

The regular meeting of the Town Board of the Town of Stamford was held on July 12, 2023 at 6:00 P.M. at the Town of Stamford Municipal Building with the following present:

Supervisor-John Kosier  
Councilperson- Daniel Deysenroth  
Councilperson-Roderick Hillis  
Councilperson-Brent Trimbell  
Councilperson-David Post

Absent was-Hwy. Supt. Jonathan Ballard

Also present: Kevin Rinehart, Jackie Lamport, Liz Page, Duane Martin and Ken Gopel and Mike Cairns.

A MOTION was made by David Post and seconded by Daniel Deysenroth to approve the minutes of the previous meeting. ALL AYE votes cast, MOTION carried.

A MOTION was made by Daniel Deysenroth and seconded by Brent Trimbell to approve the Supervisor's monthly report. ALL AYE votes cast, MOTION carried.

A MOTION was made by Roderick Hillis and seconded by Brent Trimbell to approve General bills abstract no. 7, dated July 12, 2023, Fund A claim nos. A98 – A120, Fund B no. B16 and B18 and Fund SL no. SL18 in the amount of \$7,089.14. ALL AYE votes cast, MOTION carried.

A MOTION was made by David Post and seconded by Roderick Hillis to approve Highway bills abstract no.7, dated July 12, 2023, 2023, Fund DA claim nos. DA41 – DA44 and Fund DB nos. DB26 – DB28 in the amount of \$53,498.57. ALL AYE votes cast, MOTION carried.

A MOTION was made by David Post and seconded by Brent Trimbell to approve South Kortright Sewer District bills abstract no.7, dated July 12, 2023, claim nos. SK38, SK40 – SK44 in the amount of \$9,140.72. ALL AYE votes cast, MOTION carried.

Mike Cairns, Chief Operator of South Kortright Sewer District informed the board he is working on the 2024 budget. The sewer chewer has approximately 65,000 hours on it because it runs continual and will need be replaced. Mr. Cairns submitted the following written report of the week in review.



## LVDV Operations, Inc.

CONTRACT OPERATIONS OF WATER AND WASTEWATER FACILITIES

*Your Water ..... Our Sacred Trust*

Facility: South Kortright WWTF

Operator: Mike Cairns

Week of: 7-2-2023

### Week in Review

#### Overall summary:

All daily and weekly chores complete, and all is o.k.

#### Repairs/Maintenance/Actions completed during the week:

- Checked the operation of the chemical pump and feed lines at the ARC pump station, o.k.
- Added degreaser to the ARC and hamlet pump stations.
- Submitted the June 2023 monthly report.
- Hosed down the ARC wet well.
- Called Dan's Septic for a quote for cleaning both the ARC and the Hamlet pump stations for 2024 (pending).
- Read water meter at the Hidden Inn. We will do this for a while to get an idea of the daily average use (80 GPD this week).
- Checked the operation of the grinders at the ARC pump station and the Hamlet pump station.
- Checked all dialers.
- Observed operation of both pumps at the ARC pump station, o.k.

#### Repairs needed:

#### Ongoing events:

Public contact/client contact (face to face, phone, or email)  
Diane Grant (phone).

#### Questions/Comments:

#### ALARMS:

NONE

#### Budgeting Notes:

- As of June 15, we have used 33.8% of the overall budget.
- Insurance will need to be increased by \$200.00 per 2023 expenditure.
  - The ARC Sewer Chewer now has 65,000 hrs. and is ready to be replaced. Waiting on a quote from Koester. This will be on the 2024 budget.

197 Elm Street  
PO Box 610  
Cobleskill, NY 12043  
(518) 234-4028

Town of Stamford	Supervisor's Report					Jun-23		
	General Townwide	General Part-Town	Highway Townwide	Highway Part-Town	SK Light	SK Walls	Sewer Dist.	
Beginning Balance:	\$ 683,691.57	\$ 79,948.89	\$ 164,209.92	\$ 441,370.82	\$ 3,253.59	\$ 2,437.24	\$ 37,484.78	
<b>REVENUES</b>								
Interest Earned	\$ 1,219.75	\$ 99.20	\$ 297.60	\$ 1,193.53			\$ 46.85	
April/May Penalties/Overpmts								
Robinson Broadhurst			\$ 75,000.00					
MMDA Interest	\$ 3.51							
Town Clerk Fees	\$ 21.92							
Dog Fees	\$ 30.00							
Permits		\$ 160.00						
Town Court Fines May	\$ 2,217.00							
<b>EXPENDITURES</b>								
Abstracts	\$ 27,846.52	\$ 2,877.16	\$ 18,034.13	\$ 85,618.40	\$ 53.77		\$ 9,155.24	
Health Insurance	\$ 1,432.97		\$ 7,918.36					
Payroll & Fringe	\$ 15,723.73	\$ 895.68		\$ 8,896.49				
<b>ENDING BALANCE</b>	\$ 642,180.53	\$ 76,435.25	\$ 213,555.03	\$ 348,049.46	\$ 3,199.82	\$ 2,437.24	\$ 28,376.39	

Deputy Hwy. Supt. Kevin Rinehart gave the following highway report:

- Reservoir Rd. is paved
- We have been putting down grader patch on Town Brook Rd., Turkey Hollow Rd. and Wickham Rd.
- The old Mac truck has emission problems.
- Have been hauling sand from Carver (their price is lower than Beisler's).

