

TOWN OF ANDES
Town Hall

REGULAR MEETING
DISTRICT'S MEETING

JAN. 12, 2008

PRESENT:

All who were at the Organizational Meeting

CALL TO ORDER:

Supv. Donnelly called the meeting to order at 12:40 P.M.

HIGHWAY REPORT:

Town of Andes Highway Report

Michael R. McAdams, Highway Superintendent

January 12, 2009

Equipment:

Dodge P/U – Needs new wheel bearing, as soon as the weather cooperates

2009 Int. 4x4 – Wing caught in ground and broke mirror and dented door, we have a mirror and as soon as we have a chance we will get the door fixed at Mid County.

2000 Int. – Rolled over on side, adjuster was here and the truck is not totaled, sander is totaled.

Other:

On the 13th we have a meeting with FEMA to close out a project and hopefully receive some money.

Bill Wagner has quit the Highway Department. I will be advertising for a new employee.

Our sand pile is getting very low due to all the ice we have been getting. The first time we get a chance we will be running the shaker to break chunks up. We will be shaking some of our bank run gravel for sand. We will only be sanding hills and turns in the near future due to our shortage of sand.

I would like to thank Bradley Darling and my crew for doing an excellent job while I was gone on vacation.

Respectfully Submitted,

Michael R. McAdams

Highway Superintendent

Robert E. Schultz
25 Shaver Hill Rd.
Andes, NY 13731
845-676-4984

Sunday, January 11, 2009

Mr. Martin A Donnelly
Supervisor
Town of Andes
115 Delaware Avenue
Andes, NY 13731

By Fax: 845-676-3776

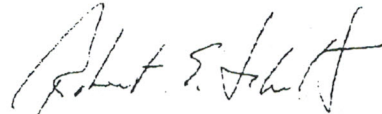
Dear Mr. Donnelly,

I am writing to thank you and the Highway Department staff for taking the necessary measures to assure that Mayer Road is plowed in a timely manner this winter. Although a relatively short, dirt road, there are three families who currently reside there: Helga and Oscar Weyer spend at least 4 days a week at their home on 103 Mayer Road and Brandan and Anna Flannelly (our tenants) live full time at 56 Mayer Road, as do the renters of the old Mayer farm at the top of the hill. Both the Flannellys and the Weyers mentioned to me earlier in the season that the road was not plowed sometimes after a snowfall. At that time I asked Mr. Flannelly to call the Highway Department to let the staff know whenever Mayer Road needed to be plowed. Since then, it appears to me that the road has indeed been plowed regularly and speedily after most snow falls, hopefully to the satisfaction of all who live there.

As the Weyers are senior citizens (one of whom was not in perfect health recently), the Flannellys have an infant son, and the tenants of the Mayer farm have a school-age child, one can obviously understand the need to maintain the road for everyday as well as emergency use.

Once again I thank you and the Andes Highway Department staff for your efforts regarding this matter and I wish you all the best for the New Year.

Sincerely,



Robert E. Schultz

PRIVILEGE OF THE FLOOR:**Paul Cerosaletti****From; Del. Co. Co-op Ext.**

Mr. Cerosaletti further discussed the Grass Bio Energy Demonstration Project. Up date attached. { Andes hopes to participate when the new Highway Garage is finished }

**Catskill Watershed Corporation –
Cornell Cooperative Extension of Delaware County**

Grass BioEnergy Demonstration Project

Requirements and Considerations for Municipal Host Sites

The purpose of the municipal host demonstration site is to:

1. Work with a cooperator to gain experience in operating both an outdoor boiler and indoor pellet stove using locally produced grass pellets.
2. Provide a single site where Cornell Cooperative Extension of Delaware County can demonstrate and provide outreach to the public on the use of grass pellets in conventional pellet burning technologies.

