed Compliance Date	Actual	January 2026 IRP Proposed Compliance Date	Remarks/Comments
	<p>2. <u>New Mechanical Screen</u> New mechanical screen installed in the influent channel in place of the existing coarse bar rack</p> <ol style="list-style-type: none"> a. Eng Letter Report/Design to NYSDEC b. NYSDEC Approval c. Bidding/Award d. Installation Complete 	5/30/2026	-	None	Continue to delay proceeding with design for mechanical screen until after results of summer 2026. Panned WWTP upgrade will provide new fine screens.
	<p>3. <u>Update Sewer Use Law</u> Add requirements for improved source control of screenings and rags</p>	7/30/2025	Draft to Town on 7/10/25	6/1/26 Update with IPR	Town to follow up with SUL changes
	<p>C. FLOW</p> <p>1. <u>Review Accuracy of Flow Meters</u></p> <ol style="list-style-type: none"> a. Check calibration of new mag meter; provide/install 2nd Doppler meter on Influent PS header; install 1st Doppler meter by new mag meter. Record all meter flow readings – summarize data b. Prepare initial data summary and submit data to the Department in 2025 with the 10/1/25 Interim Report c. Continue to monitor with 2 meters and summarize and submit to the 	<p>7/1/2025</p> <p>7/1/2025</p> <p>10/1/2025 & 1/1/2026</p>	<p>7/1/24 - 10/25</p> <p>Included with the October 2025 (11/25/25) IPR</p>	<p>No future work planned</p> <p style="text-align: center;">-</p>	Plant to continue to utilize existing mag-meter to measure and record WWTP effluent flow

Town of Liberty, NY
Swan Lake WWTP – SPDES No.: NY0030252
January 2026 Interim Progress Report
Updated Schedule of Compliance
(February 25, 2026 Update)

Outfalls	Compliance Action	February 28, 2025 Proposed Compliance Date	Actual	January 2026 IRP Proposed Compliance Date	Remarks/Comments
	Department in 2025 with 1/1/2026 and 4/1/2026 Interim Reports	with interim progress reports			
	2. <u>Improve Enforcement of Flow Metering of Large Contributors</u> a. Notice of Compliance/Needs to all current applicable users b. Update of Compliance	5/30/2025 update with interim progress reports	-	8/1/26 Update with interim progress reports	Some enforcement actions under way, Town to follow up
	D. PROCESS PERFORMANCE				
	1. <u>Provide More Aeration</u> Run up to 3 existing blowers as needed	In place at WWTP; ran as needed	In place at WWTP; ran as needed	6/15/26 - 9/15/26 if/as needed	
	E. SLUDGE HANDLING/WASTING				
	1. <u>Conduct Temporary Dewatering</u> Retain service/equipment to conduct temporary sludge dewatering for June through August. Plant staff to operate.	6/2025 - 8/2025 if/as needed	4/25-9/25	4/26-9/26	Repeat procurement and POs in 2026 for temporary dewatering and polymer supply and going forward with staffing in place by 6/1/26 – 9/15/26 until WWTP Upgrade is complete
	a. Design and WTC info to NYSDEC b. NYSDEC Design and WTC review/approval	6/15/2025 - 9/15/2025 as needed	4/25 – 9/25	4/26 - 9/15/26 as needed	
	c. Bid/Quote Process/Award	6/2025 - 8/2025 if/as needed	4/25	3/26 – 5/26	Dewatering and polymer supply
	d. Mob/Set Up/Start up		6/15/25	6/01/26	
	e. Onsite Operation		6/15/25 - 9/15/25	6/1/26 -9/15/26 as needed	
	f. Review process performance/need for this going forward in 2026	6/15/2025 - 9/15/2025 if/as needed	With 11/25/25 IPR	With 1/1/27 IRP	

Town of Liberty, NY
Swan Lake WWTP – SPDES No.: NY0030252
January 2026 Interim Progress Report
Updated Schedule of Compliance
(February 25, 2026 Update)

Outfalls	Compliance Action	February 28, 2025 Proposed Compliance Date	Actual	January 2026 IRP Proposed Compliance Date	Remarks/Comments
	<p>2. <u>Additional Liquid Sludge Disposal</u> Retain service to remove more liquid sludge (may need to do if WTCs is an issue for temporary dewatering)</p> <p>a. Quote Process/Award</p> <p>b. Perform work</p>	<p>4/1/2025 - 5/21/2025</p> <p>6/15/2025 - 9/15/2025</p>	<p>4/25-5/25</p> <p>Not needed</p>	<p>6/15/26 - 9/15/26 if/as needed</p> <p>3/26-5/26</p> <p>6/26-9/26 if needed</p>	<p>Repeat procurement and PO in 2026 and be available if needed</p>



**Town of Liberty
Swan Lake WWTP
NYSDEC Notice of Violation (NOV)
Engineering Services Menu and Matrix**

Services that can be provided to the Town for 2026 services associated with NOV compliance by Delaware Engineering, D.P.C., are as follows:

Please check the boxes of desired services on the attached table so that a contract can be prepared for Town Supervisor execution.

A.1. Interim Reports to NYSDEC

- Four required per year per current Schedule of Compliance (SOC)
- Draft Report letter and update SOC table
- Submit to Town for review
- Finalize to address Town comments
- Scan and email to NYSDEC and CC's in letter

Budget cost per report = \$2,500 / report

B.1. Interim Improved Screenings Collection

- Hire seasonal staff – to be done by the Town
- Temporary Bar Rack work – completed 2025
- No work proposed

B.2. New Mechanical Screen in Existing Influent Channel

- No services proposed as long as NYSDEC continues to agree to delay design/installation of a temporary mechanical screen

B.3. Updated Sewer Use Law for Rag Control

- We provided a draft of the proposed law in July 2025. Town to follow through with SUL so no services proposed unless requested by the Town.

C.1. Review Accuracy of Flow Meters

- Work completed in 2025. No services proposed unless NYSDEC requires work and Town requests assistance.

C.2. Improve Enforcement of Flow Metering of Large Contributors

- We have not assisted with any work in this regard to date and can do so if requested by the Town. No services proposed

E.1. Conduct Temporary Dewatering

- SOC indicates the Town will continue to do temporary dewatering in 2026 with operations

DELAWARE ENGINEERING, D.P.C.

in June through September 1, 2026. This includes bidding for the temporary dewatering as well as assistance to assist with connection of the items

It also includes quoting and obtaining water treatment chemical information for dewatering chemicals and providing to NYSDEC, as well as discussions/provide check ins with plant staff.

This process was very helpful in 2026.

Services proposed are essentially the same as done in 2025 including:

- Temporary Dewatering
- Belt Press
 - Bid package preparation, bid award recommendations
 - Assist with belt press set up with one site visit
 - Communications with staff and vendor during the work
 - Assist the Town to process a payment request
- Chemical Supply
 - Prepare quote packages and send out
 - Obtain quotes and send recommendation to the Town
 - Obtain WTC information from the vendor, assist Town to fill out the WTC for, and send to NYSDEC

Proposed services and fees are shown on the attached table for Town consideration.

E.2. **Additional Sludge Wasting – Additional Liquid Sludge Disposal**

SOC indicates the Town will bid out, issue a PO and have services available to get rid of more liquid sludge.

Proposed work and services to be provided follows the same plan as 2025.

- Bid package preparation and bid award recommendations to the Town for selection and issuance of a PO.

As no actual work was conducted, there were no payment requests. It is anticipated that if this contract work does happen, the Town will process payments and associated paperwork.

We propose \$5,000 for this task which is in line with 2025 work.

F. **NYSDEC Meetings**

It is anticipated that one or more virtual (e.g., Microsoft Teams, Zoom, etc.) meetings will be held with NYSDEC.

Our services will include preparation and participation in the meetings with a budget of \$1,500/meeting.

DELAWARE ENGINEERING, D.P.C.

Summary Matrix

A summary of proposed service for Town selection is attached.

Please check boxes for desired services. A contract will then be prepared and forwarded to the Town Supervisor for execution.