RESOLUTION NO. 19-2023 was introduced by Daniel Deysenroth and seconded by Brent Trimbell:

BE IT HEREBY RESOLVED that we give the Hobart Rotary the authority to add a new shed or replace the existing shed with a larger one on the Town of Stamford Municipal Building property.

The foregoing RESOLUTION WAS DULY PUT TO A VOTE WHICH resulted as follows

AYES: John Kosier-Roderick Hillis-Daniel Deysenroth  
David Post-Brent Trimbell

NOES: None

Said RESOLUTION was thereupon declared duly adopted

RESOLUTION NO. 20-2023 was introduced by Roderick Hillis and seconded by Brent Trimbell:

RESOLUTION BY THE TOWN BOARD IN RELATION TO  
CONTROL OF SNOW ON COUNTY HIGHWAYS  
SECTION 135-A OF THE HIGHWAY LAW

RESOLVED: That in pursuance of Section 135-a of the Highway Law, the Town Board of the Town of Stamford hereby approves a certain agreement executed by the Town Superintendent of Highways of the Town of Stamford with the County Superintendent of Highways of Delaware County for the performance by the Town of Stamford for the work of control of snow on the County Roads within the boundaries of the County, upon the terms, rules and regulations as are contained in copy of such agreement that is annexed hereto and made a part hereof.

The foregoing RESOLUTION WAS DULY PUT TO A VOTE WHICH resulted as follows:

AYES: John Kosier-Roderick Hillis-Daniel Deysenroth  
David Post-Brent Trimbell

NOES: None

Said RESOLUTION was thereupon declared duly adopted

RESOLUTION NO. 21-2023 was introduced by Brent Trimbell and seconded by Roderick Hillis:

BE IT HEREBY RESOLVED that we approve the county to be lead agency for the NYC Long Term Land Acquisition Plan.

**LEAD AGENCY REQUEST FORM**

TO: 1997 MoA Signatories

FROM: Delaware County, NY

DATE: 07/07/2023

The purpose of this request is to determine under Article 8, State Environmental Quality Review (SEQR) of the Environmental Conservation Law and NYCRR, Part 617, the following:

1. Your agency's interest in acting as lead agency
2. Your agency's jurisdiction in the action described below
3. Issues of concern which your agency believes should be evaluated

SEQR Classification:  Type I       Unlisted

Project Name: NYC 2023-2033 Long Term Land Acquisition Plan

Project Location: NYC Watershed (West of Hudson)

Contact Person: Shelly Johnson-Bennett, Director

Delaware County Department of Planning & Watershed Affairs

Town's/Village's/County's Position:

- The Town/Village/County has no objection to your agency or another agency assuming lead agency status of this action, but reserves the right to comment on this action if a positive determination of significance is made.
- The Town/Village/County wishes to assume lead agency status.

Involved/Interested Agency Name: Town of Stamford

Your agency's Position:

- Our agency has no objection to the Town/Village/County assuming lead agency for this action, but we have the following concerns regarding this project. (List under comments and add pages if necessary).
- Our agency wishes to assume lead agency status; therefore a conflict may exist, and the Commissioner will determine lead agency status.
- Our agency has no interest in assuming lead agency status.

Comments (optional):

Please respond to this request within 30 days of the date of this letter. If no response is received within 30 days, we will assume that you have no objection to our Town/Village/County assuming the role of lead agency, and have no comments to offer regarding the proposed action on this matter.

Please feel free to contact me for further information or discussion.

Sincerely,

*Shelly J. Johnson-Bennett*  
Director

**Lead Agency Notification:** Delaware County

**Proposed Action/Project:** DOH's Approval of NYC 2023-2033 Long Term Land Acquisition Plan dated May, 2023 ("LTLAP") and NYC Water Supply Permit ("WSP") Application dated June, 2022 seeking authorization to acquire 39,869 acres during the period January 1, 2026 through December 31, 2035; Other actions triggered by the NYCDEP land acquisition program ("LAP") during the period January 1, 2026 through December 31, 2035 include Amendments to the Memorandum of Agreement ("MOA") and Supplemental Side Agreements; Amendments to various program agreements necessary for implementation of land acquisition to acquire 39,869 acres during the period January 1, 2026 through December 31, 2035 including the Stream Management Program Agreement; Local Consultation Fund Agreement and other agreements/programs referenced in Sections 25 (Programs to Foster Cooperation), 26 (Continuation of Programs Related to Watershed Regulations), and 27 (Restrictions on Acquisition of Title) of the existing WSP.

