

AGREEMENT

Agreement made this day of February, 2004, between Whistle Tree Development Corp. (hereafter "WT"), Scribner Hollow Corp. (hereafter "SH") and Scribner Hollow Homeowners Association (hereafter the "HOA"):

1. WT and SH shall convey to the HOA title to the four parcels of real property which are described in the four descriptions annexed hereto, subject to easements for ingress, egress and utilities as may reasonably be required.

2. WT and SH shall convey an easement to the HOA for the installation of a drainage pipe at a location and with a design to be determined jointly by the HOA, the Village of Hunter, SH and WT upon the HOA having received approval from the Village of Hunter for the connection of its storm water drainage to the municipal storm water drainage system.

3. WT and SH shall retain fee ownership of the road from Scribner Hollow Road to the HOA property. WT and SH shall convey an access easement to the HOA. The HOA shall be responsible for plowing, sanding and/or salting the roadway, to the extent that the HOA plows, sands and salts the remainder of the roadway through the property, including regrading gravel moved by snowplowing. WT and SH shall be responsible for all other road maintenance, which shall be substantially the same as the maintenance performed by WT and SH in previous years. The HOA shall contribute \$1500 towards the repair of the road this Spring, or the actual cost of repairing the road this Spring, whichever is less.

4. The \$50,000 mortgage on the property described in paragraph 1 is deemed satisfied. SH shall execute and record a satisfaction of its existing mortgage.

5. The HOA may seek to have the access road described above in paragraph 3 to be dedicated to the municipality as a Village Street and WT and SH shall cooperate, provided that the dedication allows for WT and SH to have acceptable access from said street into their adjoining lands. In the event that the municipality requires that the roadway be re-graded before dedication, the HOA shall pay this expense. The HOA shall pay the cost of paving.

6. WT has submitted to the NYSDEC a revised water supply permit modification application, a copy of which is annexed hereto. WT represents that any modification shall not result in a decrease in the quality or quantity of water which brings the quantity or quality below that required by regulation. The HOA agrees not to object to this application.

7. WT shall not raise the base operational rates for water supply and/or the treatment of waste water prior to January 1, 2007, and thereafter only with permissions required by the government agencies which regulate such rates.

8. WT and SH consents and shall not object to the HOA joining the Village of Hunter water supply system whenever the joining becomes feasible, and WT and SH consents and shall not object to the HOA withdrawing from WT's and SH's system and forming its own system,

provided that the HOA has all necessary government approvals. The HOA agrees that WT and SH may retain the present two wells and the storage tank, and WT and SH agrees that if the HOA leaves the system the HOA shall own the distribution lines to the homes. WT agrees to grant easements, at locations to be agreed upon, to the Village of Hunter and the HOA to enable this joining to take place. The cost of this joining shall be borne by the Village of Hunter and/or the HOA and shall not be the responsibility of WT. In the event that the HOA wants to form its own system and requires an atmospheric storage tank in order to do so, WT and SH agree to provide an easement to the HOA for an atmospheric storage tank and appurtenant equipment adjacent to the presently existing tanks; such tank shall only serve the 26 HOA units.

9. With respect to amounts claimed by WT and SH for past water and sewer charges, the HOA shall take no position on these issues.

10. The HOA and the neighboring land landowner to the West may agree to construct a roadway leading to the HOA property North of the "B" Building or North of the "C" Building. SH and WT shall provide an easement for such roadway and any necessary utilities. The HOA shall install a gate on this access roadway such that only the present 26 HOA members and their successors and guests will be given access. The cost of this roadway shall be paid by the HOA.

11. The HOA shall, during the Spring or Summer of 2004, cause the drainage of surface water from around Building E to be directed in a westerly direction so that it runs between Buildings A and B, and ultimately into the Village of Hunter storm water collection system, provided that the cost to the HOA does not exceed \$5,000.

12. Disputes arising under this Agreement shall be arbitrated by Oliver A. Rosengart, Esq.

13. Within 30 days of execution of this Agreement the HOA shall reimburse WT and SH for tax payments made for the attached bill, to be adjusted as of the closing date.

14. A copy of this Agreement shall be recorded in the Greene County Clerk's Office and shall be binding on the successors of the parties to this agreement.

