

Village of Fleischmanns
 Board Meeting
 August 9, 2016

The Village of Fleischmanns Board of Trustees held their regular Village Board meeting on Monday, August 9, 2016 at the Skene Memorial Library at 6:00 p.m. Present were: Mayor Donald E. Kearney, Deputy Mayor Harriet L. Grossman, David Yates and Fred Woller. Village Trustee Ben Fenton was absent.

Public Hearing/LFA

A Public Hearing was held on Monday, August 8, 2016 at the Skene Memorial Library at 6:00 p.m. to accept comments on a Local Flood Analysis (LFA). The LFA examines the impacts of flooding during events of varying magnitudes and makes suggestions to reduce flood damages to public and private property and infrastructure.

Mayor Kearney advised that Milone & MacBroom, Inc. of New Paltz, New York put together a Local Flood Analysis for the Village of Fleischmanns under the supervision of the East Branch Flood Commission with funding provided by the Delaware County Soil and Water Conservation District's Stream Management Program through contract with the NYC DEP. The primary objective identified by the East Branch Flood Commission and the Village was to develop a set of flood mitigation alternatives that would at least reduce the risk of flood damage to businesses and homes in Fleischmanns if elimination of the risk was not possible. A secondary objective was to keep as much water off Main Street as possible, making the road more resilient to floods. Flooding has long been a problem in the community, evidenced most recently by the devastation during the flood of Tropical Storm Irene. The Village guided this LFA through a number of Village Board meeting and public meetings from 2014 through 2016.

Mayor Kearney proceeded to ask if there were any comments from the public and there were none.

Mayor Kearney went on to address a concern of Marilyn Ringel, who was unable to attend the hearing, about possibly being forced to elevate her home.

**At a Regular Meeting of
 the Village Board of Fleischmanns
 Held on August 8, 2016 at 6:00 p.m. at
 The Skene Memorial Library**

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF FLEISCHMANNS
 DETERMINING THAT THERE ARE NO ADVERSE IMPACTS ON THE
 ENVIRONMENT FROM ADOPTION OF THE LOCAL FLOOD ANALYSIS**

WHEREAS, the Village Board is considering adoption of a Local Flood Analysis, the result of a multi-year long effort;

WHEREAS, the possible environmental impacts of the adoption of this Law have been considered by the Village Board;

NOW THEREFORE BE IT RESOLVED, that the Village Board has determined that the adoption of a local flood analysis will not have significant adverse impacts on the environment; and

WHEREUPON, the Resolution was put to a vote and recorded as follows:

	Aye	Nay
Mayor Donald Kearney	__x____	_____
Harriet Grossman	__x____	_____
David Yates	__ x__	_____
Fred Woller	__x____	_____

Benjamin Fenton

Absent

Signed this 8th day of August, 2016

Lorraine DeMarfio, Village Clerk

STATE OF NEW YORK }
 COUNTY OF DELAWARE }
 VILLAGE OF FLEISCHMANN'S }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village Board of Fleischmanns at a regular meeting held August 8, 2016, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Mayor Donald Kearney		Yea
Harriet Grossman		Yea
David Yates		Yea
Fred Woller		Yea
Benjamin Fenton		Absent

Witness my hand and the seal of the Village of Fleischmanns, this 8th day of August, 2016.

Lorraine De Marfio, Village Clerk
 Village of Fleischmanns

**At a Regular Meeting of
 The Village Board of Fleischmanns
 held on August 8, 2016
 At the Skene Memorial Library,
 Fleischmanns, New York**

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF FLEISCHMANN'S
 IN THE MATTER OF THE ADOPTION OF THE LOCAL FLOOD ANALYSIS**

WHEREAS, the NYCDEP allocated funding to watershed communities that incurred heavy flooding impacts in 2011 for the development of a Local Flood Analysis (LFA);

WHEREAS, the Village of Fleischmanns was granted funding to retain the consulting firm of Malone & MacBroom for the development of the LFA, is considering adoption of a Local Flood Analysis, the result of a multi-year long effort with input from a variety of ;

WHEREAS, the Village Board has reviewed and considered the proposed Local Flood Analysis prepared for the Village of Fleischmanns;

WHEREAS, a properly noticed public hearing on the proposed Local Flood Analysis was held on August 8, 2016 at the Skene Library;

WHEREAS, the Village Board reviewed and considered all public comments received on the proposed Local Flood Analysis;

