

### Town of Chenango Work Session Agenda Wednesday – February 16, 2022 @ 5:00 PM

#### PLEDGE OF ALLEGIANCE

#### **OPEN FORUM**

Guests shall speak in an orderly fashion The speaker shall deliver their comments or concerns for a period of five timed minutes or less, in a civil tone and without the use of profanity, personal attacks or other disruptive behavior which may result in the offender's removal from the meeting. The speaker shall not be interrupted except in a matter of urgency.

#### **PUBLIC HEARINGS**

#### PANEL PRESENTATION

- William Jackson, Esq. Hawkins, Delafield & Wood, LLP
- Jeff Smith President, Municipal Solutions
- Taylor Bottar, P.E. and Alex Hess Barton & Loguidice



BL Monthly Report 2022-02.pdf

#### **ACTIONS TO TAKE**

• Resolution to Approve Abstract #3



Abstract.03.Report. 02.09.2022.docx

Resolution to Purchase Mower







Resolution for z290m Mower.pdf 2022 ztrak Z920m.pdf Letter Head 2022 ztrak 920m.docx

Resolution Approving Fire Company Membership





Resolution Approving Chenang

CB Fire Dept Members.pdf

COMMITTEE REPORTS - 1st and 3rd WEDNESDAY, BOARD MEETING, 7:00PM

#### **DEPARTMENT HEAD REPORTS**

2 <sup>nd</sup> Work Session	3 <sup>rd</sup> Work Session
Public Works – Greg Burden	Highway – Derin Kraack
	W
	D.Kraack WS
	Feb16-2022.docx
Engineering – Alex Urda	Engineering Alex Urda
	PDF
	MEMO-engineering
	WS 2022 02 16.pdf
Assessor – John Endress	Dog Control – Joel Troutman

#### **WORK SESSION REPORTS**

Jo Anne Klenovic – Supervisor

Town Updates

Keegan Coughlin - Town Attorney

Town Business

#### **OLD BUSINESS**

- Staff Vacancies
  - Planning Board
  - Zoning Board Alternate
  - Zoning Board Chairperson
  - ° Building & Code Inspector
- Facilities Update
  - Assessor's Office



Board Room - Jury Deliberations Room

Flood Mitigation



SLFRF-Final-Rule-O verview.pdf

#### **NEW BUSINESS**

- Zoning
  - Amendment to PDD-C to allow for Churches

#### TO BE DISCUSSED AT A FUTURE MEETING DATE

- ARPA Funds/Uses 2022
- Community Room Grant
- Random Employee Drug Testing
- USPO in Castle Creek Update J Klenovic
- Attracting, Training and Retaining Planning Board, Zoning Board of Appeals and Board of Assessment Review Members and Updating Terms

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#### MEETING and PUBLIC HEARING REMINDERS

February 22, 2022 - Zoning Board of Appeals, 7PM

February 23, 2022 - Special Meeting: Town Board Vacancy, 5PM

March 2, 2022 - Work Session, 5PM; Town Board, 7PM

**Public Hearing WWTP** 

Introductory Resolution - Front St. Zoning

#### FOR YOUR INFORMATION - FROM THE SUPERVISOR





COVID Policy Update.doc

Cyber Awareness Webinar February 2.







Board Vacancy - TB Candidate - 2nd Town of Chenango

Email.msg

Town Board Interview Schedule.c

#### JOIN THE ZOOM MEETING

Topic: 02.16.2022 Work Session & Town Board Meeting

Time: Feb 16, 2022 05:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us02web.zoom.us/j/83581560931?pwd=d2c3cVFPQTVGT1haTmhGTkpYMU1EZz09

Meeting ID: 835 8156 0931 Passcode: 671414

One tap mobile

+16465588656,,83581560931#,,,,\*671414# US (New York)

#### **HOW TO JOIN ZOOM MEETING**

- 1. From your browser:
  - a) Open the browser of your choice (for example: Chrome, Safari, Edge, etc.)
  - b) Go to join.zoom.us.
  - c) Enter your meeting ID provided by the Host/Organizer.
  - d) Click Join.
  - e) If this is your first time joining from your browser, you will be asked to open the Zoom desktop client to join the meeting.
  - f) (Optional) Select the Always open these types of links in the associated app check box to skip this step in the future.
  - g) In the pop-up window, click Open Zoom Meetings (PC) or Open zoom.us (Mac),
- 2. From the Zoom link provided by the meeting Host:
  - a) If this is your first Zoom meeting on your device, click download and run Zoom.
  - b) The Zoom.exe file will download, and you will need to open the file. <u>Please note:</u> this only needs to be done once for any device on which you use Zoom for the first time.

#### \*\*DO THIS WELL IN ADVANCE OF YOUR SCHEDULED MEETING\*\*

- c) Once set up, click "Join a Meeting"
- d) Enter the Meeting ID
- e) Then click "Join"
- f) Enter Password if needed
- g) Then "Join Meeting".

Choose: Join with Video or Join without Video.



# TOWN OF CHENANGO WASTEWATER CONVEYANCE AND TREATMENT IMPROVEMENTS PROJECT BARTON & LOGUIDICE MONTHLY STATUS REPORT February 2022

Prepared by:

Taylor C. Bottar, P.E.

Alex T. Hess, I.E.

#### **Updated Bidding Schedule**

- Bid Opening 2/17 at 11 am
  - o Town Hall and Virtual Zoom Option
- Post-Bid Board Meeting 3/2
  - o Recommendation of Awards
  - o Resolution to Award Bids

#### **Sewer District 12 Consolidation**

• User cost comparison for all districts consolidated vs. SD 12 solely responsible for Chenango Heights pump station and force main

#### **SEQR Updates**

- Revised Environmental Assessment Form Part 2 and 3
  - o Updated to include additional force main improvements as requested by NYSEFC

#### **Recommended Board Action Items**

- SEQR Determination
- Sewer District 12 Consolidation
- B&L Amendment No. 3



Job: Sheet: Calc. By: Checked By: Description: 
 1855.001.003

 1
 of
 1

 ATH
 Date:
 1/19/2022

 Date:
 Cost/EDU for Sewer Districts

#### **Cost Estimate Overview - Updated Bond Resolution**

Contract #1 – Northgate WWTP Improvements	\$14,323,000
Contract #2 – Collection System Improvements	\$6,843,000
Engineering, Legal, Administration	\$3,168,000
Subtotal <sup>1</sup>	\$24,300,000
Contingency (10%)	\$2,430,000
Opinion of Total Probable Cost	\$26,730,000

#### User Cost Breakdown by Sewer District

Capital Debt/EDU	\$299.61
Annual Cost <sup>2</sup>	\$863,180
Total Debt	\$20,730,000
Total Grant	\$6,000,000
Total Project Cost	\$26,730,000
EDUs	2881

Annual Capital Debt/EDU (All Sewer Districts)	\$299.61

#### **Footnotes**

- 1) Rounded to nearest \$100,000.
- 2) Financing Assumptions: 30 years, 1.5% interest (Subsidized 50% of AAA Market Rate assumed 3%)

Barton & Loguidice, D.P.C. is not a "municipal advisor" as defined by 15 U.S.C. 780-4 or the related rules of the Securities and Exchange Commission. Budget tracking should be completed and verified by Town officials or third party municipal/financial advisor.



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1855.001.003 1 of ATH Date:

Date: Cost/EDU for Sewer Districts

1/19/2022

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#### User Cost Breakdown by Sewer District

All Sewer Districts Debt Cost (2, 3, 4, 5, 7, 7A, 8,

9, 12)

EDUs	2881
Total Project Cost	\$24,100,000
Total Grant	\$5,409,652
Total Debt	\$18,690,348
Annual Cost <sup>2</sup>	\$778,251
Capital Debt/EDU	\$270.13

#### Additional Sewer District 12 Only Debt Cost

EDUs	143
Total Project Cost	\$2,630,000
Total Grant	\$590,348
Total Debt	\$2,039,652
Annual Cost <sup>2</sup>	\$84,929
Capital Debt/EDU	\$593.91

Annual Capital Debt/EDU (all sewer districts except Sewer District 12)	\$270.13
Annual Capital Debt/EDU (Sewer District 12)	\$864.04

#### **Footnotes**

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- 2) Financing Assumptions: 30 years, 1.5% interest (Subsidized 50% of AAA Market Rate assumed 3%)

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# RESOLUTION REGARDING THE STATE ENVIRONMENTAL QUALITY REVIEW ACT PROCESS AMENDMENT FOR THE TOWN OF CHENANGO WASTEWATER CONVEYANCE AND TREATMENT IMPROVEMENTS PROJECT

WHEREAS, the Town of Chenango (Town) is proposing the Town of Chenango Wastewater Conveyance and Treatment Improvements Project (Project); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations at 6NYCRR Part 617 (the "Regulations"), the Town desires to comply with SEQRA and the Regulations with respect to the Project; and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA") and the implementing regulations at 6 NYCRR Part 617, the Town of Chenango previously completed the SEQRA process and passed a Negative Declaration for the proposed Project on May 23, 2018;

WHEREAS, the previously reviewed project scope included improvements to the Town of Chenango's Northgate Wastewater Treatment Plant (WWTP) and existing sewage pump stations, and consolidation and decommissioning of the aging Pennview and Chenango Heights WWTPs within the Town, which involves the conversion of the Pennview and Chenango Heights WWTPs to pump stations, and installation of sewer force main to convey all sanitary waste to the Northgate WWTP;

WHEREAS, the Project now involves the installation of approximately 1,600 linear feet of new sewer force main along Carmichael Road and the Lowe's parking lot (between pump stations 5 and 6), and approximately 360 linear feet of new sewer force main along River Road (near pump station 14) in addition to the original project scope. Additionally, the project description in the original SEQRA documents referenced 18 existing pump stations, however, a total of 19 existing pump stations will be improved as part of the project;

WHEREAS, the Town of Chenango Town Board, as Lead Agency, has updated the Parts 1, 2, and 3 of the Full Environmental Assessment Form (FEAF) to reflect the change in project scope, and subsequently notified all Interested and Involved agencies of the amendments made to the project, in support of re-issuing a Determination of Significance;

WHEREAS, pursuant to the SEQRA Regulations, the Town of Chenango Town Board, as Lead Agency, considered the significance of the potential environmental impacts of the amended Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, (b) examining the amended FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF and Part 3 Evaluation Document, together with other available supporting information, to identify the relevant areas of

environmental concern, and (c) thoroughly analyzing the identified areas of environmental concern:

#### NOW, THEREFORE, BE IT

**RESOLVED,** that the Town of Chenango Town Board has amended Parts 1, 2, and 3 of the FEAF for the Project; and it is further

**RESOLVED,** that the Town of Chenango Town Board has completed a review of the amended SEQRA FEAF documents and confirms that the project is a Type I Action which has been determined will not have any significant adverse impact on the environment as provided in the amended FEAF documents attached hereto and hereby made a part thereof; and it is further

**RESOLVED,** that the Supervisor of the Town of Chenango is hereby authorized to take all actions, serve all notices, and complete all documents in order to give full force and effect to this amended SEQRA process; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

Jo Anne Klenovic, Supervisor Terry Kellogg, Deputy Supervisor Frank Carl, Council Member Jim DiMascio, Council Member Gene Hulbert Jr., Council Member

The foregoing resolution was thereupon declared duly adopted.

Dated:		
I hereby certify that this resolution was adopted on in the Meeting Minutes of the Town of Chenango Town (	Board.	_ and is recorded
		d.
	Town Cler	

#### Full Environmental Assessment Form Part 2 - Identification of Potential Project Impacts

	Agency Use Only [If applicable
Project :	
Date:	

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

#### Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.

Allswei the question in a reasonable mainter considering the scale and context of the project.			
1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)  If "Yes", answer questions a - j. If "No", move on to Section 2.	□NO <b>Z</b> YES		
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	✓sı	
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<b>☑</b> sı	
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☑ NI	
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☑ NI	
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	Dle	<b>☑</b> NI	
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<b>∠</b> SI	
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	Bli	NI 🖺	
h. Other impacts:			

2. Impact on Geological Features  The proposed action may result in the modification or destruction of, or inhib			
access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)  If "Yes", answer questions a - c. If "No", move on to Section 3.			
2) 163 y and wer guestions at C. 2) 110 y more on the section of	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached:	E2g		
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark.  Specific feature:	ЕЗс		0
c. Other impacts:			
	-	Mil.	
3. Impacts on Surface Water  The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)  If "Yes", answer questions a - l. If "No", move on to Section 4.	□no		YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<b>⊠</b> NI	
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☑NI	
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	⊠NI	
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<b>☑</b> sı	
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<b>Z</b> SI	
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<b>☑</b> NI	
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	₩NI	
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<b>☑</b> sı	
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<b></b> SI	
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☑ NI	
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d		Ø

1. C	other impacts:			
4.	Impact on groundwater  The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquife (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)  If "Yes", answer questions a - h. If "No", move on to Section 5.	<b>√</b> NO		YES
		Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
	The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c		
,	Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer.  Cite Source:	D2c		
	The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c		
d. 7	The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l		
	The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h		
	The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l		
	The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c		
h.	Other impacts:			
5.	Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6.	□NO		YES
		Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. 7	The proposed action may result in development in a designated floodway.	E2i	<b>☑</b> NI	
b. 7	The proposed action may result in development within a 100 year floodplain.	E2j	<b>∠</b> sı	
c. 7	The proposed action may result in development within a 500 year floodplain.	E2k	<b>∠</b> sı	
	The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<b>⊠</b> si	
e. 7	The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	⊠ NI	
In the	f there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	Ele	☑ NI	

g. Other impacts:			
6. Impacts on Air  The proposed action may include a state regulated air emission source.  (See Part 1. D.2.f., D,2,h, D.2.g)  If "Yes", answer questions a - f. If "No", move on to Section 7.	✓NO		YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
<ul> <li>a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: <ol> <li>i. More than 1000 tons/year of carbon dioxide (CO<sub>2</sub>)</li> <li>ii. More than 3.5 tons/year of nitrous oxide (N<sub>2</sub>O)</li> <li>iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)</li> <li>iv. More than .045 tons/year of sulfur hexafluoride (SF<sub>6</sub>)</li> <li>v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions</li> <li>vi. 43 tons/year or more of methane</li> </ol> </li> </ul>	D2g D2g D2g D2g D2g D2g		
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g		
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g		
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g		
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s		<u> </u>
f. Other impacts:			
7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1, E.2. 1 If "Yes", answer questions a - j. If "No", move on to Section 8.	nq.)	□NO	<b>✓</b> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<b>⊠</b> NI	
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<b>⊘</b> sı	
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<b>☑</b> NI	
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<b>⊠</b> sı	

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	Е3с	<b>☑</b> NI	
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community.  Source:	E2n	<b>⊠</b> NI	
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<b>∠</b> SI	
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.  Habitat type & information source:	E1b	<b>☑</b> NI	
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<b>☑</b> NI	
j. Other impacts:			
	I		
8. Impact on Agricultural Resources  The proposed action may impact agricultural resources. (See Part 1. E.3.a. a If "Yes", answer questions a - h. If "No", move on to Section 9.	and b.)	□NO	<b>✓</b> YES
	D 14	MI.	34 1 4
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	Part I	small impact	to large impact may
	Part I Question(s)	small impact may occur	to large impact may occur
NYS Land Classification System.  b. The proposed action may sever, cross or otherwise limit access to agricultural land	Part I Question(s)	small impact may occur	to large impact may occur
<ul> <li>NYS Land Classification System.</li> <li>b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).</li> <li>c. The proposed action may result in the excavation or compaction of the soil profile of</li> </ul>	Part I Question(s) E2c, E3b E1a, Elb	small impact may occur	to large impact may occur
<ul> <li>NYS Land Classification System.</li> <li>b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).</li> <li>c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.</li> <li>d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10</li> </ul>	Part I Question(s) E2c, E3b E1a, Elb	small impact may occur  SI  SI	to large impact may occur
<ul> <li>NYS Land Classification System.</li> <li>b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).</li> <li>c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.</li> <li>d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.</li> <li>e. The proposed action may disrupt or prevent installation of an agricultural land</li> </ul>	Part I Question(s)  E2c, E3b  E1a, Elb  E3b  E1b, E3a	small impact may occur  SI  SI  NI	to large impact may occur
<ul> <li>b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).</li> <li>c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.</li> <li>d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.</li> <li>e. The proposed action may disrupt or prevent installation of an agricultural land management system.</li> <li>f. The proposed action may result, directly or indirectly, in increased development</li> </ul>	Part I Question(s)  E2c, E3b  E1a, Elb  E3b  E1b, E3a  El a, E1b  C2c, C3,	small impact may occur  SI  SI  NI  NI	to large impact may occur
<ul> <li>b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).</li> <li>c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.</li> <li>d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.</li> <li>e. The proposed action may disrupt or prevent installation of an agricultural land management system.</li> <li>f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.</li> <li>g. The proposed project is not consistent with the adopted municipal Farmland</li> </ul>	Part I Question(s)  E2c, E3b  E1a, Elb  E3b  E1b, E3a  El a, E1b  C2c, C3, D2c, D2d	small impact may occur  SI  SI  NI  NI  SI  SI  SI  SI  SI  SI	to large impact may occur

9. Impact on Aesthetic Resources  The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)  If "Yes", answer questions a - g. If "No", go to Section 10.	□n(		YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<b>☑</b> SI	
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☑ NI	
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<b>Z</b> sı <b>∑</b> sı	
d. The situation or activity in which viewers are engaged while viewing the proposed	E3h		
action is:	E2q,		
<ul><li>i. Routine travel by residents, including travel to and from work</li><li>ii. Recreational or tourism based activities</li></ul>	Elc	☑ SI ☑ SI	
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<b>⊠</b> Ni	
f. There are similar projects visible within the following distance of the proposed project:  0-1/2 mile ½-3 mile 3-5 mile 5+ mile	Dla, Ela, Dlf, Dlg	☑sı	
g. Other impacts:			
10. Impact on Historic and Archeological Resources  The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)  If "Yes", answer questions a - e. If "No", go to Section 11.	□N(	o 🔽	YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	☑ NI	
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<b>⊠</b> SI	
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory.	E3g	☑ NI	

d. Other impacts:			
If any of the above (a-d) are answered "Moderate to large impact may e. occur", continue with the following questions to help support conclusions in Part 3:			
<ul> <li>The proposed action may result in the destruction or alteration of all or part of the site or property.</li> </ul>	E3e, E3g, E3f	⊠ NI	
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<b>∑</b> NI	
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<b>☑</b> NI	
11. Impact on Open Space and Recreation  The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.  (See Part 1. C.2.c, E.1.c., E.2.q.)  If "Yes", answer questions a - e. If "No", go to Section 12.	<b>√</b> N0	o [	YES
ij les , unswer questions a - e. ij 140 , go to section 12.	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p		
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	0	
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q		
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c		
e. Other impacts:			
12. Impact on Critical Environmental Areas  The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)  If "Yes", answer questions a - c. If "No", go to Section 13.	✓ No	0	YES
If Tes, unswer questions a - c. If No., go to section 13.	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d		
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d		
c. Other impacts:			