**To All Involved Agencies:**

New York City ("NYC" or "the City") has submitted to the New York State ("NYS") Department of Environmental Conservation ("DEC") a Water Supply Permit Application dated June, 2022 ("Permit Application") seeking authorization under NYS ECL Article 15, Title 15 to acquire 39,869 acres in the West of Hudson Watershed during the period January 1, 2026 through December 31, 2035 and has submitted to NYS Department of Health ("DOH") for approval of "NYC 2023-2033 Long Term Land Acquisition Plan dated May, 2023" ("LTLAP"). Copies of the application documents and LTLAP are enclosed as Exhibits A and B. The implementation of a land acquisition program during the period January 1, 2026 through December 31, 2035 to acquire 39,869 acres will trigger Amendments to the 1997 Memorandum of Agreement ("MOA") and/or 2010 and/or 2018 Supplemental Side Agreements and various program agreements effected by the implementation of a land acquisition program during the period January 1, 2026 through December 31, 2035 to acquire 39,869 acres including the Stream Management Program Agreement, Local Consultation Fund Agreement and other agreements/programs referenced in Sections 25 (Programs to Foster Cooperation), 26 (Continuation of Programs Related to Watershed Regulations), and 27 (Restrictions on Acquisition of Title) of the existing 2010 Water Supply Permit ("Existing WSP").

**Regulatory Requirements Applicable to LAP**

In order to obtain a water supply permit authorizing the purchase of land within the West of Hudson Watershed for the purpose of watershed protection, ECL Article 15, Title 15 requires the applicant to demonstrate public necessity and project justification. In the past, the public necessity and project justification under ECL Article 15, Title 15 were the LAP requirements in the NYC Department of Environmental Protection ("DEP") Filtration Avoidance Determination ("FAD").

The December 2022 Revised FAD defines the core LAP requirements as follows:

"NYSDOH agrees that changes to core LAP are necessary in the West of Hudson watershed, as guided by the recommendations of the NASEM expert panel. The program should be focused on the most sensitive areas for water quality protection, including floodplains, riparian areas, wetlands, and steep slopes. NYSDOH agrees that both the Long-Term Land Acquisition Plan and the successor Water Supply Permit should be shaped by the NASEM Expert Panel recommendations and stakeholder input. ... NYSDOH agrees that strategic, well-reasoned acquisition of water quality protective parcels should be the focus of the LAP, while allowing future community growth to occur in a manner that is consistent with the existing character and planning goals of each of the Watershed communities."

The NASEM [National Academy of Sciences, Engineering and Medicine] Expert Panel Recommendations referenced above are set forth in Exhibit C hereto and are summarized below as follows:

"the City ... shift funding and emphasis from acquiring large parcels in the fee-simple and conservation easement programs to the protection of riparian lands on critical areas of tributary streams through programs that provide an opportunity to simultaneously address community needs and watershed protection. Programs which provide a "financial mechanism" to promote community well-being and economic vitality in the watershed while promoting the protection of high potential water quality impact areas were specifically encouraged."

The NASEM Expert Panel also concluded as follows:

"[Land acquisition programs] are designed to maintain or enhance current water quality by preventing future development and deleterious activities. As such their 'damage avoided' benefits are more difficult to perceive in the short term. This also requires more attention to program design and evaluation to ensure that water quality protection outcomes are being met in a cost-effective manner without sacrificing other program objectives". NAS Report, Chapter 7, Land Protection and Management Programs, p. 202.

As a condition of the continuation of the LAP past December 31, 2025, the Revised FAD requires the City to fund a study of the long-term viability of the West of Hudson Watershed Communities so that the Watershed protection programs can be adapted to facilitate community vitality and economic sustainability. Catskill Watershed Corporation ("CWC") has agreed to oversee the preparation of the study and the process is just beginning to take shape.

In addition, with the FAD emphasis on "the protection of riparian lands on critical areas of tributary streams through programs that provide an opportunity to simultaneously address community needs and watershed protection", DOH has directed DEP and Catskill Center for Conservation and Development ("Catskill Center") to enter into discussions with stakeholders "to integrate [into SAP] common-sense program modifications which will position SAP to operate with wide-spread municipal support in the future." In response, the Stream Management



Program ("SMP") implementing agencies (i.e., Delaware County, Greene County, Sullivan County and Ulster County Soil and Water Conservation Districts along the Ulster County Cornell Cooperative Extension) have developed an enhanced Stream Acquisition Program ("SAP") entitled the "Collaborative Stream Management Program." That program incorporates SAP into a bottom up stream protection program with the incorporation of property rights acquisition as necessary and appropriate to achieve the program objectives.