WHEREAS, the proposed Local Flood Analysis was on file for inspection at the Village Clerk’s office prior to the hearing and during the public review process;

WHEREAS, the proposed Local Flood Analysis serves as a tool to consider when making decisions/efforts to strengthen and protect the Village’s environmental resources, public safety, health and welfare;

WHEREAS, the Village Board has caused to be prepared a Long Environmental Assessment Form (EAF) pursuant to the mandates for the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617) for the proposed adoption of the Local Flood Analysis;

WHEREAS, the Village Board has duly considered the contents of the EAF for the adoption of the Local Flood Analysis and completed Parts 2 and 3 thereof;

WHEREAS, the Village Board has issued a negative declaration under SEQRA for the adoption of the proposed the Local Flood Analysis thereby complying with the mandates of the State Environmental Quality Review Act.

NOW THEREFORE, BE IT RESOLVED that the Village of Fleischmanns hereby determines that proposed the Local Flood Analysis, attached hereto and made a part hereof, is hereby adopted; and

IT IS FURTHER RESOLVED, that the Village Clerk and the Attorney for the Village are hereby directed to take such actions as are necessary to implement this resolution and effect adoption of the Local Flood Analysis.

Village Mayor so moved; Village Board Member

Harriet L. Grossman Seconded, and the Village Board voted as follows:

	Aye	Nay
Mayor Donald Kearney	___x___	_____
Harriet Grossman	___ x___	_____
David Yates	___ x___	_____
Fred Woller	___x___	_____
Benjamin Fenton	Absent	_____

Signed this 8th day of August, 2016

Lorraine DeMarfio, Village Clerk

STATE OF NEW YORK }
COUNTY OF DELAWARE }
VILLAGE OF FLEISCHMANN'S }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Village Board of Fleischmanns at a regular meeting held August 8, 2016, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Mayor Donald Kearney		Yea
Harriet Grossman		Yea
David Yates		Yea
Fred Woller		Yea
Benjamin Fenton	Absent	

Witness my hand and the seal of the Village of Fleischmanns, this 8th day of August, 2016.

Lorraine De Marfio, Village Clerk
Village of Fleischmanns

Closing of Public Hearing/LFA

Motion made by Harriet L. Grossman to close the Public Hearing. Motion seconded by Fred Woller. Harriet L. Grossman-Aye. Fred Woller-Aye. Donald E. Kearney-Aye. David Yates-Aye. Ben Fenton-Absent. Motion so carried.

**Cedarwood Environmental Services
Purchase Orders/August 2016**

Motion made by Fred Woller to approve the following purchase orders for the month of August, 2016: Slack Chemical, pallet of dense soda ash, 56 bags at \$16.99/bag, total cost of request \$951.44, reason for purchase: chemicals used in the treatment process to add alkalinity for nitrification; Slack Chemical, 25% sodium hydroxide, 55 gal. drums, 220 gal. at \$1.66/gal, total cost of request \$365.00, reason for purchase: chemicals used in the treatment process; Slack Chemical, bulk coagulant (PAC), gal., 300 gal. at \$2.85/gal, total cost of request \$855.00, reason for purchase: chemicals used in the treatment process; Slack Chemical, chlorine bleach, 55 gal drums, 110 gal. at \$2.66/gal, total cost of request \$292.00, reason for purchase: chemicals used in the treatment process. Motion seconded by David Yates. Fred Woller-Aye. David Yates-Aye. Donald E. Kearney-Aye. Harriet L. Grossman-Aye. Ben Fenton-Absent. Motion so carried.

The July 2016 Cedarwood Environmental Services monthly report was submitted. At this time the Wastewater Facility is running at an increased rate of flow and discharges effluent flow from the facility every day of the week. Operators continue to monitor the pump station and the collection system on a daily basis.

WWTP/Debris Removal

Motion made by Fred Woller to contact Frank's Septic to remove a large amount of rag debris at the WWTP. Motion seconded by Harriet L. Grossman. Fred Woller-Aye. Harriet L. Grossman-Aye. Donald E. Kearney-Aye. David Yates-Aye. Ben Fenton-Absent. Motion so carried.

Great Catskill Mt. BBQ Fest/Aug. 27, 2016

Village of Fleischmanns/Parking Request

Larry Reilly and Kim O'Brien approached the Village Board seeking use of the following Village owned parking areas: eastern storage yard/water works approximately 33'x70' needs clearing, DPW garage 10-12 cars, Main St. Parking Lot, Pump Station 5 spots, WWTP 20' x 107' center drive parallel 6 cars/side; possibly edge of lawn parallel to road, and salt shed 70x30' 10 cars.

