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Frank deMayo, Town Supervisor  
Vincent McPhillips, Councilperson  
Brian McPhillips, Councilperson  
Dean Farrand, Councilperson  
120 North Main St, Liberty NY 12754.

September 21, 2020.

Dear Sirs,

Supplementary Public Comment Re: Swan Lake Sewer Proposal

Thank you for extending the public comment period for the above-referenced proposal, though I fear three working days provides very little extra time to get to grips with a proposal as complex and significant as this one. From the Town Board meeting on September 16 which I joined via zoom it appears as though there is still considerable confusion over key aspects of the proposal, especially on the arrangements for financing.

**POINT I: The town does not lose access to zero percent financing if it fails to submit an application by September 30.**

First, and contrary to what you have told the public numerous times, the town does not lose access to zero percent financing if it fails to submit an application by September 30: a) because the town's eligibility letter for such financing under hardship terms runs to December 2, 2021 (as confirmed in Sabrina Ty's letter to then-Supervisor Brian Rourke dated January 10 2019); b) because the Clean Water State Revolving Fund is exactly that - a revolving loan fund secured well into the future by a corpus which receives regular repayments from the loans that have already been made; and c) because the EFC is able and willing to grant extensions to their application deadlines within this timeframe for eligibility, as you already know.

Therefore, and as is well-documented and confirmed in two recent conversations with EFC officials, the town will be able to apply for a loan on the same zero-interest terms later this year, or next year. This removes the need to rush the proposal through over the concerted and considered opposition of the community who live in the sewer district and pay for its services. Given the absence of any proper environmental assessment of the potential adverse consequences of tripling the capacity of the current plant, this is not a decision to be forced by an arbitrary deadline.

**POINT II: There is no facility to apply for a loan of “up to \$20million” from the NYSEFC.**

Second, according to NYSEFC officials there is no facility to apply for a loan of “up to \$20million” as you have put it numerous times, because applications are based on a fixed, concrete figure and must be accompanied by a budget, program of works and bond resolution that are tied to that same figure. According to the engineering report on file at the EFC the amount the Town is applying for is \$20million (which also happens to be the maximum allowable), a figure that has also been spelled out in the proposal documents that have been shared with the public or obtained under a FOIL request from the town.

The only rationale to apply for this particular figure is to accommodate - and perhaps even induce - the full build-out of the sewer district, based on a projected tripling of capacity in terms of users and an approximate doubling of the number of dwelling units. But the Town is not obligated to expand the sewer system in order to accommodate the demands of developers in the future; it is obligated to provide sewer services to those who live in the sewer district and to provide them in compliance with state and federal laws and regulations.

**POINT III: The Town of Liberty’s Comprehensive Plan and zoning criteria do not “deal with the issue of density.”**

Third, the Town of Liberty’s Comprehensive Plan and zoning criteria do not “deal with the issue of density” as one Board member put it during Wednesday’s meeting; they simply provide a framework within which new developments at different levels of density are assessed. The availability of essential services like water and sewer is important in this respect since it sets the overall parameters for commercial and residential expansion within this framework. The full build-out model you are pushing presupposes that all new developments will be built at or close to the maximum level of density allowed (and perhaps even beyond, given the granting of variances to the zoning law by the Planning Board).

It makes little sense to base your planning on such an assumption – unless agreements have already been made with developers (or out-of-district users if they are part of the projections). Since no budgetary, contract or planning details have been provided on such users, or the developments you say have already been approved, or those that have not been approved but you say are “likely,” or indeed any developments forecast in the proposal at all, this is not planning but speculation - and speculating with \$20 million of taxpayer’s money is irresponsible.

Given the above-mentioned information there seems even less of a justification for rushing ahead and even more of a reason to carefully review the submission of any proposal until such time as the public has all the information it needs to make a judgment on the options available to upgrade our sewer system – and for which we will be paying through our taxes for the next 30 years.

My suggestion would therefore be for you to convene an in-depth, round-table discussion with Board members, Delaware Engineering and residents/taxpayers to explore a range of options together. We need to address the problems of the sewer system in priority order, beginning with the urgent requirement to fix the current plant which is already subject to a notice of significant non-compliance from the NYSDEC. All proposals must be properly-detailed so that their cost-effectiveness can be accurately assessed - including both their costs and benefits to taxpayers. We want to strike a balance between development, conservation and tax increases that is acceptable to all the parties.

Please ensure that this comment is included with others on the Town's website.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M Edwards', with a long horizontal flourish underneath.

(Dr) Michael Edwards