#### **Water Supply Permit Process and SEQRA**

The details of the core LAP during the period January 1, 2026 through December 31, 2035 and the Collaborative Stream Management Program supported by the four counties will be the subject of a series of negotiations between both governmental stakeholders (e.g., the counties, DEP, DOH, DEC, the towns and villages) and private stakeholders (e.g., Watershed Agricultural Council, Natural Resources Defense Council, Riverkeeper, Catskill Center). Upon completion of those negotiations, the LTLAP must be revised and updated to reflect the agreements, if any, arising from those negotiations and resubmitted to DOH for approval. The DOH approved LTLAP will be the template for the new WSP Proceeding.

Under SEQRA, the governmental stakeholders cannot take any action (execute an agreement; issue an approval/disapproval decision of the LTLAP) until the governmental stakeholder has completed a SEQRA process (coordinated review with either a negative declaration or a Final EIS/Findings). On page 4 of the LTLAP, DEP asserts that "this Plan meets that deliverable while intending to forecast a land acquisition strategy consistent with a successor WSP expected to be issued in 2025 and a successor FAD anticipated to be issued in 2027". As a result, the DOH review, revisions, approval or disapproval of the LTLAP is the primary component of the SEQRA review.

#### **NYC 2023-2033 Long Term Land Acquisition Plan dated May, 2023 ("LTLAP")**

On page 8 of the LTLAP, DEP states that "[f]or the past ten years, the overall LAP has operated according to DEP's 2012-2022 Long Term Land Acquisition Plan." The May, 2023 LTLAP is a repeat of the 2012-2022 Long Term Land Acquisition Plan incorporating the April, 2021 modifications to the core LAP that reduced the total acreage of properties eligible for future acquisition to approximately 159,000 acres. The LTLAP is further adjusted to reflect the acreage that has been acquired since 2010 but LTLAP maintains the same land acquisition focus. On page 6 of the LTLAP, DEP summarized the focus of the existing program as follows:

"Since 2010, DEP has also emphasized core LAP solicitation within certain reservoir basins based on the overall level of protection and contribution to future supply (Areas of Focus), as well as certain subbasins based on their proximity to reservoir intakes and/or lower levels of protected land (Areas of High Focus). As depicted in Exhibit B, the Areas of High Focus are primarily located in portions of the towns of Tompkins, Masonville, Walton, Colchester, Andes, Hamden, Bovina, Roxbury, Prattsville, Jewett and Lexington."

In order to predict the future acquisitions, in its June, 2022 WSP application, DEP provided a breakdown of the acreage it acquired by county under the current WSP (the period 2010 through June, 2022) as follows:

	Acres	Cost (\$)	Cost per Acre (\$)	% of total acreage	Price Differential
		109,044,83			
Delaware	43778	2	2490.86	67%	
Greene	14817	70,091,350	4730.47	23%	190%
Sullivan	1409	5,917,206	4199.58	2%	169%
Ulster	4051	19,806,307	4889.24	6%	196%
Schoharie	1707	3,643,129	2134.23	3%	
Total	65762			1	

In Exhibit C to the LTLAP, DEP lists the acres acquired by town during the same period together with the LAP Solicitation Thresholds, if any, for each Town. The top fifteen towns listed in order of acres acquired are listed below:

**Acres Acquired By Town**

Town	Acres Acquired	% of EIS Proj.
1. Andes	7,865	102%
2. Walton	4,971	
3. Delhi	4,570	116%
4. Middletown	3,218	65%
5. Roxbury	3,151	
6. Bovina	2,466	89%
7. Kortright	2,387	
8. Stamford	2,251	50%
9. Windham	2,130	97%
10. Hamden	2,027	56%

According to DEP's June, 2022 Permit Application, two thirds of the acreage acquired under the existing WSP (between 2010 to June, 2022) were in Delaware County and 90% of the acreage

acquired were in Delaware and Greene Counties. During the same period, ten of the top fifteen acquisition towns were in Delaware County and the remaining five towns were in Greene County. By focusing its purchases on Delaware County, the City was able to get approximately double the acreage per dollar compared to the other counties. Since the real property tax assessment on newly acquired City land is based upon the purchase price, the City was able to pay approximately 50% less per acre in real property tax in Delaware County versus the other counties. The lower price per acres is due, in part, to the fact that Delaware County is one of the poorest counties in the state -- the median family income in Delaware County is less than the other watershed counties and only 70% and 41% of the State and NYC Metro Area Median Family Income, respectively. The median family income in Greene County is 82% and 48% of the State and NYC Metro Area Median Family Income, respectively.