Eastman Associates Inc./Application

Payment # 2

Snack Shack/Restroom Restoration

Motion made by Fred Woller to approve payment # 2 to Eastman Associates Inc., the contractor for the Snack Shack/Restroom Restoration project, for the period ending July 30, 2016 in the amount of \$88,376.60. Motion seconded by David Yates. Fred Woller-Aye. David Yates-Aye. Donald E. Kearney-Aye. Harriet L. Grossman-Aye. Ben Fenton-Absent. Motion so carried.

CWC/Bonding for

FEMA Expenses

The CWC Board of Directors approved a CFF Catskill Municipal Assistance Loan Program application by the Village of Fleischmanns for a loan by a bond anticipation note in the amount of \$500,000.00 for a term of one year, renewable for up to five (5) years, at a rate of 0.00% fixed. The purpose of the loan is for reimbursement of FEMA eligible expenses related to infrastructure repairs to the Village of Fleischmanns.

Motion made by Fred Woller authorizing Mayor Donald E. Kearney to sign all paperwork in connection with the above BAN. Motion seconded by Harriet L. Grossman. Fred Woller-Aye. Harriet L. Grossman-Aye. David Yates-Aye. Donald E. Kearney-Absent. Ben Fenton-Absent. Motion so carried.

At a Regular Meeting of the Village Board of Fleischmanns

Held on August 8, 2016 at 6:00 p.m. at the Skene Memorial

Library

Resolution/Second Supplemental Agreement

Among West of Hudson Watershed Stakeholders

Concerning the New York-Funded Flood Buyout

Program

In 1997, the Village Mayor, Kathleen Wilber, on behalf of the Village of Fleischmanns, executed the 1997 Memorandum of Agreement with New York City, New York States Department of Health and Environmental Conservation, various environmental parties and over 39 Towns and Villages West of the Hudson within the New York City Watershed ("MOA").

WHEREAS, the MOA Objectives were identified therein 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.

WHEREAS, in the 19 years since the MOA was executed, the Partnership created by the MOA has been very successful at protecting drinking water quality;

WHEREAS, in the 19 years since the MOA was executed, due to and notwithstanding the Partnership, the following has occurred:

In the 1990's, EPA, DOH, DEC and other stakeholders worked with DEP to identify the threats to an unfiltered water supply and to identify programs and controls to mitigate those threats. The approach selected was to filter/treat the water at the sources of pollution rather treat/filter the entire supply. In order to force treatment at the source of the pollution, under the MOA, and as a requirement of the FAD, the City was allowed to regulate all sewage within the watershed and all new construction (i.e., storm water restrictions and permits). By mitigating these two sources, the MOA and the partnership programs required by the MOA have achieved substantial water quality improvements.

The controls required by the City for wastewater treatment plants have proven to be cost prohibitive for the West of Hudson watershed residents. The capital cost of the regulatory upgrade for a sewage treatment plant ("WWTP") to comply with the WRR range from

\$2,000,000 to in excess of \$4,000,000 (\$200,000 per home) for each WWTP and the annual operating cost of the upgrade facility is as much as \$7,500 per home.

At the time of the MOA, it is estimated that there were over 22000 septic systems in the West of the Hudson Watershed. DEP takes the position that all of the 1997 existing septic systems do not comply with the WRR requirements for existing systems and as such are non-complying regulated activities. Under DEP's interpretation of its WRR, those existing homes, institutions and small septic system without coming into compliance with the City's regulations for new systems (or to the extent determined possible by DEP).

The Partnership programs have drastically improved the overall nature of sewage disposal within the watershed. The results include the rehabilitation of over 4400 residential septic systems, the construction of 16 community sewer systems, the extension of city owned sewer line to over a hundred homes/businesses; the closing of over 12 WWTPs with connections to community systems, the upgrade of over 90 WWTPs to meet the requirements of WRR (both east and west of the Hudson). Those improvements also would not have occurred if DEP acted as a bully/enforcer; they occurred because DEP has honored the partnership and, for the most part, has been fair, respectful and reasonable to community stakeholders.

