

**AMENDMENT
TO THE
MEMORANDUM OF UNDERSTANDING
FOR THE CONSTRUCTION & OPERATION
OF A NEW WASTEWATER COLLECTION SYSTEM AND
SEWAGE TREATMENT PLANT**

Among

**THE TOWN OF TUXEDO AND
THE TOWN OF TUXEDO ON BEHALF OF
THE HAMLET OF TUXEDO SEWER DISTRICT AND
THE TUXEDO FARMS SEWER DISTRICT**

and

THE TUXEDO FARMS LOCAL DEVELOPMENT CORPORATION

and

TUXEDO RESERVE OWNER LLC,

and

TUXEDO SEWAGE-WORKS CORP.

A Memorandum of Understanding was signed May 11, 2015 (the “**MOU**”). The MOU was made among the Town of Tuxedo (“**Town**”), acting on behalf of itself and the Hamlet of Tuxedo Sewer District and Tuxedo Farms Sewer District; the Tuxedo Farms Local Development Corporation; Tuxedo Reserve Owner LLC, and the Tuxedo Sewage-Works Corp. This is an amendment to the MOU.

A Special Permit for the Planned Integrated Development now known as “Tuxedo Farms” (“**Special Permit**”) was initially granted by the Town Board on November 15, 2004, and had been previously amended through November 22, 2010. The Town Board adopted a further amendment to the Special Permit on April 20, 2015.

By this amendment to the MOU, the parties recognize and incorporate into the MOU the amendment to the Special Permit adopted on April 20, 2015.

The wastewater treatment plant (“**WWTP**”) is to be built in accord with the MOU, the Special Permit, the approved site plan, and other findings and regulations. On May 7, 2015, the site and architectural plans for the wastewater treatment plant (“**Site Plan**”) were submitted to the Planning Board of the Town of Tuxedo (“**Planning Board**”), the Town’s engineers, and others. The

approved Site Plan consisted of 28 drawings, all dated May 7, 2015, prepared by Delaware Engineering, DPC, and signed by Brock Juusola, P. E. A list of the drawings is attached.

In addition to all of the regulatory and statutory requirements, the Site Plan was intended to meet the requirements set by the Special Permit, the Planning Board, the Architectural Review Board of the Town of Tuxedo (“**ARB**”), and, to the extent applicable, the zoning laws. After review by its representatives, the Town is hereby waiving the local law requirement for a sprinkler system at the WWTP. Applications for a building permit for the construction of the WWTP will be in accord with the Site Plan and the Engineering Report incorporated into the MOU.

By this amendment to the MOU, the Town is incorporating the Site Plan by reference and recognizing that the Site Plan complies with the comments submitted by the Planning Board and that no further approval by the Planning Board, the ARB, and Zoning Board of Appeals is required.

On page 12, the MOU states that the Town shall pay the TransCo the assessment for the O&M Budget allocated to the Farms District. By this amendment, the parties agree that the Town shall pay the assessments to the Trustee and the Trustee shall pay the O&M to the TransCo.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers or representatives as of the day and year first above written.

TUXEDO RESERVE OWNER LLC

TOWN OF TUXEDO

By: _____

President

By: _____

Town Supervisor

THE TUXEDO FARMS LOCAL
DEVELOPMENT CORPORATION

THE HAMLET OF TUXEDO
SEWER DISTRICT

By: _____

President

By: _____

Town Supervisor

TUXEDO SEWAGE-WORKS CORP.

By: _____

President

STATE OF NEW YORK)
 ss.:
COUNTY OF)

On the ____ day of _____, 2015, before me, the undersigned, a notary public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as president of TUXEDO RESERVE OWNER LLC and TUXEDO SEWAGE-WORKS CORP. and that by his signature on the instrument, TUXEDO RESERVE OWNER LLC and TUXEDO SEWAGE-WORKS CORP. executed the instrument.

Notary Public

STATE OF NEW YORK)
 ss.:
COUNTY OF)

On the ____ day of _____, 2015, before me, the undersigned, a notary public in and for said state, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Town Supervisor of the Town of Tuxedo and that by his signature on the instrument, the Town of Tuxedo executed the instrument.

Notary Public

STATE OF NEW YORK)
 ss.:
COUNTY OF)

On the ____ day of _____, 2015, before me, the undersigned, a notary public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as president of THE TUXEDO FARMS LOCAL DEVELOPMENT CORPORATION and that by his signature on the instrument, THE TUXEDO FARMS LOCAL DEVELOPMENT CORPORATION executed the instrument.

Notary Public

**TUXEDO WASTEWATER TREATMENT PLANT
LIST OF SHEETS
APPROVED SITE PLAN**

**ALL SHEETS PREPARED BY:
DELAWARE ENGINEERING, DPC
BROCK JUUSOLA, P.E.**

SHEET	TITLE	DATED
	Cover	5/7/15
INDEX	Index of Sheets	5/7/15
G1A	Existing WWTP Site Plan Prior to Fill	5/7/15
G1	Existing WWTP Site Plan	5/7/15
G2	New Site Plan	5/7/15
G3	Existing Site Demo Plan	5/7/15
G4	Proposed Minimum Excavation Plan	5/7/15
G5	New Yard Piping Plan	5/7/15
G6	New Paving Plan	5/7/15
G6A	Truck Turning Simulation	5/7/15
G7	New Stormwater and Wetland Plan	5/7/15
G8	Sanitary Sewer Profiles	5/7/15
G9	WWTP Outfall Profile	5/7/15
G10	Generator Pad, Transformer Pad, and Chemical Containment Pad Details	5/7/15
G11	Road Profiles	5/7/15
G12	Porous Pavement Details	5/7/15
G13	Stormwater Catch Basin Profiles	5/7/15
G14	Stormwater Swale and Diversion Pipe Details	5/7/15
G15	Stormwater Bioretention Areas Details	5/7/15
G16	Stormwater Bioretention Sections	5/7/15
G17	Stormwater Dry Swale	5/7/15
G18	Wetland Mitigation Plan Cross Sections	5/7/15
G19	Wetland Mitigation Details	5/7/15
D1	Typical Site Details	5/7/15
D2	Typical Site Details	5/7/15
D3	ESC Details	5/7/15
D4	ESC Details	5/7/15
A13	West and South Elevations	1/15
A14	North and East Elevations	1/15
E91	Site Lighting Plan	1/15