**Median Household and Per Capita Income for Delaware, Greene, Schoharie, Sullivan, and Ulster County**

County	Median Household Income	Per Capita
Delaware County	\$ 52,757.00	\$ 30,547.00
Greene	\$ 61,328.00	\$ 33,894.00
Schoharie	\$ 64,220.0	\$ 33,957.00
Sullivan	\$ 60,433.00	\$ 33,037.00
Ulster	\$ 71,040.00	\$ 38,966.00
New York State	\$ 75,157.00	\$ 43,208.00
NYC Metro Area	\$ 127,100.00	\$ 78,089.00

Income data taken from 2021 US Census

Consistent with these findings, the LTLAP states that the greatest loss of population during the period 2010 through 2019 occurred in Delaware County (7.8%). The LTLAP attributes the overall loss of population in part to high property taxes. Citing the NASEM Expert Panel Report, the LTLAP states "changes in the WOH land cover and land uses from conversion of forest and farmland to developed areas during 2001 – 2016 appear to have been minimal: one-tenth the average change for New York State."

The LTLAP provides an acquisition plan for each of the basins. Exhibit D attached hereto compares the 2010 LTLAP Basin Plan to the 2023 LTLAP Basin Plan for the Pepacton, Cannonville and Schoharie Basins. The comparison demonstrates little or no change to the City's acquisition plan for those three basins -- the City intends to maximize its solicitations in the following towns: Hamden, Masonville, Franklin, Colchester, Harpersfield, Roxbury and Middletown. The LTLAP notes that it has exceeded (or is close to exceeding) its acreage limits from the 2010 SEQRA analyses in Andes, Delhi, Bovina and Walton. In those communities that the City has (or will soon) exceed its solicitation limits, the LTLAP states that the City will not solicit but the City will still purchase land if approached by a property owner. Since the LAP has

been around for 25 years and the City has already solicited these properties (once or more than once), the lack of solicitation will not be a significant impediment to future purchases.

#### **Benefits to the City from the LAP**

On page 3 of the LTLAP, DEP confirms that the purpose of the LAP is to maintain the FAD and reduce its overall burden to obtain the agreement of the land owners. DEP states as follows:

“Under the SWTR, applicants for filtration avoidance must ‘demonstrate through ownership and/or written agreements with landowners within the watershed that it can control all human activities which may have an adverse impact on the microbiological quality of the source water.’ As such, ownership interest in watershed lands has been and remains a central component of the City’s ability to successfully meet filtration avoidance criteria for the high quality Catskill/Delaware water supply.”

Because the City’s Watershed Rules add costs, uncertainty and delay to new development, the City LAP benefits from Watershed Rules downward impact on land values. When development does occur, the Partnership Programs referenced in Section 25 and 26 of the WSP require the City to bear some or all of the additional cost from the Watershed Rules. As a result, despite the acknowledged lack of development (and thus no ‘damage avoided’ benefits), the City benefits from land acquisition by reducing its obligation to obtain the agreement with the local landowners (reduce contribution to the Partnership Programs). The depressed price of vacant land in Delaware County also makes land acquisition a more attractive investment despite the lack of water quality benefit.

#### **The Watershed Communities Response**

In 2021, after the NASEM Expert Report was issued and DEP issued a proposal dated April, 2021 to continue the core LAP with over 159,000 acres eligible for acquisition, the Counties of Greene, Schoharie and Delaware together with the majority of watershed villages and towns passed resolutions (the “Land Acquisition Resolutions”) calling for the end of the core LAP and limiting the SAP to a voluntary program. Delaware County’s and Greene County’s resolutions are attached as Exhibit E hereto. Those resolutions identified and described in detail the communities’ rationale for their demands (identified as a “change in circumstances”).

In their in their Land Acquisition Resolutions, the communities (including Delaware County), conditioned their support for the continuation of the FAD on an end to the core LAP and a voluntary SAP program. The communities believed that they had substantially achieved those objectives when DOH issued its FAD revisions in December, 2022. Based upon the December 2022 FAD revisions mandating “changes to core LAP ... guided by the recommendations of the NASEM expert panel” and mandating modifications to the SAP to obtain “wide-spread municipal support”, the Delaware County, Greene County and several other communities passed resolutions acknowledging their support for the continuation of the FAD and thanked DOH for addressing their demands (See Greene and Delaware County Resolutions attached as Exhibit F).

### SEQRA Lead Agency Notification

Based upon the above information and other considerations, Delaware County is serving notice that the project (implementation of land acquisition program to acquire 39,869 acres during the period January 1, 2026 through December 31, 2035 consistent with LTLAP) is a Type 1 action under SEQRA and that in accordance with 6 NYCRR 617.6 (a) and (b), Delaware County will be conducting a coordinated review under SEQRA and seeks to be lead agency.