Services related to NOV compliance will be limited to those set forth above. Additional services, if requested by the Town, can be provided by use of a contract amendment.

Please contact me as needed at dohman@delawareengineering.com or 607-432-8073.

Respectfully,

DELAWARE ENGINEERING, D.P.C.



Dave Ohman, P.E.
Principal

CC: Dan Fagnani, P.E., Delaware Engineering, D.P.C. with enclosures
Cheryl DeCarr, Delaware Engineering, D.P.C. with enclosures

Attachment:

Swan Lake WWTP NYSDEC NOV Compliance Services Matrix (02-25-26)

Town of Liberty

Swan Lake WWTP NYSDEC NOV Compliance Service Matrix

February 25, 2026

SERVICES SELECTED (TOWN TO CHECK BOXES)

Item	Proposed Fee	Yes	No
A.1. Interim Reports 4/year; \$2,500/report	\$10,000	<input type="checkbox"/>	<input type="checkbox"/>
B.1. Interim Improved Screenings Collection	\$0	-	-
B.2. New Mechanical Screens	\$0	-	-
B.3. Update Sewer Use Law for Rags	\$0	-	-
C.1. Review Flow Meter Accuracy	\$0	-	-
C.2. Improve Large User Flow meter Enforcement	\$0	-	-
E.1.Improve Sludge Wasting Temporary Dewatering	-		
• Belt press bid/award	\$5,000	<input type="checkbox"/>	<input type="checkbox"/>
• Belt press set up/one site visit	\$1,500	<input type="checkbox"/>	<input type="checkbox"/>
• Belt press coordination with staff and vendor during the work	\$2,000	<input type="checkbox"/>	<input type="checkbox"/>
• Belt Press Payment request assistance	\$1,500	<input type="checkbox"/>	<input type="checkbox"/>
• Chemical supply quote	\$2,500	<input type="checkbox"/>	<input type="checkbox"/>
• Chemical supply WTC info, fill out form and send to NYSDEC	\$1,500	<input type="checkbox"/>	<input type="checkbox"/>
E.2.Improve Sludge Wasting – Sludge Disposal (Liquid, Dry, and Dumpster)	-	-	-
• Bid/award	\$5,000	<input type="checkbox"/>	<input type="checkbox"/>
F. NYSDEC Meetings virtual (# of mtgs ?)	\$1,500/mtg	<input type="checkbox"/>	<input type="checkbox"/>
Total Fee =			
	(Town to Fill In)		

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

PRESENT: Supervisor Frank DeMayo, Councilmember Dean Farrand, Councilmember Sherri Kavleski, Town Clerk Laurie Dutcher, Finance Director Cheryl Gerow, Confidential Secretary Nick Rusin.

ABSENT: Councilmember Vincent McPhillips, Councilmember Bruce Davidson, Attorney Kenneth Klein.

CALL TO ORDER

The meeting was called to order by Supervisor DeMayo at 6:30 p.m., followed by the Pledge of Allegiance.

NEW BUSINESS

47-26 APPROVAL OF CORRESPONDENCE

Motion to accept the incoming and outgoing correspondence.

Motion by: Councilmember Dean Farrand
Second by: Councilmember Sherri Kavleski
3 Ayes CARRIED

48-26 APPROVAL OF AUDIT

Motion to approve the following audits:

- February 2026 Abstract Claims #159–205 totaling \$789,157.91
- January 2026 Post Audit Claims #111–1008 totaling \$166,080.28
- January 2026 General Ledger Abstract Claims #1–34 totaling \$1,736,113.30

Motion by: Councilmember Dean Farrand
Second by: Councilmember Sherri Kavleski
3 Ayes CARRIED

49-26 APPROVAL OF MONTHLY REPORTS

Motion approving the following reports:

- Town Clerk's Report (1/26)

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

- Tax Collector's Report (1/26)
- Revenue & Expense Summary (1/26)
- Supervisor's Report (1/26)

Motion by: Supervisor Frank DeMayo

Second by: Councilmember Sherri Kavleski

3 Ayes CARRIED

50-26 APPROVAL OF MINUTES

Motion accepting the minutes as submitted by the Town Clerk.

- Regular Monthly Meeting (1/21/26)
- Work Session Meeting (2/2/26)
- Regular Monthly Meeting (2/2/26)

Motion by: Councilmember Dean Farrand

Second by: Councilmember Sherri Kavleski

3 Ayes CARRIED

51-26 APPROVAL OF ROAD NAMES – DEVANY ESTATES LLC

Motion approving the following road names for 911 addressing for Devany Estates LLC (SBL #25.6-25.12 and 25.8).

- Devany Estates Drive
- Blue Leaf

Motion by: Councilmember Dean Farrand

Second by: Councilmember Sherri Kavleski

3 Ayes CARRIED

52-26 APPROVAL OF 2026 BUDGET TRANSFERS

Motion approving the 2026 budget transfers as submitted by the Finance Director to coincide with OpenGov implementation.

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

2026 Budget Transfers to Coincide with OpenGov

Account		To (+)	From (-)
A 1110.42	Court--Subscriptions		\$ 440.00
A 1110.422	Court--Subscriptions	\$ 440.00	
A 1110.48	Court--Office Supplies		\$ 250.00
A 1110.49	Court--Translation Services	\$ 250.00	
A 1220.422	Supervisor--Subscriptions	\$ 40.00	
A 1220.441	Supervisor--Gas	\$ 100.00	
A 1220.48	Supervisor--Supplies		\$ 140.00
A 1310.42	Finance--Subscriptions		\$ 40.00
A 1310.422	Finance--Subscriptions	\$ 40.00	
A 1330.428	Tax Collection--Service Contracts	\$ 3,000.00	
A 1330.481	Tax Collection--Postage		\$ 3,000.00
A 1355.411	Assessor--Telephone		\$ 383.00
A 1355.414	Assessor--Cell Phone	\$ 383.00	
A 1355.42	Assessor--Subscriptions		\$ 3,115.00
A 1355.422	Assessor--Subscriptions	\$ 2,940.00	
A 1355.421	Assessor--Dues	\$ 175.00	
A 1410.42	Town Clerk--Subscriptions		\$ 615.00
A 1410.421	Town Clerk--Membership Dues	\$ 340.00	
A 1410.422	Town Clerk--Subscriptions	\$ 275.00	
A 1620.472	Town Hall--Garbage Removal	\$ 3,800.00	
A 1620.475	Town Hall--Janitorial		\$ 3,800.00
A 1620.48	Town Hall--Supplies	\$ 10,000.00	
A 1620.427	Town Hall--Copier	\$ 9,760.00	
A 1620.478	Town Hall--Major Repairs		\$ 19,760.00
A 1670.4	Central Printing--Contractual		\$ 7,000.00
A 1670.41	Central Printing--Legal Notices	\$ 7,000.00	
A 1950.4	School/Property Tax Contractual		\$ 6,000.00
A 1950.41	T/Bethel Taxes	\$ 1,650.00	
A 1950.42	Liberty CSD	\$ 2,500.00	
A 1950.43	Tri Valley School	\$ 550.00	
A 1950.44	T/Fallsburg	\$ 500.00	
A 1950.45	T/Liberty	\$ 800.00	
A 5010.48	Supt Hwy--Supplies		\$ 2,200.00
A 5010.424	Supt Hwy--Conferences	\$ 1,100.00	
A 5010.426	Supt Hwy--Continueing Education	\$ 1,100.00	
A 5132.45	Town Barn--Taxes	\$ 2,900.00	
A 5132.418	Town Barn--Contractual		\$ 2,900.00
A 5132.46	Town Barn--Contractual		\$ 2,700.00
A 5132.48	Town Barn--Supplies	\$ 2,700.00	
A 5182.412	Steet Ligths--Electric		\$ 5,000.00
A 5182.478	Street Lights--Major Repairs	\$ 5,000.00	
A 7020.421	Parks Rec Admin--Dues	\$ 150.00	
A 7020.471	Parks Rec Admin--Vehicle Maint	\$ 300.00	
A 7020.49	Parks Rec Admin--Contractual		\$ 450.00
A 7110.471	Parks--Vehicle Maintenance		\$ 1,500.00
A 7110.472	Parks--Garbage Removal	\$ 1,500.00	
Total:		\$ 59,293.00	\$ 59,293.00