We are asking municipal hosts sites to:

- ◆ Provide a site to install an outdoor pellet boiler and indoor pellet stove. We would like these two sites to be reasonably close to each other (ideal if there are in the same building) for use in open house outreach events.
 - The indoor pellet stove is an area heater and can heat larger meeting rooms and adjacent offices.
- ◆ Provide a concrete pad according to specs for the installation of the boiler.
- ◆ Use the heating units significantly, as would be expected for normal use. (ie, we want units used more than a couple days per week).
- ◆ Be willing to allow CCEDC to install data logging equipment and allow technician access during normal business hours to download data.
- ◆ Dry Storage area for at least 1 pallet of pellets (approximately 5x5) that is accessible with forklift.
- ◆ Be willing to purchase grass pellets (including delivery of pellets, or arrangements therefore) for the duration of the program beyond what the program can provide (we estimate at this point that the program may be able to supply up to one heating season of pellets)
- ◆ Be interested and dedicated to the project and its outcomes.
- ◆ Dedicate a staff person(s) to oversee operation and maintenance of the burning units. These person(s) will be required to do some record keeping in routine maintenance logs (eg, when pellets are added; how much; when heat exchangers are cleaned; when ashes are removed, etc).
- ◆ Be willing to host open houses to the public. We are not requiring and even asking municipal sites to field questions or provide tours to the public on an as hoc basis; Rather we plan on setting up a series of open houses/ meetings where experiences can be shared.
- ◆ Provide access to the heating units for inspection by CWC staff within normal business hours.
- ◆ Be willing to assist with minor repairs to the heating systems as staff expertise allows

- ◆ Pellet burning heating units (2 per site – one outdoor boiler and one indoor pellet stove).
- ◆ Installation of the heating units (one time – we cannot pay for relocation)
- ◆ Up to one heating season of grass pellets, including transportation.
- ◆ Coordination and educational assistance with operational issues (Project staff will help coordinate contacts for operation training, questions, etc)
- ◆ The project will be responsible for the non warrantee repair of heating units during the 3 year duration of the project, except for cases of gross negligence or abuse on the part of the municipal operators.
- ◆ CCEDC will provide insurance coverage for destruction of the heating units during the 3 year duration of the project.
- ◆ All coordination of outreach efforts. The municipal staff will not be expected to coordinate any portion of the outreach event, other than to have staff present to participate, as agreed upon in advance of the open houses/meetings.

The furnace, stove and accessories are the property of CCE during the 3-year project time. If at any time during the 3-year timeframe that the Town decides that the furnaces do not meet the goals of the Town or for any other reason, CCE will remove said equipment. However, after the 3 year project, the equipment becomes the property of the municipality to use as it sees fit on its property.

LETTERS & COMMUNICATIONS:

To: Andes Town Clerk { Dec. 11, 2008 }

From: Edward O'Neill

" Dear Ms. Jacques,

This letter is to notify your office that the Andes Hotel will again be renewing its Liquor License #2601496242. Enclosed is the required " Renewal Application Notice Form". { On file }

Thank you,

Edward O'Neill

To: Honorable Kirsten Gillibrand

From: Supv. Martin A. Donnelly

U.S. Congresswoman

ATTACHED

To: Melissa Siegel

From: Kaaterskill Associates

DEP Legal Affairs

**Re; Proposed Amendments to the New York City Watershed Regulations
{ ATTACHED }**

FROM THE SUPERVISOR:

1. This morning Marge Merzig, Town Clerk Janis Jacques & I met with Pat Snover from the U.S.D.A. in reference to the funding for the Highway Garage. We have approval and will now be going forward with the new Highway Garage.
2. There seems to be confusion in reference to Res. #57 **STANDARD WORK DAY** - which was passed in last months minutes. " **BE IT RESOLVED; that the Town of Andes establishes the following as a standard work day for elected and appointed officials for the purpose of determining days worked for reporting to the N.Y.S. & Local RETIREMENT System. This has NOTHING to do with the hours worked by elected, appointed officials and / or union members.**
3. We received a letter of resignation dated 12-22-2008 from Highway employee William Wagner.
4. Marge Merzig - Keough Consulting - applied for a grant for the Town of Andes on Dec.22, 2008 from the NYS Dept. of Local Govt.. This is in reference to an efficiency grant for Bovina & Andes to combine some appropriate services.
5. Town Attorney - David Merzig - and Keough Consulting are working on the Bush Hill Road Project #1855.
6. The man hole cover at the triangle has been hit in two out of the last three snow storms. Delaware Operations employees have repaired it.
7. If you qualify for H.E.A.P. you also qualify for home heating kits. A few will be available @ Town Hall starting Jan. 22, 2009.