15. This document constitutes mutual general releases between the parties for all claims which have arisen prior to the date of execution of this Agreement, other than water, sewer and management fees under the contract which expired September 30, 2002. WT and SH represent that there are no outstanding bills to the HOA.

Whistle Tree Development Corp.

By:



Guy Chirico, President

Scribner Hollow Corp.

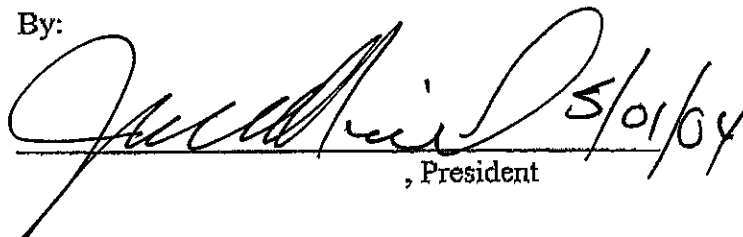
By:



Guy Chirico, President

Scribner Hollow Homeowners Association

By:



, President

CHAZEN ENGINEERING & LAND SURVEYING CO., P.C.

Capital District Office:

20 Gurley Avenue
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Email: albany@chazencompanies.com

Dutchess County Office:

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Orange County Office:

Phone: (845) 567-1133

North County Office:

Phone: (518) 812-0513

LEGAL DESCRIPTION

PARCEL 1

Lands to be Conveyed to Scribner Hollow Homeowners Association

ALL that certain piece or parcel of land situate and being in the Town of Hunter, County of Greene, and State of New York, bounded and described as follows:

BEGINNING at a point located along the division line between the lands of Scribner Hollow Corporation (Book 421, Page 1105) on the east and the lands of Whistle Tree Development Corp (Book 452, Page 313) on the west, said point being located South 21°34'10" East, 320.47 feet from a bathay marker located at the intersection of said division line with the south line of the lands now or formerly of Four Seasons Land Corp (Book 438, Page 651); thence from said point of beginning, in a southerly direction and through the lands of said Scribner Hollow Corp., the following three courses and distances to a point: 1) South 59°-33'-32" East, 21.10 feet to an iron rod; 2) South 11°-08'-30" East, 66.93 feet to a stake and 3) South 12°-51'-52" West, 16.95 feet to a point located along the aforesaid division line; thence along said division line the following two courses and distances: 1) North 06°-27'-34" West, 33.43 feet to a point and 2) North 21°-34'-10" West, 64.16 feet to a point said point being the point or place of beginning.

Containing in all 650 square feet of land or 0.013 acres.



May 19, 2003
Revised June 4, 2003

Vincent P. Ausfeld, P.L.S.

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LEGAL DESCRIPTION

PARCEL 2

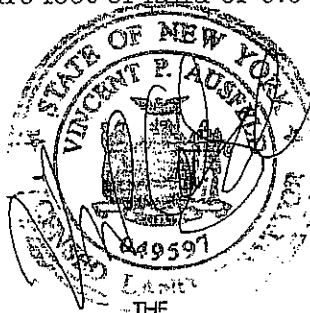
Lands to be Conveyed to Scribner Hollow Homeowners Association

ALL that certain piece or parcel of land situate and being in the Village of Hunter, County of Greene, and State of New York, bounded and described as follows:

BEGINNING at a point located at a northwesterly corner of the lands now or formerly of Scribner Hollow Corp. (Book 721, Page 246), said point also being a southwesterly corner of the lands now or formerly of Scribner Hollow Corp. (Book 421, Page 1105), thence from said point of beginning, in a westerly direction and along the division line of the aforesaid lands of Scribner Hollow Corp., South 49°-41'-10" West, 7.65 feet to a point; thence continuing in a westerly, easterly and southerly direction and through the lands of Scribner Hollow Corporation (Book 421, Page 1105), South 73°-06'-38" West, 42.43 feet to a point; thence in a westerly and southerly direction, along the aforesaid lands of Scribner Hollow Corporation, (Book 421, Page 1105), the following two courses and distances: 1) North 42°-56'-22" East, 79.16 feet to a point and 2) South 24°-33'-56" East, 97.96 feet to a point; thence in a westerly direction, South 49°22'28" West, 5.06 feet to a point; thence in a southerly and along the division line between said Scribner Hollow Corp and the lands of Melli (Book 768, Page 26), South 40°39'09" East, 18.25 feet to a point; thence in a westerly direction and along the same division line, South 69°26'39" West, 22.00 feet to a point; thence in a northerly direction and through the aforesaid lands of Scribner Hollow Corp., North 25°56'59" West, 81.50 feet to the point or place of beginning.