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

Account			
B 3620.418	Buidling Dept--Postage	\$ 15,000.00	
B 3620.452	Buidling Dept--Open Gov	\$ 5,753.00	
B 3620.48	Building Dept--Supplies		\$ 15,000.00
B 3620.493	Building Dept--Add Services		\$ 5,753.00
TOTAL:		\$ 20,753.00	\$ 20,753.00

Account			
DA 5130.482	Machinery--Towing		\$ 600.00
DA 5130.489	Machinery--Shoe Allowance	\$ 600.00	
DA 5142.44	Snow Removal--Fuel Expense		\$ 13,500.00
DA 5142.441	Snow Removal--Gas	\$ 13,500.00	
DA 5142.48	Snow Removal--Supplies		\$ 2,100.00
DA 5142.489	Snow Removal--Shoe Allowance	\$ 2,100.00	
DB 5110.48	Improvements--Supplies		\$ 2,100.00
DB 5110.489	Improvements--Shoe Allowance	\$ 2,100.00	
TOTAL:		\$ 18,300.00	\$ 18,300.00

Account		To (+)	From (-)
MO 8110.48	Water and Sewer--Supplies		\$ 2,400.00
MO 8110.489	Water and Sewer--Shoe Allowance	\$ 2,400.00	
MO 8110.4	Water and Sewer--Contractual		\$ 5,753.00
MO 8110.452	Water and Sewer--OpenGOv	\$ 5,753.00	
W3 8311.412	Sherwood Well--Electric	\$ 50,000.00	
W3 8311.464	Shwewood Well--Caustic Soda		\$ 91,000.00
W3 8311.47	Sherwood Well--Repairs	\$ 10,000.00	
WI 8311.476	Sherwood Well--Tank Cleaning	\$ 15,000.00	
W3 8311.478	Sherwood Well--Major Repairs	\$ 16,000.00	
W5 8310.41	Indian Lake--Utilities		\$ 3,300.00
W5 8310.419	Indian Lake--District to District	\$ 3,300.00	
W6 8310.478	Cold Spring Water--Major Repairs		\$ 3,000.00
W6 8310.482	Cold Spring Water--Meters/Parts	\$ 3,000.00	
TOTAL:		\$ 105,453.00	\$ 105,453.00

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

Motion by: Supervisor Frank DeMayo

Second by: Councilmember Sherri Kavleski

3 Ayes CARRIED

53-26 SALARY INCREASE – ACTING ASSESSOR

Motion approving a salary increase for the Acting Assessor in the amount of \$583.33 per year, retroactive to February 6, 2026, per her offer agreement upon successful completion of certification coursework.

Motion by: Councilmember Dean Farrand

Second by: Councilmember Sherri Kavleski

3 Ayes CARRIED

54-26 INTERDEPARTMENTAL NOTIFICATION PROCEDURE

WHEREAS, the Town of Liberty Assessor is charged under New York State Real Property Tax Law with maintaining equitable, uniform, and current assessments; and

WHEREAS, accurate assessments require timely knowledge of events and conditions that may materially affect the value, condition, or use of real property; and

WHEREAS, improved interdepartmental communication will enhance efficiency, transparency, and public confidence.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Liberty hereby adopts the policy entitled "Interdepartmental Notification of Property-Related Events Affecting Assessment"; and

BE IT FURTHER RESOLVED, that all Town departments shall provide written courtesy notification to the Assessor's Office whenever they become aware of events or determinations that may reasonably impact assessed value; and

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption.

Motion by: Councilmember Dean Farrand

Second by: Councilmember Sherri Kavleski

5 Ayes CARRIED

55-26 CAPITAL RESERVE – LOOMIS WWTP CLARIFIER REPAIR

At a regular meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the Town of Liberty Senior Citizens' Center, 119 North Main Street, Liberty, New York, in said Town, on the 18th day of February 2026 at 6:30 p.m. prevailing time.

The meeting was called to order by Supervisor DeMayo and upon roll being called, the following were:

PRESENT: Supervisor Frank DeMayo

Councilmember Dean Farrand

Councilmember Sherri Kavleski

ABSENT: Councilmember Vincent McPhillips

Councilmember Bruce Davidson

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

The following resolution was introduced by Supervisor Frank DeMayo who moved its adoption, and seconded by Councilmember Dean Farrand, to wit:

A RESOLUTION AUTHORIZING THE REPAIR OF A CLARIFIER FOR THE LOOMIS SEWER DISTRICT, AT A MAXIMUM ESTIMATED COST OF \$56,610.00, AND PAYMENT THEREFOR BY THE EXPENDITURE OF THE SUM OF \$56,610.00 FROM THE LOOMIS SEWER DISTRICT CAPITAL RESERVE FUND.

BE IT RESOLVED, by the Town Board of the Town of Liberty, Sullivan County, New York, as follows:

Section 1. The repair of a clarifier for the Loomis Sewer District at a maximum estimated cost of \$56,610.00, and the expenditure of the sum of \$56,610.00 from the Loomis Sewer District Capital Reserve Fund to pay such maximum estimated cost is hereby authorized and approved.

Section 2. The action authorized has been determined to constitute a Type II Action as defined in 6 NYCRR §617.5(c)(1) of the regulations promulgated pursuant to the State Environmental Quality Review Act, for which environmental review is not required.

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

Section 3. The plan for financing of such maximum estimated cost of \$56,610.00 is by the appropriation and expenditure of the sum of \$56,610.00 from the Loomis Sewer District Capital Reserve Fund.

Section 4. Within ten (10) days after the adoption of this resolution, the Town Clerk shall post on the Town sign board and publish in the Sullivan County Democrat, the official newspaper of the Town, a notice in conformance with the requirements of Section 90 of the Town Law of the State of New York.

Section 5. This resolution is adopted subject to permissive referendum.

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

Supervisor Frank DeMayo voting	AYE
Councilperson Dean Farrand voting	AYE
Councilperson Vincent McPhillips voting	ABSENT
Councilperson Bruce Davidson voting	ABSENT
Councilperson Sherri Kavleski voting	AYE

The resolution was thereupon declared duly adopted.

56-26 AWARD OF CONTRACT – LOOMIS WWTP

Motion awarding Contract TL1-G-26 to Paul Brook Contracting for \$56,610, contingent upon completion of the required public notice period.

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

Motion by: Councilmember Dean Farrand
Second by: Councilmember Sherri Kavleski
3 Ayes CARRIED

57-26 AUTHORIZATION – LOOMIS WWTP DOCUMENT EXECUTION

Motion authorizing the Supervisor to execute all necessary documents for the Loomis WWTP Clarifier Repair Project (Notice of Award, Agreement, Notice to Proceed, pay request, etc.).

Motion by: Councilmember Dean Farrand
Second by: Councilmember Sherri Kavleski
3 Ayes CARRIED

58-26 BUILDING DEPARTMENT FEE AMENDMENT

Motion approving Building Department fee adjustments, limited to actual costs incurred by the Town.

Motion by: Councilmember Dean Farrand
Second by: Councilmember Sherri Kavleski
3 Ayes CARRIED

59-26 FIREWORKS AGREEMENT – LEGION FIREWORKS

Motion authorizing the Supervisor to execute the agreement with Legion Fireworks for the July 4th fireworks display.

Motion by: Councilmember Dean Farrand
Second by: Councilmember Sherri Kavleski
3 Ayes CARRIED

60-26 FORMALIZATION – DUMP TRUCK BID DATE

Motion formalizing prior approval, setting February 17, 2026, as the bid date for the 2009 Mack GU813 Dump Truck, and authorizing advertisement.