13. Impact on Transportation  The proposed action may result in a change to existing transportation systems (See Part 1. D.2.j)  If "Yes", answer questions a - f. If "No", go to Section 14.	. <u> </u>		YES
1) Tes, unswer questions a - j. 1) 100, go to section 14.	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☑ NI	
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☑ NI	
c. The proposed action will degrade existing transit access.	D2j	☑ NI	
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<b>☑</b> NI	
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<b>☑</b> sı	
f. Other impacts:			
14. Impact on Energy  The proposed action may cause an increase in the use of any form of energy.  (See Part 1. D.2.k)  If "Yes", answer questions a - e. If "No", go to Section 15.			YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	✓NI	
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<b>☑</b> NI	
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☑ NI	
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	Dlg	<b>☑</b> NI	
e. Other Impacts: Small increase in energy usage associated with improvements at Northgate  WWTP and new pump station operation at existing Pennview and Chenango  Heights WWTPs		<b>☑</b> sı	
15. Impact on Noise, Odor, and Light  The proposed action may result in an increase in noise, odors, or outdoor ligh  (See Part 1. D.2.m., n., and o.)  If "Yes", answer questions a - f. If "No", go to Section 16.	ting. NC		YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<b>√</b> sı	
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<b>∏</b> NI	
c. The proposed action may result in routine odors for more than one hour per day.	D2o	IZ 🔽	

d. The proposed action may result in light shining onto adjoining properties.	D2n	<b>№</b> 21	
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<b>∏</b> NI	
f. Other impacts:			
16. Impact on Human Health  The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. ar If "Yes", answer questions a - m. If "No", go to Section 17.	nd h.)		YES
	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
<ul> <li>a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.</li> </ul>	E1d		Ø
b. The site of the proposed action is currently undergoing remediation.	Elg, Elh	☑ NI	
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	Elg, Elh	☑ sı	
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	Elg, Elh	✓NI	
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	Elg, Elh	<b>☑</b> NI	
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<b>☑</b> NI	
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<b>☑</b> NI	
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<b>☑</b> NI	
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<b>☑</b> NI	
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	Elf, Elg Elh		Ø
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	Elf, Elg	<b>☑</b> NI	
The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<b>⊠</b> Nt	
m. Other impacts:			

17. Consistency with Community Plans  The proposed action is not consistent with adopted land use plans.  (See Part 1. C.1, C.2. and C.3.)  If "Yes", answer questions a - h. If "No", go to Section 18.	✓NO		ÆS
y 100 , and not questions a littly 110 , go to somethic.	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b		
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	0	
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3		
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2		
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb		
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j		
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a		
h. Other:			
18. Consistency with Community Character			
The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3)  If "Yes", answer questions a - g. If "No", proceed to Part 3.	✓NO		YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g		
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4		
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f		
there is a shortage of such housing.	Dlg, Ela		
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	D1g, E1a C2, E3		
d. The proposed action may interfere with the use or enjoyment of officially recognized			
<ul><li>d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.</li><li>e. The proposed action is inconsistent with the predominant architectural scale and</li></ul>	C2, E3		

	recited our outh (muchbineanie)
Project:	
Date:	

# Full Environmental Assessment Form Part 3 - Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

#### **Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact
  occurring, number of people affected by the impact and any additional environmental consequences if the impact were to
  occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

	0110000, 40 1100000			
An evaluation of the magni Information document.	tude and importance of projec	t impacts was complete	d and details are av	ailable under separate cover in a Part 3 Supporting
	Determination (	of Significance -	Type 1 and U	nlisted Actions
SEQR Status:	✓ Type 1	Unlisted		
Identify portions of EA	AF completed for this Proje	ect: Part 1	Part 2	✓ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information  See Part 3 Supporting Information (attached).
and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the <a href="Town of Chenango">Town of Chenango</a> as lead agency that:
A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.
B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:
There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).
C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.
Name of Action: Chenango Wastewater Conveyance and Treatment Improvements Project
Name of Lead Agency: Town of Chenango
Name of Responsible Officer in Lead Agency: Jo Anne Klenovic
Title of Responsible Officer: Town Supervisor
Signature of Responsible Officer in Lead Agency:  Date:
Signature of Preparer (if different from Responsible Officer)  Date:
For Further Information:
Contact Person: Jo Anne Klenovic, Town Supervisor
Address: 1529 State Route 12, Binghamton, NY 13901
Telephone Number: (607) 648-4809
E-mail: supervisor@townofchenango.com
For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:
Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of) Other involved agencies (if any) Applicant (if any) Environmental Notice Bulletin: <a href="http://www.dec.ny.gov/enb/enb.html">http://www.dec.ny.gov/enb/enb.html</a>

#### PART 3 SUPPORTING INFORMATION

EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS

for

# Chenango Wastewater Conveyance and Treatment Improvements Project Town of Chenango, Broome County, New York

May 2018 Revised February 2022

#### Prepared for:

Town of Chenango 1529 State Route 12 Binghamton, NY 13901 Phone – (607) 648-4809

#### Prepared by:

Barton & Loguidice, D.P.C. 59 Court Street, Suite 712 Binghamton, NY 13901 Phone – (607) 677-0483

#### **TABLE OF CONTENTS**

#### **SECTION**

A.	Proje	ect Description	1
В.	Coor	rdinated Review	1
C.	Deta	iled Information in Response to Part 2 of SEQRA Full EAF	2
	1.	Impacts on Land	2
	2.	Impacts on Geological Features	4
	3.	Impacts on Surface Water	4
	4.	Impacts on Groundwater	6
	5.	Impacts on Flooding	6
	6.	Impacts on Air	7
	7.	Impacts on Plants and Animals	7
	8.	Impacts on Agricultural Resources	9
	9.	Impacts on Aesthetic Resources	10
	10.	Impacts on Historic or Archeological Resources	12
	11.	Impacts on Open Space and Recreation	12
	12.	Impacts on Critical Environmental Areas	12
	13.	Impacts on Transportation	13
	14.	Impacts on Energy	13
	15.	Impacts on Noise, Odor, and Light	13
	16.	Impacts on Human Health	14
	17.	Consistency with Community Plans	15
	18.	Consistency with Community Character	15

Figure 1 — Project Location Map

Appendix A — Coordinated Review Responses

#### A. PROJECT DESCRIPTION

The proposed project involves improvements to the Town of Chenango's Northgate Wastewater Treatment Plant and pumping stations, and consolidation and decommissioning of the aging Pennview and Chenango Heights wastewater treatment systems within the Town. The Pennview and Chenango Heights WWTPs are proposed to be decommissioned and converted to pump stations, and sewer force main will be installed to convey all sanitary waste to the Northgate WWTP. Force main is proposed to be installed along River Road from the existing Chenango Heights service area, and along U.S. Route 11 (Castle Creek Road) from the existing Pennview service area to the Northgate WWTP. Additional users along these proposed force main alignments may be added to expanded service areas (see Figure 1). Improvements to existing structures at the Northgate WWTP will be completed to increase its capacity and effluent quality. These improvements include a new headworks as well as conversion to a membrane biological reactor (MBR) system. In addition, the Town operates 19 pump stations within the existing Northgate service area which will undergo improvements as part of this project. The proposed sewer system consolidation will improve the operational efficiency of the Northgate WWTP, extend its design life, and will achieve the more stringent waste load allocations for the Chenango River (from the 2013 Chesapeake Bay Phase II Watershed Implementation Plan), which will be incorporated into the Plant's 2025 SPDES permit.

In addition, approximately 1,600 LF of new force main will be installed along Carmichael Road and the Lowe's parking lot (between pump stations 5 and 6), and approximately 360 LF of new force main will be installed along River Road (near pump station 14) to address existing capacity issues. The force main will be installed adjacent to the existing gravity sewer main in these locations. The proposed improvements are shown in Figure 1, attached.

#### B. COORDINATED REVIEW

The Town of Chenango declared their intent to act as the lead agency for the State Environmental Quality Review Act (SEQRA) process on April 26, 2018. Subsequently, Part 1 of the Full Environmental Assessment Form (FEAF) and site figure were sent to all identified interested and involved agencies (Table 1) on April 26, 2018, to initiate coordinated review of the proposed action.

Table 1— Interested and Involved Agencies	
Involved Agencies	Interested Agencies
Town of Chenango Broome County Highway Dept.	NYS Office of Parks, Recreation, and Historic Preservation U.S. Army Corps of Engineers U.S. Fish and Wildlife Service
NYS Dept. of Environmental Conservation NYS Dept. of Agriculture and Markets NYS Environmental Facilities Corporation	U.S. Fish and winding Service
NYS Dept. of Transportation	

The coordinated review comment period ends on May 26, 2018. A response was received from the NYS Dept. of Agriculture and Markets (NYSDAM) dated May 1, 2018. The NYSDAM did not object to the Town pursuing the role of Lead Agency for the project, and noted that a Final Notice of Intent will need to be submitted to NYSDAM because the project is within an agricultural district. Coordinated review responses are provided in Appendix A. The Town passed a negative declaration for the project on May 23, 2018. Further coordination with all involved agencies will be completed during project design.

The original project scope was modified in December 2021 and subsequently an amendment to the previous SEQR review was completed. The previously reviewed project scope included improvements to the Town of Chenango's Northgate WWTP and existing pump stations, and consolidation and decommissioning of the aging Pennview and Chenango Heights WWTPs within the Town. The Pennview and Chenango Heights WWTPs will be decommissioned and converted to pump stations, and sewer force main will be installed to convey all sanitary waste to the Northgate WWTP. Force main will be installed along River Road from the existing Chenango Heights service area, and along U.S. Route 11 (Castle Creek Road) from the existing Pennview service area to the Northgate WWTP.

In addition to the improvements described above, the project now also includes the installation of approximately 1,600 linear feet of new sewer force main along Carmichael Road and the Lowe's parking lot (between pump stations 5 and 6), and approximately 360 linear feet of new sewer force main along River Road (near pump station 14) to address existing capacity issues. The new force main segments will be installed along the existing gravity sewer main in these locations. Additionally, the project description in the original SEQRA documents referenced 18 existing pump stations, however, there are a total of 19 existing pump stations that will be improved as part of the project.

All of the interested and involved agencies identified during the project's original SEQRA review were notified of the proposed changes and provided an updated Part 1 of

the FEAF and associated project figure. The Town of Chenango will issue an updated Determination of Significance for the project in February 2022.

#### C. DETAILED INFORMATION IN RESPONSE TO PART 2 OF SEQRA FULL EAF

The following information provides a detailed discussion of all the potential impacts identified in Part 2 of the FEAF that were listed as small or moderate to large. This information has been prepared to support Part 3 of the FEAF and has been arranged according to the question numbers within Part 2.

#### 1. Impacts on Land

The project will have temporary and permanent impacts on land. Impacts associated with new sewer main installation will be temporary as sewer lines will be installed sub-surface. Approximately 0.03 acres of land is expected to be permanently impacted due to the new headworks building at the Northgate WWTP. The existing Pennview and Chenango Heights WWTPs will be demolished and replaced with pump stations. Existing pump stations within the Northgate Service Area will be replaced in-kind.

# 1.a. The proposed action may involve construction on land where depth to water table is less than 3 feet.

There are areas within the Project Area where the water table is less than 3 feet in depth from the ground surface. Directional drilling will be utilized, when possible, to limit the amount of open trench installation of sewer main, particularly for wetland and stream crossings. Structural improvements at the existing WWTP sites and pump station locations are not anticipated to impact wetlands or waterbodies. The contract will require that any sewer lines or structures installed via open trench excavation methods shall incorporate trench dewatering and be completed in accordance with the project's Stormwater Pollution Prevention Plan (SWPPP).

# 1.b. The proposed action may involve construction on slopes of 15% or greater.

Approximately 20% of the Project Area is mapped with soil units that have slopes greater than 15%, which are distributed throughout the Project Area including portions of U.S. Route 11 (Castle Creek Road) and River

Road where new sewer main is proposed to be installed. There are also soils with steep slopes mapped within the existing Northgate service area near Chenango-Bridge Rd, Kattleville Rd, Front St, and Poplar Hill Rd. Construction will generally be restricted to road right-of-ways along U.S. Route 11 (Castle Creek Road), Carmichael Road, and River Road, and at existing pump station sites throughout the existing Northgate service area. A SWPPP will be developed for construction to prevent increased soil erosion during construction in areas with steep slopes.

# 1.f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).

Open-trench installation of sewer mains will result in temporary ground disturbance. A SWPPP will be prepared detailing suitable erosion control measures for the project, and will be followed during construction. Post-construction, disturbed areas associated with open-trench installation of sewer main will be stabilized and restored to their original conditions. The WWTP site improvements at the Northgate, Pennview, and Chenango Heights WWTPs will cause permanent ground disturbance, much of which will occur in previously disturbed locations. Pump stations within the existing Northgate Service Area are proposed to be replaced in-kind. Temporary increases in erosion are likely to occur during construction. Disturbed areas will be seeded and graded according to the project design.

#### 2. Impacts on Geological Features

No impacts were identified. The proposed action will not result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves).

#### 3. Impacts on Surface Water

3.d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.

Wetland field delineations will be conducted to accurately delineate the wetland boundaries and streams present within the Project Area. Impacts to waterbodies, wetlands, and streams will be avoided by re-routing sewer main locations around these resources, where possible. If impacts cannot

be avoided by re-routing new sewer mains, use of trenchless installation methods will be used, to the extent practical, to avoid surface disturbance to wetlands and waterbodies. All necessary permits will be obtained from the NYS Department of Environmental Conservation (NYSDEC) and U.S. Army Corps of Engineers (USACE), and a SWPPP will be developed. The general and special conditions associated with such permits and plans would be followed during construction to ensure that potential impacts to wetland and water resources are minimized. The WWTP improvements are proposed within the existing site limits at the Northgate, Pennview, and Chenango Heights WWTPs, and therefore direct impacts to wetlands are not anticipated. The pump stations proposed to be replaced will be done so in-kind in the same locations, and disturbances to wetlands or waterbodies are not anticipated to occur. No permanent or long-term impacts to wetland or water resources located within or adjacent to the proposed Project Area are anticipated.

# 3.e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff, or by disturbing bottom sediments.

In the case that new sewer main must be installed via open-trench methods in wetlands or streams, temporary increases in turbidity will result from the disturbance of bottom sediments. If wetlands must be open-cut, the top 6-12 inches of topsoil will be side-cast separately from other spoils and replaced after sewer main installation. In addition, trench blocks would be installed on either end of the trench to prevent drainage of the wetland. In the case of open-cutting across streams, the stream flow would be temporarily diverted and restored upon completion of sewer main installation. Post-construction, all resources would be restored to their original grades and vegetative cover would be restored. A SWPPP will be developed and followed during construction to prevent erosion-related turbidity increases.

# 3.h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.

See responses to 3.d and 3.e above.

### 3.i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.

See responses to 3.d and 3.e above.

### 3.k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.

The proposed project involves improvements to the Town's existing Northgate WWTP, which will increase the WWTP's design from 0.8 MGD to 1.0 MGD. This increased capacity accommodates future flows, including flows currently permitted from the Pennview and Chenango Heights WWTPs (0.04 and 0.05 MGD, respectively). Treated effluent will continue to be discharged to the Chenango River at the Northgate WWTP's existing outfall location. The Pennview and Chenango Heights WWTPs will be decommissioned.

#### 4. Impacts on Groundwater

No impacts to groundwater were identified for the proposed project. The project will not involve the use of groundwater resources nor the discharge of wastewater to groundwater.

#### 5. Impacts on Flooding

# 5.b. The proposed action may result in development within a 100 year floodplain.

There are mapped FEMA 100-year and 500-year floodplains within the Project Area. New sewer main will be installed sub-surface and existing grades will be restored upon the completion of construction. The eastern edges of the Pennview and Chenango Heights WWTP properties are within the mapped 100-year floodplain of Castle Creek and the Chenango River, respectively. The Northgate WWTP site is entirely within the mapped 100-year floodplain of the Chenango River. All improvements to the Northgate, Pennview, and Chenango Heights WWTPs are proposed to be completed within the existing developed site limits. All improvements will be designed in accordance with state and local floodplain regulations.

# 5.c. The proposed action may result in development within a 500 year floodplain.

See response to 5.b., above.

## 5.d. The proposed action may result in, or require, modification of existing drainage patterns.

The proposed improvements at the three existing WWTP sites will be completed within the existing developed site limits. A new headworks building will be constructed at the Northgate WWTP resulting in an increase in impervious area of approximately 0.3 acres (this area is currently lawn cover). Demolition of the existing tanks at the Pennview and Chenango Heights WWTPs will result in no change or a net decrease in impervious area overall. These facilities will be designed to preserve existing drainage patterns to the extent possible. A SWPPP will be completed and followed during construction to minimize stormwater runoff, and will address operation and maintenance of any permanent stormwater measures constructed under the project. Impacts to surrounding properties are expected to be minimal.

#### 6. Impacts on Air

No air permits will be needed for the construction or operation of the project. It should be noted that there will be an increase in fossil fuel consumption by heavy machinery during the construction period, but this minor and temporary increase in vehicular emissions is not anticipated to have any measurable impact on local air quality.

#### 7. Impacts on Plants and Animals

7.b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.

The proposed action is likely to have a small impact on the local flora and fauna. All efforts will be made to reduce or eliminate the impact by limiting clearing and following all Federal and State guidelines related to ecological impacts and review processes.

The USFWS New York Field Office's Information, Planning, and Consultation (IPaC) System was queried to determine whether any

federally listed endangered, threatened, or candidate species are known to inhabit areas within the project site. The USFWS' IPaC System identified one federally listed species that may occur within the project site: the northern long-eared bat (*Myotis septentrionalis*, threatened).

In addition, the New York Nature Explorer database lists three state protected species within the Town of Chenango, including harbinger-of-spring (*Erigenia bulbosa*, endangered), and two rare species: yellow lampmussel (*Lampsilis cariosa*) and spine-crowned clubtail (*Gomphus abbreviatus*). The New York Natural Heritage Program (NYNHP) was consulted in May 2020 regarding records of state-listed species or significant natural communities within the Project Area. The NYNHP reported that three freshwater mussel species, the brook floater (*Alasmidonta varicosa*, threatened) and green floater (*Lasmigona subviridis*, threatened), and the yellow lampmussel (*Lampsilis cariosa*, rare) have been documented adjacent to the project area in the Chenango River. In addition, the NYNHP indicated that breeding bald eagles have been documented within 175 yards of the potential expanded service area in Chenango Heights.