Enclosed with this letter is the City's June 2022 Permit Application (Exhibit A) and 2023 LTLAP (Exhibit B) along with a form for each involved agency to respond to Delaware County determination to serve as lead agency. Delaware County encourages all involved agencies (and interested parties) to participate in the SEQRA process. In order to facilitate informed participation, Delaware County will be establishing a document depository of relevant documents relating to the existing WSP and the future of land acquisition. The document depository will be accessible through a link to be provided once the document depository is available.

To facilitate a fully informed SEQRA process, Delaware County is soliciting comments on the topics below. Any information you can provide will be helpful.

1. Whether there is a housing crisis within your community and, if so, what is the cause and suggested mitigation measures.
2. What do you consider the biggest challenge to your communities' continued viability and potential mitigation measures to address that challenge?

LAND ACQUISITION EXCERPTS FROM NATIONAL ACADEMIES OF SCIENCES  
REPORT ENTITLED, REVIEW OF THE NEW YORK CITY WATERSHED PROTECTION  
PROGRAM

The National Academies of Sciences report entitled, Review of the New York City Watershed Protection Program, published in August 2020, acknowledges: "Balancing the protection of the water resources with the goal of community vitality of the watershed communities requires continual attention to the inherent tension between the needs objectives of the NYC DEP and those of local communities." NAS Report, Chapter 7, Land Protection and Management Programs, p. 201.

Specifically, it was noted "[Land acquisition programs] are designed to maintain or enhance current water quality by preventing future development and deleterious activities. As such their 'damage avoided' benefits are more difficult to perceive in the short term. This also requires more attention to program design and evaluation to ensure that water quality protection outcomes are being met in a cost-effective manner without sacrificing other program objectives". NAS Report, Chapter 7, Land Protection and Management Programs, p. 202.

Specific recommendations include:

- The metrics of the Land Acquisition Project should focus on acquisition of the most valuable lands for water quality protection.
- "The City ... shift funding and emphasis from acquiring large parcels in the fee-simple and conservation easement programs to the protection of riparian lands on critical areas of tributary streams through programs that provide an opportunity to simultaneously address community needs and watershed protection. Programs which provide a "financial mechanism" to promote community well-being and economic vitality in the watershed while promoting the protection of high potential water quality impact areas were specifically encouraged."
- The New York City Department of Environmental Protection (NYC DEP) should work with watershed communities to identify parcels now owned by NYC DEP with lower protection value that offer development or relocation potential. These parcels could be sold or swapped for higher-protection-value lands, serving both watershed protection and community vitality objectives.
- Land acquired under the Farm Conservation Easement Program should be retired from intensive agricultural production (or at the very least be managed under a less intensive agricultural production system).
- The New York City Department of Environmental Protection should shift funding and emphasis to acquiring riparian lands on critical areas of tributary streams through the Flood Buy-Out and Streamside Acquisition Program.

- The partnership approach and subsequent improvements in recreational access on New York City Department of Environmental Protection land is an excellent example of mutually beneficial collaboration by New York City, county governments, and watershed communities.

The National Academies of Sciences adopted a specific conclusion and recommendation to “reduce expenditures in the land acquisition program to fund other programs that will lead to more direct improvements to water quality”. NAS Report, p.385. The recommendation to reallocate funds is based on “the seemingly small incremental contributions of the Land Acquisition Program to drinking water quality protection and its negative effects on community vitality, compared with the likely improvements to water quality from additional resources provided to these other programs.” NAS Report, p. 385.

Regarding community vitality, the National Academy of Sciences concluded and recommended, “[t]he Watershed Protection Program would benefit from additional and substantial monitoring and analyses of community vitality”. NAS Report, Chapter 13, Understanding and Assessing Community Vitality, p. 366. Specifically, the National Academy of Sciences concluded:

Comprehensive social and economic analysis are needed to update earlier work, test working hypothesis, fill critical gaps in knowledge, and establish baseline conditions to provide a foundation for understanding future programmatic effects. These socioeconomic projects are needed if the full potential of the Watershed Protection Program *and* the intent of the MOA – enhancement of water quality protection and community vitality – are to be fully realized.

NAS Report, Chapter 13, Understanding and Assessing Community Vitality, p. 366.

**Comparison of NYCDEP's 2012 – 2022 and 2023 – 2033 Acquisition Plans**

**2012 – 2022**

**2023 - 2033**

As of July, 2009 LAP acquired 97,704 acres in the Cat / Del System.

The 2007 FAD required the City to dedicate \$ 241 million for land acquisition.

34 % of all land in WOH protected through acquisition partners as of 2009.