Motion by: Councilmember Dean Farrand

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

Second by: Councilmember Sherri Kavleski

3 Ayes CARRIED

61-26 AWARD OF BID – 2009 MACK GU813

Motion awarding the bid for the 2009 Mack GU813 Dump Truck to the lowest bidder, Seal Rite Sealcoating & Asphalt Repair LLC, 1557 St. Vincent St., Utica, NY, in the amount of \$31,000.

Motion by: Councilmember Dean Farrand

Second by: Supervisor Frank DeMayo

3 Ayes CARRIED

62-26 BUDGET TRANSFER – HIGHWAY EQUIPMENT

Motion approving a budget transfer from DA9950.9 to DA5130.22 and authorizing payment to Seal Rite Sealcoating & Asphalt Repair, LLC in the amount of \$31,000.

Motion by: Councilmember Dean Farrand

Second by: Councilmember Sherri Kavleski

3 Ayes CARRIED

63-26 BOARD MEMBER ESSENTIAL ONBOARDING MATERIALS

Motion approving Board Member onboarding materials:

- Bylaws
- Ethics code of standards of conduct.
- Strategic plan and current budget.
- Board roster with contact information.
- Recent financial reports and audits.
- Conflict of interest and confidentiality policies.
- Meeting schedule and committee descriptions.

Motion by: Councilmember Dean Farrand

Second by: Councilmember Sherri Kavleski

3 Ayes CARRIED

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

64-26 INTRODUCTION OF LOCAL LAW – ARTICLE V AMENDMENT

At a regular meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the Town of Liberty Senior Center, 119 North Main Street, Liberty, New York, in said Town, on the 18th day of February, 2026, at 6:30 p.m., prevailing time.

The meeting was called to order by Supervisor DeMayo and upon roll being called, the following were:

PRESENT: Supervisor Frank DeMayo

Councilmember Dean Farrand

Councilmember Sherri Kavleski

ABSENT: Councilmember Vincent McPhillips

Councilmember Bruce Davidson

The following resolution was introduced by Supervisor Frank DeMayo, who moved its adoption, and seconded by Councilmember Dean Farrand to wit:

BE IT RESOLVED, that introductory Local Law No. 1 of the Year 2026 entitled “A local law amending Chapter 121 of the Code of the Town of Liberty, Sullivan County, New York, entitled ‘Sewers and Sewage’” is hereby introduced before the Town Board of the Town of Liberty, County of Sullivan, State of New York; and

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

BE IT FURTHER RESOLVED, that copies of the aforesaid local law be laid upon the desk of each member of the Town Board; and

BE IT FURTHER RESOLVED, that the Town Board hereby determines the aforesaid local law to be a Type II Action pursuant to §617.5(c)(26) and (33) of the regulations promulgated under the State Environmental Quality Review Act for which no environmental review is required; and

BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on the aforesaid local law at the Town of Liberty Senior Center, 119 North Main Street, Liberty, New York, at 6:30 p.m., prevailing time, on March 16, 2026; and

BE IT FURTHER RESOLVED, that the Town Clerk publish or cause to be published a public notice in the Sullivan County Democrat, of such public hearing at least five (5) days prior thereto.

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

Supervisor Frank DeMayo voting	AYE
Councilmember Dean Farrand voting	AYE
Councilmember Vincent McPhillips voting	ABSENT
Councilmember Bruce Davidson voting	ABSENT

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

Councilmember Sherri Kavleski voting AYE

The resolution was thereupon declared duly adopted.

65-26 SETTLEMENT STIPULATION – 100 SULLIVAN LLC

The following motion was offered by Councilmember Dean Farrand, who moved its adoption, and seconded by Councilmember Sherri Kavleski, to wit:

WHEREAS, 100 Sullivan Ave LLC (“Petitioner”) has served and filed notices of protest and notices of petition and petitions for review and reduction of real property assessments for the years 2022, 2023, 2024, and 2025 with respect to a parcel owned by it located in the Town of Liberty; and

WHEREAS, the Town of Liberty has appeared in the aforesaid proceedings by Kenneth C. Klein, Esq., attorney for the Town, and Petitioner has appeared in the aforesaid proceedings by Law Office of Rogendy Toussaint, Esq., PLLC; and

WHEREAS, following negotiations among the parties and their counsel, a settlement of all matters in dispute has been reached; and

WHEREAS, it appears that the proposed settlement of all matters in dispute will result in a fair and equitable resolution of Petitioner’s complaint with respect to the subject assessments;

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

NOW, THEREFORE, be it resolved, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, directed and allowed to enter into a stipulation and order of settlement with the attorney of record for the Petitioner, which stipulation and order of settlement has been provided to the Town Board for complete reading and filing this date; and be it further

RESOLVED, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered, and directed to execute the proposed stipulation and order of settlement, and thereby bind the Town of Liberty thereto; and be it further

RESOLVED, that Kenneth C. Klein, Esq., attorney for the Town, be, and he hereby is authorized, empowered, and directed to do all other things, and to execute any and all other documents, which are reasonably necessary and incidental to the effectuation and finalization of the aforesaid stipulation and order of settlement.

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

Supervisor Frank DeMayo voting	AYE
Councilmember Dean Farrand voting	AYE

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

Councilmember Vincent McPhillips voting ABSENT

Councilmember Bruce Davidson voting ABSENT

Councilmember Sherri Kavleski voting AYE

The resolution was thereupon declared duly adopted.

66-26 PROTECTIVE FOOTWEAR POLICY

Motion approving the Protective Footwear Policy providing up to \$300 annually for qualifying employees for OSHA-compliant footwear.

PROTECTIVE FOOTWEAR POLICY

The purpose of this Policy is to ensure the safety of our employees by providing a program for employees to obtain required protective footwear that meets or exceeds current New York State or OSHA safety standards.

This policy applies to all employees working for the Town of Liberty in positions who are required to wear safety shoes in the performance of their jobs.

The Town of Liberty will supply an allowance to each employee for up to \$300 each year for the purchase of New York State or OSHA approved safety boots with the classification of ASTM-2413-18 or ASTM-2413-24. The allowance is provided with the understanding that if the employee resigns before completion of their introductory probation period or within six months of regular employment, whether voluntarily or involuntarily, the amount reimbursed for the boots by the Town of Liberty will be charged to the employee and will be withheld from the Employee's next paycheck following the date of resignation or termination.

Motion by: Councilmember Dean Farrand

Second by: Supervisor Frank DeMayo

3 Ayes CARRIED

67-26 OPENGOV PUBLIC ACCESS RELEASE

TOWN OF LIBERTY – TOWN BOARD MEETING MINUTES

Date: February 18, 2026

Time: 6:30 p.m.

Location: Senior Citizens' Center, 119 North Main Street, Liberty, NY 12754

Motion authorizing phased public release of approved financial information through OpenGov.

Motion by: Supervisor Frank DeMayo

Second by: Councilmember Sherri Kavleski

3 Ayes CARRIED

PUBLIC PARTICIPATION

A representative of the Liberty Jewish Community thanked the Liberty Fire Department and surrounding departments for their response to a recent residential fire and formally recognized Highway Department employee Steven Schroeder for his heroic actions assisting a mother and two children during the emergency. Board members expressed appreciation for his bravery and dedication.

68-26 ADJOURNMENT

There being no further business, a motion was made to adjourn at 6:53 p.m.

