

**THE TOWN OF MAMAKATING TOWN BOARD MEETING HELD ON TUESDAY, JULY 5, 2016 AT 6:00 P.M.
IN THE TOWN HALL, WURTSBORO, NEW YORK.**

Present: William E. Herrmann- Supervisor
Matt Taylor - Councilman
Brenda Giraldi- Councilwoman
Christine Saward – Councilwoman
Janet Lybolt - Councilwoman
J. Benjamin Gailey- Attorney for the Town
Jean M. Dougherty- Town Clerk

Also present: Robert Fiore – Deputy Supervisor
Catherine Herrmann – Confidential Secretary to the Supervisor/County Legislator
Riley Platt III – Highway Superintendent
JoAnn Salamone – Deputy Highway Superintendent
Kerron Barnes – Interagency Coordinator

WORKSESSION DISCUSSION ITEMS

1. Budget Modification
2. New Seasonal Staff

CALL TO ORDER/PLEDGE OF ALLEGIANCE

- The July 5, 2016 meeting was called to order with the pledge to the flag.

HIGHWAY SUPERINTENDENT'S REPORT

- Oil & Stone ongoing with CHIPS money
- Pipe work the week of the 11th on Karen Joy Drive

COUNTY LEGISLATIVE REPORT- Catherine Owens-Herrmann

- Had a meeting to complete paperwork necessary to apply for the USDA loan for the cost of the jail. Borrowing the money through the USDA will save taxpayers approximately \$500,000.00 a year in interest payments.
- River Watch is apparently keeping a close watch on the millennium pipeline since they have F.O.I.L.ed for all documents pertaining to Millennium, in the county. Millennium has agreed to finance a health study of the compressor by a company to be selected by the legislature, and I am pushing to have the study include effects on wildlife as well as humans.

SUPERVISOR'S REPORT

- Wants to thank the Highway Dept. for their assistance with work at the Historical Society, Troopers Barracks and Parks and Recreation
- Working on the Capital Plan
- Discussed future of health insurance costs for retirees

Public Hearing – Ward Boundaries

A motion was made by J. Lybolt, seconded by C. Saward to open the Public Hearing. All in favor.

TOWN OF MAMAKATING INTRODUCTORY LOCAL LAW ESTABLISHING WARD BOUNDARIES

BE IT ENACTED by the Town Board of the Town of Mamakating, County of Sullivan, State of New York, as follows:

Section 1. A new chapter, designated as Chapter 17, titled “Establishing Ward Boundaries,” is added to the Code of the Town of Mamakating, to read as follows:

§17-1. Establishing ward boundaries. Whenever a proposition shall have been adopted in the Town of Mamakating for the establishment of the ward system and the election of one councilperson from each ward, the Town Board shall divide the Town into the requisite number of wards and fix the boundaries thereof. When the Town Board has finally determined the boundaries of the wards, the Board shall cause a map of the Town to be prepared showing in detail the location of each ward and boundaries thereof. The original map shall be filed in the office of the Town Clerk and copies thereof shall be filed in the offices of the County Clerk and the County Board of Elections. The ward boundaries shall be deemed established after such filing is complete. After the initial establishment of the ward boundaries, the Town Board shall have authority to modify those boundaries in accordance with law.

Section 2. Severability. If any word, sentence, part or provision of this local law or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the word, sentence, part of provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. The Town Board declares that it would have enacted this local law or

the remainder thereof had such invalid application or invalid provision been apparent at the time of enactment.

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Section 3. Supersession. The Town Board hereby declares its legislative intent to supersede those provisions of state Town Law §85 so as to authorize the Town Board, instead of the County Board of Elections, to establish and thereafter modify ward boundaries.

Section 4. This local law shall take effect immediately upon filing with the Secretary of State.

Supervisor Herrmann explained that Sullivan County put the task of forming boundaries out to bid and received one bid and asked that if the Town wanted to pay for it a Local Law would have to be passed to accept responsibility. Six wards will be established and the board would consist of 6 plus the supervisor.