From 2010 to 2022 the LAP was limited to purchasing 106,712 acres watershed wide.

**Goals of Core LAP - 2012 -2022**

Increase purchases of land in the Cat / Del system. Focus on non-terminal basins that have less than 30 percent protected lands and are projected to contribute to future water supply.

Select parcels that provide the greatest water quality benefits.

Promote City lands as a working landscape in partnership with local communities.

Promote wise use of acquisition resources. Purchase fee simple parcels with lower property values.

The 2010 WSP required that an additional 90,000 acres be solicited above and beyond the initial 355,050 acres.

**Long Term Plan for Acquisition 2012-2022**

1. Continue to use proven real estate methods for acquisition.
2. Increase the level of protected lands in the Cat/Del System focusing on non-terminal basins with less than 30 % percent protected lands. Target basins that will provide future water supply.
3. Develop parcel selection based on water quality benefits.
4. Promote City lands as a working landscape in partnership with local communities.

Currently LAP and partner programs have purchased 154,000 acres in the WOH, that equates to 40 % of the land base "permanently protected".

DOH, EPA and DEC will determine solicitation rates for the remaining term of the FAD 2025-2027.

Of the 106,712 acres cap in the 2020 WSP, 53,872 acres remain eligible for acquisition under the current permit which expires in 2025.

For the entire Cat / Del watershed 405,641 acres ( 39.7 % of all lands) are in some form of permanent protection by the City, other government agencies or land trusts.

**Goals of Core LAP – 2023 -2033**

The driving goal of this plan is to pursue compelling properties with emphasis on water quality benefits. The plan acknowledges that adjustments and uncertainties will shape the programmatic details and goals. The FAD will require DEP to engage with stakeholders and regulators regarding the LAP and SAP.

The FAD also requires DEP to address issues with the expansion of SAP beyond the pilot program, and address language of easements granted to NYSDEC for fee simple purchases.

Explore pre-emptive purchase rights within WAC conservation easements.

**Long Term Plan for Acquisition 2023-2033**

1. Increase percentage of protected land in the Cat /Del with an emphasis on non-terminal basins with less than 30% protected lands.
2. Develop parcel selection based on water quality benefits.
3. Build on existing programs to promote City lands as a working landscape in partnership with local communities.
4. Promote wise use of acquisition dollars by concentrating on lower cost areas in less protected WOH basins.



5. Promote the purchase of less expensive parcels in basins with lower levels of protection.

**Protected Lands as a Percentage of Basin Land**

Cat/Del Average – 34 %  
Schoharie – 29 %  
Pepacton – 27 %  
Cannonsville – 16%

**Land Use Trends in West-of-Hudson Watershed 2000-2008**

Delaware County - 3 percent drop in population  
Greene Co. – 4 percent increase  
Schoharie Co. – 2 percent decrease  
Overall a 1 percent increase in population in WOH

**Basin Plans**

**Pepacton**

Land Area - 232,276 acres  
Acres Acquired (City) – 18,590  
WAC acres acquired – 2,481 acres  
LAP costs- \$ 40,602,000.00  
Protected Land (City, State, Other) 27 %

**Cannonsville**

Land Area – 286,377 acres  
Acres Acquired ( City ) - 12,791 acres  
WAC acres acquired – 12,168 acres  
LAP Costs - \$ 37,465,000.00  
Protected Land (City, State, Other) 16%

**Schoharie**

Land Area – 200,895 acres  
Acres Acquired (City) – 19,001 acres  
WAC acres Acquired – 843 acres  
LAP Costs to date - \$ 57,385,000.00  
Protected Land (City, State, Other) – 29 %

**Protected Lands as a Percentage of Basin Land**

Cat /Del Average - 39.7 %  
Schoharie 35.1 %  
Pepacton 34.5 %  
Cannonsville 24.2 %

**Land Use Trends in West-of-Hudson Watershed 2000-2020**

Delaware County – 7.8 percent drop in population  
Greene Co. – not reported  
Schoharie Co. – not reported  
Overall, a 2 percent decrease in population in WOH watershed

**Basin Plans**

**Pepacton**

Land Area -232,276 acres  
Acres acquired (City) – 21,433 acres

“Overall land protection levels in this basin have almost doubled from 18% in 1997 to 34% today. Exhibit 1 illustrates that three Pepacton subbasins are considered High Focus Areas, but two are almost entirely within the Town of Andes where core LAP can no longer outwardly solicit. The remaining High Focus Area, the Terry Clove subbasin, is under-protected: 15% and overlaps with the towns of Hamden (1,611 acres remaining) and Colchester (3,490 acres remaining). These areas will be a significant, though not exclusive, focus of solicitation in this basin. Other areas will include the Bushkill (26% protected, main spanning the towns of Halcott and Middletown) and Batavia Kill (21%, Roxbury and Middletown) subbasin although the latter will be contained in scope due to 1,849 remaining acres in Roxbury before the FEIS projection is reached.”