Motion by: Supervisor Frank DeMayo

Second by: Councilmember Dean Farrand

3 Ayes CARRIED

Respectfully Submitted,

Laurie Dutcher

Town Clerk – Town of Liberty

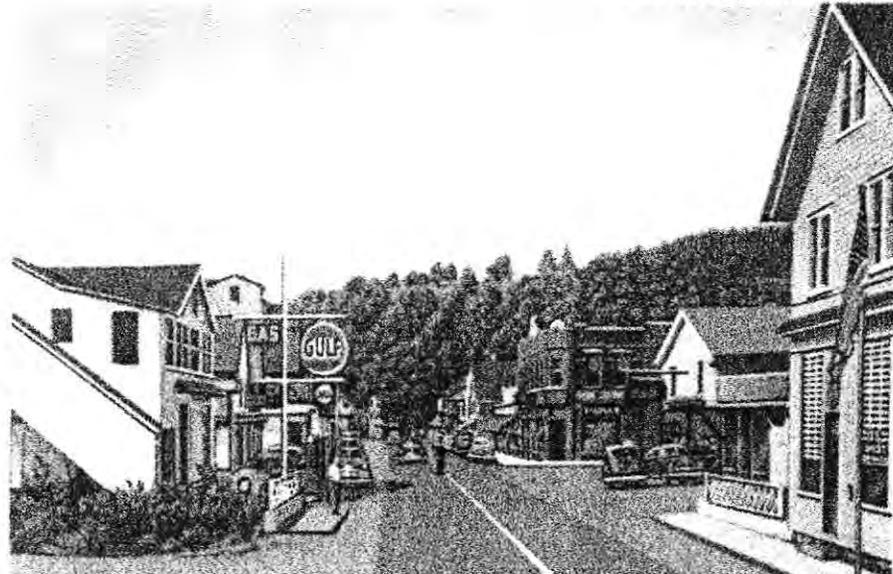
Name	City	State	Postal Code	Country	Signed On
Kim Rayevsky	Parksville	NY	12768	United State:	9/19/25
Margaret Jacobsen	Parksville	NY	12768	United State:	9/22/25
Hope Blecher	Parksville	NY	12768	United State:	9/22/25
james karpowicz	Liberty	NY	12754	United State:	9/23/25
Randy Makiej	Philadelphia	PA	19128	United State:	9/23/25
Phelice Margolis	Loch Sheldra	NY	12759	United State:	9/23/25
G. Tyler Barnet	Parksville	NY	12768	United State:	9/23/25
Britta Wheeler	PARKSVILLE	NY	12768	United State:	9/23/25
Judy Sisselman	Parksville	NY	12768	United State:	9/23/25
Scott Kochlefl	Parksville	NY	12768	United State:	9/23/25
Sarah Melissa Arbaugh	Parksville	NY	12768	United State:	9/23/25
Deborah Bernstein	Parksville	NY	12768	United State:	9/23/25
Frank DeMayo DeMayo	Liberty	NY	12754	United State:	9/23/25
Les Stone	Claryville	NY	12725	United State:	9/23/25
Art Steinhauer	Hudson	NY	12534	United State:	9/23/25
Gabriella Rose	Middletown	NY	10940	United State:	9/23/25
Darlene Fedun	Parksville	NY	12768	United State:	9/23/25
Emily Link	South River	NJ	8882	United State:	9/23/25
Eileen Aiossa	Monroe Tower	NJ	8831	United State:	9/23/25
Patrick Dopke	Parksville	NY	12768	United State:	9/23/25
William LaRuffa	Barryville	NY	12719	United State:	9/23/25
Lori Solomon Longobardi	Parksville	NY	12768	United State:	9/23/25
Hal Moskowitz-Murphy	Parksville	AK	12768	United State:	9/23/25
Harriet Dorfman	Parksville	NY	12768	United State:	9/23/25
Jane Cerone	Parksville	NY	12768	United State:	9/24/25
Craig Cerone	Parksville	NY	12768	United State:	9/24/25
Nancy Salvemini	Parksville	NY	12768	United State:	9/24/25
Andy Carlson	Liberty	NY	12754	United State:	9/24/25
Brad Mann	Parksville	NY	12768	United State:	9/24/25
Bjorn Odegard	Parksville	NY	12768	United State:	9/24/25
Nathan Strauss	New York	NY	10019	United State:	9/24/25
Adrian Perlmutter	Liberty	NY	12754	United State:	9/24/25
Jane Odegard	Parksville	NY	12768	United State:	9/24/25
Jessica Perez-Ryan	New York	NY	10009	United State:	9/25/25
Rob Rayevsky	Parksville	NY	12768	United State:	9/25/25
Sabrina Artel	Liberty	NY	12754	United State:	9/25/25
Claire rayevsky	Los Angeles	CA	91601	United State:	9/26/25
Sara Hirschler	Parksville	NY	12768	United State:	9/26/25
Jamie Helper	Livingston M:	NY	12758	United State:	9/26/25
Elizabeth Ennis	Roscoe	NY	12776	United State:	9/26/25
Katharine Page	Parksville	NY	12768	United State:	9/26/25
Anthony Contino	Milford	PA	18337	United State:	9/26/25

Amy Amaral	Palm Bay FL	32909	United State:	9/27/25
Chatral A'dze	Livingston Ma NY	12758	United State:	9/27/25
Daria Ziborova	Hurleyville NY	12747	United State:	9/27/25
MIRIAM RAYEVSKY	Parksville NY	12768	United State:	9/29/25
Alex May	Chicago IL	60647	United State:	9/29/25
Sara Becker	Chicago IL	60647	United State:	9/29/25
Miranda Wagner	North Brant NY	12766	United State:	9/29/25
Eric Knapp	Parksville NY	12768	United State:	9/29/25
Alana Zinninger	Livingstn Mnr FL	12758	United State:	9/29/25
Patrick O'Connor	Parksville NY	12768	United State:	9/29/25
Matt Toback	Parksville NY	12768	United State:	9/30/25
Melissa Riling	Kerhonkson NY	12446	United State:	9/30/25
Ryan Watson	Jeffersonville NY	12749	United State:	9/30/25
Ryan Watson	Jeffersonville NY	12748	United State:	9/30/25
DEVIN DOYLE	Roscoe NY	12776	United State:	9/30/25
Brian O'Gallagher	Livingston Ma NY	12758	United State:	10/1/25
Bari Lewart	Parksville NY	12768	United State:	10/1/25
Gloria Hartley	Southern Pin NC	28387	United State:	10/2/25
Barbara Battipaglia	Monroe Town NJ	8831	United State:	10/2/25
Joanne Meagher	Miami FL	33134	United State:	10/2/25
Sara McDowell	Parksville NY	12768	United State:	10/2/25
Deborah Spencer	Billerica MA	1821	United State:	10/3/25
Samuel D	Hawley PA	18428	United State:	10/9/25
Dian Bowers	Hurleyville NY	12747	United State:	10/9/25
Ramona Clifton	Brooklyn NY	11201	United State:	10/11/25
Thomas Schwarting	Phillipsport NY	12769	United State:	10/14/25
Juan Carmenate	Hialeah FL	33012	United State:	10/17/25
Meg Newman	Livingston Ma NY	12758	United State:	10/19/25
Richard Geis	Honesdale PA	18428	United State:	10/23/25
Lucy Morris	Bayport NY	11705	United State:	11/2/25
Andrew Tully	Oneonta NY	13820	United State:	11/4/25
Stephen Morse	Monticello NY	12701	United State:	11/6/25
Joey Tackett	Greenup KY	41144	United State:	11/9/25
Erika Ordonez	Brooklyn NY	11237	United State:	11/15/25
Annalee Keef	Yukon OK	73099	United State:	11/16/25
andrea chrisjohn	kingston NY	12401	United State:	11/16/25

Make Main Street Parksville NY a One Way Street

please print
name under

Main Street, Parksville, N. Y.



The Issue

As residents and supporters of local businesses, we, the Board members of the Parksville Priorities Committee, propose making Main Street in Parksville a one-way street.

This change could maximize parking options and improve the overall traffic flow, crucial for the economic growth of our hamlet. By implementing a one-way system, we can create additional parking spaces on one side of the street, attracting more customers to our businesses. Moreover, transforming Main Street into a one-way street will also enhance pedestrian safety.

A study by the Institute of Transportation Engineers found that one-way streets can increase vehicle flow by up to 20% and enhance safety due to predictable traffic patterns.

To assist in the growth our local economy, while ensuring the safety and convenience of residents and visitors, we urge the local government and the Department of Transportation to consider our request. As a caring and proactive community, let's unite to make our street safer and more business-friendly. Please sign this petition to support the transition of Main Street Parksville to a one-way street. We appreciate your support of Parksville.