1. In comparison, the DEP storm water requirements have been a major obstacle to new construction and to improvements and enhancement to existing municipal infrastructure and, at a minimum, has resulted in significant delay and costs out of sync with the size of the project and the water quality impacts. In contrast, in a study conducted in 2007, DEP determined that the 71-87% of the turbidity within the Schoharie Reservoir was due to natural erosion within the stream itself. In other words, runoff from the terrestrial areas is not a major source of turbidity and does not have a measurable impact on drinking water quality.
2. Hundreds of farmers, involving tens of thousands of acres have implemented Whole Farm Plans. Stream Corridor management programs have added another layer of water quality protection. The cooperative development of the NYC Watershed Flood Mitigation is a continuation of successful partnerships that are mutually beneficial to all parties. The common denominator in these successes involves a growing and improving partnership between the City and upstate communities through partnership programs implemented and administered on the local level (CWC).
3. Over the past 19 years there has not been the rabid and expansive development that was feared and projected at the Time of the MOA. Development is weak and will remain weak, similar to the remainder of rural upstate New York, due in part to national trends (globalization, loss of manufacturing, inability of small farms to compete; the cost of transportation), the high cost of living in New York State (in particular taxes and energy) and a myriad of overlapping and at time onerous regulations. Since 1997, there has been an outmigration of jobs and people from our communities. Data also shows more and more daily travel outside the county for available jobs, Unfortunately, according to a report published by the National Oceanic and Atmospheric Administration ("NOAA"), evaluating the 50 worst places to own a home. Delaware County ranked as the 10th worst place to own a home. The mean household income is 30% lower than the state median household income. Further, demographic projections by Cornell University show a decline of population of 43% for the age group 0 to 60 and an increase of 21% for ages 60 to 85.

Whereas, in 2015 the Coalition of Watershed Towns ("Coalition") conducted an extensive outreach to evaluate the success and failures of the Watershed Protection Programs, the Partnership Programs and the Watershed Rules and Regulations ("WR&R") and issued a report to DEP and its regulatory agencies in December, 2015. In that report and in subsequent documentation, the Coalition has recommended certain modifications/enhancements to the Partnership Programs administered by CWC and certain modifications to the Watershed Rules and Regulations ("Partnership Objectives");

Whereas, the purpose of the Partnership Objectives is to enhance the sustainability of our communities while, at the same time, enhancing drinking water quality;

Whereas, as part of the 2017 FAD process, the City (together with its regulatory agencies) have agreed to pursue common sense, practical and available solutions based on science consistent with the MOA Objectives to achieve the Partnership Objectives.

NOW THEREFORE BE IT RESOLVED,

1. The Village Board of the Village of Fleischmanns respectfully requests that the New York State Department of Health address and incorporate into the 2017 FAD Renewal the Partnership Objectives and the common sense practical solutions necessary to achieve those objectives.
2. Based upon the City's (and its regulations) commitment to pursue common sense, practical and available solution to achieve the Partnership Objectives, the Village Board supports the Coalition and Watershed Counties execution of the Side Agreement.

 Lorraine De Marfio, Village Clerk
 Village of Fleischmanns

August 8, 2016
 State of New York)
)ss:
 County of Delaware)

I, Lorraine DeMarfio, Village Clerk of the Village of Fleischmanns, New York, so 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 Aug. 8, 2016 and the whole thereof.

 Lorraine De Marfio, Village Clerk
 Village of Fleischmanns

Motion made by Fred Woller to approve the above resolution. Motion seconded by Harriet L. Grossman. Fred Woller-Aye. Harriet L. Grossman-Aye. Donald E. Kearney-Aye. David Yates-Aye. Ben Fenton-Absent. Motion so carried.

Deputy Mayor Harriet L. Grossman left the meeting.

Vouchers/July 2016

Motion made by Fred Woller to pay the following vouchers for the month of July, 2016: Water Improvement Fund, Abstract # 1, Voucher # 1, totaling \$12,079.42; General Fund, Abstract # 4, Vouchers # 49 through 73 totaling \$155,115.08; Water Department Fund, Abstract # 4 , Vouchers # 14 through 15 totaling \$3620.55 ; Sewer Department Fund, Abstract #3, Vouchers # 15 through 26, totaling \$34,810.37. Motion seconded by David Yates. Fred Woller-Aye. David Yates-Aye. Donald E. Kearney-Aye. Harriet L. Grossman-Aye. Ben Fenton-Absent. Motion so carried.

Adjourn

Motion made by Fred Woller to adjourn. Motion seconded by Donald E. Kearney. Fred Woller-Aye. Donald E. Kearney-Aye. David Yates-Absent. Ben Fenton-Absent. Harriet L. Grossman-Absent.