Respectfully submitted,

Martin A. Donnelly
Town of Andes Supervisor

MOTIONS:

MOTION made by Councilman Liddle second by Councilman Moshier to approve the 2009 agreement to expend Highway money.

{ On file }

VOTE: ALL AYE. So carried.

MOTION made by Councilman Moshier second by Councilman Liddle to authorize Supv. Donnelly to sign the yearly contracts with Kortright Creek Financial & Keough Consulting.

VOTE: ALL AYE. So carried.

MOTION made by Councilman Liddle second by Councilman Moshier to clarify Local Law #2 for 2008 to specify that rock salt may NOT be used on the sidewalks in the hamlet of Andes. This is due to environmental concerns & to prolong the life of the newly constructed sidewalks. {Allowed - sand, ashes, calcium chloride pellets }

VOTE: ALL AYE. So carried.

RES.#21

Authorizing the Supervisor to execute a grant application seeking funding under CWC Local Technical Assistance Program to develop an environmentally sensitive and cost effective highway maintenance plan for the Town and to develop uniform driveway, culvert and stormwater connection standards for the Town Highway Department.

Whereas, the Town of Andes is seeking to utilize its resources in an efficient and forward looking manner; and

Whereas, the Catskill Watershed Corporation is offering Local Technical Assistance grants to plan and develop initiatives for such efficiencies; and

Whereas, Andes Town Highway Department, finding itself wholly within the New York City Watershed is interested in updating its maintenance plans, as well as developing uniform standards which comply with NYCDEP Watershed rules; therefore, be it RESOLVED, that the Town of Andes supports the development of maintenance plans and uniform standards, and further

RESOLVED, that the Town Board of the Town of Andes does authorize Supervisor Donnelly to submit an application for a Local Technical Assistance grant to the CWC on behalf of the Town Highway Department.

Proposed by Councilman Liddle

Second by Councilman Gabriel

ROLL CALL:

Councilman Gabriel-----AYE

Councilman Grommeck-----Absent

Councilman Liddle-----AYE

Councilman Moshier-----AYE

Supv. Donnelly-----AYE

VOTE: ALL AYE. So carried.

RES.#22

Authorizing the Supervisor to execute a grant application seeking funding under New York State Department of State Local Government Efficiency Grant to studied possible shared services and possible functional consolidation of services between the Towns of Andes and Bovina

Whereas, the Town of Andes is seeking to utilize its resources in an efficient and forward looking manner; and

Whereas, the NYS Department of State is encouraging such local efficiency by offering funding for various shared services or functional consolidation, and

Whereas, Andes and Bovina being physically contiguous and similarly organized are natural partners in such cost saving; and

Whereas both towns desire to study the possibility of sharing or consolidating services and facilities; therefore, be it

RESOLVED, that the Town of Andes approved naming itself lead agency in such project, and be it further

RESOLVED, that the Town Board of the Town of Andes does designate Martin A. Donnelly, Town Supervisor, as Lead Applicant Contact person and authorizes Supervisor Donnelly to submit an application to the Local Government Efficiency Grant program entitled "Efficiency Planning Study of Shared or Consolidated Services – Town of Andes/Town of Bovina, Delaware County, NY", and be it further

RESOLVED, that such grant application shall be for \$ 21,750, with a local match of \$ 2,175. The allocation of the local contribution shall match the total real property value for each Town.

Proposed by Councilman Liddle

Second by Councilman Moshier

ROLL CALL:

Councilman Gabriel-----AYE

Councilman Grommeck-----Absent

Councilman Liddle-----AYE

Councilman Moshier-----AYE

Supv. Donnelly-----AYE

VOTE: ALL AYE. So carried.

MINUTES:

MOTION made by Councilman Moshier second by Councilman Liddle to approve the minutes.

VOTE: ALL AYE, So carried.