The 2000-2005 NYS Breeding Bird Atlas (BBA) listed multiple state-threatened species and species of special concern in survey blocks that include the Project Area. One state-threatened species was listed by the BBA (the northern harrier, *Circus cyaneus*). Species of special concern listed by the BBA included Cooper's hawk (*Accipiter cooperii*), red shouldered hawk (*Buteo lineatus*), sharp shinned hawk (*Accipiter striatus*), and vesper sparrow (*Pooecetes gramineus*),

Construction will generally be restricted to road right-of-ways and is not anticipated to disturb sensitive habitats. A wetland delineation and habitat assessment will be completed during the project's design phase to identify suitable habitat for any state or federally protected species and significant natural communities within or adjacent to the Project Area.

Appropriate documentation and coordination will be completed to ensure that potential impacts to state and federal listed species are minimized to the extent practicable, which could include adherence to certain timing restrictions to minimize impacts to breeding populations of protected species if suitable habitat is identified within the Project Area. Any timing restrictions will be coordinated and approved by all applicable parties.

# 7.d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.

See response to 7.b above.

7.g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.

In general, the predominant species in the Project Area are anticipated to include the white-tailed deer, gray squirrel, raccoon, eastern cottontail, and a number of birds, fish, and invertebrate species. The most significant habitat impacts would be associated with intermittent tree clearing along roadways for sewer main installation, which could impact habitat for multiple species. Minor clearing may also be necessary for pump station replacements and WWTP improvements for construction access. Clearing will be minimized to the extent possible, thereby minimizing direct impacts to suitable habitat areas. Similar vegetative cover types and habitats are available adjacent to the proposed Project Area, in locations that will not experience temporary or permanent impacts during construction. In temporarily disturbed areas, vegetative cover will be reestablished through seed application. Vegetative clearing restrictions may be proposed on this project, depending on the presence of suitable habitat within the Project Area and the proposed impacts to such areas.

#### 8. Impacts on Agricultural Resources

8.a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.

There are multiple mapped soil units classified in groups 1 through 4 of the NYS Land Classification System throughout the Town of Chenango. Active agricultural lands mapped within these soil units comprise about 8 acres of the total Project Area. These areas are located in the northern portion of the Project Area along U.S. Route 11 (Castle Creek Road), NY-12, and River Road.

It is emphasized that sewer main installation will occur within road rightof-ways and is not anticipated to result in an adverse impact to these soil groups. Ground disturbance associated with sewer main installation will be temporary and will not restrict agricultural activities within, or access to, these mapped productive soil areas. The proposed pump station replacements and improvements to the three existing WWTP sites will be completed within the previously developed site limits and are not located in active agricultural areas. No adverse impacts to agricultural resources within the Town of Chenango are expected to occur.

8.b. The proposed action may sever, cross, or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.).

Portions of the Project Area are within Broome County Agricultural District No. 4. Sewer main installation will occur within road right-of-ways and is not expected to adversely impact adjacent agricultural lands. The proposed pump station replacements and improvements to the three existing WWTP sites will be completed within the previously developed site limits and are not located in active agricultural areas. Coordination with the NYS Department of Agriculture & Markets (NYSDAM) will be completed for the project, as necessary.

8.c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.

See response to question 8.b. above.

8.f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.

The availability of municipal sewer service may indirectly increase the future development potential of current agricultural areas within the project limits; however this trend is not expected to occur at significant levels within the Town of Chenango. The Town will review and issue site plan approvals and building permits for development projects as they are proposed.

#### 9. Impacts on Aesthetic Resources

9.a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.

Temporary visual impacts associated with sewer main installation will occur, but are unlikely to be visible to citizens enjoying nearby state and

municipal parks and aesthetic resources within the Town. Construction will be visible to people travelling roadways to get to nearby parks, but visual conditions will return to their original state when sewer main installation is complete. The proposed pump station replacements and improvements to the three existing WWTP sites will be completed within the previously developed site limits. Significant changes in the aesthetic conditions at the pump station locations or three WWTP sites are not anticipated. The existing tanks at the Pennview and Chenango Heights WWTPs are proposed to be demolished, resulting in fewer above-ground structures than are currently present. A new headworks building is proposed at the Northgate WWTP but will be constructed within the existing site limits and is not expected to be out of character with existing conditions on site and nearby.

- 9.c. The proposed action may be visible from publicly accessible vantage points:
  - i. Seasonally (e.g., screened by summer foliage, but visible during other seasons)
  - ii. Year-Round

Sewer main installation and pump station/WWTP improvement activities may be visible from publicly accessible vantage points during construction, which will be temporary in nature. The tank demolition at Pennview and Chenango Heights WWTPs and new headworks building at the Northgate WWTP are the only permanent visual changes proposed within the Project Area. The proposed pump station replacements and improvements to the three existing WWTP sites will be completed within the previously developed site limits, and are unlikely to be visible from publicly accessible vantage points post-construction.

- 9.d. The situation or activity in which viewers are engaged while viewing the proposed action is:
  - i. Routine travel by residents, including travel to and from work
  - ii. Recreational or tourism based activities

Sewer main installation is proposed to occur along U.S. Route 11 (Castle Creek Road), River Road, and Carmichael Road, which are travelled on a routine basis by residents driving to and from work,

as well as individuals visiting the area. Construction activities associated with sewer main installation will be temporary in nature. The proposed pump station replacements and improvements to the three existing WWTP sites will be completed within the previously developed site limits.

9.f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile, ½-3 miles, 3-5 miles, or 5+ miles.

This was identified as a small impact as permanent visual changes will be restricted to the previously developed limits of the existing WWTP sites, and similar infrastructure is visible on existing properties within the Project Area. The proposed visual changes are unlikely to result in a sharp contrast to existing land use conditions within the Town and surrounding communities.

#### 10. Impacts on Historic and Archeological Resources

10.b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

The Project Area is partially within an archaeologically sensitive area designated by the NY State Historic Preservation Office (SHPO). The project was submitted to SHPO for review via the Cultural Resource Information System (CRIS) on March 8, 2018. A letter from the SHPO dated March 3, 2018 indicated that no historic properties will be affected by the project.

#### 11. Impacts on Open Space and Recreation

No impacts to open space and recreation were identified. The project will not result in a loss of recreational opportunities or a reduction of an open space resource.

#### 12. Impacts on Critical Environmental Areas

No impacts to Critical Environmental Areas were identified. There are no Critical Environmental Areas within or near the Project Area.

#### 13. Impacts on Transportation

### 13.e. The proposed action may alter the present pattern of movement of people or goods.

Sewer main installation is proposed within road right-of-ways. Temporary impacts to vehicular and pedestrian traffic will occur during construction within these areas. For work completed on state or county-owned roadways, highway work permits will be obtained from the NYS Department of Transportation and the Broome County Highway Department, respectively. No permanent impacts to the existing roadways and transportation patterns within the Town are anticipated.

#### 14. Impacts on Energy

#### 14.e. Other Impacts

A small increase in energy usage is expected to occur as a result of minor electrical consumption for new lighting at the improved Northgate WWTP and operation of the new pump stations at the existing Pennview and Chenango Heights WWTPs. The sizing of the pump stations will be determined during design, and therefore a quantifiable estimate of energy usage is not currently available. The anticipated minor increase in energy usage is not expected to exceed the capacity of the Town's existing electrical supply.

#### 15. Impacts on Noise, Odor, and Light

### 15.a. The proposed action may produce sound above noise levels established by local regulation.

Ambient noise levels will be exceeded temporarily during construction. Excess noise will be limited to daylight hours to minimize adverse impacts on the community and nearby receptors. These impacts will be temporary and are therefore classified as small impacts.

# 15.c. The proposed action may result in routine odors for more than one hour per day.

Sewage treatment operations at the Northgate WWTP will result in odor generation. Nearby residents have complained about odors at the existing Northgate plant and the proposed project will seek to reduce odor issues

with the WWTP improvements. The existing Pennview and Chenango Heights WWTPs are proposed to be converted to pump stations, and therefore odor generation in these locations would be reduced compared to existing conditions.

### 15.d. The proposed action may result in light shining onto adjoining properties.

New outdoor light fixtures may be installed at the new headworks building at the Northgate WWTP and at the existing Pennview and Chenango Heights WWTPs to be converted to pump stations. The nearest residential properties are about 200 feet north of the Pennview WWTP, 150 feet north of the Chenango Heights WWTP, and 1,000 feet north of the Northgate WWTP. Structure lighting may be seen from nearby properties, but will not shine down directly on them and is not expected to cause a significant impact.

### 16. Impacts on Human Health

16.a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.

The Project Area is within 1,500 feet of Chenango Forks Elementary School & High School, Chenango Bridge Elementary School, and Chenango Valley Middle School. No new contaminant exposure or other health hazards are anticipated to be associated with the project near these sensitive receptors.

16.c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.

Four spills were reported within project area in past 5 years- all involved minor petroleum spills and 3 are formally closed out. The open spill incident (1708178) involved the release of 1 gallon of an unknown petroleum substance. Work proposed near these past spill locations and remediation sites will be restricted to road right-of-ways. No new contaminant exposure is anticipated to occur as a result of the proposed project.

### 16.j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.

One remediation site (V00062) is within 2,000 feet of the Project Area. Site V00062, the Chenango Plaza, was part of the Voluntary Cleanup Program. The site was formerly used as dry cleaning operation (from the 1960s to early 1990s) involving underground disposal of trichloroethene and tetrachloroethene. Remediation at the site is complete. The site is within the existing Northgate Service Area and is not proposed to be disturbed as a result of the project. No new contaminant exposure is anticipated to occur as a result of the proposed project. A Phase 1 Environmental Site Assessment may be necessary for the project, and would be completed at the request of the NYSDOT. In addition, if any contamination is encountered during construction, the NYSDEC spill reporting guidelines would be followed. Contaminated soils would be removed and disposed of in accordance with state regulations.

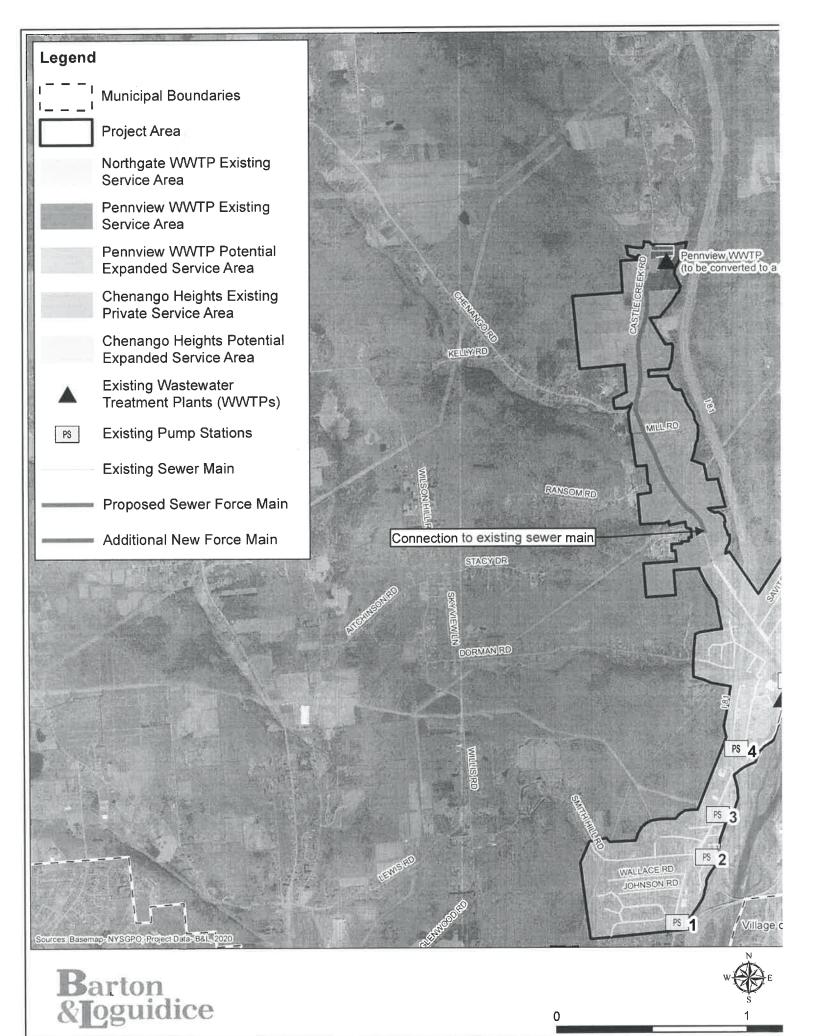
### 17. Consistency with Community Plans

No impacts were identified. The proposed action is consistent with existing Community Plans.

### 18. Consistency with Community Character

No impacts were identified. The proposed action is consistent with the community character. Temporary construction will primarily occur within road rights-of-way boundaries and existing wastewater facility sites and will not result in significant disturbances or major changes to the community character.

Figure 1
Project Location Map



### Appendix A Coordinated Review Responses



ANDREW M. CUOMO Governor

RICHARD A. BALL Commissioner



May 1, 2018

James DiMascio, Deputy Town Supervisor Town of Chenango 1529 State Route 12 Binghamton, New York 13901

RE: Town of Chenango, Broome County - Wastewater Conveyance and Treatment

Improvements Project

Dear Mr. DiMascio:

The Department does not object to Town of Chenango's request to act as lead agency pursuant to Sections 617.6(b)(2) and (3) of 6 N.Y.C.R.R. of the Environmental Conservation Law. Based upon information provided, it appears that a portion of the proposed action may occur within a county adopted, State certified, Agricultural District (see attached image).

Section 305(4) of the Law requires any state agency, public benefit corporation or local government which intends to acquire land or any interest therein within a state certified agricultural district in excess of one acre on an actively operated farm or in excess of ten acres within the district, or which intends to construct or advance public funds for the construction of dwellings, commercial, or industrial facilities, or water or sewer facilities to serve non-farm structures, to file a Final Notice of Intent with the Commissioner of Agriculture and Markets and with the County Agricultural and Farmland Protection Board.

The Town of Chenango is also limited in its power to impose benefit assessments, special ad valorem levies or other rates or fees in certain improvement districts or benefit areas. Section 305(5) of the AML states that:

"Within improvement districts or areas deemed benefited by municipal improvements including, but not limited to, improvements for sewer, water, lighting, non-farm drainage, solid waste disposal, including those solid waste management facilities established pursuant to section two hundred twenty-six-b of the county law, or other landfill operations, no benefit assessments, special ad valorem levies or other rates of

fees charged for such improvements may be imposed on land used primarily for agricultural production within an agricultural district on any basis, except a lot not exceeding one-half acre surrounding any dwelling or non-farm structure located on said land nor on any farm structure located in an agricultural district unless such structure benefits directly from the service of such improvement district or benefited area; provided, however, that if such benefit assessments, ad valorem levies or other rates of fees were imposed prior to the formation of the agricultural district, then such benefit assessments, ad valorem levies or other rates or fees shall continue to be imposed on such land or farm structure."

If you have any questions concerning the Notice of Intent process, please contact me at (518) 457-8887.

Sincerely,

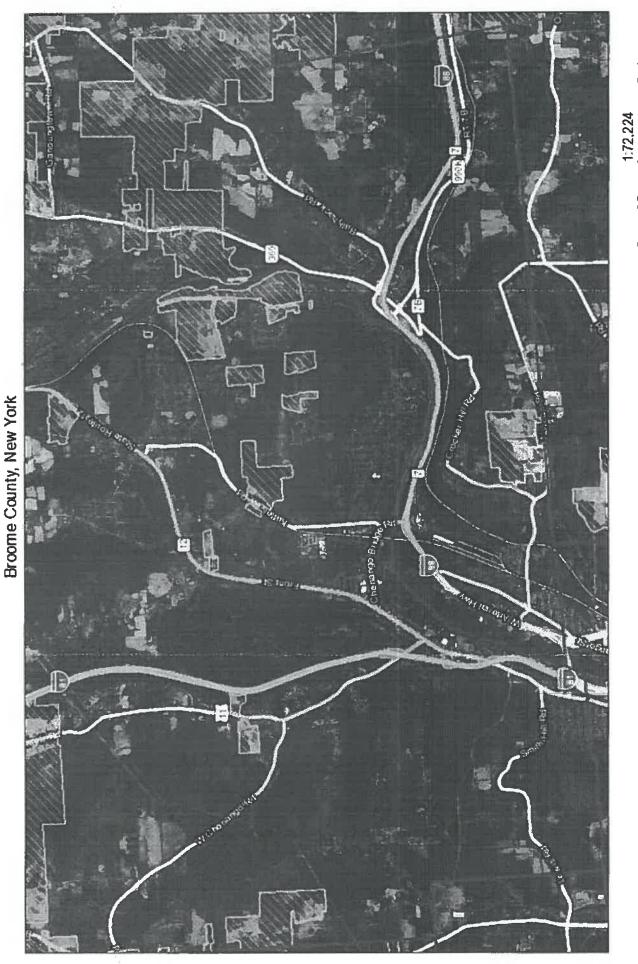
Robert Somers, Ph.D.

Manager, Agricultural Protection Unit

Enc.

cc: Grete Bader, Envir. Scientist, Barton & Loguidice, D.P.C.

# Town of Chenango - Water Conveyance & Treatment Improvements



Тhomas DellaRocco 01-MAY- 2018 @ 11,57.20

Agricultural Districts

Town Boundaries

2 m;

0.5



January 5, 2022

Jo Anne Klenovic, Supervisor Town of Chenango 1529 State Route 12 Binghamton, New York 13901

Re:

(T) Chenango Wastewater Treatment and Conveyance Project

Subj:

Amendment No. 3 Request

File: 1855.001.003

Dear Supervisor Klenovic:

Barton & Loguidice, D.P.C. (B&L) respectfully requests an amendment for additional Final Design Phase Services and Construction Phase/Resident Project Representative cost escalation for the abovereferenced project.

As outlined in the Owner/Engineer Agreement, B&L's Final Design Phase fee was based on the conceptlevel Northgate WWTP Improvements described in the 2017 Preliminary Engineering Report (PER). The Northgate WWTP Improvements have evolved and grown throughout the design phase to improve energy efficiency, simplify operations and increase treatment flexibility. Additional/modified improvements are highlighted as follows:

- "Batch" MBR treatment system
  - Innovative technology that provides treatment flexibility and energy efficiency
  - o \$56,000 estimated energy savings per year
- New Aerobic Digester system
  - o Increased solids handling treatment and operator flexibility
- Control Building Addition
  - o Provides a code/standard-compliant laboratory, operator workspace, and dedicated breakroom

Further, the 2019 Project Schedule anticipated construction services would begin in early 2021. Construction has been delayed one year, resulting in unanticipated inflation costs (approximately 6% inflation) for undertaking the 24 months of construction phase services as anticipated in the Owner/ Engineer Agreement.

Our proposed amendment for additional Final Design Phase Services and Construction Phase/Resident Project Representative cost escalation is summarized in the table below. Refer to the attachments for supporting detail.

Jo Anne Klenovic, Supervisor Town of Chenango January 5, 2022 Page 2



### **B&L Amendment No. 3 Summary**

	Proposed Fee*
Final Design	\$353,000
Construction Phase	\$46,000
Resident Project Representative (RPR)	\$31,000
TOTAL	\$430,000

<sup>\*</sup>See attachments for detail.

