

Warren County Board of Supervisors

RESOLUTION NO. 422 OF 2021

RESOLUTION INTRODUCED BY SUPERVISORS DICKINSON, BRAYMER, MCDEVITT, SMITH AND SHEPLER

AUTHORIZING AGREEMENT WITH THE NEW YORK STATE ENVIRONMENTAL PROTECTION AND SPILL COMPENSATION FUND CONCERNING PETROLEUM CONTAMINATION AT TOWN OF JOHNSBURG TAX MAP PARCEL NO. 133.8-1-27

WHEREAS, Warren County, through its tax foreclosure process, plans to foreclose upon Parcel No. 133.8-1-27, located in the Town of Johnsbury, Warren County, New York, and

WHEREAS, the New York State Environmental Protection and Spill Compensation Fund (“Fund”) alleges that the absent owner or its predecessor has discharged petroleum on the property in violation of Navigation Law §173 and the absent owner or its predecessor is liable, without regard to fault, for all cleanup and removal costs pursuant to Navigation Law §181, and

WHEREAS, the existing structure on said parcel, currently known as Mosher’s Garage, will be removed by Warren County, which will enable the NYSDEC to conduct remediation under the existing structure, and

WHEREAS, Warren County, without admitting or denying the allegations made and the violations described here, agrees to enter into an agreement to have the New York State Environmental Protection and Spill Compensation Fund address the petroleum contamination at, arising from, or relating to this property, and

WHEREAS, the County has paid to the Fund Fifteen Thousand Dollars (\$15,000) in consideration for the release of liability as set forth in the agreement, now, therefore, be it

RESOLVED, that the Chair of the Board of Supervisors be, and hereby is, authorized to execute an agreement with the New York State Environmental Protection and Spill Compensation Fund concerning necessary remediation of the petroleum contamination at and migrating from the Site, known as Parcel No. 133.8-1-27 located in the Town of Johnsbury with terms of the agreement including payment by Warren County of remedial costs incurred on the property in an amount not to exceed Fifteen Thousand Dollars (\$15,000), that was previously paid in October, 2018, after the first portion of remediation was completed, in a form approved by the County Attorney.