Containing in all 3,170 square feet of land or 0.073 acres.

May 19, 2003
Rev. October 30, 2003



Vincent P. Ausfeld P.L.S.

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LEGAL DESCRIPTION

PARCEL 3

Lands to be Conveyed to Scribner Hollow Homeowners Association

ALL that certain piece or parcel of land situate and being in the Village of Hunter, County of Greene, and State of New York, bounded and described as follows:

BEGINNING at a point located along the division line between the lands of Scribner Hollow Corporation (Book 421, Page 1105) on the west and the lands of Whistle Tree Development Corp (Book 452, Page 313) on the east, said point being located North 43°47'43" East, 49.21 feet from the southwest corner of the aforesaid lands of Whistle Tree Development Corporation; thence from said point of beginning in a southerly direction and along said division line South 43°-47'-43" East, 36.49 feet to a point; thence in a westerly and northerly direction and through the aforesaid lands of Scribner Hollow Corp. the following two courses and distances to a point: 1) South 71°-28'-58" West, 14.78 feet to an iron rod and 2) North 19°-54'-32" West, 33.01 feet to a point, said point being the point of beginning.

Containing in all 244 square feet of land or 0.005 acres.

May 19, 2003
Rev. June 4, 2003

Vincent P. Ausfeld P.L.S.

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LEGAL DESCRIPTION

PARCEL 4

Lands to be Conveyed to Scribner Hollow Homeowners Association

ALL that certain piece or parcel of land situate and being in the Village of Hunter, County of Greene, and State of New York, bounded and described as follows:

BEGINNING at a point located at the common corner of the lands of Scribner Hollow Corporation (Book 421, Page 1105) on the south and the lands now or formerly of Whistle Tree Development Corp. (Book 452, Page 313) on the north, said point being the southwest corner of the aforesaid lands of Whistle Tree Development Corporation; thence from said point of beginning in a northerly direction and along the division line between Scribner Hollow Corp on the west and Whistle Tree Development Corp. on the east, North 43°-47'-43" West, 49.21 feet to a point; thence in a northerly, westerly and southerly direction, the following ten courses and distances to a point: 1) North 19°-54'-32" East, 134.45 feet to a point; 2) North 55°-16'-40" West, 18.46 feet to an iron rod; 3) along the top of the bank, North 24°-45'-03" West, 42.21 feet to a point; 4) continuing along said top of bank, North 03°-30'-38" West, 19.78 feet to a point; 5) North 23°-51'-32" East, 60.69 feet to a point; 6) North 39°-15'-51" East, 234.18 feet to a point; 7) North 50°-51'-54" East, 139.69 feet to a point; 8) South 23°-22'-07" East, 154.37 feet to an iron rod; 9) South 47°-12'-21" East, 33.51 feet to a point and 10) South 59°33'32" East, 57.93 feet to a point located in a division line between the lands of Scribner Hollow Corp. on the east and the lands now or formerly of Whistle Tree Development Corp. on the west; thence in a southerly direction the following four courses and distances: 1) South 21°34'10" West, 64.16 feet to a point; 2) South 06°27'34" East, 33.43 feet to a point; 3) South 12°51'52" West, 51.73 feet to a point and 4) South 13°29'50" East, 139.71 feet to a point; thence in an easterly direction the following nine courses and distances: 1) South 59°-44'-52" West, 19.99 feet to a point; 2) South 62°-28'-07" West, 46.16 feet to a point; 3) South 59°-10'-52" West, 71.00 feet to a point; 4) South 74°-27'-23" West, 36.27 feet to a point; 5) South 74°-27'-23" West, 34.40 feet to a point; 6) South 49°-22'-28" West, 4.02 feet to a point; 7) North 24°-33'-56" West,

97.96 feet to a point; 8) South 42°-56'-22" West, 95.37 feet to a point and 9) South 68°-31'-33" West, 72.85' to a point, said point being the point of beginning.