The additional attention to detail, functionality, and efficiency ultimately leads to a project that will best serve the Town of Chenango and its district users for many years to come. As shown below, our services to date have been efficient and cost competitive, and we continue to deliver significant added value well beyond typical engineering though our operations and project funding expertise.

- Proposed total design fee \$1.388M; Total project cost \$26.73M
- Proposed design fee percentage 5.2% (8% industry standard)

An updated Project Budget Summary inclusive of proposed Amendment No. 3 is also attached for reference.

Please contact Taylor Bottar or me with any questions or if you require additional information.

Sincerely,

BARTON & LOGUIDICE, D.P.C.

Eric A. Pond, P.E. Senior Vice President

TCB2 /tlh

**Attachments** 

### (T) Chenango WWTP and Conveyance Improvements Amendment No. 3 - Additional Design Phase Services

	Number of Drawings**			Cost per Sheet*		Additional Fee		
	Assumed	Actual	Additional	Cost	per Sneet	Aq	aitional Fee	
C1 - General	3	4	1		N/A		N/A	
C1 - Civil	7	17	10	\$	4,388	\$	44,000	
C1 - Process	26	52	26	\$	4,388	\$	114,000	
C1 - Architectural	10	23	13	\$	4,388	\$	\$ 57,000	
C1 - Structural	10	25	15	\$	4,388	\$	66,000	
C1 - Electrical	18	34	16	\$	2,517	\$ 40,000		
C1 - Mechanical	6	10	4	\$	3,107	\$	12,000	
C1 - Plumbing	6	14	8	\$	2,517	\$ 20,000		
Contract 2	94	101	7		N/A	N/A		
		·			TOTAL	\$	353,000	

<sup>\*</sup>Based on Effort Estimate provided to Town on 3/5/19.

<sup>\*\*</sup> In good faith, B&L is not requesting compensation for additional specification efforts.

### (T) Chenango WWTP and Conveyance Improvements Amendment No. 3 - Construction Phase Inflation

	Initial Fee	Inflation	Additional Fee
Construction Phase	\$765,000	6%	\$46,000
Resident Project Representative (RPR)	\$524,000	6%	\$31,000

### AMENDMENT NO. 3 - PROJECT BUDGET SUMMARY

Town of Chenango Wastewater Improvements Project CWSRF Project No. C7-6203-04-00



	The second secon	The second secon		Current Contract	Proposed B&L
Cost Type	Cost Description	Contractor Name Co	Contract Date	Amount	Amendment No. 3
Construction	Contract 1A - General Contractor	TBD	TBD		
	Contract 1B - Electrical	TBD	TBD		
	Contract 1C - Mechanical	TBD	Тво	\$21 165 000	
	Contract 1D - Plumbing	TBD	TBD	4F+, E00,000	
	Contract 2A - General Contractor	TBD	TBD		
	Contract 2B - Electrical	TBD	TBD		
Engineering	WWTP Engineering Study	Barton & Loguidice D.P.C.	11/30/2015	\$25,000	
	District Formation	Barton & Loguidice D.P.C.	7/27/2021	\$0	•
	Preliminary Design Phase Services	Barton & Loguidice D.P.C.	5/22/2019	\$595,000	
	Final Design Phase Services	Barton & Loguidice D.P.C.	7/27/2021	\$450,500	\$353,000
	Bidding and Negotiating Phase	Barton & Loguidice D.P.C.	5/22/2019	\$70,000	
	Construction Phase	Barton & Loguidice D.P.C.	7/27/2021	\$767,000	\$46,000
	Post-Construction Phase	Barton & Loguidice D.P.C.	5/22/2019	\$10,000	
	Additional Services - Subcontract Administration	Barton & Loguidice D.P.C.	5/22/2019	\$5,000	1
	Additional Services - Subcontract Services	Barton & Loguidice D.P.C.	5/22/2019	\$210,000	
	Additional Services - Verification of Existing Conditions	Barton & Loguidice D.P.C.	5/22/2019	\$2,500	
	Additional Services - ROW Assistance	Barton & Loguidice D.P.C.	5/22/2019	\$10,000	
	Additional Services - Permits	Barton & Loguidice D.P.C.	5/22/2019	\$20,000	1
	Additional Services - Funding Assistance	Barton & Loguidice D.P.C.	5/22/2019	\$7,500	1
	Additional Services - Hazardous Materials Pre-Demo Sur Barton & Loguidice D.P.C.	r Barton & Loguidice D.P.C.	5/22/2019	\$3,000	1_
	Additional Services -Startup Assistance	Barton & Loguidice D.P.C.	5/22/2019	\$15,000	
	Additional Services - Record Drawings	Barton & Loguidice D.P.C.	5/22/2019	\$20,000	
	Additional Services - O&M Manuals	Barton & Loguidice D.P.C.	5/22/2019	\$30,000	75
	Additional Services - Operator Training	Barton & Loguidice D.P.C.	5/22/2019	\$5,000	<u>                                      </u>
	Additional Services - Permits (Hourly)	Barton & Loguidice D.P.C.	7/27/2021	\$23,000	SE.
	Resident Project Representative	Barton & Loguidice D.P.C.	7/27/2021	\$530,000	\$31,000
	Administrative Consulting	Urda Engineering, PLLC *	12/21/2015	\$7,003	
Bond Counsel	Bond Counsel	Hawkins, Delafield & Wood, LLP *	TBD	\$45,000	11
Local Counsel	Local Counsel	Coughlin & Gerhart, LLP *	TBD	\$55,000	
Financial Advisor	Financial Services	Municipal Solutions, Inc. *	10/15/2019	\$40,000	
Other	Miscellaneous	TBD *	12/3/2019	\$110,909	
				REVISED Subtotal	\$24,651,412
				REVISED Contingency	\$2,078,588
				Total Bond Amount	\$26,730,000
Funding Summary **	**			\$5,000,000,00	Grant
	water intrastructure improvement Act (with)	NYS Environmental Facilities Corporation (EFC)		\$2,000,000,00	Cigin
	Water Quality Improvement Project (WQIP)	NYS Dept. of Environmental Conservation (DEC)	_	\$1,000,000.00	Grant
	Clean Water State Revolving Fund (CWSRF)	NYS Environmental Facilities Corporation (EFC)		\$20,730,000.00	Loan

<sup>\*</sup> Budget Tracking By Others

Disclaimer: Barton & Loguidice is not a "municipal advisor" as defined by 15 U.S.C. 780-4 or the related rules of the Securities and Exchange Commission. Budget tracking should be completed and verified by Town officials or third party municipal/financial advisor.

	2	

### RESOLUTION NO.\_\_\_\_

### RESOLUTION APPROVING ABSTRACT NO. 3

Lizanne Tiesi-Korinek, Town Clerk Town of Chenango

Town of Chenango Seal

Dated: February 16, 2022

### RESOLUTION AUTHORIZING PURCHASE OF EQUIPMENT

The Town Board of the Town of Chenango, duly convened in Work Session, February 16, 2022, does hereby RESOLVE as follows:

WHEREAS, the Parks and Cemeteries Department of the Town of Chenango, has recommended and requested the purchase of one (1) 2022 John Deere Z290M Commercial ZTrak mower for \$9,989.98 for maintenance of Town properties; and

WHEREAS, the Public Works Superintendent, Gregory Burden, recommends this purchase and the trade-in of the Town's current John Deere Z920A for \$4,500.00; and

WHEREAS, the Parks and Cemeteries Department has received a quote for purchase from Lindsey Equipment for one (1) 2022 John Deere Z920M Commercial ZTrak mower for \$9,989.98 less the trade in of the Town's surplus John Deere Z920A Commercial ZTrak mower for \$4,500.00 leaving a total amount due of \$5,489.98; and

WHEREAS, the Town Budget Officer has recommended that the funds for the purchase be taken from Town Budget line A8810.200; and

WHEREAS, the Town Board of the Town of Chenango authorizes the purchasing of the 2022 John Deere Z290M Commercial ZTrak mower in the amount of \$9,989.98 from Deere & Company, Ag & Turf CBD & Government Sales, 21748 Network Place, Chicago, IL 60673-1217, a Sourcewell Contract No. PC68131, via Lindsey Equipment, 112 Route 369, Port Crane, NY 13833 (a duly licensed vendor of Deere & Company, commonly known as "John Deere"); and

WHEREAS, the Town Board upon review of said contract has determined the same to have been let in accordance with the General Municipal Law §103 (16), commonly known as the "Piggybacking" exception; and

WHEREAS, the Town Board has determined such purchase to be in the best interest of the Town of Chenango; and

**WHEREAS**, the Town Board declares the Town's current John Deere Z920A to be surplus goods.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Town Board of the Town of Chenango authorizes the purchase of the 2022 John Deere Z290M Commercial ZTrak mower in the amount of \$9,989.98 from Lindsey Equipment, a duly licensed vendor of Deere & Company, Ag & Turf CBD & Government Sales, 21748 Network Place, Chicago, IL 60673-1217, utilizing Contract No. PC68131 as let Sourcewell with trade-in of the Town's surplus John Deere Z920A for \$4,500.00 for a total expenditure of \$5,489.98; and be it further

**RESOLVED**, that the funds for such purchase be taken from A8810.200; and be it further

**RESOLVED**, that this Resolution shall take effect immediately.

### **CERTIFICATION**

I, Lizanne Tiesi-Korinek, do hereby certify that I am the Town Clerk of the Town of Chenango and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Chenango at a meeting thereof held on this 16th day of February, 2022. Said resolution was adopted by the following roll call vote:
Supervisor Jo Anne Klenovic
Councilperson Gene Hulbert Jr.
Councilperson Frank Carl
Councilperson Jim DiMascio
Town of Chenango Seal
Dated: February 16, 2022
Lizanne Tiesi-Korinek

Town Clerk of the Town of Chenango



Quotes are valid for 30 days from the creation date of the quote OR until the contract expires.

### A Purchase Order or Letter of Intent is required for all orders.

To expedite the delivery of equipment, the below information must be included on your Purchase Order or Letter of Intent.

	For any questions, please contact:
	Harold Guernsey
Vendor: Deere & Company  2000 John Deere Run Cary, NC 27513	Lindsey Equipment  112 Route 369  Port Crane, NY 13833
Signature	Tel: 607-648-5776 Fax: 607-648-3513
☐ Shipping address	Email: harold@lindseyequipmentus.com
Billing address	
	Must be made out to Deere & Company.

If information is not included, the Purchase Order or Letter of Intent will be returned.

The John Deere Government Sales Team





30° S 3NG

Quote Id: 25865361

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company 2000 John Deere Run Cary, NC 27513

ME LEVES GROWING

ra ten.

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FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Lindsey Equipment 112 Route 369 Port Crane, NY 13833 607-648-5776

hfarr@lindseyequipmentus.com

### Prepared For:

### **TOWN OF CHENANGO / GREG BURDEN**





### www.LindseyEquipmentUS.com

Apalachin, NY 607-625-5570 Ashley, PA 570-824-8020 Big Flats, NY 607-562-3226

Honesdale, PA 570-253-3334

Mansfield, PA 570-662-3200

New Milford, PA 570-465-7100 Port Crane, NY 607-648-5776

### **Proposal For:**

### **Delivering Dealer:**

Harold Guernsey

Lindsey Equipment 112 Route 369 Port Crane, NY 13833

hfarr@lindseyequipmentus.com

**Quote Prepared By:** 

Harold Guernsey

harold@lindseyequipmentus.com

Offer Expires: 28 February 2022

Cantidantial

H US.0 (9)

Date: 05 January 2022

and the Borry



ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company 2000 John Deere Run Cary, NC 27513

FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Lindsey Equipment 112 Route 369 Port Crane, NY 13833 607-648-5776

hfarr@lindseyequipmentus.com

### **Quote Summary**

Prepared For:

TOWN OF CHENANGO / GREG BURDEN 1529 STATE ROUTE 12 BINGHAMTON, NY 13901

Business: 607-648-4809 se a Construct

11 de fin Depre Run

**Delivering Dealer:** 

**Lindsey Equipment** Harold Guernsey 112 Route 369

Port Crane, NY 13833 Phone: 607-648-5776

harold@lindseyequipmentus.com

If customer refuses proper ballasting signature is required here:

Quote ID:

25865361

Created On:

05 January 2022

Last Modified On:

11 January 2022

**Expiration Date:** 

28 February 2022

**Equipment Summary** 

Suggested List

**Selling Price** 

Qty

Extended

JOHN DEERE Z920M ZTrak

\$ 12,974.00

\$9,989.98 X

\$ 9,989.98

Contract: NY State Landscaping Grounds PC68131 (PG XN CG 22)

Price Effective Date: January 10, 2022

in the street in the well

**Equipment Total** 

Then d

Photos and a

\$ 9,989.98

Trade In Summary	Qty Each	Extended
JOHN DEERE Z920A 26HP PRO 48" MID Z	1 \$4,500.00	\$4,500.00
PayOff		\$ 0.00
Total Trade Allowance		\$ 4,500.00
Trade In Total		\$ 4,500.00
* Includes Fees and Non-contract items	Quote Summary	
	Equipment Total	\$ 9,989.98
	Trade In	\$ (4,500.00)
1	SubTotal	\$ 5,489.98
	Est. Service Agreement Tax	\$ 0.00
	Total	\$ 5,489.98
	Down Payment	(0.00)
100	Rental Applied	(0.00)
Salesperson : X	Accepte	d By : X





ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
Deere & Company
2000 John Deere Run
Cary, NC 27513
FED |D: |36-2382580; DUNS#: 60-7690989

5 mg 25 X 45

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Lindsey Equipment 112 Route 369 Port Crane, NY 13833 607-648-5776 hfarr@lindseyequipmentus.com

Balance Due

\$ 5,489.98

Salesperson: X

Accepted By : X \_\_\_



### **Selling Equipment**



Quote Id: 25865361

Customer Name: TOWN OF CHENANGO / GREG BURDEN

ALL PURCHASE ORDERS MUST BE MADE OUT

TO (VENDOR):

Deere & Company 2000 John Deere Run Cary, NC 27513 FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT

TO DELIVERING DEALER:

Lindsey Equipment 112 Route 369 Port Crane, NY 13833

607-648-5776

hfarr@lindseyequipmentus.com

	, 75° - 1 (g)					A Victor	4
	* JO	HN I	DEERE Z	920M ZTra	ak		
Hours:						Sugg	gested List *
Stock NL	ımber: 74415						12,974.00
Contract	: NY State Landscaping G	roun	ds PC6813	1 (PG XN			elling Price *
	CG 22)			`			\$ 9,989.98
Price Eff	ective Date: January 10	, 202	2				
0		* Pric	e per item	- includes F	ees and No	n-contract i	tems
Code,	Description	Qty		Discount%	Discount Amount	Contract	
2146TC	Z920M ZTrak	1	\$ 11,609.00	23.00	\$ 2,670.07	\$ 8,938.93	
	The second secon	Stand	dard Option	s - Per Unit			
001A	United States/Canada	1	\$ 0.00	23.00	\$ 0.00		\$ 0.00
1035	24x9,5x12 Pneumatic Turf Tire for 48 In. Decks	1	\$ 0.00	23.00	\$ 0.00	\$ 0.00	\$ 0.00
1501	48 In. Mulch On Demand Mower Deck	1	\$ 870.00	23.00	\$ 200.10	\$ 669.90	\$ 669.90
2093	Fully Adjustable Suspension Seat with Armrests (24" High Back)	1	\$ 495.00	23.00	\$ 113.85	\$ 381.15	\$ 381.15
	Standard Options Total		\$ 1,365.00		\$ 313.95	\$ 1,051.05	\$ 1,051.05
	Since Sales And Late and Bure	annate t			Aller Aller		NO. POLICE LANGUAGE
	Value Added Services Total		\$ 0.00	marerer new same "he limbe un't fils Jose h'illide libre d'Assa <u>militie</u>	n manus ar manus de Bandades — res Pres administrativo a a de la	3 8,5\$ 0.00	\$ 0.00
Total Selli	ng Price	50.0	\$ 12,974.00		\$ 2,984.02	\$ 9,989.98	\$ 9,989.98

1 13 3 ET



### **TOWN OF CHENANGO**

WATER, SEWER AND PARKS DEPARTMENT Greg Burden, Superintendent of Public Works

1529 NYS Rt. 12 Binghamton, NY 13901 Telephone: (607) 648-4809 ext 7 Fax: (607) 648-8519

water@townofchenango.com

February 10, 2022

TO: Town Board

RE: John Deere Z920M ZTrak

The attached quote prepared by Lindsey Equipment is for the replacement of the 2019 John Deere Z920A Ztrak Mower used in Kattelville Cemetery. The money was budgeted under A8810.200. The total purchase is \$9,989.98 minus trade in of \$4,500.00 leaving a balance due and owing of \$5,489.98.

I ask the Board to approve the purchase now due to the demand for equipment and the current situation with Covid-19 shortages.

Thank You Greg Burden

RESOLUTION NO.	
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### RESOLUTION APPROVING FIREMAN APPLICATION

The Town Board of the Town of Chenango, duly convened in Regular Session, February 16, 2022, does hereby RESOLVE as follows:

SECTION 1. WHEREAS, the Chenango Bridge Fire Company has proposed the following membership of Marianna Gerdus and Alison Dell from Chenango Bridge Fire Company, and

WHEREAS, the required application has been received, and

WHEREAS, this **Board** has carefully considered this application, now therefore, it is hereby

SECTION 2. RESOLVED, that Marianna Gerdus and Alison Dell are hereby approved as members of the Chenango Bridge Fire Company, effective immediately.

Offered by:

Seconded by:

	CERTIFICATION
foregoing constitutes a true, corrections of Chenango at a meeting the	by certify that I am the Town Clerk of the Town of Chenango and that the ct and complete copy of a resolution duly adopted by the Town Board of the hereof held at Town Hall, 1529 NY RT 12, Binghamton, NY on this 16th day of as adopted by the following roll call vote:
Supervisor Jo Anne Klenovic Councilperson Gene Hulbert Jr. Councilperson Frank Carl Councilperson Jim DiMascio	
Town of Chenango Seal	
Dated: February 16, 2022	

Lizanne Tiesi-Korinek, Town Clerk Town of Chenango

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### Derin Kraack Work Session

### February 16, 2022

The Highway Department has gone out for a total of 6 times to respond to winter conditions. This included a long-term black ice and sleet event towards the end of the 1<sup>st</sup> week.

The Highway Department moved snow and cleaned snow off of the tops of catch basins.

The Highway Department worked with John's Tree Service to remove trees on N. Morningside, Heights Ct, Heath Dr and the intersection of Clark and Cross Ave.

The new software for the trucks came in, it is up and running and is working very well. The training has been completed.

Cold patching has been ongoing.

Signs were straightened and mailboxes were temporarily repaired.

