



LAW OFFICES OF  
**MULLER & MANNIX, PLLC**  
ATTORNEYS AT LAW

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**Michael J. Muller**  
Daniel J. Mannix

P.O. Box 143 • 257 Bay Road  
Glens Falls, New York 12801-0143  
Tel: (518) 793-2535 Fax: (518) 793-6238  
e-mail: [mjmuller@mullermannixlaw.com](mailto:mjmuller@mullermannixlaw.com)

April 3, 2018

Office of the Town Supervisor  
Mr. Christopher W. Tague  
Town of Schoharie  
PO Box 606  
Schoharie, NY 12157

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**MAY 14 2018**

**Town of Schoharie**

Mr. Edward Hampston, P.E.  
Chief, Water Compliance Assurance Section  
New York State Department of Environmental Conservation  
Division of Water, Bureau of Water Compliance  
625 Broadway  
Albany, NY 12233-3506

Re: Schoharie Business Park/ Park Services

Gentlemen,

This office represents 7 Summits LLC, a New York Limited Liability Company which was created for the purpose of taking title to the real property known as Schoharie Business Park formerly owned by the Fagnani family. The real estate closing occurred in the summer of 2017.

Associated with the transfer of the real property 7 Summits LLC was informed by the seller that there was a NY Transportation Corporation that included the roadways known as Park Place and Holiday Way for access to Schoharie Park Sewer Co., Inc. and Schoharie Park Water Co., Inc. activities.

Near the end of 2017 in December, Mr. Fagnani contacted Mr. Michael Shaughnessy who is a principal at 7 Summits LLC, and at that time we were then provided with notification from the Department of Environmental Conservation that routine reports required by NYS DEC regulations were not being prepared and submitted or the submissions were inadequate. Contemporaneously with such notification some further communications were exchanged between Mr. Fagnani, Mr. Shaughnessy and Rebecca Mitchell, a representative of NYS DEC proposing a method of compliance or a transfer of existing permits. My



client made an attempt to transfer the S.P.E.D.E.S. permit. We understand that Ms. Mitchell advised that my client's transfer application had been deemed incomplete and thereafter it was suggested that a new entity be created by the purchaser. Ms. Mitchell also advises that during Mr. Fagnani's ownership for at least the past two years there have been many non-compliance issues, including failures to submit mandatory reports to NYSDEC.

Most recently, after a record search with the NYS Department of State, it was ascertained that Schoharie Park Sewage Water Company, Inc. was dissolved in 2010. Nevertheless, 7 Summits LLC as the new purchaser wishes to maintain a good relationship with the owners and tenancies in Schoharie Business Park.

It has been explained to my client that the preference of NYS DEC would be for the Town of Schoharie to take over municipal service obligations in the park. Mr. Shaughnessy understands that in 2002 when the Town of Schoharie agreed to the creation of a Transportation Corporation it was understood that should the Transportation Corporation fail that the obligation would fall to the municipality.

Towards that end, my client proposes that the Town of Schoharie effective May 1, 2018 assume municipal community obligations for Schoharie Business Park. There is a revenue stream from the users that would support the services provided. To the extent that access to these facilities is required, 7 Summits LLC is prepared to afford the Town access by easement, right of way and preferably road dedication with all of the formalities required to assure permanent access by a publically recorded instrument.

7 Summits LLC is ready to proceed in any feasible manner that will resolve this problem in order to achieve NYS DEC compliance and an orderly transfer to the municipality.

At your earliest convenience please let us know how you wish to proceed.

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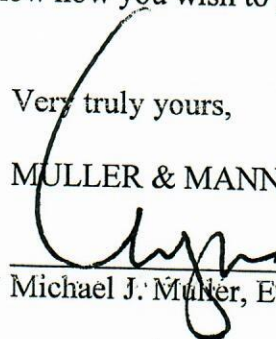
Town of Schoharie

MJM/lrb

Very truly yours,

MULLER & MANNIX, PLLC

By:

  
Michael J. Muller, Esq.