Containing in all 169,596 square feet of land or 3.893 acres.



June 4, 2003

Vincent P. Ausfeld P.L.S.

NEW YORK STATE DEPARTMENT OF HEALTH

APPLICATION
FOR APPROVAL OF PLANS
FOR PUBLIC WATER SUPPLY IMPROVEMENT

1. Applicant: Whistle-Tree Corp.	2. Location of Works (C, V, T): Hunter (V)	3. County: Greene	4. Water District (Specific Area Served) NA
5. Type of Ownership: <input type="checkbox"/> Municipal <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> 68 Private-Other <input type="checkbox"/> 1 Authority <input type="checkbox"/> 30 Interstate <input type="checkbox"/> Industrial <input type="checkbox"/> 9 Water Works Corp. <input type="checkbox"/> Private-Institutional <input type="checkbox"/> 19 Federal <input type="checkbox"/> 40 International <input type="checkbox"/> 26 Board of Education <input type="checkbox"/> 20 State <input type="checkbox"/> 18 Indian Reservation			
6. Is project related to a concurrent Water Resources Commission application? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give number _____		7. Drainage Basin: Schoharie Creek	
8. Nature of Project: <input checked="" type="checkbox"/> New Works <input type="checkbox"/> Modifications	9. Is Federal Aid Applied For? <input type="checkbox"/> Yes Agency _____ <input checked="" type="checkbox"/> No		10. Is project related to a Comprehensive Water Study? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
11. Type of Project: <input checked="" type="checkbox"/> Source <input checked="" type="checkbox"/> Pumping Unit <input type="checkbox"/> Fluoridation <input checked="" type="checkbox"/> Distribution <input type="checkbox"/> Transmission <input checked="" type="checkbox"/> Chlorination <input type="checkbox"/> Other Treatment <input type="checkbox"/> Storage <input type="checkbox"/> Other			
REMARKS: 2 small wells total yield = 18 gallons per minute to serve 5 apartment buildings. Well No. 1 - 185' deep, No. 2 - 425'.			
12. Estimated Cost of Project: Source \$ <u>15,000.</u> Treatment \$ <u>800.</u> Distribution \$ <u>10,000.</u>			
13. Population: Total population of service area: <u>174</u> % Population actually served: <u>100%</u> % Population served affected by project: <u>100%</u>			
14. Latest Total Consumption Data (in MGD): Avg. Day <u>9,000</u> Year <u>1972</u> Max. Day <u>25,000</u> Year <u>1972</u> Peak Hr. <u>2,000</u> Year <u>1972</u>		15. Approved Plans are to be returned to: <input checked="" type="checkbox"/> Engineer <input type="checkbox"/> Applicant	
16. Name of Design Engineer: <u>Robert J. Ganley</u> N. Y. State License No. <u>31925</u> Address: <u>6 Plaza, Albany, N. Y.</u> Telephone No. <u>434-1256</u>			
17. Name and Title of Applicant or Designated Representative: <u>Whistle-Tree Development Corp.</u> Mailing Address: <u>c/o Northern Tech Builders, Inc., Hunter, New York</u>			

November 12, 1971

Date



Signature of Applicant Curt A. Schurm

NOTE: All applications must be accompanied by plans, specifications and an engineer's report describing the project in detail. The project must first be discussed with the appropriate City, County, District or Regional Public Health Engineer. Signature by a designated representative must be accompanied by a letter of authorization.

APR.28'2003 09:31 845 454 1026

CHAZEN COMPANIES

#3971 P.003/003

95-18-4 (10290)-7a

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK 12231-0001

APPLICATION FOR PUBLIC WATER SUPPLY PERMIT

Supplement W-1

Read instructions on reverse side of last sheet before completing this application.

PLEASE TYPE OR PRINT CLEARLY IN INK.