### 2/16/2022 WORK SESSION



**106 Main Street** Suite #4 Windsor, NY 13865 607.760.6545 GINEERING, PLLC alex@urdaengineering.com **Department Head** Engineerina



From: Alex Urda, P.E. - Engineer for the Town

 Sewer Improvement Project – SD12 (Chenango Heights) Annual Capital Debt Projections We have been working with the project team on projecting draft annual capital debt scenarios for the board to review in consideration of consolidation of SD12 into the existing consolidated district.

B&L has provided two scenarios for SD12 debt consideration

Annual Debt if Consolidated estimated at:

\$299.61/unit

Annual Debt if Not Consolidated estimated at:

\$864.04/unit

Reminder: these values are estimated and not final. They will change depending on ultimate project costs and pending the ultimate number of EDUs.

John Endress helped provide a spreadsheet of the existing SD12 assessed parcels which we reviewed versus the District Boundary as adopted.

Note: Five parcels currently within the district appear to not be in this assessment roll from John Endress, and are noted at the bottom of the attached spreadsheet. I believe they were not required to be 'paying' as one was vacant, and the other 4 have existing septic systems. The board will have to decide again if the 4 septic system units are required be part of paying/assessed parcels, as well ass how to treat the one vacant parcel.

### Unit Clarification

Currently SD12 is assessed on a unit basis of 1 Unit per parcel as per the legal formation of the district several years ago.

The consolidated district is assessed at a unit as defined by Section 56-5 K (below).

Residential: 1 unit/80-foot frontage or less plus 0.0125 unit/foot in excess of 80 feet. Corner lots shall be computed on the shorter frontage of the two streets involved plus any long side frontage over 200 feet. Not to exceed 1.25 units

Residential Vacant: Same as residential (one-family). The debt assessment for a vacant parcel would change in the event of the parcel being occupied by any use other than a residential (one-family).

In the Board's review of the potential to consolidate, this difference in units has to be considered. We updated the spreadsheet to assist and added the following:

- a. Input any missing lot 'front' values (several were noted as zero).
- b. Evaluated corner lots per the unit definition (which varies from how John's assessment data is pulled from GIS).
- c. Added the 5 parcels that are in the SD12, but were not in John's list.
- d. Provided debt assessment projections for two scenarios
  - i. SD12 stays separate
  - ii. SD12 joins consolidated district

Again, these values are still evolving and subject to revision, but should give a fair approximation of the project debts for comparison in consideration of district consolidation.

Should consolidation take place consider:

- 1. Does the SD12 parcel grouping remain at 1 unit/parcel, or adopt the Section 56-5 K unit calculation? My recommendation would to be to make everything uniform at the 56-5 K format.
- 2. If the 56-5 K unit format is adopted for SD12, the current vacant lot in SD12 will now have a debt assessment.
- 3. What to do with the 4 parcels with septic systems not currently debt assessed.
  - a. Is it stipulated that they are 'ok as-is' until such point that their systems fail and then they have to tie in?
  - b. Will they be required to tie in and be debt assed upon consolidation?

Lastly, District Mapping. I have Ed Gent's cad file of the Sewer District Map and am updating it with SD12 on it. I will provide that mapping to assist with the ongoing district work/filing. Note that this map is a generalization of the districts over a tax map basis and not a 'legal boundary' format.

### 2. Other?

## Sewer District 12 (Chenango Heights) Preliminary Debt Assessment Review A. Urda 2/11/2022 Note this is for information purpos

Front URDA

Annual Cost w/

Note this is for information purposes and not the final debt assement.

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\$ 313.84	\$ 324.25	\$ 335.34	\$ 374.51	\$ 374.51	\$ 374.51	\$ 310.85	\$ 310.85	\$ 310.85	\$ 310.85	\$ 310.85	\$ 310.85	\$ 299.61	\$ 299.61	\$ 318.26	\$ 318.34	\$ 318.34	\$ 318.34	\$ 318.34	\$ 318.34	\$ 321.14	\$ 374.51	\$ 374.51	\$ 299.61	\$ 374.51	\$ 362.04	\$ 338.60	\$ 337.06	\$ 337.06	\$ 337.06	\$ 299.61	\$ 374.51	\$ 374.51	\$299.61	Consolidated @	SD12	Annual Cost	. ,
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Giglio, Patricia D.	Schieve, Joseph F.	Sanaeko, Russell T.	Farrell, Sean Robert	Gazdik, Gary S.	Koh, Wuijin	Bunker, Amy L.	Crawford, Jon	Murphy, Dave	Thrall, Douglas M	Dabish, James W.	Mirabito, Matthew J.	Warren, Joseph	Kelley, Frank E.	Lapham, Gregory L.	Powers, Donn J.	Novitsky, Thomas W.	Walker, Steven M.	Giovenco, Michael A.	Rosenthal, Michael B.	Oppong-Darko, Gideon	Watson, Garrett	Hodder, Sarah Ann	Cacialli, Richard G.	Wilson, Samuel R.	O'Day, Michael J.	Kumiega, Michael A.	Ciccarino-Kelly, Lisa S.	Mowry, Timothy	Bruet, Daniel M.	Schotts, Mark E.	Snow, Alan G.	Gumbach, Michael	Owner				

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83	88	85	85	85	85	100	140	140	140.46	104.2	102.65	102.65	85	85	85	85	100	100	100	120	87.01	85.79	83.94	83.55	83.55	83.55	102.65	103.6	90	90	102.02	119.74	109.78	83	83	83	83	83	83.55	83.55	83.55
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# MacLeod, Amy

From:

Hon. Michael A. Fedish <mfedish@nycourts.gov>

Sent:

Thursday, February 10, 2022 2:20 PM

To:

MacLeod, Amy

Subject:

Board Room/Jury Deliberations Room

# Town of Chenango Board Members

Supervisor Klenovic discussed with me today about the repurposing of the Board Room/Jury Deliberations Room. I also spoke with Judge Scott and we both agree that an alternate space like the empty office across from the Supervisors Office or even the community room would work for jury deliberations.

Hon. Michael A. Fedish Town of Chenango Justice Court

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# Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule

U.S. DEPARTMENT OF THE TREASURY



The Overview of the Final Rule provides a summary of major provisions of the final rule for informational purposes and is intended as a brief, simplified user guide to the final rule provisions.

The descriptions provided in this document summarize key provisions of the final rule but are non-exhaustive, do not describe all terms and conditions associated with the use of SLFRF, and do not describe all requirements that may apply to this funding. Any SLFRF funds received are also subject to the terms and conditions of the agreement entered into by Treasury and the respective jurisdiction, which incorporate the provisions of the final rule and the guidance that implements this program.



# **Contents**

Introduction	4
Overview of the Program	6
Replacing Lost Public Sector Revenue	9
Responding to Public Health and Economic Impacts of COVID-19	12
Responding to the Public Health Emergency	14
Responding to Negative Economic Impacts	16
Assistance to Households	17
Assistance to Small Businesses	21
Assistance to Nonprofits	23
Aid to Impacted Industries	24
Public Sector Capacity	26
Public Safety, Public Health, and Human Services Staff	26
Government Employment and Rehiring Public Sector Staff	27
Effective Service Delivery	28
Capital Expenditures	30
Framework for Eligible Uses Beyond those Enumerated	32
Premium Pay	35
Water & Sewer Infrastructure	37
Broadband Infrastructure	39
Restrictions on Use	41
Program Administration	43



# Introduction

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF), a part of the American Rescue Plan, delivers \$350 billion to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency. The program ensures that governments have the resources needed to:

- Fight the pandemic and support families and businesses struggling with its public health and economic impacts,
- Maintain vital public services, even amid declines in revenue, and
- Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.

# **EARLY PROGRAM IMPLEMENTATION**

In May 2021, Treasury published the Interim final rule (IFR) describing eligible and ineligible uses of funds (as well as other program provisions), sought feedback from the public on these program rules, and began to distribute funds. The IFR went immediately into effect in May, and since then, governments have used SLFRF funds to meet their immediate pandemic response needs and begin building a strong and equitable recovery, such as through providing vaccine incentives, development of affordable housing, and construction of infrastructure to deliver safe and reliable water.

As governments began to deploy this funding in their communities, Treasury carefully considered the feedback provided through its public comment process and other forums. Treasury received over 1,500 comments, participated in hundreds of meetings, and received correspondence from a wide range of governments and other stakeholders.

# **KEY CHANGES AND CLARIFICATIONS IN THE FINAL RULE**

The final rule delivers broader flexibility and greater simplicity in the program, responsive to feedback in the comment process. Among other clarifications and changes, the final rule provides the features below.

# **Replacing Lost Public Sector Revenue**

The final rule offers a standard allowance for revenue loss of up to \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation.

Recipients that select the standard allowance may use that amount – in many cases their full award – for government services, with streamlined reporting requirements.

# **Public Health and Economic Impacts**

In addition to programs and services, the final rule clarifies that recipients can use funds for capital expenditures that support an eligible COVID-19 public health or economic response. For example, recipients may build certain affordable housing, childcare facilities, schools, hospitals, and other projects consistent with final rule requirements.



In addition, the final rule provides an expanded set of households and communities that are presumed to be "impacted" and "disproportionately impacted" by the pandemic, thereby allowing recipients to provide responses to a broad set of households and entities without requiring additional analysis. Further, the final rule provides a broader set of uses available for these communities as part of COVID-19 public health and economic response, including making affordable housing, childcare, early learning, and services to address learning loss during the pandemic eligible in all impacted communities and making certain community development and neighborhood revitalization activities eligible for disproportionately impacted communities.

Further, the final rule allows for a broader set of uses to restore and support government employment, including hiring above a recipient's pre-pandemic baseline, providing funds to employees that experienced pay cuts or furloughs, avoiding layoffs, and providing retention incentives.

# **Premium Pay**

The final rule delivers more streamlined options to provide premium pay, by broadening the share of eligible workers who can receive premium pay without a written justification while maintaining a focus on lower-income and frontline workers performing essential work.

# Water, Sewer & Broadband Infrastructure

The final rule significantly broadens eligible broadband infrastructure investments to address challenges with broadband access, affordability, and reliability, and adds additional eligible water and sewer infrastructure investments, including a broader range of lead remediation and stormwater management projects.

#### FINAL RULE EFFECTIVE DATE

The final rule takes effect on April 1, 2022. Until that time, the interim final rule remains in effect; funds used consistently with the IFR while it is in effect are in compliance with the SLFRF program.

However, recipients can choose to take advantage of the final rule's flexibilities and simplifications now, even ahead of the effective date. Treasury will not take action to enforce the interim final rule to the extent that a use of funds is consistent with the terms of the final rule, regardless of when the SLFRF funds were used. Recipients may consult the *Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule*, which can be found on Treasury's website, for more information on compliance with the interim final rule and the final rule.



# Overview of the Program

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program provides substantial flexibility for each jurisdiction to meet local needs within the four separate eligible use categories. This Overview of the Final Rule addresses the four eligible use categories ordered from the broadest and most flexible to the most specific.

Recipients may use SLFRF funds to:

- Replace lost public sector revenue, using this funding to provide government services up to the amount of revenue loss due to the pandemic.
  - Recipients may determine their revenue loss by choosing between two options:
    - A standard allowance of up to \$10 million in aggregate, not to exceed their award amount, during the program;
    - Calculating their jurisdiction's specific revenue loss each year using Treasury's formula, which compares actual revenue to a counterfactual trend.
  - Recipients may use funds up to the amount of revenue loss for government services; generally, services traditionally provided by recipient governments are government services, unless Treasury has stated otherwise.
- Support the COVID-19 public health and economic response by addressing COVID-19 and its
  impact on public health as well as addressing economic harms to households, small businesses,
  nonprofits, impacted industries, and the public sector.
  - Recipients can use funds for programs, services, or capital expenditures that respond to the public health and negative economic impacts of the pandemic.
  - To provide simple and clear eligible uses of funds, Treasury provides a list of enumerated uses that recipients can provide to households, populations, or classes (i.e., groups) that experienced pandemic impacts.
  - Public health eligible uses include COVID-19 mitigation and prevention, medical expenses, behavioral healthcare, and preventing and responding to violence.
  - Eligible uses to respond to negative economic impacts are organized by the type of beneficiary: assistance to households, small businesses, and nonprofits.
    - Each category includes assistance for "impacted" and "disproportionately impacted" classes: impacted classes experienced the general, broad-based impacts of the pandemic, while disproportionately impacted classes faced meaningfully more severe impacts, often due to preexisting disparities.
    - To simplify administration, the final rule presumes that some populations and groups were impacted or disproportionately impacted and are eligible for responsive services.



- Eligible uses for assistance to impacted households include aid for reemployment, job training, food, rent, mortgages, utilities, affordable housing development, childcare, early education, addressing learning loss, and many more uses.
- Eligible uses for assistance to impacted small businesses or nonprofits include loans or grants to mitigate financial hardship, technical assistance for small businesses, and many more uses.
- Recipients can also provide assistance to impacted industries like travel, tourism, and
  hospitality that faced substantial pandemic impacts, or address impacts to the public
  sector, for example by re-hiring public sector workers cut during the crisis.
- Recipients providing funds for enumerated uses to populations and groups that
   Treasury has presumed eligible are clearly operating consistently with the final rule.

   Recipients can also identify (1) other populations or groups, beyond those presumed eligible, that experienced pandemic impacts or disproportionate impacts and (2) other programs, services, or capital expenditures, beyond those enumerated, to respond to those impacts.
- Provide premium pay for eligible workers performing essential work, offering additional support to those who have and will bear the greatest health risks because of their service in critical sectors.
  - Recipients may provide premium pay to eligible workers generally those working inperson in key economic sectors who are below a wage threshold or non-exempt from
    the Fair Labor Standards Act overtime provisions, or if the recipient submits justification
    that the premium pay is responsive to workers performing essential work.
- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, to support vital wastewater and stormwater infrastructure, and to expand affordable access to broadband internet.
  - Recipients may fund a broad range of water and sewer projects, including those eligible
    under the EPA's Clean Water State Revolving Fund, EPA's Drinking Water State
    Revolving Fund, and certain additional projects, including a wide set of lead
    remediation, stormwater infrastructure, and aid for private wells and septic units.
  - Recipients may fund high-speed broadband infrastructure in areas of need that the
    recipient identifies, such as areas without access to adequate speeds, affordable
    options, or where connections are inconsistent or unreliable; completed projects must
    participate in a low-income subsidy program.

While recipients have considerable flexibility to use funds to address the diverse needs of their communities, some restrictions on use apply across all eligible use categories. These include:

• For states and territories: No offsets of a reduction in net tax revenue resulting from a change in state or territory law.



- For all recipients except for Tribal governments: No extraordinary contributions to a pension fund for the purpose of reducing an accrued, unfunded liability.
- For all recipients: No payments for debt service and replenishments of rainy day funds; no satisfaction of settlements and judgments; no uses that contravene or violate the American Rescue Plan Act, Uniform Guidance conflicts of interest requirements, and other federal, state, and local laws and regulations.

Under the SLFRF program, funds must be used for costs incurred on or after March 3, 2021. Further, funds must be obligated by December 31, 2024, and expended by December 31, 2026. This time period, during which recipients can expend SLFRF funds, is the "period of performance."

In addition to SLFRF, the American Rescue Plan includes other sources of funding for state and local governments, including the <u>Coronavirus Capital Projects Fund</u> to fund critical capital investments including broadband infrastructure; the <u>Homeowner Assistance Fund</u> to provide relief for our country's most vulnerable homeowners; the <u>Emergency Rental Assistance Program</u> to assist households that are unable to pay rent or utilities; and the <u>State Small Business Credit Initiative</u> to fund small business credit expansion initiatives. Eligible recipients are encouraged to visit the Treasury website for more information.



# **Replacing Lost Public Sector Revenue**

The Coronavirus State and Local Fiscal Recovery Funds provide needed fiscal relief for recipients that have experienced revenue loss due to the onset of the COVID-19 public health emergency. Specifically, SLFRF funding may be used to pay for "government services" in an amount equal to the revenue loss experienced by the recipient due to the COVID-19 public health emergency.

Government services generally include any service traditionally provided by a government, including construction of roads and other infrastructure, provision of public safety and other services, and health and educational services. Funds spent under government services are subject to streamlined reporting and compliance requirements.

In order to use funds under government services, recipients should first determine revenue loss. They may, then, spend up to that amount on general government services.

#### **DETERMINING REVENUE LOSS**

Recipients have two options for how to determine their amount of revenue loss. Recipients must choose one of the two options and cannot switch between these approaches after an election is made.

1. Recipients may elect a "standard allowance" of \$10 million to spend on government services through the period of performance.

Under this option, which is newly offered in the final rule Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund "government services." The standard allowance provides an estimate of revenue loss that is based on an extensive analysis of average revenue loss across states and localities, and offers a simple, convenient way to determine revenue loss, particularly for SLFRF's smallest recipients.

All recipients may elect to use this standard allowance instead of calculating lost revenue using the formula below, including those with total allocations of \$10 million or less. Electing the standard allowance does not increase or decrease a recipient's total allocation.

2. Recipients may calculate their actual revenue loss according to the formula articulated in the final rule.

Under this option, recipients calculate revenue loss at four distinct points in time, either at the end of each calendar year (e.g., December 31 for years 2020, 2021, 2022, and 2023) or the end of each fiscal year of the recipient. Under the flexibility provided in the final rule, recipients can choose whether to use calendar or fiscal year dates but must be consistent throughout the period of performance. Treasury has also provided several adjustments to the definition of general revenue in the final rule.

To calculate revenue loss at each of these dates, recipients must follow a four-step process:



- a. Calculate revenues collected in the most recent full fiscal year prior to the public health emergency (i.e., last full fiscal year before January 27, 2020), called the base year revenue.
- b. Estimate *counterfactual revenue*, which is equal to the following formula, where *n* is the number of months elapsed since the end of the base year to the calculation date:

base year revenue 
$$\times (1 + growth \ adjustment)^{\frac{n}{12}}$$

The growth adjustment is the greater of either a standard growth rate—5.2 percent—or the recipient's average annual revenue growth in the last full three fiscal years prior to the COVID-19 public health emergency.

c. Identify *actual revenue*, which equals revenues collected over the twelve months immediately preceding the calculation date.

Under the final rule, recipients must adjust actual revenue totals for the effect of tax cuts and tax increases that are adopted after the date of adoption of the final rule (January 6, 2022). Specifically, the estimated fiscal impact of tax cuts and tax increases adopted after January 6, 2022, must be added or subtracted to the calculation of actual revenue for purposes of calculation dates that occur on or after April 1, 2022.

Recipients may subtract from their calculation of actual revenue the effect of tax increases enacted prior to the adoption of the final rule. Note that recipients that elect to remove the effect of tax increases enacted before the adoption of the final rule must also remove the effect of tax decreases enacted before the adoption of the final rule, such that they are accurately removing the effect of tax policy changes on revenue.

d. Revenue loss for the calculation date is equal to *counterfactual revenue* minus *actual revenue* (adjusted for tax changes) for the twelve-month period. If actual revenue exceeds counterfactual revenue, the loss is set to zero for that twelve-month period. Revenue loss for the period of performance is the sum of the revenue loss on for each calculation date.