REPORTS:

MOTION made by Councilman Gabriel second by Councilman Liddle to approve the following monthly Reports: Highway, Town Clerk Financial, Town Board Bookkeepers Financial, Tax Collector, Justice, D.C.O. and Building Dept..

VOTE: ALL AYE. So carried.

WARRANTS:

MOTION made by Councilman Liddle second by Councilman Gabriel to approve the warrants as follows:

2008 FINAL WARRANTS:

GENERAL	#473-#512	\$ 13,042.98
HIGHWAY	#243-#264	572,934.84 *
WATER	#63-#67	810.86
WWTP	#226-#240	39,597.67

+++++

2009 WARRANTS:

GENERAL	#1-#10	\$ 16,715.30
HIGHWAY	#1-ONLY	3,014.00
WATER	#1-ONLY	8,100.00
WWTP	#1-#2	754.31

Pre-approve #11 General - NYSDEC - A5032.4 - \$300.00

VOTE: ALL AYE, So carried.

EXECUTIVE SESSION:

MOTION made by Councilman Moshier second by Councilman Liddle to enter Executive Session.

VOTE: ALL AYE. So carried.

TIME: 1:25 P.M.

REASON: Personnel & legal

MOTION made by Councilman Liddle second by Councilman Moshier to exit Executive Session.

VOTE: ALL AYE.

So carried.

TIME: 1:40 P.M.

* -
Correction
amount should be
\$ 436,497.
Jug
AC

DELAWARE OPERATIONS, INC.

8-12 Dietz Street, Suite 303, Oneonta NY 13820 • Phone 607-432-8073 • FAX 607-432-0432

TOWN OF ANDES, NY TOWN BOARD MEETING REPORT BY DELAWARE OPERATIONS January 12, 2009

1. Water System

Daily usage of treated water from the water system averaged 14,500 gallons per day for the month of December 2008.

2. Plant Purchases

3. O&M

1. WWTP Plant

- Plant effluent flows averaged 40,600 gallons per day for the month of December 2008 compared to 29,800 gallons per day in November. Plant flows are up due to the leaks in the collection system (rain and snow melt are causing high ground water levels).

2. SPDES Compliance/NYSDEC, NYCDEP

- The plant discharges of treated effluent to the Tremper Kill Brook; permit compliance for December 2008 met all parameters.

3. Collection System

- High Street is being maintained as required.

4. Plant Purchases.

5. Plant O&M

- Delaware Operations requests the approval to have Aqua-Aerobic Systems, Inc. replace and retrofit the decanters in each SBR at a cost of \$12,900. In December plant staff replaced a failed decant actuator. We tried to get the failed decant actuator repaired and found out that the manufacture of the actuator (M-Mac) went out of business about 1 ½ years ago and parts are no longer available. The new actuator requires different mounting hardware, electrical hardware, and programming.

MOTIONS:

MOTION made by Mr. Liddle second by Mr. Gabriel to approve Delaware Operations request to have Aqua-Aerobic Systems Inc. replace & retrofit the decanters in each SBR at a cost of \$12,900.00.

VOTE: ALL AYE. So carried.

ADJOURN:

MOTION made by Councilman Liddle second by Councilman Moshier to adjourn.

VOTE: ALL AYE. So carried.

TIME: 1:45 P.M.

Janis Lynn Jacques



Andes Town Clerk / Andes District's Clerk

{ Next Town Board Meeting - Feb. 10, 2009 @ 12:30 P.M. @ Town Hall - all are welcome to attend }

Walter A. Donnelly Jr.
Shayne Moshier
David Hammett
John Hammett

P.O. Box 125 – 115 Delaware Avenue, Andes, NY

1-845-676-4791

TDD -1-800-662-1220

December 29, 2008

The Honorable Kirsten Gillibrand
Member of Congress
120 Cannon House Office Building
Washington, DC 20515

Attn: Brooke Jamison, Legislative Director

Re: Shovel Ready Projects in the 20th Congressional District
Town of Andes

Dear Congressman Gillibrand,

Thank you for your December 12 letter regarding the designation of stimulus infrastructure money to the 20th District. The Town of Andes has a number of projects which have been planned and only are waiting for funding. The following are our priorities:

1. A new Town Highway Garage (the old one does not meet OSHA standards and is not tall enough to service our trucks) \$1.7 million (USDA loan is pending, but a grant portion would be essential for construction to start.