Public Comment

D. Lybolt commented that if the county did the boundaries it would greatly diminish our say.

L. Weinstein asked if the board knew anything about the company doing it

C. Dawkins asked if we could sunset the Local Law if passed

D. Wise asked if “voters” included voter fraud

C. Saward asked if the 7 districts would now be divided into 6 wards

There being no further comment, the Supervisor asked for a motion to close the public hearing. Said motion was made by B. Giraldi, seconded by J. Lybolt. All in favor.

Public Hearing – Trail Acquisition

A motion was made by J. Lybolt, seconded by C. Saward to open the public hearing. All in favor.

Supervisor Herrmann explained the proposed local law saying that Open Space Institute was going to donate approximately 50 acres to the town and in exchange we would put signs on the trail and maintain a piece of land that they own in Westbrookville once a year.

Public Comment

P. Medley, BCAA President, stated that the organization strongly endorses the acquisition to further Eco-Tourism and that it meshes nicely with the original mission of the Master Plan.

L. Weinstein asked if the trails were already forged and who keeps them up. She questioned how to guarantee the perpetuity of the land. Also asked what the difference was between us and OSI owning the property. W. Herrmann responded that they could still sell it for non-park development.

C. Dawkins stated that she was thrilled with it, liked having a savings plan and wholeheartedly supports it.

C. Leser asked if it had been surveyed. W. Herrmann responded yes.

A motion to close the public hearing was made by J. Lybolt, seconded by M. Taylor. All in favor.
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**TOWN OF MAMAKATING TOWN BOARD
RESOLUTION OF SEQR NEGATIVE DECLARATION
RESOLUTION APPROVING ACQUISITION OF PARKLAND**

WHEREAS: The Open Space Institute (OSI) offered to convey to the Town fee simple ownership of two segments of former O&W rail bed and adjoining lands. This rail bed parallels the D&H Canal and runs from Wurtsboro almost to Summitville, including a stretch of rail bed owned by NYS DEC. The rail bed area offered to the Town is approximately 2.55 miles long and 66 feet wide (except 100 feet wide for a short stretch), comprising approximately 20 acres. The property also includes a rectangular parcel of land containing approximately 30 acres. The 30-acre parcel contains a lake, a large marsh and the Basha Kill Creek. One of the deeds to this parcel includes a 50-foot wide right-of-way that runs westward to the D&H Canal in Wurtsboro near First Street.

OSI offers to convey this land with no cash consideration. OSI requires, as a condition of this conveyance, that the Town dedicate the rail bed and the 30-acre parcel to parkland and recreation use. As additional consideration for this donation, the Town will assume responsibility to monitor a conservation easement owned by OSI over a parcel of land off Route 209 near Westbrookville.

The property consists of eight (8) tax parcels, identified as follows: Town of Mamakating Tax Map Nos. 16-1-12, 21-1-4.1, 26-1-7.1, 44-1-38.2, 44-1-38.3, 44-1-43, 44-1-64, and Village of Wurtsboro Tax Map No. 107-4-18, and are also shown on a survey prepared by Brooks and Brooks Land Surveyors, P.C., dated April 15, 2011, last revised May 20, 2011. The Town Board has expressed a high priority for an effort to open, restore and repurpose segments of the historic commercial routes through the Town. This property will greatly add to the Town's growing trail network; will increase Town parkland by almost 50 percent; and will provide a park facility in the western side of the Town. The southern trailhead begins in Wurtsboro, thus reaching a population center; and the location provides for a variety of new walking loops. The land provides an opportunity to promote the Town's emphasis on recreation, history and nature.

The property is contiguous or near to the Wurtsboro Ridge Open Space, Roosa Gap State Forest and Shawangunk Ridge State Forest, all owned by NYSDEC.

The Board has reviewed the survey and related maps, a Full Environmental Assessment Form, the Phase 1 Environmental Site Assessment Report (ESA Report), dated May 23, 2016, and the criteria set forth in §617.7(c) of the SEQR Regulations. The ESA report concludes that no further investigation nor a Phase 2 study is required. No potential adverse environmental impacts that may be caused by this acquisition of property have been identified. Although this property will provide a walking trail and may

support other recreational use, there is no plan at this time for any such development or use of the property.

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The Town Board held a public hearing, upon due notice, on July 5, 2016, pursuant to state **General Municipal Law §247**. Public comment supports the Town's acquisition of the property, and did not identify any potential adverse environmental impact that may be caused by acquisition of the property.