SIGNATURES:

- ~~Justin Edward~~ Justin Edward
- ~~Rob Raynes~~ Rob Raynes
- Maya Kaplan
- Leather Glen
- Ronn Blum
- ~~S. DeLuzo~~
- ~~Deborah~~
- ~~John~~
- ~~John~~
- ~~John~~
- Amone Bloch
- Amone Bloch
- Chowhan
- Catherine Montesi
- Marina Lopez-Hughes
- Maria Hughes
- Clay Miles
- Pat S.
- Anton Pul
- Violet Greenlee
- Violet Greenlee
- Helen Greenlee

LOCAL LAW NO. __ OF 2026

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF FORESTBURGH TO ESTABLISH REGULATIONS FOR BATTERY ENERGY STORAGE SYSTEMS

BE IT ENACTED by the Town Board of the Town of Forestburgh, Sullivan County, New York, as follows:

Section 1. Title.

This Local Law shall be known as the “Battery Energy Storage System Law of the Town of Forestburgh.”

Section 2. Legislative Intent and Findings.

The Town Board finds that the development of clean energy resources, including battery energy storage systems, is consistent with the goals of the State of New York to promote renewable energy and reduce greenhouse gas emissions. The Board further finds that such systems must be appropriately sited, designed, and maintained to protect the health, safety, and welfare of the residents of the Town, the natural environment, and the character of the community.

It is the intent of this Local Law to provide for the regulation of battery energy storage systems in a manner that is consistent with the Uniform Fire Prevention and Building Code, the Energy Code of the State of New York, and nationally recognized standards including National Fire Protection Association (NFPA 855) and the National Electric Code (NEC).

Section 3. Authority.

This Local Law is enacted pursuant to the Municipal Home Rule Law of the State of New York and Article 16 of the Town Law.

Section 4. Definitions.

For the purposes of this Local Law, the following terms shall have the meanings set forth below. Where not defined herein, words shall have their ordinary meaning.

1. **Battery Energy Storage System** – A group of one or more devices, containers, modules, or structures, which are capable of storing energy in order to supply electrical energy at a future time.
2. **Tier 1 Battery Energy Storage System** – A system with an aggregate energy capacity less than or equal to 600 kilowatt-hours (kWh).
3. **Tier 2 Battery Energy Storage System** – A system with an aggregate energy capacity greater than 600 kilowatt-hours (kWh).
4. **Dedicated-Use Building** – A building that is used exclusively for housing and operating a battery energy storage system.

5. **Decommissioning** – The removal, dismantling, and proper disposal of a battery energy storage system and associated equipment.
6. **Emergency Operations Plan (EOP)** – A written plan developed by the system owner or operator, in consultation with the Town and local fire officials, that outlines emergency response procedures.

Section 5. Applicability.

- A. This Local Law shall apply to all battery energy storage systems proposed, installed, or modified after its effective date.
- B. Modifications to existing systems that increase capacity by more than ten percent (10%) shall be subject to the provisions of this Local Law.
- C. Systems lawfully in existence prior to the effective date of this Local Law shall be deemed nonconforming uses and may continue subject to § 280-A of the Town Law.

Section 6. Permitted Uses.

- A. **Tier 1 Systems.** Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, subject to the bulk requirements applicable to public utility facilities, and shall require only a building permit and electrical permit.
- B. **Tier 2 Systems.** Tier 2 Battery Energy Storage Systems shall be permitted only by special permit and site plan approval of the Planning Board, in accordance with Town Code §§ 180-34, 180-35 and 180-36, and only in the following zoning districts:
 1. Rural Residential District (RR) on parcels of at least 100,000 sq. ft. (2.3) acres.
 2. Rural Conservation District (RC) on parcels of at least 100,000 sq. ft. (2.3) acres.

Section 7. Dimensional and Siting Requirements (Tier 2). Tier 2 Battery Energy Storage Systems shall comply with the following bulk standards:

- A. Minimum setback from any existing dwelling unit or community building (school, daycare, church): **three hundred (300) feet.**
- B. Minimum setback from all other lot lines: **two hundred (200) feet.**
- C. Maximum structure height: fifteen (15) feet for cabinets; thirty-five (35) feet for dedicated-use buildings.
- D. Lot coverage shall not exceed 50% percent.
- E. Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a minimum 7-foot-high fence with a self-locking gate to prevent

unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports. No variance for fence height shall be required.

E. Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports. Screening shall be provided by a combination of fencing and landscaping sufficient to reasonably shield the system from adjacent properties. Removal of trees should be minimized to the extent possible.

F. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

Section 8. Additional Site Plan Requirements.

A. For any Tier 2 Battery Energy Storage System requiring a Special Use Permit, site plan approval shall also be required. In addition to the information otherwise required under the Town Code § 180-35, any application for site plan approval shall include the following:

1. A survey or drawing showing property lines and existing physical features of the project site, including roads.
2. A plan showing proposed changes to the landscape of the site, including grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
3. A one-line or three-line electrical diagram detailing the Battery Energy Storage System layout, associated components, and electrical interconnection methods, including all National Electrical Code compliant disconnects and over-current devices.
4. A preliminary equipment specification sheet documenting the proposed system components, inverters, and associated electrical equipment. A final specification sheet shall be submitted prior to the issuance of a building permit.
5. The name, address, and contact information of the proposed or potential system installer and the owner and/or operator of the Battery Energy Storage System. The information for the final installer shall be provided prior to issuance of a building permit.
6. The name, address, phone number, and signature of the applicant, as well as all property owners, demonstrating consent to the application and the use of the property for the Battery Energy Storage System.
7. The zoning district designation(s) for the parcel(s) of land comprising the project site.
8. A Commissioning Plan documenting and verifying that the system and its associated controls and safety systems are in proper working condition in accordance with the

Uniform Code. Where commissioning is required by the Uniform Code, such commissioning shall be conducted by a New York State Licensed Professional Engineer after installation but prior to final inspection and approval. Any corrective action plan for open or continuing issues shall also be provided. A report describing the results of commissioning and initial acceptance testing shall be submitted to the Code Enforcement Officer or Reviewing Board prior to final inspection and approval, and a copy shall be maintained on site in an approved location.

9. A Fire Safety Compliance Plan documenting and verifying that the system and its associated controls and safety systems comply with the Uniform Code.
10. An Operation and Maintenance Manual describing continuing system maintenance and property upkeep, as well as design, construction, installation, testing, and commissioning information, in accordance with the Uniform Code.
11. Erosion and sediment control and stormwater management plans prepared to New York State Department of Environmental Conservation standards, where applicable, and to such additional standards as may be required by the Planning Board.
12. Engineering documents signed and sealed by a New York State Licensed Professional Engineer. Such documents shall be submitted prior to issuance of a building permit or final site plan approval, but need not be included at the time of the initial application.
13. An Emergency Operations Plan (EOP), in the form designated by the Planning Board, a copy of which shall be provided to the system owner, the local fire department, and the local fire code official, with a permanent copy maintained at the facility in an approved on-site location. The EOP shall include, at a minimum:
 - a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions, and for safe start-up following cessation of such conditions.
 - b. Procedures for inspection and testing of alarms, interlocks, and controls.
 - c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System indicating potentially dangerous conditions, including shut-down of equipment, summoning service personnel, and notifying the fire department of potentially hazardous conditions.
 - d. Emergency procedures to be followed in the event of fire, explosion, release of liquids or vapors, damage to critical parts, or other potentially dangerous conditions. Such procedures may include sounding alarms, notifying emergency responders, evacuating personnel, de-energizing equipment, and extinguishing fires.
 - e. Response considerations equivalent to a Safety Data Sheet (SDS), addressing response safety concerns and extinguishment methods when an SDS is not otherwise required.
 - f. Procedures for safely handling and removing system components damaged in a fire or other emergency event, including current contact information for qualified personnel.

- g. Any other procedures determined necessary by the Town to protect the safety of occupants, neighboring properties, and emergency responders.
- h. Procedures and schedules for conducting drills of the EOP and training of local first responders on plan contents and appropriate response measures.

Section 9. Safety and Fire Protection.