2. New Court Facilities – the present one must be vacated because of asbestos. \$200,000.

3. Rehabilitation of our water reservoir – we are currently under a surface water contamination order. \$200,000.

4. Rehabilitation of our Solid Waste Transfer station – the processing equipment is aged and must be replaced. \$150,000.

5. Development of our historic rail station as a community interpretive center. \$200,000

6. Development of Palmer Hill Overlook – the first handicapped accessible overlook in the Catskill Park – we applied for funding from Environmental Protection Fund, but did not score high enough. \$75,000.

7. This is outside my purview, but the Andes Central School needs a new roof.

Thank you for your keen interest in economic development in Delaware County. Please direct any questions about this submission to me at the above address or at (845) 676-4791. Thank you in advance for your assistance.

Sincerely,

A-S.

Martin A. Donnelly
Andes Town Supervisor

P.O. Box 125 – 115 Delaware Avenue, Andes, NY

1-845-676-4791

TDD -1-800-662-1220

December 29, 2008

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Member of Congress
120 Cannon House Office Building
Washington, DC 20515

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Sincerely,

Martin A. Donnelly A.S.
Martin A. Donnelly
Andes Town Supervisor



December 29, 2008

Melissa Siegel
 Department of Environmental Protection
 Bureau of Legal Affairs, 19th Floor
 59-17 Junction Boulevard
 Flushing, NY 11373

Re: Proposed Amendments to the New York City Watershed Regulations

Dear Ms. Seigel:

This letter is being submitted to express my considerable concerns regarding the proposed amendments to the NYC Watershed Regulations. This submission is in response to the Notice of Public Hearing and Opportunity to Comment issued by the NYC DEP.

I am a licensed Professional Engineer who has been working in the NYC Watershed for nearly two decades. I work with the DEP regulations and DEP staff on a daily basis, and in the course of my career I have witnessed the evolution of the regulatory environment in the West-of-Hudson watershed since the before the current regulations were proposed. I offer the following comments for consideration:

1. The "Notice of Public Hearing and Comment" indicates that the amendments "incorporate changes in federal and State law since 1997, when the Watershed Regulations were adopted in their present form, and also address issues that have arisen during the administration and enforcement of the Regulations over the past eleven years." The October 2008 Fact Sheet issued by the NYC DEP lists the "main changes" that are included in the proposed amendments. The changes that are in my opinion the most significant, including all of the items I have discussed below, are not mentioned in the fact sheet. I believe that these documents understate the significance of the proposed amendments.
2. Under the existing regulations, Section 18-36(f)(3) states that the DEP will not approve a wastewater treatment plant (WWTP), or any plant expansion, if inflow or infiltration (I&I) causes the plant to either exceed its authorized flow limit or causes dilution that adversely affects the WWTP treatment process. The proposed amendments change this regulation to say that DEP will not approve a WWTP, or plant expansion, until I&I "has been eliminated to the extent practical". This apparently will require that applicants address I&I even if I&I is not causing a performance problem at the downstream WWTP. This also creates a very subjective criterion that the applicant would be required to meet. It is not hard to envision how this could lead to applicants being required to undertake a long and costly iteration of I&I monitoring of existing conditions, followed by design and implementation of a remediation plan, followed by monitoring of the conditions of the remediation, followed by deliberations with NYC DEP over whether or not the results satisfactorily meet the subjective criterion, followed possibly by design and implementation of additional remediation, etc. This would represent a substantial obstacle to development in the watershed.
3. Section 18-38 (a)(7) of the proposed amendments pertains to alterations or modifications to subsurface sewage treatment systems (i.e. existing septic systems). Currently, alterations or modifications are typically performed in a manner to comply with the applicable regulations to the greatest extent practical. The proposed amendments create a requirement that the "the applicant shall demonstrate

adequate mitigation measures to avoid contamination to, or degradation of, the water supply." This "adequate mitigation" language would, I believe, be interpreted by DEP to say that they could impose requirements *above and beyond* the applicable standards on sites where strict compliance with the standards is not possible. It is also worth noting that the persons most likely affected by this would not be businesspersons or developers, but rather local residents with older substandard septic systems and most likely limited budgets.

