

Village of Fleischmanns
Board Meeting
June 20, 2011

The Village Board of Trustees held a Workshop on Monday, June 20, 2011 at 5:30 p.m. Present were Mayor David Morell, Todd Pascarella, Harriet L. Grossman, Fred Woller, Benjamin Fenton. CEO, Carl Patrick Davis was also present.

Discussion was held as to the present status of junk yards in the Village of Fleischmanns.

Executive Session/Litigation

Motion made by Todd Pascarella to go into Executive Session. Motion seconded by Fred Woller. Todd Pascarella-Aye. Fred Woller-Aye. David Morell-Aye. Harriet L. Grossman-Aye. Benjamin Fenton-Aye. All in favor. Motion so carried.

Open Session

Motion made by David Morell to go back into Open Session. Motion seconded by Harriet L. Grossman. David Morell-Aye. Harriet L. Grossman-Aye. Todd Pascarella-Aye. Fred Woller-Aye. Benjamin Fenton-Aye. All in favor. Motion so carried.

The Village of Fleischmanns Board of Trustees proceeded with their regular Village Board Meeting at the close of the Workshop.

Mark Birman announced that the 1st Spring Swing which was a golf & tennis event was held this past weekend. They collaborated with the Roxbury Arts Group. Money was raised for the resurfacing of the tennis courts, hopefully towards a matching grant. The US Tennis Assoc. has agreed to sanction the Junior Tournament on Friday. This year the tennis dinner and dance will be held at Belleayre Mountain in August & will include the Miles Davis show.

Resolution

Water Supply Permit

At the Village Board Meeting
Of the Village of Fleischmanns, New York
Held at the Skene Memorial Library on
Monday, June 20, 2011 and

Upon motion made by Todd Pascarella and seconded by Dave Morell, the following resolution was duly adopted:

Whereas, in December 24, 2010, the New York State Department of Environmental Conservation (“DEC”) issued a Water Supply Permit to the New York City Department of Environmental Protection (“DEP) which authorizes DEP (and/or its agents) to purchase land in fee and to purchase conservation easements within the New York City

Watershed West-of-Hudson River subject to certain restrictions with a duration of 10 years (with a one five year renewal for a total duration of 15 years). A copy of the Water Supply Permit (Permit No. 0-9999-00051/00001) is available at <http://www.dec.ny.gov/permits/70361.html>.

Whereas, under Special Condition 1 of the permit, DEP's acquisition of land in fee and conservation easements under this permit is limited to a cap of 105,043 acres;

Whereas, there is no time limit on the City's Land Acquisition Program (i.e., the Land acquisition Program can be renewed in 15 years for an additional period of 15 years and renewal thereafter);

Whereas, as a willing buyer offering to pay fair market value with no mortgage contingency or real estate commission, DEP's Land Acquisition Program has been very successful in purchasing land and conservation easements throughout the watershed;

Whereas, there is a concern that the City's Land Acquisition Program will continue until there is no remaining developable land for purchase;

Whereas, DEP is not allowed to purchase land or conservation easements outside of its City boundaries for water quality protection without obtaining approval from DEC under Article 15, Title 5 of the New York State Environmental Conservation Law;

Whereas, the Water Supply Permit issued by DEC limits the type of land eligible for City purchases such that there must be a significant water quality benefit to the purchase and the program must not have a significant adverse impact on the community's ability to survive and prosper;

Whereas, in the Water Supply Permit, DEC has sought to balance the need for future generations to have access to developable land by restricting from land eligible for acquisition, certain parcels, which from an environmental, social and economic perspective, should be preserved for future residential or commercial development (e.g., access to sewer or other utility infrastructure, road frontage, flat lands, in the hamlet, proximity to the hamlet, dry soils suitable for septic system);

Whereas, Special Conditions 7, 8 and 9 of the Water Supply Permit restricts eligibility for land acquisition to land that (i) has certain surface water features and/or steep slopes, (ii) are greater than 10 acres and (iii) are vacant. Subject to certain exemptions, parcels that do not meet that criterion are ineligible for acquisition;

Whereas, once the City purchases the land and/or the conservation easement, the land becomes forever limited as open space and prohibited from residential and/or commercial development by future generations;

Whereas, in order to protect the land that is most amendable for development, Special Condition 10 of the Water Supply Permit identifies two types of areas where the City may not purchase in fee or conservation easements: The 1997 Designated Hamlet Areas and the 2011 Designated Hamlet Areas;

Whereas, Special Condition 2 of the Water Supply Permit provides as follows:

The City's LAP, the City's Watershed Regulations, and the other Programs and conditions contained in the Watershed MOA, when Implemented in conjunction with one another, are intended to protect Water quality while allowing existing development to continue and Future growth to occur in a manner that is consistent with the existing

Community character and planning goals of each of the Watershed Communities. The City's land acquisition goals recognize the importance Of ensuring that the availability of developable land in the Watershed Will remain sufficient to accommodate projected growth without adverse Effects on water quality and without substantially changing future Population patterns in the Watershed communities.