The supplementary information in the final rule provides an example of this calculation, which recipients may find helpful, in the Revenue Loss section.



# **SPENDING ON GOVERNMENT SERVICES**

Recipients can use SLFRF funds on government services up to the revenue loss amount, whether that be the standard allowance amount or the amount calculated using the above approach. **Government** services generally include *any service* traditionally provided by a government, unless Treasury has stated otherwise. Here are some common examples, although this list is not exhaustive:

- ✓ Construction of schools and hospitals
- Road building and maintenance, and other infrastructure
- ✓ Health services
- ✓ General government administration, staff, and administrative facilities
- ✓ Environmental remediation
- Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)

Government services is the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements. Recipients should be mindful that certain restrictions, which are detailed further in the Restrictions on Use section and apply to all uses of funds, apply to government services as well.



# Responding to Public Health and Economic Impacts of COVID-19

The Coronavirus State and Local Fiscal Recovery Funds provide resources for governments to meet the public health and economic needs of those impacted by the pandemic in their communities, as well as address longstanding health and economic disparities, which amplified the impact of the pandemic in disproportionately impacted communities, resulting in more severe pandemic impacts.

The eligible use category to respond to public health and negative economic impacts is organized around the types of assistance a recipient may provide and includes several sub-categories:

- public health,
- assistance to households,
- assistance to small businesses,
- assistance to nonprofits,
- aid to impacted industries, and
- public sector capacity.

In general, to identify eligible uses of funds in this category, recipients should (1) identify a COVID-19 public health or economic impact on an individual or class (i.e., a group) and (2) design a program that responds to that impact. Responses should be related and reasonably proportional to the harm identified and reasonably designed to benefit those impacted.

To provide simple, clear eligible uses of funds that meet this standard, Treasury provides a non-exhaustive list of enumerated uses that respond to pandemic impacts. Treasury also presumes that some populations experienced pandemic impacts and are eligible for responsive services. In other words, recipients providing enumerated uses of funds to populations presumed eligible are clearly operating consistently with the final rule.<sup>1</sup>

Recipients also have broad flexibility to (1) identify and respond to other pandemic impacts and (2) serve other populations that experienced pandemic impacts, beyond the enumerated uses and presumed eligible populations. Recipients can also identify groups or "classes" of beneficiaries that experienced pandemic impacts and provide services to those classes.

<sup>&</sup>lt;sup>1</sup> However, please note that use of funds for enumerated uses may not be grossly disproportionate to the harm. Further, recipients should consult the Capital Expenditures section for more information about pursuing a capital expenditure; please note that enumerated capital expenditures are not presumed to be reasonably proportional responses to an identified harm except as provided in the Capital Expenditures section.



Step	Identify COVID-19 public health or economic impact	2. Design a response that addresses or responds to the impact
Analysis	<ul> <li>Can identify impact to a specific household, business or nonprofit or to a class of households, businesses, or nonprofits (i.e., group)</li> <li>Can also identify disproportionate impacts, or more severe impacts, to a specific beneficiary or to a class</li> </ul>	<ul> <li>Types of responses can include a program, service, or capital expenditure</li> <li>Response should be related and reasonably proportional to the harm</li> <li>Response should also be reasonably designed to benefit impacted individual or class</li> </ul>
Simplifying Presumptions	Final Rule presumes certain     populations and classes are impacted     and disproportionately impacted	<ul> <li>Final Rule provides non-exhaustive list of enumerated eligible uses that respond to pandemic impacts and disproportionate impacts</li> </ul>

To assess eligibility of uses of funds, recipients should first determine the sub-category where their use of funds may fit (e.g., public health, assistance to households, assistance to small businesses), based on the entity that experienced the health or economic impact.<sup>2</sup> Then, recipients should refer to the relevant section for more details on each sub-category.

While the same overall eligibility standard applies to all uses of funds to respond to the public health and negative economic impacts of the pandemic, each sub-category has specific nuances on its application. In addition:

- Recipients interested in using funds for capital expenditures (i.e., investments in property, facilities, or equipment) should review the Capital Expenditures section in addition to the eligible use sub-category.
- Recipients interested in other uses of funds, beyond the enumerated uses, should refer to the section on "Framework for Eligible Uses Beyond Those Enumerated."

<sup>&</sup>lt;sup>2</sup> For example, a recipient interested in providing aid to unemployed individuals is addressing a negative economic impact experienced by a household and should refer to the section on assistance to households. Recipients should also be aware of the difference between "beneficiaries" and "sub-recipients." Beneficiaries are households, small businesses, or nonprofits that can receive assistance based on impacts of the pandemic that they experienced. On the other hand, sub-recipients are organizations that carry out eligible uses on behalf of a government, often through grants or contracts. Sub-recipients do not need to have experienced a negative economic impact of the pandemic; rather, they are providing services to beneficiaries that experienced an impact.



#### RESPONDING TO THE PUBLIC HEALTH EMERGENCY

While the country has made tremendous progress in the fight against COVID-19, including a historic vaccination campaign, the disease still poses a grave threat to Americans' health and the economy. Providing state, local, and Tribal governments the resources needed to fight the COVID-19 pandemic is a core goal of the Coronavirus State and Local Fiscal Recovery Funds, as well as addressing the other ways that the pandemic has impacted public health. Treasury has identified several public health impacts of the pandemic and enumerated uses of funds to respond to impacted populations.

- COVID-19 mitigation and prevention. The pandemic has broadly impacted Americans and recipients
  can provide services to prevent and mitigate COVID-19 to the general public or to small businesses,
  nonprofits, and impacted industries in general. Enumerated eligible uses include:
  - √ Vaccination programs, including vaccine incentives and vaccine sites
  - √ Testing programs, equipment and sites
  - Monitoring, contact tracing & public health surveillance (e.g., monitoring for variants)
  - ✓ Public communication efforts
  - ✓ Public health data systems
  - COVID-19 prevention and treatment equipment, such as ventilators and ambulances
  - ✓ Medical and PPE/protective supplies
  - ✓ Support for isolation or quarantine
  - √ Ventilation system installation and improvement
  - ✓ Technical assistance on mitigation of COVID-19 threats to public health and safety
  - Transportation to reach vaccination or testing sites, or other prevention and mitigation services for vulnerable populations

- Support for prevention, mitigation, or other services in congregate living facilities, public facilities, and schools
- ✓ Support for prevention and mitigation strategies in small businesses, nonprofits, and impacted industries
- ✓ Medical facilities generally dedicated to COVID-19 treatment and mitigation (e.g., ICUs, emergency rooms)
- √ Temporary medical facilities and other measures to increase COVID-19 treatment capacity
- Emergency operations centers & emergency response equipment (e.g., emergency response radio systems)
- ✓ Public telemedicine capabilities for COVID-19 related treatment



- Medical expenses. Funds may be used for expenses to households, medical providers, or others that incurred medical costs due to the pandemic, including:
  - ✓ Unreimbursed expenses for medical care for COVID-19 testing or treatment, such as uncompensated care costs for medical providers or out-of-pocket costs for individuals
  - Paid family and medical leave for public employees to enable compliance with COVID-19 public health precautions
- ✓ Emergency medical response expenses
- ✓ Treatment of long-term symptoms or effects of COVID-19

- Behavioral health care, such as mental health treatment, substance use treatment, and other behavioral health services. Treasury recognizes that the pandemic has broadly impacted Americans' behavioral health and recipients can provide these services to the general public to respond.
   Enumerated eligible uses include:
  - ✓ Prevention, outpatient treatment, inpatient treatment, crisis care, diversion programs, outreach to individuals not yet engaged in treatment, harm reduction & long-term recovery support
  - Enhanced behavioral health services in schools
  - Services for pregnant women or infants born with neonatal abstinence syndrome
- ✓ Support for equitable access to reduce disparities in access to high-quality treatment
- Peer support groups, costs for residence in supportive housing or recovery housing, and the 988 National Suicide Prevention Lifeline or other hotline services
- Expansion of access to evidence-based services for opioid use disorder prevention, treatment, harm reduction, and recovery
- ✓ Behavioral health facilities & equipment
- Preventing and responding to violence. Recognizing that violence and especially gun violence —
  has increased in some communities due to the pandemic, recipients may use funds to respond in
  these communities through:
  - Referrals to trauma recovery services for victims of crime
  - Community violence intervention programs, including:
    - Evidence-based practices like focused deterrence, with wraparound services such as behavioral therapy, trauma recovery, job training, education, housing and relocation services, and financial assistance
- ✓ In communities experiencing increased gun violence due to the pandemic:
  - Law enforcement officers focused on advancing community policing
  - Enforcement efforts to reduce gun violence, including prosecution
  - Technology & equipment to support law enforcement response



# RESPONDING TO NEGATIVE ECONOMIC IMPACTS

The pandemic caused severe economic damage and, while the economy is on track to a strong recovery, much work remains to continue building a robust, resilient, and equitable economy in the wake of the crisis and to ensure that the benefits of this recovery reach all Americans. While the pandemic impacted millions of American households and businesses, some of its most severe impacts fell on low-income and underserved communities, where pre-existing disparities amplified the impact of the pandemic and where the most work remains to reach a full recovery.

The final rule recognizes that the pandemic caused broad-based impacts that affected many communities, households, and small businesses across the country; for example, many workers faced unemployment and many small businesses saw declines in revenue. The final rule describes these as "impacted" households, communities, small businesses, and nonprofits.

At the same time, the pandemic caused disproportionate impacts, or more severe impacts, in certain communities. For example, low-income and underserved communities have faced more severe health and economic outcomes like higher rates of COVID-19 mortality and unemployment, often because pre-existing disparities exacerbated the impact of the pandemic. The final rule describes these as "disproportionately impacted" households, communities, small businesses, and nonprofits.

To simplify administration of the program, the final rule presumes that certain populations were "impacted" and "disproportionately impacted" by the pandemic; these populations are presumed to be eligible for services that respond to the impact they experienced. The final rule also enumerates a non-exhaustive list of eligible uses that are recognized as responsive to the impacts or disproportionate impacts of COVID-19. Recipients providing enumerated uses to populations presumed eligible are clearly operating consistently with the final rule.

As discussed further in the section Framework for Eligible Uses Beyond Those Enumerated, recipients can also identify other pandemic impacts, impacted or disproportionately impacted populations or classes, and responses.

However, note that the final rule maintains that general infrastructure projects, including roads, streets, and surface transportation infrastructure, would generally not be eligible under this eligible use category, unless the project responded to a specific pandemic public health need or a specific negative economic impact. Similarly, general economic development or workforce development — activities that do not respond to negative economic impacts of the pandemic but rather seek to more generally enhance the jurisdiction's business climate — would generally not be eligible under this eligible use category.



# **Assistance to Households**

# Impacted Households and Communities

Treasury presumes the following households and communities are impacted by the pandemic:

- Low- or-moderate income households or communities
- Households that experienced unemployment
- Households that experienced increased food or housing insecurity
- Households that qualify for the Children's Health Insurance Program, Childcare Subsidies through the Child Care Development Fund (CCDF) Program, or Medicaid
- ✓ When providing affordable housing programs: households that qualify for the National Housing Trust Fund and Home Investment Partnerships Program
- ✓ When providing services to address lost instructional time in K-12 schools: any student that lost access to in-person instruction for a significant period of time

Low- or moderate-income households and communities are those with (i) income at or below 300 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines or (ii) income at or below 65 percent of the area median income for the county and size of household based on the most recently published data. For the vast majority of communities, the Federal Poverty Guidelines are higher than the area's median income and using the Federal Poverty Guidelines would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$65,880 per year.<sup>3</sup> In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is impacted by the pandemic and eligible for services to respond. Additionally, by following the steps detailed in the section Framework for Eligible Uses Beyond Those Enumerated, recipients may designate additional households as impacted or disproportionately impacted beyond these presumptions, and may also pursue projects not listed below in response to these impacts consistent with Treasury's standards.

<sup>&</sup>lt;sup>3</sup> For recipients in Alaska, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$82,350 per year. For recipients in Hawaii, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$75,780 per year.



Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to impacts of the pandemic on households and communities:

- √ Food assistance & food banks
- Emergency housing assistance: rental assistance, mortgage assistance, utility assistance, assistance paying delinquent property taxes, counseling and legal aid to prevent eviction and homelessness & emergency programs or services for homeless individuals, including temporary residences for people experiencing homelessness
- √ Health insurance coverage expansion
- ✓ Benefits for surviving family members of individuals who have died from COVID-19
- ✓ Assistance to individuals who want and are available for work, including job training, public jobs programs and fairs, support for childcare and transportation to and from a jobsite or interview, incentives for newlyemployed workers, subsidized employment, grants to hire underserved workers, assistance to unemployed individuals to start small businesses & development of job and workforce training centers
- Financial services for the unbanked and underbanked

- ✓ Burials, home repair & home weatherization
- Programs, devices & equipment for internet access and digital literacy, including subsidies for costs of access
- ✓ Cash assistance
- ✓ Paid sick, medical, and family leave programs
- Assistance in accessing and applying for public benefits or services
- Childcare and early learning services, home visiting programs, services for child welfareinvolved families and foster youth & childcare facilities
- ✓ Assistance to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction)
- Programs or services to support long-term housing security: including development of affordable housing and permanent supportive housing
- ✓ Certain contributions to an Unemployment Insurance Trust Fund<sup>4</sup>

<sup>&</sup>lt;sup>4</sup> Recipients may only use SLFRF funds for contributions to unemployment insurance trust funds and repayment of the principal amount due on advances received under Title XII of the Social Security Act up to an amount equal to (i) the difference between the balance in the recipient's unemployment insurance trust fund as of January 27, 2020 and the balance of such account as of May 17, 2021, plus (ii) the principal amount outstanding as of May 17, 2021 on any advances received under Title XII of the Social Security Act between January 27, 2020 and May 17, 2021. Further, recipients may use SLFRF funds for the payment of any interest due on such Title XII advances. Additionally, a recipient that deposits SLFRF funds into its unemployment insurance trust fund to fully restore the pre-pandemic balance may not draw down that balance and deposit more SLFRF funds, back up to the pre-pandemic balance. Recipients that deposit SLFRF funds into an unemployment insurance trust fund, or use SLFRF funds to repay principal on Title XII advances, may not take action to reduce benefits available to unemployed workers by changing the computation method governing regular unemployment compensation in a way that results in a reduction of average weekly benefit amounts or the number of weeks of benefits payable (i.e., maximum benefit entitlement).



# **Disproportionately Impacted Households and Communities**

Treasury presumes the following households and communities are disproportionately impacted by the pandemic:

- ✓ Low -income households and communities
- Households residing in Qualified Census Tracts
- ✓ Households that qualify for certain federal benefits<sup>5</sup>
- Households receiving services provided by Tribal governments
- ✓ Households residing in the U.S. territories or receiving services from these governments

Low-income households and communities are those with (i) income at or below 185 percent of the Federal Poverty Guidelines for the size of its household based on the most recently published poverty guidelines or (ii) income at or below 40 percent of area median income for its county and size of household based on the most recently published data. For the vast majority of communities, the Federal Poverty Guidelines level is higher than the area median income level and using this level would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the service they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$40,626 per year.<sup>6</sup> In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is disproportionately impacted by the pandemic and eligible for services to respond.

<sup>&</sup>lt;sup>5</sup> These programs are Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Free- and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income (SSI), Head Start and/or Early Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Section 8 Vouchers, Low-Income Home Energy Assistance Program (LIHEAP), and Pell Grants. For services to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school as eligible.

<sup>&</sup>lt;sup>6</sup> For recipients in Alaska, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$50,783 per year. For recipients in Hawaii, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$46,731 per year



Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to disproportionate impacts of the pandemic on households and communities:

- ✓ Pay for community health workers to help households access health & social services
- Remediation of lead paint or other lead hazards
- Primary care clinics, hospitals, integration of health services into other settings, and other investments in medical equipment & facilities designed to address health disparities
- Housing vouchers & assistance relocating to neighborhoods with higher economic opportunity
- ✓ Investments in neighborhoods to promote improved health outcomes

- ✓ Improvements to vacant and abandoned properties, including rehabilitation or maintenance, renovation, removal and remediation of environmental contaminants, demolition or deconstruction, greening/vacant lot cleanup & conversion to affordable housing<sup>7</sup>
- Services to address educational disparities, including assistance to high-poverty school districts & educational and evidence-based services to address student academic, social, emotional, and mental health needs
- Schools and other educational equipment & facilities

<sup>&</sup>lt;sup>7</sup> Please see the final rule for further details and conditions applicable to this eligible use. This includes Treasury's presumption that demolition of vacant or abandoned residential properties that results in a net reduction in occupiable housing units for low- and moderate-income individuals in an area where the availability of such housing is lower than the need for such housing is ineligible for support with SLFRF funds.



# **Assistance to Small Businesses**

Small businesses have faced widespread challenges due to the pandemic, including periods of shutdown, declines in revenue, or increased costs. The final rule provides many tools for recipients to respond to the impacts of the pandemic on small businesses, or disproportionate impacts on businesses where pre-existing disparities like lack of access to capital compounded the pandemic's effects.

Small businesses eligible for assistance are those that experienced negative economic impacts or disproportionate impacts of the pandemic and meet the definition of "small business," specifically:

- 1. Have no more than 500 employees, or if applicable, the size standard in number of employees established by the Administrator of the Small Business Administration for the industry in which the business concern or organization operates, and
- 2. Are a small business concern as defined in section 3 of the Small Business Act<sup>8</sup> (which includes, among other requirements, that the business is independently owned and operated and is not dominant in its field of operation).

# **Impacted Small Businesses**

Recipients can identify small businesses impacted by the pandemic, and measures to respond, in many ways; for example, recipients could consider:

- ✓ Decreased revenue or gross receipts
- √ Financial insecurity
- √ Increased costs

- √ Capacity to weather financial hardship
- √ Challenges covering payroll, rent or mortgage, and other operating costs

Assistance to small businesses that experienced negative economic impacts includes the following enumerated uses:

- ✓ Loans or grants to mitigate financial hardship, such as by supporting payroll and benefits, costs to retain employees, and mortgage, rent, utility, and other operating costs
- √ Technical assistance, counseling, or other services to support business planning

# **Disproportionately Impacted Small Businesses**

Treasury presumes that the following small businesses are disproportionately impacted by the pandemic:

<sup>8 15</sup> U.S.C. 632.



- √ Small businesses operating in Qualified Census Tracts
- √ Small businesses operated by Tribal governments or on Tribal lands
- √ Small businesses operating in the U.S. territories

Assistance to disproportionately impacted small businesses includes the following enumerated uses, which have been expanded under the final rule:

- √ Rehabilitation of commercial properties, storefront improvements & façade improvements
- √ Technical assistance, business incubators & grants for start-up or expansion costs for small businesses
- √ Support for microbusinesses, including financial, childcare, and transportation costs



# **Assistance to Nonprofits**

Nonprofits have faced significant challenges due to the pandemic's increased demand for services and changing operational needs, as well as declines in revenue sources such as donations and fees. Nonprofits eligible for assistance are those that experienced negative economic impacts or disproportionate impacts of the pandemic and meet the definition of "nonprofit"—specifically those that are 501(c)(3) or 501(c)(19) tax-exempt organizations.