4. Section 18-39(c)(3) of the proposed amendments pertains to the volume of stormwater runoff that applicants are required to treat to satisfy water quality requirements. The proposed amendments include a new provision that essentially triples the required treatment volume. *In my opinion, the impact of this new requirement to potential development in the watershed is dramatic and should not be under-estimated.* It has been suggested to me by DEP staff that this regulation has existed since the current regulations went into effect in 1997 and DEP apparently has simply never enforced it. In reviewing the regulations I cannot find this requirement, and despite requests DEP staff has not shown me where this requirement is located in any applicable regulation. (I should note that this level of treatment is referenced in a 1992 NYS DEC guidance document but it is not included in the 1993 NYS DEC "Phase I stormwater regulations or any subsequent DEP or DEC regulation of which I am aware).
5. Section 18-39(c)(5)(i) states that stormwater plans shall be designed as needed to maintain flow levels at design points *"except as necessary to alleviate downstream flooding problems"*. I have two concerns with the language in this proposed amendment. First, I expect that the NYC DEP will interpret this new language to conclude that they can require stormwater control measures *above and beyond* the regulatory standard if there are "downstream flooding problems". Second, the determination of what does and does not constitute a "flooding problem" is unclear and would apparently be based on the perception of the DEP.
6. Section 18-39(c)(6) of the proposed amendments includes a new provision doubling the stormwater treatment requirement for sites with more than 20% impervious ground cover. This would double the requirement that would already be tripled by the proposed amendment to section 18-39(c)(3) which in and of itself would already be an enormous burden on applicants. Also, I believe it is important to note that this regulation does not apply strictly to the creation of new impervious surfaces, but rather to the total percentage of impervious surface in a given drainage area. Apart from doubling a requirement that the DEP already proposes to triple, it is not hard to envision how this requirement would create a large regulatory obstacle for an existing business wishing to expand, even if the expansion represents only a small increase to an existing impervious area.
7. Section 18-61(a)(1)(iii) of the proposed amendments creates a new provision that requires persons applying for a variance to " ... mitigate adverse impacts from land clearing or impervious surfaces or other regulated activities related to or enabled by the regulated activity authorized by the variance." I am aware of NYC DEP's practice of imposing this requirement in the past, based both on personal experience as well as a review of documents related to the matter of *S. Elof Nilsson v. the Department of Environmental Protection of City of New York (Nilsson v. DEP)*. Based on a review of documents available on the internet it is my understanding that in the case *Nilsson v. DEP*, the court found that DEP "acted outside the scope of its authority conferred by the applicable regulations when it considered storm water runoff issues and impervious surface impacts". The proposed amendments clearly attempt to give DEP the right to require stormwater mitigation on variance applications where such right does not now exist. This will make the variance application process significantly more burdensome for the applicant.
8. In the past the DEP has taken the stance that anyone who purchased property after 1997 (after the current regulations went into effect) does not meet the hardship criterion needed for the granting of a variance by DEP. In several cases of which I am aware, applicants have been denied variances (or have not pursued variances) because of this presumed criterion. I have been given informal legal advice that the existing regulations do not allow the DEP to apply this "self created hardship" standard,

but to date none of the affected individuals have had the resources to pursue a legal challenge. This "self created hardship" is not addressed in either the existing regulations or the proposed amendments, but I believe that this public comment period is the proper forum to raise this issue so it can be clarified in the regulations.

9. The proposed amendments to the regulations do not include any "grandfathering" provisions. Will the new standards be applied to plans which are already in the design/application process or which have already been approved by DEP but have not yet been implemented? Will current designs and approvals be invalidated? I believe that the significance of this issue is apparent, but it is not addressed in the proposed amendments.

I look forward to hearing DEP's response to these issues.

Sincerely:

Kaaterskill Associates

A handwritten signature in black ink, appearing to read 'D. Elsom', is written over the company name.

Darrin Elsom, PE
Principal Engineer