A. System Certification. All Battery Energy Storage Systems and associated equipment shall be listed by a Nationally Recognized Testing Laboratory (NRTL) to UL 9540 (Standard for Battery Energy Storage Systems and Equipment), or an approved equivalent. Subcomponents shall, as applicable, be listed or certified to the following standards:

1. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications);
2. UL 1642 (Standard for Lithium Batteries);
3. UL 1741 or UL 62109 (Standards for Inverters and Power Converters);
4. Certification under applicable electrical, building, and fire prevention codes.

Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and all applicable codes, regulations, and safety standards may be accepted.

B. Clearances and Enclosures. Battery Energy Storage Systems, components, and all associated ancillary equipment shall have required working space clearances and shall be installed within weatherproof enclosures rated for the environmental conditions of the site. All electrical circuitry shall comply with NFPA 70 (National Electrical Code) and be clearly marked for identification. Combustible vegetation shall be removed within ten (10) feet of the system perimeter.

C. Signage. The signage shall be in compliance with American National Standards Institute (ANSI) Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number. As required by the National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

D. Site Access. Adequate access for emergency vehicles, water supply, Knox boxes, and signage shall be provided as approved by the Fire Chief. Site access, including snow and ice removal, shall be maintained at all times at a level acceptable to the local fire department and, where applicable, the local ambulance corps.

Battery Energy Storage Systems

E. Local Coordination. Fire Department training and coordination shall be required prior to commissioning.

Section 10. Noise and Lighting.

A. The 1-hour average noise generated by any system shall not exceed sixty (60) dBA between as measured at the property line. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

B. Lighting shall be the minimum necessary for safety and security and shall employ full cut-off fixtures. Motion-activated lighting is preferred.

Section 11. Operation and Maintenance.

A. The owner or operator shall maintain an EOP on file with the Town and the Fire Department at all times.

B. Remote monitoring and automatic shut-down capabilities shall be maintained.

C. The owner or operator shall notify the Town and the Fire Department of any incident within twenty-four (24) hours.

D. Change of ownership or operator shall be reported to the Town within thirty (30) days, with assumption of all permit conditions.

Section 12. Environmental Protections.

A. Systems shall comply with applicable stormwater regulations, including the State Pollutant Discharge Elimination System (SPDES) program.

B. No system shall be located within wetlands or floodplains unless expressly authorized with mitigation measures.

C. A hazardous material disposal plan shall be provided for both routine maintenance and post-incident waste removal.

Section 13. Decommissioning.

A. A decommissioning plan shall be required and approved as part of the special permit in the form designated by the Planning Board. At minimum, decommissioning shall include removal of all structures, equipment, and batteries, and site restoration.

B. Financial security shall be provided in the form of a bond, letter of credit, or escrow in an amount equal to one hundred twenty-five percent (125%) of the certified decommissioning cost, updated at least every five (5) years. All costs of the financial security shall be borne by the applicant.

C. Decommissioning shall occur within twelve (12) months of cessation of operations. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for 180 days or more. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan. Any costs incurred by the Town in excess of the financial security shall be the responsibility of the property owner and levied as a lien against the property.

Section 14. Ownership Changes.

In the event of a change in ownership of a Battery Energy Storage System, or a change in ownership of the real property upon which such system is located, the special use permit, site plan approval, and decommissioning plan shall remain in effect, provided that the successor owner or operator, within thirty (30) days of such change, submits written notice to the Code Enforcement Officer or Zoning Enforcement Officer acknowledging the transfer of ownership or operation and expressly assuming all obligations and conditions of the special use permit, site plan approval, and decommissioning plan.

Failure of a successor owner or operator to provide such written notice within the required timeframe shall render the special use permit and all related local approvals void. Reinstatement of a void permit shall be subject to the same review and approval processes as a new application under this Local Law.

Section 15. SEQRA Review.

All Tier 2 Battery Energy Storage Systems shall be classified as Type I actions under the State Environmental Quality Review Act (SEQRA). The Town Board or Planning Board, as appropriate, shall act as lead agency or coordinate with other involved agencies.

Section 16. Enforcement.

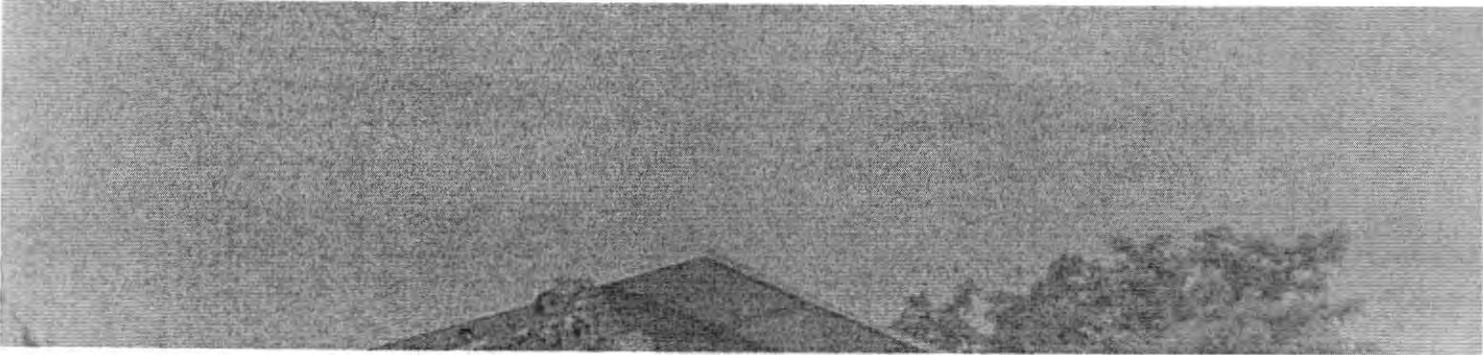
This Local Law shall be enforced by the Code Enforcement Officer. Violations shall be subject to the penalties provided in Town Code Chapter 180 and in § 268 of the Town Law.

Section 17. Severability.

If any section or provision of this Local Law is held invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining sections or provisions.

Section 18. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.



Battery Energy Storage System Model Law

For local governments to utilize when drafting local laws and regulations for battery energy storage systems.



NYSERDA
New York State Energy Research
and Development Authority

Battery Energy Storage System Guidebook for Local Governments
NYSERDA 17 Columbia Circle Albany, NY 12203

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Overview

The Model Law is intended to help local government officials and AHJs adopt legislation and regulations to responsibly accommodate battery energy storage systems in their communities. The Model Law lays out procedural frameworks and substantive requirements for residential, commercial, and utility-scale battery energy storage systems.

The workable version of this document can be found at nyserdera.ny.gov/Energy-Storage-Guidebook, under Battery Energy Storage System Model Law tab.

1. Instructions

1. This Model Law can be adopted by the governing board of cities, towns, and villages (hereinafter "local governments" or "municipalities") to regulate the installation, operation, maintenance, and decommissioning of battery energy storage systems. The Model Law is intended to be an "all-inclusive" local law, regulating the subject of battery energy storage systems under typical zoning and land use regulations and it includes the process for compliance with the State Environmental Quality Review Act. Municipalities should review this Model Law, examine their local laws and regulations and the types, size range and number of battery energy storage system projects proposed, and adopt a local law addressing the aspects of battery energy storage system development that make the most sense for each municipality, deleting, modifying, or adding other provisions as appropriate.
2. This Model Law references a "Battery Energy Storage System Model Permit" that is available as part of NYSERDA's Battery Energy Storage Guidebook. The Model Permit is intended to help local government officials and AHJs establish the minimum submittal requirements for electrical and structural plan review that are necessary when permitting residential and small commercial battery energy storage systems.
3. In some cases, there may be multiple approaches to regulate a certain aspect of battery energy storage systems. The word "OR" has been placed in the text of the model law to indicate these options. Municipalities should choose the option that works best for their communities. The content provided in brackets and highlighted is optional. Depending on local circumstances, a municipality may want to include this content or choose to adopt a different standard.
4. The Model Law is not intended for adoption precisely as it is written. It is intended to be advisory only, and users should not rely upon it as legal advice. A municipality is not required to adopt this Model Law. Municipal officials are urged to seek legal advice from their attorneys before enacting a battery energy storage system law. Municipalities must carefully consider how the language in this Model Law may be modified to suit local conditions, comprehensive plans, and existing land use and zoning provisions.

