



Town of Shandaken

P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

"The Heart of the Park...Where the Eagle Soars"

Supervisor: (845) 688-7165
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May 25, 2012

Carter H. Strickland, Jr., Commissioner
NYC Department of Environmental Protection
59-17 Junction Boulevard
19th Floor
Flushing, NY 11373

Dear Commissioner Strickland,

The Town of Shandaken is writing your office to request an extension of time concerning the timeframes developed to progress the proposed Wastewater Treatment System and Facilities for the Hamlet of Phoenicia.

The Town of Shandaken Town Board is requesting this extension due to issues that we feel need to be resolved prior to us considering moving this project toward a public referendum vote before the hamlet residents and business owners. We believe that these insufficiencies are critical to the success or failure of this project.

First, we are requesting the time in order to ensure the additional necessary funding needed to secure the entire build of the proposed project. Your department has remained resolute in denying any increase of funding to the current Block Grant awarded to Phoenicia many years ago. Under the current proposal, the residential property owners would provide a \$100 annual cost to the Operations and Maintenance (O&M) of the proposed facility. These contributions help to offset the commercial charges which currently are based on an annually fluctuating expense rate set on usage. Additionally, under the current proposal there are portions of the project, mostly comprised of residential properties, which are not guaranteed to be built due to a near \$9 million funding gap. The current proposed build would mostly entail what we shall refer to as Phoenicia Proper, which encompasses mostly commercial entities. Phoenicia, even as our most populous hamlet, is but one of twelve hamlets in the Town of Shandaken and is considered one of our strongest economic drivers and is based on seasonal recreational tourism. Many of the tourist related businesses within the Hamlet of Phoenicia are restaurants which, by standard operation, use high quantities of water. Thus under the current proposal, many of these businesses would be providing the bulk of the local O&M costs, without the benefit of the offset provided by the residences in those outlying areas proposed to be built at some undisclosed time with unsecured monies from an undetermined funding source. This action, as currently proposed, would be financially devastating to these businesses and detrimental to the overall economy of the Town of Shandaken.

Second, I'm sure you are aware of the four major flood events that hit the Hamlet of Phoenicia starting in October of 2010 and culminating with floods during Hurricane Irene and Tropical Storm Lee (Irene & Lee) in late summer of 2011. These storm events forced upwards of four feet of water rushing down Main Street Phoenicia, the specific area designated to be built under the current proposal. The Town is currently working with a consultant in creating a flood mitigation plan for the entire Town with Phoenicia being a major focal point. The plan is due out later this year. We are fairly certain that their recommendations for any municipal sewer service in Phoenicia will entail recommendations to mitigate flooding of the sewer to ensure its available usage to residents following future flood events.

As can be documented, the current proposed build for Phoenicia Proper would include a minimum of two bridge crossings. One of the bridges, the Bridge Street Bridge, during Irene & Lee moved eighteen inches from its original abutment. We have a large concrete ductile pipe that runs the length of the bridge carrying Phoenicia's drinking water supply to residents on the southern side of that bridge from our plant on the northern side. In the event of a failure of that pipe, Phoenicia has a supplemental pumping station on the southern side of the bridge, available in emergency circumstances. Miraculously, the pipeline remained stable during the most recent events. Conversely, what is the durability of the sewer piping being used on all the bridge crossings? In the event of a catastrophic failure of the bridge and pipes, we are prepared, through generators and supplemental emergency sources to continue to supply potable water to these areas.

What is planned to mitigate the possible loss of sewer usage due to a failure of such a sewer line serving Phoenicia Proper (north of the bridge) from the proposed plant on the southern side of the bridge? Could a supplemental storage tank be placed in an upland area of Phoenicia to be used only in emergency situations if warranted? Would it not be more cost effective to add mitigating treatments prior to build in order to minimize the cost of liability? We are concerned though that these costs would further minimize the existing block grant, which your agency has held steadfast to, thus minimizing the available area for constructed service by the proposed system.

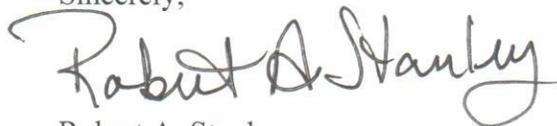
There is also the question of the cost of liability to the hamlet residents due to such a catastrophic failure. There does not appear to be a dollar limit on what the residents will be charged excepting percentage based fees dependant upon how and where such a failure occurs. We are uncomfortable moving this project forward knowing there is an open-ended liability cost to those residents that will befall them following a possible future crisis when they can least afford, financially and psychologically, such expenses.

In conclusion, we are requesting an extension for us to discuss these issues with your department. We would also request that any such meeting be convened with the following offices and individuals: Ulster County Executive Michael Hein, Executive Director Alan Rosa– Catskill Watershed Corporation, LaMont Engineering Services, Shandaken Deputy Supervisor Vincent Bernstein, other representatives from state and federal elected officials' offices along with you and any representatives from your department.

We look forward to hearing from you concerning this matter and understand your department's desire to progress this project in order to ensure a safe drinking water supply for your residents and others that draw their drinking water supplies from this watershed. Understand that this same waterway is vital

to our own economy as a recreational asset and we do not wish to see any degradation of its quality, as we have sustained that high quality over many generations without impediment. We ask for this extension and meeting in order to civilly discuss the options and ultimately to provide the citizens of Phoenicia the deserved details so they may make an informed decision based on particulars rather than rushing to vote on suppositions and assumptions.

Sincerely,

A handwritten signature in black ink that reads "Robert A. Stanley". The signature is written in a cursive, flowing style.

Robert A. Stanley

Supervisor – Town of Shandaken

Cc: Alan Rosa, Exec. Dir. – CWC
Henry LaMont – LaMont Engineering Services
The Honorable Ulster County Executive Michael P. Hein
The Honorable Terry L. Bernardo, Chair - Ulster County Legislature
The Honorable Mayor of New York City Michael R. Bloomberg
The Honorable Christine C. Quinn, Speaker - New York City Council
The Honorable New York State Assemblyman Kevin Cahill
The Honorable New York State Senator John Bonacic
The Honorable United States Representative Maurice Hinchey
The Honorable United States Senator Charles Schumer
The Honorable United States Senator Kirsten Gillibrand
The Honorable New York State Governor Andrew Cuomo