

Gerard Moreno, P.E.
Director of Engineering
NY Division



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May 12, 2022

Joshua O. Ray, PE
B2R Consulting Engineers, PLLC
2777 Summer Road, Ste 606
Stamford, CT 06905

**Re: Willingness to Serve
44 Broad Street Mixed Use Development
44 Broad Street
Port Chester, NY 10573**

Dear Mr. Ray;

Please allow this correspondence to serve as a follow up to our March 23, 2022 correspondence on this matter regarding water service to the development located at 44 Broad Street Mixed Use Development, 44 Broad Street, (the "Proposed Development"). As you are aware and referenced in the March 23, 2022 letter, an engineering study is underway to determine what capital improvements are required in order to deliver the additional water supply required to serve the concentrated development in Port Chester, NY. It is anticipated that this study and subsequent capital improvements plan will take up to 6 months to complete.

Once a capital improvement plan is identified, Suez Water New York, Inc. ("SWNY" or "Suez") anticipates that the scope, cost, and duration for construction of said improvements will be agreed upon by all stakeholders, which include but are not limited to Suez, the Village of Port Chester, the development community, and the New York Public Service Commission. At this time, the detailed scope, cost, and durations for required necessary improvements is not yet known.

Assuming the above-mentioned engineering study results in feasible capital improvements to the SWNY system that will allow for adequate supply and required operational parameters, and the full or partial costs for such improvements are borne by the development community in the form of equitably distributed contributions by individual developers, then Suez will be in the position to provide water service to the Proposed Development.



To that end, please allow this letter to certify Suez's presumed ability and willingness to serve the Proposed Development, located 44 Broad Street Mixed Use Development, 44 Broad Street, Port Chester, in Westchester County, New York, using a projected max day demand of 140,260 gpd subject to the following conditions:

1. The above-mentioned engineering study must show feasible engineering improvements, as approved by Suez and any applicable governing authority that can be undertaken in order to facilitate adequate supply and service to the concentrated development area in Port Chester, New York.
2. The 44 Broad Street Mixed Use Development, will not break ground on any construction of the Proposed Development unless or until Suez's capital improvement plan is determined and deemed sufficient for service to the area, and in the event any construction or preconstruction on the Proposed Development takes place prior to such time, The 44 Broad Street Mixed Use Development, agrees to release and hold harmless Suez Water New York, Inc., its officers, directors, employees and agents from and against all claims, losses, damages, liabilities and expenses, including attorneys' fees and expenses, arising out of or resulting from the ability or inability to connect to the SWNY water system, or delays associated with connection to same.
3. SWNY will require a developer's agreement for the Proposed Development project to make improvements to the existing distribution system prior to the installation of the water services.
4. Once a capital improvement plan is determined, you will contribute, pursuant to a developer's agreement, your equitable portion of the necessary capital required to provide additional supply to the development area.
5. You will not connect to the SWNY system or require water service prior to the completion of a partial or full build out of the required capital improvements necessary to serve the Proposed Development and subject to Suez's discretion.
6. Suez *may* allow water service connection without capital improvements being constructed, contingent on contributions being received and capital improvements being in the planning or construction stage, and **at the sole discretion** of Suez Water New York, Inc.
7. Prior to the installation of any services or the extension of any mains, new or revised hydraulic data pertinent to the project must be provided to Suez, for additional review and approval.



8. If, as a result of such review, it is decided that any additional local improvements to mains, pipes, or modifications of other facilities is required in order to meet the hydraulic needs of the project, those mains or facilities will be installed or extended by you in accordance with the terms and conditions of Suez's standard agreements and extensions.
9. Service will be provided in accordance with the terms and conditions set forth in the Company's filed Tariff, as amended or modified from time to time.
10. Water mains and any other water related infrastructure work shall be laid in accordance with the Recommended Standards for Water Works (a.k.a. Ten State Standards).

This willingness to serve letter is additionally contingent upon Suez Water New York, Inc. having County, State, and Federal regulatory authorization to provide the requested water service and is valid for nine (9) months from the date of issuance. If the main installations/agreements/improvements or service installation is not completed and approved by the Westchester County Department of Health or any other regulatory agency within nine (9) months from the date of this letter is issued, this willingness to serve letter will expire, and it will be necessary for you to request a new willingness to serve letter.

Please contact me at 845-620-3324 if you need additional information.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Gerardo Moreno", is written over the typed name.

Gerardo Moreno P.E.
Director of Engineering
NY Division
Suez Water New York, Inc.

GM:jg