Whereas, the determination whether the 2011 Village Designated Area is needed to ensure the availability of developable land to accommodate anticipated necessary growth within the community is in the nature of a local land use determination to be made by the Village Board;

Whereas, attached as **Exhibit A** is a listing of tax parcels within the 2010 Village Designated Area;

Whereas, attached as **Exhibit B** is a map showing the final 2011 Village Designated Area;

Whereas, the Water Supply Permit allows the local Village to determine the boundaries of the Village Designated Areas and to determine whether the designated area should be eligible for purchase by the City;

Whereas, under Section 18-39(a)(3) of the New York City Watershed Rules and Regulations, the parcels within the 2011 Village Designated Area are allowed to construct impervious surfaces within 100 feet of a water course subject to an individual stormwater permit from DEP;

Whereas, the Village has notified all property owners (based upon the current assessment roll and/or amended as needed to assure the most complete roll of landowners were notified) within the 2011 Village Designated Area notifying them of the opportunity to provide written comment and to provide testimony at a public hearing on the Village selection of the boundaries of the designated areas and whether such areas are eligible (or ineligible) for City Land Acquisition;

Whereas, that the Village Board has complied with the terms set forth under Special Condition 10 of the December 24, 010 Water Supply Permit;

Whereas, the Village Board must determine whether to adopt the parcels identified in Exhibit A and noted in purple on Exhibit B as the 2011 Village Designated Area.

NOW THEREFORE BE IT RESOLVED,

1. The Village Board confirms that it is choosing at this time to preclude any DEP land acquisition (including the acquisition of conservation easements) and/or WAC acquisition of conservation easements within the Village Designated Area as defined and identified in Exhibits A and B, dated _____
2. The Village Board is not and does not intend on deleting any parcels from the boundaries of the Village.
3. The Village Board reserves any and all rights under Special Conditions 7, 8, 9 and 10 to make new determinations in 2016 and 2021.

Lorraine DeMarfio, Village Clerk
Village of Fleischmanns

Dated: June 20, 2011

State of New York)
)ss:
County of Delaware)

I, Lorraine DeMarfio, Village Clerk of the Village of Fleischmanns, New York, do hereby certify that the foregoing is a true and correct transcript of a resolution adopted by the Board of Trustees of the Village of Fleischmanns, New York on June 20, 2011 and the whole thereof.

Lorraine DeMarfio, Village Clerk
Village of Fleischmanns

Motion made by Todd Pascarella to adopt the above resolution. Motion seconded by David Morell. Todd Pascarella-Aye. David Morell-Aye. Harriet L. Grossman-Aye. Fred Woller-Aye. Benjamin Fenton-Aye. Motion so carried.

Vouchers

Motion made by Todd Pascarella to pay the following vouchers for the month of June, 2011: General Fund, Abstract # 2, Voucher # 1 totaling \$25.00; General Fund, Abstract # 3, Vouchers # 2 through 23 totaling \$15,339.59; General Fund, Abstract # 5, Vouchers #24 through 32 totaling \$15,283.49; Water Dept. Fund, Abstract # 1, Vouchers # 1 through 4 totaling \$313.76; Sewer Dept. Fund, Abstract # 1, Vouchers # 1 through 9 totaling \$28,140.53; Water Project Fund, Abstract # 1, Voucher # 1 totaling \$60,503.18. Motion seconded by David Morell. Todd Pascarella-Aye. David Morell-Aye. Harriet L. Grossman-Aye. Fred Woller-Aye. Benjamin Fenton-Aye. Motion so carried.

Adjourn

Motion made by Fred Woller to adjourn. Motion seconded by Harriet L. Grossman. Fred Woller-Aye. Harriet L. Grossman-Aye. David Morell-Aye. Todd Pascarella-Aye. Benjamin Fenton-Aye. All in favor. Motion so carried.