5. Before enacting this Model Law, a comprehensive plan outlining the goals and policies for the installation, operation, maintenance, and decommissioning of battery energy storage systems must be adopted by the local governing board (city or common council, town board, village board of trustees). Some local governing boards can satisfy this requirement by updating an existing comprehensive plan while others must adopt a new comprehensive plan. Suggestions on how local governing boards can develop and adopt in their existing or new comprehensive plans battery energy storage system friendly policies and plans that provide local protection are listed below:
 - A. Adopt a resolution or policy statement that outlines a strategy for municipal-wide battery energy storage system development. The chief executive officer of a local government (like a town supervisor or city or village mayor) may choose to issue in accordance with its local charter or other valid local law or regulations an executive order, proclamation or other declaration to advance battery energy storage system development.
 - B. Appoint a Battery Energy Storage Task Force ("Task Force") that represents all interested stakeholders, including residents, businesses, interested non-profit organizations, the battery energy storage industry, utilities, and relevant municipal officials and staff to prepare an action plan, adopt or amend a comprehensive plan to include battery energy storage system planning goals and actions, and develop local laws and/or other regulations to ensure the orderly development of battery energy storage system projects.
 - C. Charge the Task Force with conducting meetings on a communitywide basis to involve all key stakeholders, gather all available ideas, identify divergent groups and views, and secure support from the entire community. The Task Force should also conduct studies and determine whether existing policies, plans, and land use regulations require amendments to remove barriers to and facilitate battery energy storage system development goals.
 - D. Establish a training program for local staff and land use boards. Municipalities are encouraged to utilize State and Federal technical assistance and grants for training programs when available.
 - E. Partner with adjacent communities to adopt compatible policies, plan components, and zoning provisions for battery energy storage system projects. County or regional planning agencies may also advise participating local governments on locally addressing these issues.

2. Model Law

1. Authority

This Battery Energy Storage System Law is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10 (1) and (7); [Select one: sections 261-263 of the Town Law / sections 7-700 through 7-704 of the Village Law / sections 19 and 20 of the City Law and section 10 of the Municipal Home Rule Law] of the State of New York, which authorize the [Village/Town/City] to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

2. Statement of Purpose

This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare, and quality of life of [Village/Town/City] by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

- A. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;
- B. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
- C. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and
- D. To create synergy between battery energy storage system development and [other stated goals of the community pursuant to its Comprehensive Plan].

3. Definitions

As used in this [Article/Chapter], the following terms shall have the meanings indicated:

ANSI: American National Standards Institute

BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

- A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

COMMISSIONING: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

- 1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
- 2) No other occupancy types are permitted in the building.
- 3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- 4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
 - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
 - b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

NON-DEDICATED-USE BUILDING: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

NON-PARTICIPATING PROPERTY: Any property that is not a participating property.

NON-PARTICIPATING RESIDENCE: Any residence located on non-participating property.

OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

PARTICIPATING PROPERTY: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

UNIFORM CODE: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

4. Applicability

- A. The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in [Village/Town/City] after the effective date of this Local Law, excluding general maintenance and repair.
- B. Battery energy storage systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
- C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Local Law.

5. General Requirements

- A. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.
- B. Issuance of permits and approvals by the [Reviewing Board] shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")].
- C. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the [Village/Town/City] Code.

6. Permitting Requirements for Tier 1 Battery Energy Storage Systems

Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, subject to the Uniform Code and the "Battery Energy Storage System Permit," and exempt from site plan review.

7. Permitting Requirements for Tier 2 Battery Energy Storage Systems

Tier 2 Battery Energy Storage Systems are permitted through the issuance of a [special use permit] within the [XXXXXXXXXXXXXXXX, XXXXXXXXXXXX, XXXXXXXXXXXX] zoning districts, and shall be subject to the Uniform Code and the site plan application requirements set forth in this Section.

- A. Applications for the installation of Tier 2 Battery Energy Storage System shall be:
 - 1) reviewed by the [Code Enforcement/Zoning Enforcement Officer or Reviewing Board] for completeness. An application shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to, (i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment. Applicants shall be advised within [10] business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
 - 2) subject to a public hearing to hear all comments for and against the application. The [Reviewing Board] of the [Village/Town/City] shall have a notice printed in a newspaper of general circulation in the [Village/Town/City] at least [5] days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within [200] feet of the property at least [10] days prior to such a hearing. Proof of mailing shall be provided to the [Reviewing Board] at the public hearing.
 - 3) referred to the [County Planning Department] pursuant to General Municipal Law § 239-m if required.
 - 4) upon closing of the public hearing, the [Reviewing Board] shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the [Reviewing Board] and Applicant.
- B. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

C. Signage.

- 1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
- 2) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

D. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

E. Vegetation and tree-cutting. Areas within [10] feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

F. Noise. The [1-hour] average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of [60] dBA as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

G. Decommissioning.

- 1) Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:
 - a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - c. The anticipated life of the battery energy storage system;
 - d. The estimated decommissioning costs and how said estimate was determined;
 - e. The method of ensuring that funds will be available for decommissioning and restoration;
 - f. The method by which the decommissioning cost will be kept current;
 - g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
 - h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
- 2) Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the [Village/Town/City], in a form approved by the [Village/Town/City] for the removal of the battery energy storage system, in an amount to be determined by the [Village/Town/City], for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.

H. Site plan application. For a Tier 2 Battery Energy Storage System requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

- 1) Property lines and physical features, including roads, for the project site.
- 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- 3) A [one- or three-line] electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- 4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- 5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- 6) Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
- 7) Zoning district designation for the parcel(s) of land comprising the project site.
- 8) Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to [Code Enforcement/Zoning Enforcement Officer or Reviewing Board] prior to final inspection and approval and maintained at an approved on-site location.
- 9) Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
- 10) Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.
- 11) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
- 12) Prior to the issuance of the building permit or final approval by the [Reviewing Board], but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.
- 13) Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 - a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

- d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- f. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
- g. Other procedures as determined necessary by the [Village/Town/City] to provide for the safety of occupants, neighboring properties, and emergency responders.
- h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

I. Special Use Permit Standards.

- 1) Setbacks. Tier 2 Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures.
- 2) Height. Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district.
- 3) Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a [7-foot-high] fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
- 4) Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

J. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the [Code Enforcement/Zoning Enforcement Officer] of such change in ownership or operator within [30] days of the ownership change. A new owner or operator must provide such notification to the [Code Enforcement/Zoning Enforcement Officer] in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the [Code Enforcement/Zoning Enforcement Officer] in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law.

8. Safety

A. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

- 1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
- 2) UL 1642 (Standard for Lithium Batteries),
- 3) UL 1741 or UL 62109 (Inverters and Power Converters),
- 4) Certified under the applicable electrical, building, and fire prevention codes as required.
- 5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

B. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 2 Battery Energy Storage System is located in an ambulance district, the local ambulance corps.

C. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

9. Permit Time Frame and Abandonment

- A. The Special Use Permit and site plan approval for a battery energy storage system shall be valid for a period of [24] months, provided that a building permit is issued for construction [and/or] construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the [Reviewing Board], within [24] months after approval, [Village/Town/City] may extend the time to complete construction for [180] days. If the owner and/or operator fails to perform substantial construction after [36] months, the approvals shall expire.
- B. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for [more than one year]. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the [Village/Town/City] may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

10. Enforcement

Any violation of this Battery Energy Storage System Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of [Village/Town/City].

11. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Questions?

If you have any questions about the Battery Energy Storage System Model Law, please email questions to cleanenergyhelp@nyseda.ny.gov or request free technical assistance at nyseda.ny.gov/Energy-Storage-Guidebook. The NYSERDA team looks forward to partnering with communities across the State.