Since this action is the acquisition of more than 25 acres of land which adjoins or is substantially contiguous to publically owned parkland, recreation area or open space, this action is considered a SEQR Type I action pursuant to §617.4(b)(4) and (10) of the SEQR Regulations. After review and consideration, the Board determines that the acquisition of this property for parkland and recreation purpose will not have any significant adverse impact on the environment. The Board does not anticipate that any cumulative or long-term impacts may arise from future development or use of this property for parkland and recreation purposes. Since there is no plan, any such impacts are too speculative to assess at this time. If any such use or development plan is prepared in the future, potential environmental impacts will be evaluated at that time. Accordingly, if the Board's SEQR review could be considered a segmented review, the Board's review is no less protective of the environment. This SEQR Negative Declaration is hereby issued and shall be filed in accordance with the SEQR Regulations.

The Negative Declaration was prepared in accordance with Article 8 of the Environmental Conservation Law.

Contact person: William Herrmann, Supervisor
Town of Mamakating
2948 Route 209
Wurtsboro, NY 12790
Phone: 845-888-3000
Email: supervisor@mamakating.org

IT IS FURTHER RESOLVED that the acquisition of the property from OSI is authorized and approved, subject to approval of all documents by the Town Supervisor and the Town's attorney.

IT IS FURTHER RESOLVED that this property is and shall be dedicated to parkland and recreation use and purposes.

On a motion by Councilperson M. Taylor, seconded by Councilperson J. Lybolt, the foregoing resolutions are adopted on a vote of 5 Ayes, 0 Nays.

ABSTRACT

A motion was made by C. Saward, seconded by M. Taylor to approve the following abstract as presented. All in favor.

➤ Abstract #14-2016 \$73,523.57 (Voucher #20160973-20161033)

AO FUND \$29,428.98, BO FUND \$12,262.16, DA FUND \$4,992.83, DB FUND \$20,939.60, SR FUND \$5,900.00

MANUAL CHECK

A motion was made by J. Lybolt, seconded by M. Taylor to approve the manual check to Tammy Fredell in the amount of \$150.00 (Check #21378). All in favor.

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RESOLUTIONS

RESOLUTION IN OPPOSITION TO MILLENNIUM COMPRESSOR STATION OR ANY COMPRESSOR STATION PROPOSED TO BE BUILT IN THE TOWN OF MAMAKATING AND THE TOWN OF HIGHLAND

WHEREAS, in order to preserve the natural environment of the Town of Mamakating and for the general health, safety and welfare of the Town and Sullivan County residents and the local economy and to preserve and protect the scenic and other natural resources of the Town of Mamakating and Sullivan County, the Town of Mamakating is in support of the Town of Highland's opposition to Millennium Compressor Station proposed to be built in the Town of Highland and is in opposition to a Millennium Compressor Station or any compressor stations in the Town of Mamakating.

WHEREAS, compressor stations have been found to be significant sources of air pollutants, by emitting volatile organic compounds such as propene, toluene, ethylbenzene, and acetone, and fine particulate matter, as well as methane; and

WHEREAS, it has been reported that the University of Albany research team found high levels of formaldehyde, a known human carcinogen, exceeding health-based risk levels near compressor stations; and

WHEREAS, Sullivan County is currently ranked 61st out of 62 New York State counties with regard to the overall health of its residents; and

WHEREAS, Sullivan County is reported by the United States Environmental Protection Agency (U.S.EPA) Environmental Justice Screening tool (EJscreen) to have a population close to 75 percent that is low income (less than two times the national poverty level), close to 60 percent over the age of 64, close to 50 percent below the age of 5 years old, and 50 percent minority population, all of which combined are indicators of an environmental justice, sensitive and disadvantaged community (percentages based on 2008-2012 U.S. Census Data):

WHEREAS, U.S. EPA defines environmental justice to mean that all people, regardless of race, color, origin, or income, receive fair treatment and equal environmental protection, and have the opportunity for meaningful involvement in decisions that will affect the environment and/or health of their community;