FOR DEPARTMENT USE ONLY

APPLICATION NUMBER

WSA NUMBER

PROJECT DESCRIPTION

1. TYPE OF PROJECT

Modification of the Whistle Tree Development Company service area.

2. PROJECT PURPOSE

Upgrade DEC records and approvals consistent with previous Public Service Commission approval and NYSDOH acceptance.

3. THIS PROJECT INVOLVES: (Check appropriate items)

☐ ACQUISITION of existing facilities; ☒ INSTALLATION of new facilities; ☐ CHANGES in capacities of existing facilities.
☐ ABANDONMENT of existing facilities.

For items checked, provide BRIEF description or identification: The application does not include additional sources of supply or facilities. The application seeks to update DEC records and approvals to make them consistent with existing conditions.

4. This project will involve the taking of up to 42.5 gallons of water (per minute) (per day) from 2 wells for Whistle Tree
Figure given represents ☐ increase in taking or ☒ total taking. 42.5 GPM represent capacity of existing 3 wells.
No new taking is contemplated.

5. If certain exhibits are omitted or reduced in scope by incorporation of files on prior applications, identify such applications and exhibits: (If more than 3, use 3 most recent or 3 most significant.)

WSA No.

NAME

EXHIBITS

6. PROJECT AUTHORIZATION

List all exhibits documenting the project authorization, such as resolutions, certificates of incorporation, contracts, referendum results, etc. (See special instructions accompanying this form.)

7. PROJECT JUSTIFICATION

By the act of signing this application, the applicant certifies that each of the following statutory conditions is or will be satisfied, AND that a proper justification for each is given in exhibits attached to this application:

- A. The plans proposed by the applicant are justified by public necessity.
- B. The plans take proper consideration of other sources of supply which are or may become available.
- C. The plans provide for proper and safe construction of all work connected therewith.
- D. The plans provide for the proper sanitary control of the watershed and proper protection of the supply.
- E. The plans provide for an adequate water supply.
- F. The plans are just and equitable to other municipal corporations and civil divisions of the state affected thereby and to the inhabitants thereof, particular consideration being given to their present and future necessities for sources of water supply.
- G. The plans make fair and equitable provisions for the determination and payment of any and all damages to persons and property, both direct and indirect, which will result from the acquisition of said lands or the execution of said plans.
- H. The plans, in accordance with local water resources needs and conditions, include a description of an adequate near term and long range water conservation program.

8. SEQ# STATUS:

9. SIGNATURE

Larry F Gardner, Pres

10. DATE

4/28/03

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
APPLICATION FOR PUBLIC WATER SUPPLY PERMIT
PROJECT JUSTIFICATION

Whistletree Answers to Question No. 7 of Form W-1:

- A. The plans proposed by the applicant are justified by public necessity.

The nearest available municipal supply, Hunter Water Company, declined to serve Whistletree.

- B. The plans take proper consideration of other sources of supply which are or may become available.

There are no other sources of water supply available.

- C. The plans provide for proper and safe construction of all work connected therewith.

No further work is contemplated. If required, work will be designed by a NYS P.E. and approved by the NYSDOH before construction.

- D. The plans provide for the proper sanitary control of the watershed and proper protection of the supply.

One production well serving Whistletree was installed in 1965. The second well was installed in 1971. Both were approved in 1971 under Water Supply Application No. 6051. The water treatment building is locked and secured against unauthorized entry. All facilities have been approved and accepted by NYSDOH.

- E. The plans provide for an adequate water supply.

All facilities have been approved and accepted by NYSDOH.

- F. The plans are just and equitable to the other municipal corporations and civil divisions of the state affected thereby and to the inhabitants thereof, particular consideration being given to their present and future necessities for sources of water supply.

The proposed use of ground water will not affect any persons, corporations, municipal and or State agencies. An adequate supply of groundwater is present to meet anticipated demand.

- G. The plans make fair and equitable provisions for the determination and payment of any and all damages to persons and property, both direct and indirect, which will result from the acquisition of said lands or the execution of said plans.

No land acquisition or further construction is contemplated.

- H. The plans, in accordance with local water resources needs and conditions, include a description of an adequate near term and long range water conservation program.

The water Conservation Program Form is included in this application.