High Priority Towns – Andes, Bovina, Hamden, Colchester, Roxbury, Middletown

**Cannonsville**

Land Area – 286,377 acres  
Acres Acquired (City) – 23,336 acres.

“[R]oughly 7.5% of the basin was protected as of 1997 whereas today that figure is 24.2%. Since acquisition levels in the towns of Walton and Delhi have already reached FEIS thresholds, core LAP can no longer solicit

there, and Bovina is within a few hundred acres of its threshold. Future acquisitions in those towns will be limited to incoming calls from landowners, flood buyout projects, and WAC CEs, the latter of which will represent the only meaningful contributions to increased proportion of protected land although there is also the possibility that a future version of the SAP might eventually be available in this basin. For the term of this Plan, core LAP expects to use remaining FEIS acreage to emphasize solicitation efforts in the following areas of the Cannonsville basin:

1. High Priority and High Focus subbasins in Tompkins and Masonville; and
2. Under-protected subbasins in towns which include all areas of Franklin, Meredith, Harpersfield, Kortright, Hamden and Jefferson that are within watershed boundaries (considerable portions of all these towns are outside the watershed)"

High Priority Towns – Tompkins, Masonville, Franklin, Meredith, Harpersfield, Kortright, Hamden.

#### Schoharie

Land Area – 200,895 acres

Schoharie basin has increased by 16% since 1997 and now stands at 35% overall. .. [S]everal subbasins are still considered under-protected, including Johnson Hollow Brook (6%), Schoharie Creek (15%), Bear Kill (21%), Manor Kill (25%), Schoharie Reservoir West (28%), and the Sutton Hollow and North Settlement subbasins (both 26%). With emphasis on the first two, which are the Schoharie basin's only High Focus Areas, core LAP will emphasize work in these subbasins during the next ten years while coordinating with the SAP overall

The foregoing RESOLUTION WAS DULY PUT TO A VOTE WHICH resulted as follows

AYES: John Kosier-Roderick Hillis-Daniel Deysenroth  
David Post-Brent Trimbell

NOES: None

Said RESOLUTION was thereupon declared duly adopted.

RESOLUTION NO. 22-2023 was introduced by Brent Trimbell and seconded by John Kosier:

BE IT HERBY RESOLVED that we approve the following list of billing rates for Headwaters EMS:

Headwater Billing Rates

ALS 1 \$2000

ALS 2 \$2300

BLS \$1600

Mileage \$38

No Transport \$300

Motor Vehicle sign off \$ 1600 BLS Rate

Invoice 15,30,45

Credit Card payment use Bank Quest pass on to

client 2.9 percent charge for credit card

The foregoing RESOLUTION WAS DULY PUT TO A VOTE WHICH resulted as follows

AYES: John Kosier-Roderick Hillis-Daniel Deysenroth  
David Post-Brent Trimbell

NOES: None

Said RESOLUTION was thereupon declared duly adopted.

RESOLUTION NO. 23-2023 was introduced by Roderick Hillis and seconded by Daniel Deysenroth to move into EXECUTIVE SESSION at 6:42 pm to discuss contract negotiations.

The foregoing RESOLUTION WAS DULY PUT TO A VOTE WHICH resulted as follows

AYES: John Kosier-Roderick Hillis-Daniel Deysenroth  
David Post-Brent Trimbell

NOES: None

Said RESOLUTION was thereupon declared duly adopted

RESOLUTION NO. 24-2023 was introduced by Roderick Hillis and seconded by Daniel Deysenroth to move into EXECUTIVE SESSION at 7:06 pm to with no action taken.

The foregoing RESOLUTION WAS DULY PUT TO A VOTE WHICH resulted as follows

AYES: John Kosier-Roderick Hillis-Daniel Deysenroth

David Post-Brent Trimbell

NOES: None

Said RESOLUTION was thereupon declared duly adopted

A MOTION was made by John Kosier and seconded by Daniel Deysenroth to adjourn this meeting at 7:08 P.M. The next regular meeting will be held on Aug. 9, 2023 at 6:00 P.M. at the Town Municipal Building, 101 Maple Ave., Hobart, New York.

WE, the undersigned members of the Town Board of the Town of Stamford, Delaware County, New York, do hereby certify that we have examined the minutes of the previous meeting and found them to be correct and accurate as recorded.

Supervisor \_\_\_\_\_

Councilperson \_\_\_\_\_

Councilperson \_\_\_\_\_

Councilperson \_\_\_\_\_

Councilperson \_\_\_\_\_

Attest \_\_\_\_\_

Town Clerk