# **Impacted Nonprofits**

Recipients can identify nonprofits impacted by the pandemic, and measures to respond, in many ways; for example, recipients could consider:

- Decreased revenue (e.g., from donations and fees)
- √ Financial insecurity
- ✓ Increased costs (e.g., uncompensated increases in service need)
- ✓ Capacity to weather financial hardship
- Challenges covering payroll, rent or mortgage, and other operating costs

Assistance to nonprofits that experienced negative economic impacts includes the following enumerated uses:

- ✓ Loans or grants to mitigate financial hardship
- Technical or in-kind assistance or other services that mitigate negative economic impacts of the pandemic

# **Disproportionately Impacted Nonprofits**

Treasury presumes that the following nonprofits are disproportionately impacted by the pandemic:

- ✓ Nonprofits operating in Qualified Census ✓ Nonprofits operating in the U.S. territories Tracts
- Nonprofits operated by Tribal governments or on Tribal lands

Recipients may identify appropriate responses that are related and reasonably proportional to addressing these disproportionate impacts.



# Aid to Impacted Industries

Recipients may use SLFRF funding to provide aid to industries impacted by the COVID-19 pandemic. Recipients should first designate an impacted industry and then provide aid to address the impacted industry's negative economic impact.

This sub-category of eligible uses does not separately identify disproportionate impacts and corresponding responsive services.

- 1. **Designating an impacted industry.** There are two main ways an industry can be designated as "impacted."
  - 1. If the industry is in the travel, tourism, or hospitality sectors (including Tribal development districts), the industry is impacted.
  - 2. If the industry is outside the travel, tourism, or hospitality sectors, the industry is impacted if:
    - a. The industry experienced at least 8 percent employment loss from pre-pandemic levels, 9 or
    - b. The industry is experiencing comparable or worse economic impacts as the national tourism, travel, and hospitality industries as of the date of the final rule, based on the totality of economic indicators or qualitative data (if quantitative data is unavailable), and if the impacts were generally due to the COVID-19 public health emergency.

Recipients have flexibility to define industries broadly or narrowly, but Treasury encourages recipients to define narrow and discrete industries eligible for aid. State and territory recipients also have flexibility to define the industries with greater geographic precision; for example, a state may identify a particular industry in a certain region of a state as impacted.

2. Providing eligible aid to the impacted industry. Aid may only be provided to support businesses, attractions, and Tribal development districts operating prior to the pandemic and affected by required closures and other efforts to contain the pandemic. Further, aid should be generally broadly available to all businesses within the impacted industry to avoid potential conflicts of interest, and Treasury encourages aid to be first used for operational expenses, such as payroll, before being used on other types of costs.

<sup>&</sup>lt;sup>9</sup> Specifically, a recipient should compare the percent change in the number of employees of the recipient's identified industry and the national Leisure & Hospitality sector in the three months before the pandemic's most severe impacts began (a straight three-month average of seasonally-adjusted employment data from December 2019, January 2020, and February 2020) with the latest data as of the final rule (a straight three-month average of seasonally-adjusted employment data from September 2021, October 2021, and November 2021). For parity and simplicity, smaller recipients without employment data that measure industries in their specific jurisdiction may use data available for a broader unit of government for this calculation (e.g., a county may use data from the state in which it is located; a city may use data for the county, if available, or state in which it is located) solely for purposes of determining whether a particular industry is an impacted industry.



Treasury recognizes the enumerated projects below as eligible responses to impacted industries.

- Aid to mitigate financial hardship, such as supporting payroll costs, lost pay and benefits for returning employees, support of operations and maintenance of existing equipment and facilities
- Technical assistance, counseling, or other services to support business planning
- ✓ COVID-19 mitigation and infection prevention measures (see section Public Health)

As with all eligible uses, recipients may pursue a project not listed above by undergoing the steps outlined in the section Framework for Eligible Uses Beyond Those Enumerated.



# **PUBLIC SECTOR CAPACITY**

Recipients may use SLFRF funding to restore and bolster public sector capacity, which supports government's ability to deliver critical COVID-19 services. There are three main categories of eligible uses to bolster public sector capacity and workforce: Public Safety, Public Health, and Human Services Staff; Government Employment and Rehiring Public Sector Staff; and Effective Service Delivery.

# Public Safety, Public Health, and Human Services Staff

SLFRF funding may be used for payroll and covered benefits for public safety, public health, health care, human services and similar employees of a recipient government, for the portion of the employee's time spent responding to COVID-19. Recipients should follow the steps below.

# 1. Identify eligible public safety, public health, and human services staff. Public safety staff include:

- ✓ Police officers (including state police officers)
- ✓ Sheriffs and deputy sheriffs
- √ Firefighters
- √ Emergency medical responders
- ✓ Correctional and detention officers
- Dispatchers and supervisor personnel that directly support public safety staff

# Public health staff include:

- Employees involved in providing medical and other physical or mental health services to patients and supervisory personnel, including medical staff assigned to schools, prisons, and other such institutions
- Laboratory technicians, medical examiners, morgue staff, and other support services essential for patient care
- Employees of public health departments directly engaged in public health matters and related supervisory personnel

# Human services staff include:

- Employees providing or administering social services and public benefits
- ✓ Child welfare services employees
- ✓ Child, elder, or family care employees

# 2. Assess portion of time spent on COVID-19 response for eligible staff.

Recipients can use a variety of methods to assess the share of an employees' time spent responding to COVID-19, including using reasonable estimates—such as estimating the share of time based on discussions with staff and applying that share to all employees in that position.

For administrative convenience, recipients can consider public health and safety employees entirely devoted to responding to COVID-19 (and their payroll and benefits fully covered by SLFRF) if the



employee, or his or her operating unit or division, is "primarily dedicated" to responding to COVID-19. Primarily dedicated means that more than half of the employee, unit, or division's time is dedicated to responding to COVID-19.

Recipients must periodically reassess their determination and maintain records to support their assessment, although recipients do not need to track staff hours.

3. Use SLFRF funding for payroll and covered benefits for the portion of eligible staff time spent on COVID-19 response. SLFRF funding may be used for payroll and covered benefits for the portion of the employees' time spent on COVID-19 response, as calculated above, through the period of performance.

# **Government Employment and Rehiring Public Sector Staff**

Under the increased flexibility of the final rule, SLFRF funding may be used to support a broader set of uses to restore and support public sector employment. Eligible uses include hiring up to a pre-pandemic baseline that is adjusted for historic underinvestment in the public sector, providing additional funds for employees who experienced pay cuts or were furloughed, avoiding layoffs, providing worker retention incentives, and paying for ancillary administrative costs related to hiring, support, and retention.

- **Restoring pre-pandemic employment.** Recipients have two options to restore pre-pandemic employment, depending on the recipient's needs.
  - If the recipient simply wants to hire back employees for pre-pandemic positions: Recipients
    may use SLFRF funds to hire employees for the same positions that existed on January 27,
    2020 but that were unfilled or eliminated as of March 3, 2021. Recipients may use SLFRF
    funds to cover payroll and covered benefits for such positions through the period of
    performance.
  - If the recipient wants to hire above the pre-pandemic baseline and/or would like to have flexibility in positions: Recipients may use SLFRF funds to pay for payroll and covered benefits associated with the recipient increasing its number of budgeted FTEs up to 7.5 percent above its pre-pandemic baseline. Specifically, recipients should undergo the following steps:
    - a. Identify the recipient's budgeted FTE level on January 27, 2020. This includes all budgeted positions, filled and unfilled. This is called the *pre-pandemic baseline*.
    - b. Multiply the pre-pandemic baseline by 1.075. This is called the *adjusted pre*pandemic baseline.
    - c. Identify the recipient's budgeted FTE level on March 3, 2021, which is the beginning of the period of performance for SLFRF funds. Recipients may, but are not required to, exclude the number of FTEs dedicated to responding to the COVID-19 public health emergency. This is called the *actual number of FTEs*.
    - d. Subtract the *actual number of FTEs* from the *adjusted pre-pandemic baseline* to calculate the number of FTEs that can be covered by SLFRF funds. Recipients do not have to hire for the same roles that existed pre-pandemic.



Recipients may use SLFRF funds to cover payroll and covered benefits through the period of performance; these employees must have begun their employment on or after March 3, 2021. Recipients may only use SLFRF funds for additional FTEs hired over the March 3, 2021 level (i.e., the *actual number of FTEs*).

- Supporting and retaining public sector workers. Recipients can also use funds in other ways that support the public sector workforce. 10 These include:
  - Providing additional funding for employees who experienced pay reductions or were furloughed since the onset of the pandemic, up to the difference in the employee's pay, taking into account unemployment benefits received.
  - Maintaining current compensation levels to prevent layoffs. SLFRF funds may be used to maintain current compensation levels, with adjustments for inflation, in order to prevent layoffs that would otherwise be necessary.
  - O Providing worker retention incentives, including reasonable increases in compensation to persuade employees to remain with the employer as compared to other employment options. Retention incentives must be entirely additive to an employee's regular compensation, narrowly tailored to need, and should not exceed incentives traditionally offered by the recipient or compensation that alternative employers may offer to compete for the employees. Treasury presumes that retention incentives that are less than 25 percent of the rate of base pay for an individual employee or 10 percent for a group or category of employees are reasonably proportional to the need to retain employees, as long as other requirements are met.
- Covering administrative costs associated with administering the hiring, support, and retention programs above.

# **Effective Service Delivery**

SLFRF funding may be used to improve the efficacy of public health and economic programs through tools like program evaluation, data, and outreach, as well as to address administrative needs caused or exacerbated by the pandemic. Eligible uses include:

Supporting program evaluation, data, and outreach through:

<sup>&</sup>lt;sup>10</sup> Recipients should be able to substantiate that these uses of funds are substantially due to the public health emergency or its negative economic impacts (e.g., fiscal pressures on state and local budgets) and respond to its impacts. See the final rule for details on these uses.



# U.S. DEPARTMENT OF THE TREASURY

- Program evaluation and evidence resources
- ✓ Data analysis resources to gather, assess, share, and use data
- ✓ Technology infrastructure to improve access to and the user experience of government IT systems, as well as technology improvements to increase public access and delivery of government programs and services
- ✓ Community outreach and engagement activities
- Capacity building resources to support using data and evidence, including hiring staff, consultants, or technical assistance support

# • Addressing administrative needs, including:

- Administrative costs for programs responding to the public health emergency and its economic impacts, including non-SLFRF and non-federally funded programs
- Address administrative needs caused or exacerbated by the pandemic, including addressing backlogs caused by shutdowns, increased repair or maintenance needs, and technology infrastructure to adapt government operations to the pandemic (e.g., video-conferencing software, data and case management systems)



# **CAPITAL EXPENDITURES**

As described above, the final rule clarifies that recipients may use funds for programs, services, and capital expenditures that respond to the public health and negative economic impacts of the pandemic. Any use of funds in this category for a capital expenditure must comply with the capital expenditure requirements, in addition to other standards for uses of funds.

Capital expenditures are subject to the same eligibility standard as other eligible uses to respond to the pandemic's public health and economic impacts; specifically, they must be related and reasonably proportional to the pandemic impact identified and reasonably designed to benefit the impacted population or class.

For ease of administration, the final rule identifies enumerated types of capital expenditures that Treasury has identified as responding to the pandemic's impacts; these are listed in the applicable subcategory of eligible uses (e.g., public health, assistance to households, etc.). Recipients may also identify other responsive capital expenditures. Similar to other eligible uses in the SLFRF program, no preapproval is required for capital expenditures.

To guide recipients' analysis of whether a capital expenditure meets the eligibility standard, recipients (with the exception of Tribal governments) must complete and meet the requirements of a written justification for capital expenditures equal to or greater than \$1 million. For large-scale capital expenditures, which have high costs and may require an extended length of time to complete, as well as most capital expenditures for non-enumerated uses of funds, Treasury requires recipients to submit their written justification as part of regular reporting. Specifically:

If a project has total capital expenditures of	and the use is enumerated by Treasury as eligible, then	and the use is beyond those enumerated by Treasury as eligible, then	
Less than \$1 million	No Written Justification required	No Written Justification required	
Greater than or equal to \$1 million, but less than \$10 million	Written Justification required but recipients are not required to submit as part of regular reporting to Treasury	Written Justification required and recipients must submit as part of regula	
\$10 million or more	Written Justification required and recipients must submit as part of regular reporting to Treasury	reporting to Treasury	

#### A Written Justification includes:

• Description of the harm or need to be addressed. Recipients should provide a description of the specific harm or need to be addressed and why the harm was exacerbated or caused by the public health emergency. Recipients may provide quantitative information on the extent and the type of harm, such as the number of individuals or entities affected.



# U.S. DEPARTMENT OF THE TREASURY

- Explanation of why a capital expenditure is appropriate. For example, recipients should include an explanation of why existing equipment and facilities, or policy changes or additional funding to pertinent programs or services, would be inadequate.
- Comparison of proposed capital project against at least two alternative capital expenditures and demonstration of why the proposed capital expenditure is superior. Recipients should consider the effectiveness of the capital expenditure in addressing the harm identified and the expected total cost (including pre-development costs) against at least two alternative capital expenditures.

Where relevant, recipients should consider the alternatives of improving existing capital assets already owned or leasing other capital assets.

Treasury presumes that the following capital projects are generally ineligible:

- Construction of new correctional facilities as a response to an increase in rate of crime
- Construction of new congregate facilities to decrease spread of COVID-19 in the facility
- Construction of convention centers, stadiums, or other large capital projects intended for general economic development or to aid impacted industries

In undertaking capital expenditures, Treasury encourages recipients to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages recipients to prioritize in their procurements employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws.



# FRAMEWORK FOR ELIGIBLE USES BEYOND THOSE ENUMERATED

As described above, recipients have broad flexibility to identify and respond to other pandemic impacts and serve other populations that experienced pandemic impacts, beyond the enumerated uses and presumed eligible populations. Recipients should undergo the following steps to decide whether their project is eligible:

Step	Identify COVID-19 public health or economic impact	2. Design a response that addresses or responds to the impact
Analysis	<ul> <li>Can identify impact to a specific household, business or nonprofit or to a class of households, businesses or nonprofits (i.e., group)</li> <li>Can also identify disproportionate impacts, or more severe impacts, to a specific beneficiary or to a class</li> </ul>	<ul> <li>Types of responses can include a program, service, or capital expenditure</li> <li>Response should be related and reasonably proportional to the harm</li> <li>Response should also be reasonably designed to benefit impacted individual or class</li> </ul>

- 1. Identify a COVID-19 public health or negative economic impact on an individual or a class.

  Recipients should identify an individual or class that is "impacted" or "disproportionately impacted" by the COVID-19 public health emergency or its negative economic impacts as well as the specific impact itself.
  - "Impacted" entities are those impacted by the disease itself or the harmful
    consequences of the economic disruptions resulting from or exacerbated by the COVID19 public health emergency. For example, an individual who lost their job or a small
    business that saw lower revenue during a period of closure would both have
    experienced impacts of the pandemic.
  - "Disproportionately impacted" entities are those that experienced disproportionate public health or economic outcomes from the pandemic; Treasury recognizes that pre-existing disparities, in many cases, amplified the impacts of the pandemic, causing more severe impacts in underserved communities. For example, a household living in a neighborhood with limited access to medical care and healthy foods may have faced health disparities before the pandemic, like a higher rate of chronic health conditions, that contributed to more severe health outcomes during the COVID-19 pandemic.

The recipient may choose to identify these impacts at either the individual level or at a class level. If the recipient is identifying impacts at the individual level, they should retain documentation supporting the impact the individual experienced (e.g., documentation of lost revenues from a small business). Such documentation can be streamlined in many cases (e.g., self-attestation that a household requires food assistance).

Recipients also have broad flexibility to identify a "class" – or a group of households, small businesses, or nonprofits – that experienced an impact. In these cases, the recipients should



first identify the class and the impact that it faced. Then, recipients only need to document that the individuals served fall within that class; recipients do not need to document a specific impact to each individual served. For example, a recipient could identify that restaurants in the downtown area faced substantial declines in revenue due to decreased foot traffic from workers; the recipient could develop a program to respond to the impact on that class and only needs to document that the businesses being served are restaurants in the downtown area.

Recipients should keep the following considerations in mind when designating a class:

- There should be a relationship between the definition of the class and the proposed response. Larger and less-specific classes are less likely to have experienced similar harms, which may make it more difficult to design a response that appropriately responds to those harms.
- Classes may be determined on a population basis or on a geographic basis, and the
  response should be appropriately matched. For example, a response might be designed
  to provide childcare to single parents, regardless of which neighborhood they live in, or
  a response might provide a park to improve the health of a disproportionately impacted
  neighborhood.
- Recipients may designate classes that experienced disproportionate impact, by
  assessing the impacts of the pandemic and finding that some populations experienced
  meaningfully more severe impacts than the general public. To determine these
  disproportionate impacts, recipients:
  - May designate classes based on academic research or government research publications (such as the citations provided in the supplementary information in the final rule), through analysis of their own data, or through analysis of other existing data sources.
  - May also consider qualitative research and sources to augment their analysis, or when quantitative data is not readily available. Such sources might include resident interviews or feedback from relevant state and local agencies, such as public health departments or social services departments.
  - Should consider the quality of the research, data, and applicability of analysis to their determination in all cases.
- Some of the enumerated uses may also be appropriate responses to the impacts experienced by other classes of beneficiaries. It is permissible for recipients to provide these services to other classes, so long as the recipient determines that the response is also appropriate for those groups.
- Recipients may designate a class based on income level, including at levels higher than
  the final rule definition of "low- and moderate-income." For example, a recipient may
  identify that households in their community with incomes above the final rule threshold
  for low-income nevertheless experienced disproportionate impacts from the pandemic
  and provide responsive services.
- 2. Design a response that addresses or responds to the impact. Programs, services, and other interventions must be reasonably designed to benefit the individual or class that experienced



the impact. They must also be related and reasonably proportional to the extent and type of impact experienced. For example, uses that bear no relation or are grossly disproportionate to the type or extent of the impact would not be eligible.

"Reasonably proportional" refers to the scale of the response compared to the scale of the harm, as well as the targeting of the response to beneficiaries compared to the amount of harm they experienced; for example, it may not be reasonably proportional for a cash assistance program to provide a very small amount of aid to a group that experienced severe harm and a much larger amount to a group that experienced relatively little harm. Recipients should consider relevant factors about the harm identified and the response to evaluate whether the response is reasonably proportional. For example, recipients may consider the size of the population impacted and the severity, type, and duration of the impact. Recipients may also consider the efficacy, cost, cost-effectiveness, and time to delivery of the response.

