

**AMENDMENT TO THE
AGREEMENT BETWEEN THE CITY OF NEW YORK AND
THE TOWN OF NEW PALTZ, NEW YORK
FOR THE CONSTRUCTION OF A GROUNDWATER SYSTEM
DEL-420C**

THIS AMENDMENT (“Amendment”) is entered into this ____ day of _____, 202_, by and between the **CITY OF NEW YORK** (the “City”), a municipal corporation of the State of New York, acting by and through its **DEPARTMENT OF ENVIRONMENTAL PROTECTION** (“DEP”), having its principal office at 59-17 Junction Boulevard, Flushing, New York 11373, and the **TOWN OF NEW PALTZ** (the “Town”), a municipal corporation of the County of Ulster, in the State of New York, having its principal office at 1 Clearwater Road, P.O. Box 550, New Paltz, New York 12561 (each, a “Party,” and collectively, the “Parties”).

WHEREAS, the Parties entered into an agreement dated as of March 19, 2021 (the “Agreement”), pursuant to which DEP agreed to fund the Town’s construction of the Groundwater System meant to ensure an adequate supply of potable water for the residents of the Town and the Village of New Paltz; and

WHEREAS, the Parties desire to amend the Agreement to extend the milestones and the term of the Agreement as set forth below;

NOW, THEREFORE, in consideration of the mutual promises and covenants made herein, the Parties agree to amend the Agreement as follows:

1. Section 2 of the Agreement is amended to hereby amended to replace the expiration date of “December 31, 2023” with “June 30, 2025”.
2. Exhibit B of the Agreement is hereby deleted in its entirety and replaced with the “Exhibit B” attached hereto.
3. All of the terms, definitions and conditions of the Agreement not expressly and specifically modified by this Amendment shall remain in full force and effect and continue to apply during the extended term of the Agreement.
4. Without limiting the foregoing, it is expressly understood and agreed that this Amendment does not add any additional City funding to the Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment as of the date above first written.

THE CITY OF NEW YORK

TOWN OF NEW PALTZ

BY: _____

BY: _____

Title:
Department of Environmental Protection

Title:

ACKNOWLEDGEMENTS

State of NEW YORK, County of QUEENS SS:

On this _____ day of _____ 202_, before me, personally appeared **Joseph Vaicels**, to be known, and known to be the **Acting Agency Chief Contracting Officer** of the **Department of Environmental Protection** of The City of New York, the person described as such in and who as such executed the foregoing instrument and he acknowledged to me that he executed the same as Agency Chief Contracting Officer for the purposes therein mentioned.

Notary Public or Commissioner of Deeds

State of New York)

ss.:

County of)

On the _____ day of _____, in the year 20__ before me, the undersigned, 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/she executed the same in his/her indicated capacity, and that by his/her signature on the instrument, the person or entity upon behalf of which the individual acted, executed the instrument.

Notary Public

Exhibit B
Milestones

Milestone 1: Submit the Well Sampling Technical Report and the Town's Required Property Determination to DEP – 30 days from Effective Date

Milestone 2: Close on purchase of Required Property - 60 days from DEP's written authorization set forth in Section 4(a)(ii)

Milestone 3: Award Construction Contract(s) to lowest responsive and responsible bidder(s) and issue Notice to proceed with construction - 15 days from Closing on the purchase of Required Property

Milestone 4: Substantial completion of construction of Plains Road Wellsite System - 24 months from Town's issuance of Notice to proceed with construction

Milestone 5: Complete start-up and testing of Plains Road Wellsite System, receive New York State Department of Health permission to commence operation of new water supply – 120 days after substantial completion of construction but no later than June 30, 2024.