For disproportionately impacted communities, recipients may design interventions that address broader pre-existing disparities that contributed to more severe health and economic outcomes during the pandemic, such as disproportionate gaps in access to health care or pre-existing disparities in educational outcomes that have been exacerbated by the pandemic.



## **Premium Pay**

The Coronavirus State and Local Fiscal Recovery Funds may be used to provide premium pay to eligible workers performing essential work during the pandemic. Premium pay may be awarded to eligible workers up to \$13 per hour. Premium pay must be in addition to wages or remuneration (i.e., compensation) the eligible worker otherwise receives. Premium pay may not exceed \$25,000 for any single worker during the program.

Recipients should undergo the following steps to provide premium pay to eligible workers.

- 1. Identify an "eligible" worker. Eligible workers include workers "needed to maintain continuity of operations of essential critical infrastructure sectors." These sectors and occupations are eligible:
  - ✓ Health care
  - ✓ Emergency response
  - ✓ Sanitation, disinfection & cleaning
  - ✓ Maintenance
  - ✓ Grocery stores, restaurants, food production, and food delivery
  - ✓ Pharmacy
  - ✓ Biomedical research
  - ✓ Behavioral health
  - ✓ Medical testing and diagnostics
  - Home and community-based health care or assistance with activities of daily living
  - √ Family or child care
  - √ Social services
  - ✓ Public health
  - ✓ Mortuary
  - Critical clinical research, development, and testing necessary for COVID-19 response

- ✓ State, local, or Tribal government workforce
- ✓ Workers providing vital services to Tribes
- Educational, school nutrition, and other work required to operate a school facility
- ✓ Laundry
- ✓ Elections
- Solid waste or hazardous materials management, response, and cleanup
- Work requiring physical interaction with patients
- ✓ Dental care
- Transportation and warehousing
- Hotel and commercial lodging facilities that are used for COVID-19 mitigation and containment

Beyond this list, the chief executive (or equivalent) of a recipient government may designate additional non-public sectors as critical so long as doing so is necessary to protecting the health and wellbeing of the residents of such jurisdictions.

- 2. Verify that the eligible worker performs "essential work," meaning work that:
  - Is not performed while teleworking from a residence; and
  - Involves either:
    - a. regular, in-person interactions with patients, the public, or coworkers of the individual that is performing the work; or
    - b. regular physical handling of items that were handled by, or are to be handled by, patients, the public, or coworkers of the individual that is performing the work.



- 3. Confirm that the premium pay "responds to" workers performing essential work during the COVID-19 public health emergency. Under the final rule, which broadened the share of eligible workers who can receive premium pay without a written justification, recipients may meet this requirement in one of three ways:
  - Eligible worker receiving premium pay is earning (with the premium included) at or below 150 percent of their residing state or county's average annual wage for all occupations, as defined by the Bureau of Labor Statistics' <u>Occupational Employment and Wage Statistics</u>, whichever is higher, on an annual basis; or
  - Eligible worker receiving premium pay is not exempt from the Fair Labor Standards Act overtime provisions; or
  - If a worker does not meet either of the above requirements, the recipient must submit written justification to Treasury detailing how the premium pay is otherwise responsive to workers performing essential work during the public health emergency. This may include a description of the essential worker's duties, health, or financial risks faced due to COVID-19, and why the recipient determined that the premium pay was responsive. Treasury anticipates that recipients will easily be able to satisfy the justification requirement for front-line workers, like nurses and hospital staff.

Premium pay may be awarded in installments or lump sums (e.g., monthly, quarterly, etc.) and may be awarded to hourly, part-time, or salaried or non-hourly workers. Premium pay must be paid in addition to wages already received and may be paid retrospectively. A recipient may not use SLFRF to merely reimburse itself for premium pay or hazard pay already received by the worker, and premium pay may not be paid to volunteers.



## **Water & Sewer Infrastructure**

The Coronavirus State and Local Fiscal Recovery Funds may be used to make necessary investments in water and sewer infrastructure. State, local, and Tribal governments have a tremendous need to address the consequences of deferred maintenance in drinking water systems and removal, management, and treatment of sewage and stormwater, along with additional resiliency measures needed to adapt to climate change.

Recipients may undertake the eligible projects below:

#### PROJECTS ELIGIBLE UNDER EPA'S CLEAN WATER STATE REVOLVING FUND (CWSRF)

Eligible projects under the CWSRF, and the final rule, include:

- Construction of publicly owned treatment works
- Projects pursuant to implementation of a nonpoint source pollution management program established under the Clean Water Act (CWA)
- Decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage
- Management and treatment of stormwater or subsurface drainage water
- √ Water conservation, efficiency, or reuse measures

- ✓ Development and implementation of a conservation and management plan under the CWA
- ✓ Watershed projects meeting the criteria set forth in the CWA
- Energy consumption reduction for publicly owned treatment works
- Reuse or recycling of wastewater, stormwater, or subsurface drainage water
- Security of publicly owned treatment works

Treasury encourages recipients to review the EPA handbook for the CWSRF for a full list of eligibilities.

#### PROJECTS ELIGIBLE UNDER EPA'S DRINKING WATER STATE REVOLVING FUND (DWSRF)

Eligible drinking water projects under the DWSRF, and the final rule, include:

- Facilities to improve drinking water quality
- ✓ Transmission and distribution, including improvements of water pressure or prevention of contamination in infrastructure and lead service line replacements
- New sources to replace contaminated drinking water or increase drought resilience, including aquifer storage and recovery system for water storage
- ✓ Green infrastructure, including green roofs, rainwater harvesting collection, permeable pavement
- Storage of drinking water, such as to prevent contaminants or equalize water demands
- Purchase of water systems and interconnection of systems
- √ New community water systems

Treasury encourages recipients to review the EPA handbook for the <u>DWSRF</u> for a full list of eligibilities.



#### **ADDITIONAL ELIGIBLE PROJECTS**

With broadened eligibility under the final rule, SLFRF funds may be used to fund additional types of projects— such as additional stormwater infrastructure, residential wells, lead remediation, and certain rehabilitations of dams and reservoirs— beyond the CWSRF and DWSRF, if they are found to be "necessary" according to the definition provided in the final rule and outlined below.

- Culvert repair, resizing, and removal, replacement of storm sewers, and additional types of stormwater infrastructure
- Infrastructure to improve access to safe drinking water for individual served by residential wells, including testing initiatives, and treatment/remediation strategies that address contamination
- Dam and reservoir rehabilitation if primary purpose of dam or reservoir is for drinking water supply and project is necessary for provision of drinking water
- ✓ Broad set of lead remediation projects eligible under EPA grant programs authorized by the Water Infrastructure Improvements for the Nation (WIIN) Act, such as lead testing, installation of corrosion control treatment, lead service line replacement, as well as water quality testing, compliance monitoring, and remediation activities, including replacement of internal plumbing and faucets and fixtures in schools and childcare facilities

A "necessary" investment in infrastructure must be:

- responsive to an identified need to achieve or maintain an adequate minimum level of service, which may include a reasonable projection of increased need, whether due to population growth or otherwise,
- (2) a cost-effective means for meeting that need, taking into account available alternatives, and
- (3) for investments in infrastructure that supply drinking water in order to meet projected population growth, projected to be sustainable over its estimated useful life.

Please note that DWSRF and CWSRF-eligible projects are generally presumed to be necessary investments. Additional eligible projects generally must be responsive to an identified need to achieve or maintain an adequate minimum level of service. Recipients are only required to assess cost-effectiveness of projects for the creation of new drinking water systems, dam and reservoir rehabilitation projects, or projects for the extension of drinking water service to meet population growth needs. Recipients should review the supplementary information to the final rule for more details on requirements applicable to each type of investment.

#### **APPLICABLE STANDARDS & REQUIREMENTS**

Treasury encourages recipients to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages recipients to prioritize in their procurements employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws.



## **Broadband Infrastructure**

The Coronavirus State and Local Fiscal Recovery Funds may be used to make necessary investments in broadband infrastructure, which has been shown to be critical for work, education, healthcare, and civic participation during the public health emergency. The final rule broadens the set of eligible broadband infrastructure investments that recipients may undertake.

Recipients may pursue investments in broadband infrastructure meeting technical standards detailed below, as well as an expanded set of cybersecurity investments.

#### **BROADBAND INFRASTRUCTURE INVESTMENTS**

Recipients should adhere to the following requirements when designing a broadband infrastructure project:

- 1. Identify an eligible area for investment. Recipients are encouraged to prioritize projects that are designed to serve locations without access to reliable wireline 100/20 Mbps broadband service (meaning service that reliably provides 100 Mbps download speed and 20 Mbps upload speed through a wireline connection), but are broadly able to invest in projects designed to provide service to locations with an identified need for additional broadband investment. Recipients have broad flexibility to define need in their community. Examples of need could include:
  - ✓ Lack of access to a reliable high-speed broadband connection
- ✓ Lack of affordable broadband
- ✓ Lack of reliable service

If recipients are considering deploying broadband to locations where there are existing and enforceable federal or state funding commitments for reliable service of at least 100/20 Mbps, recipients must ensure that SLFRF funds are designed to address an identified need for additional broadband investment that is not met by existing federal or state funding commitments. Recipients must also ensure that SLFRF funds will not be used for costs that will be reimbursed by the other federal or state funding streams.

2. Design project to meet high-speed technical standards. Recipients are required to design projects to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds. In cases where it is not practicable, because of the excessive cost of the project or geography or topography of the area to be served by the project, eligible projects may be designed to reliably meet or exceed 100/20 Mbps and be scalable to a minimum of symmetrical 100 Mbps download and upload speeds.

Treasury encourages recipients to prioritize investments in fiber-optic infrastructure wherever feasible and to focus on projects that will achieve last-mile connections. Further, Treasury encourages recipients to prioritize support for broadband networks owned, operated by, or affiliated with local governments, nonprofits, and co-operatives.



- 3. Require enrollment in a low-income subsidy program. Recipients must require the service provider for a broadband project that provides service to households to either:
  - ✓ Participate in the FCC's Affordable Connectivity Program (ACP)
- Provide access to a broad-based affordability program to low-income consumers that provides benefits commensurate to ACP

Treasury encourages broadband services to also include at least one low-cost option offered without data usage caps at speeds sufficient for a household with multiple users to simultaneously telework and engage in remote learning. Recipients are also encouraged to consult with the community on affordability needs.

#### CYBERSECURITY INVESTMENTS

SLFRF may be used for modernization of cybersecurity for existing and new broadband infrastructure, regardless of their speed delivery standards. This includes modernization of hardware and software.

#### **APPLICABLE STANDARDS & REQUIREMENTS**

Treasury encourages recipients to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages recipients to prioritize in their procurements employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws.



### Restrictions on Use

While recipients have considerable flexibility to use Coronavirus State and Local Fiscal Recovery Funds to address the diverse needs of their communities, some restrictions on use of funds apply.

#### OFFSET A REDUCTION IN NET TAX REVENUE

States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue resulting from a change in law, regulation, or administrative interpretation beginning on March 3, 2021, through the last day of the fiscal year in which the funds provided have been spent. If a state or territory cuts taxes during this period, it must demonstrate how it paid for the tax cuts from sources other than SLFRF, such as by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be repaid to the Treasury.

#### **DEPOSITS INTO PENSION FUNDS**

- No recipients except Tribal governments may use this funding to make a deposit to a pension fund. Treasury defines a "deposit" as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions connected to an eligible use of funds (e.g., for public health and safety staff). Examples of extraordinary payments include ones that:
  - Reduce a liability incurred prior to the start of the COVID-19 public health emergency and occur outside the recipient's regular timing for making the payment
- Occur at the regular time for pension contributions but is larger than a regular payment would have been

## ADDITIONAL RESTRICTIONS AND REQUIREMENTS

Additional restrictions and requirements that apply across all eligible use categories include:

- No debt service or replenishing financial reserves. Since SLFRF funds are intended to be used prospectively, recipients may not use SLFRF funds for debt service or replenishing financial reserves (e.g., rainy day funds).
- No satisfaction of settlements and judgments. Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding is itself not an eligible use. However, if a settlement requires the recipient to provide services or incur other costs that are an eligible use of SLFRF funds, SLFRF may be used for those costs.
- Additional general restrictions. SLFRF funds may not be used for a project that conflicts with or contravenes the purpose of the American Rescue Plan Act statute (e.g., uses of funds that



undermine COVID-19 mitigation practices in line with CDC guidance and recommendations) and may not be used in violation of the Award Terms and Conditions or conflict of interest requirements under the Uniform Guidance. Other applicable laws and regulations, outside of SLFRF program requirements, may also apply (e.g., laws around procurement, contracting, conflicts-of-interest, environmental standards, or civil rights).



## **Program Administration**

The Coronavirus State and Local Fiscal Recovery Funds final rule details a number of administrative processes and requirements, including on distribution of funds, timeline for use of funds, transfer of funds, treatment of loans, use of funds to meet non-federal match or cost-share requirements, administrative expenses, reporting on use of funds, and remediation and recoupment of funds used for ineligible purposes. This section provides a summary for the most frequently asked questions.

#### TIMELINE FOR USE OF FUNDS

Under the SLFRF, funds must be used for costs incurred on or after March 3, 2021. Further, costs must be obligated by December 31, 2024, and expended by December 31, 2026.

#### **TRANSFERS**

Recipients may undertake projects on their own or through subrecipients, which carry out eligible uses on behalf of a recipient, including pooling funds with other recipients or blending and braiding SLFRF funds with other sources of funds. Localities may also transfer their funds to the state through section 603(c)(4), which will decrease the locality's award and increase the state award amounts.

#### LOANS

Recipients may generally use SLFRF funds to provide loans for uses that are otherwise eligible, although there are special rules about how recipients should track program income depending on the length of the loan. Recipients should consult the final rule if they seek to utilize these provisions.

## NON-FEDERAL MATCH OR COST-SHARE REQUIREMENTS

Funds available under the "revenue loss" eligible use category (sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act) generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. However, note that SLFRF funds may not be used as the non-federal share for purposes of a state's Medicaid and CHIP programs because the Office of Management and Budget has approved a waiver as requested by the Centers for Medicare & Medicaid Services pursuant to 2 CFR 200.102 of the Uniform Guidance and related regulations.

SLFRF funds beyond those that are available under the revenue loss eligible use category may not be used to meet the non-federal match or cost-share requirements of other federal programs, other than as specifically provided for by statute. As an example, the Infrastructure Investment and Jobs Act provides that SLFRF funds may be used to meet the non-federal match requirements of authorized Bureau of Reclamation projects and certain broadband deployment projects. Recipients should consult the final rule for further details if they seek to utilize SLFRF funds as a match for these projects.

#### **ADMINISTRATIVE EXPENSES**

SLFRF funds may be used for direct and indirect administrative expenses involved in administering the program. For details on permissible direct and indirect administrative costs, recipients should refer to Treasury's Compliance and Reporting Guidance. Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs.



#### REPORTING, COMPLIANCE & RECOUPMENT

Recipients are required to comply with Treasury's <u>Compliance and Reporting Guidance</u>, which includes submitting mandatory periodic reports to Treasury.

Funds used in violation of the final rule are subject to remediation and recoupment. As outlined in the final rule, Treasury may identify funds used in violation through reporting or other sources. Recipients will be provided with an initial written notice of recoupment with an opportunity to submit a request for reconsideration before Treasury provides a final notice of recoupment. If the recipient receives an initial notice of recoupment and does not submit a request for reconsideration, the initial notice will be deemed the final notice. Treasury may pursue other forms of remediation and monitoring in conjunction with, or as an alternative to, recoupment.

#### REVISIONS TO THE OVERVIEW OF THE FINAL RULE:

 January 18, 2022 (p. 4, p. 16): Clarification that the revenue loss standard allowance is "up to" \$10 million under the Replacing Lost Public Sector Revenue eligible use category; addition of further information on the eligibility of general infrastructure, general economic development, and worker development projects under the Public Health and Negative Economic Impacts eligible use category.



## **TOWN OF CHENANGO**

1529 NYS Rt. 12 Binghamton, NY 13901 Telephone: (607) 648-4809

Fax: (607) 648-8511

## UPDATED COVID-19 POLICY - FEBRUARY 10, 2022

\*\*NYS has lifted its statewide "mask-or-vaccine" requirement for indoor businesses. You may continue to wear a mask if you choose, but it's not required\*\*

- 1. Who has to isolate? People who are confirmed to have COVID-19 or are showing symptoms of COVID-19 need to isolate regardless of their vaccination status. This includes:
- (a) People who have a positive viral test (e.g. antigen or PCR) for COVID-19, regardless of whether or not they have symptoms.
- (b) People with symptoms of COVID-19, including people who are awaiting test results or have not been tested. People with symptoms should isolate even if they do not know if they have been in close contact with someone with COVID-19.
- 2. Who <u>does have</u> to quarantine after close contact with someone with COVID-19?
- (a) Anyone ages 12 or older who has completed the primary series of recommended vaccine, and is eligible for a CDC recommended booster shot but has not received it. o However, these individuals may attend or work at school, where multi-layer mitigation strategies are in place. See School (K-12) section document for further guidance.
- (b) Anyone who has not completed a primary vaccine series.
- (c) Anyone who is not vaccinated.
- 3. Who does not have to quarantine after close contact with someone with COVID-19?
- (a) Anyone ages 12 or older and who has received all CDC recommended COVID-19 vaccine doses, including boosters if eligible and additional primary shots for some immunocompromised people.
- (b) Anyone ages 5-11 years old who has completed the primary series of COVID-19 vaccines.
- (c) Anyone who has had confirmed COVID-19 within the last 90 days (tested positive using a viral test, e.g. antigen or PCR).
- \*\*Testing to end isolation is not required\*\*. If an individual has access to a test and wants to test, the best approach is to use an antigen test towards the end of the 5-day isolation period. If test result is positive, continue to isolate until day 10. If test result is negative, isolation can end, but continue to wear a well-fitting mask around others at home and in public until day 10.

		•	

## MacLeod, Amy

From:

NYMIR <syoumans@wrightinsurance.com>

Sent:

Thursday, February 3, 2022 7:45 AM

To:

Nicholas Spencer

Subject:

Cyber Awareness Webinar February 24



# **Cyber Awareness Webinar**

February 24 - 10 am

Cybersecurity continues to make headlines and is rising to the top of risk concerns in our daily lives. Human error and lack of security practices continue to lead the causes of malware, ransomware and stolen data. Please join us while we discuss the following:

- Recent Phishing Examples/Recent Scams
- Security measures to implement
- Passwords/ Password Managers
- Why an Incident Response Plan

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# **TOWN OF CHENANGO**

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## SCHEDULED INTERVIEWS FOR TOWN BOARD VACANT SEAT

## Wednesday February 23, 2022

5:00pm - Christopher Ruf

5:15pm – Patrick Doyle

5:30pm - Alan Blythe

5:45pm – Bruce Ressner

6:00pm - Craig Saeger

6:15pm - David Johnson

6:30pm - Thomas Pollak