WHEREAS, the American Medical Association and the Medical Society of the State of New York have adopted resolutions entitled "Protecting Public Health from Natural Gas Infrastructure," which recognize the potential impact on human health associated with natural gas infrastructure and call for a government assessment of risk associated therewith; and

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WHEREAS, compressor stations have both accidental and planned "blowdowns" to control gas pressure, which can create a 30- to 60- meter high gas plume, last as long as three hours, and cause high levels of contaminant release; and

WHEREAS, municipalities in Sullivan County will be forced to rely on volunteer first responders in the event of a fire, explosion, or other incident at a compressor station, and must bear the associated costs of emergency training and special equipment; and

WHEREAS, less than two years after completion of the Hancock Compressor, Millennium's application with FERC includes constructing a second, 22,400 HP compressor station in Hancock, compounding concern about future, undisclosed expansion plans in Towns in Sullivan County; and

WHEREAS, the Mid-Hudson Regional Sustainability Plan summons towns to be less energy and fossil fuel intensive while strengthening the regional economy and expanding renewable energy generation; and

WHEREAS, the construction and operation of the Highland Compressor is contrary to these State and regional goals and will undermine the commitments and ongoing efforts of the Town of Highland, the Town of Mamakating and the County to reduce greenhouse gas emissions and improve the overall health and well-being of its residents;

NOW THEREFORE BE IT:

RESOLVED, that the Town of Mamakating expresses its opposition to the Highland Compressor station and to any future Compressor stations in the Town of Mamakating and Sullivan County, and is in support of the Town of Highland's opposition to the Millennium Compressor station proposed to be built in the Town of Highland;

RESOLVED, that the Board urges that a full environmental impact statement in conjunction with an air emissions baseline assessment and in compliance with the Clean Air and Water Act be conducted by independent experts acceptable to Millennium and the Town of Highland officials;

RESOLVED, the Board urges that a comprehensive and transparent Health Impact Assessment, as outlined by the Centers for Disease Control and the National Academy of Sciences, be conducted by an independent entity acceptable to Millennium and the Town of Highland and that this Health Impact Assessment cover cumulative short- and long-term impacts, including fugitive emissions and blowdowns, with an analysis of all materials and contaminants transiting through the compressor station, such as radium precipitate, radon, and decay products;

RESOLVED; that FERC provide to the Town of Highland Town Board, under the Freedom of Information Act, all inspection reports with defects and violations as prepared by the Pipeline and Hazardous Materials Safety Administration (PHSMA) Department of Transportation (DOT) under the Code of Federal Regulations 49CFR191, 192,195, and also Form 5 Evaluation report of gas pipeline and compressor station construction with the NiSource/Millennium/Columbia pipeline groups area of operations.

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RESOLVED, that FERC is requested to direct that the following occurs:

- (1) Include in its environmental impact studies opinions from public health experts who are independent, credible and free from conflicts of interest.
- (2) Create a panel of independent experts to review current federal exposure standards around compressor stations; standards which could now be obsolete.
- (3) Make sure any approvals of compressor stations meet any and all new health standards that are created.
- (4) Work with local and county officials to address residents' concerns about compressor stations.

RESOLVED, that the Board directs the Town Clerk to forward copies of this resolution to:

Town of Highland Town Board
4 Proctor Road (Rt. 32)
Eldred, NY 12732

County of Sullivan Legislature
100 North Street
Monticello, New York 12701

Federal Energy Regulatory Commission
Secretary
888 First Street, NE
Washington, DC 20426

NYS Dept. of Environmental Conservation
Bureau of Oil and Gas Regulation
Division of Mineral Resources
625 Broadway
Albany, NY 12233

Hon. Andrew M. Cuomo, Governor
State of New York
NYS Capitol Building
Albany, New York 12224

Hon. Chris Gibson, US Congressman
19th Congressional District
1708 Longworth HOB
Washington, DC 20515

Hon. Charles E. Schumer
United States Senate
322 Hart Senate Bldg.
Washington DC 20510

Hon. Assemblywoman Aileen Gunther
18 Anawana Lk Rd
Monticello NY 12701

Hon. Kirsten Gillibrand
United States Senate
478 Russell Senate Office Bldg.
Washington DC 20510

Hon. John J Bonacic, New York Senator
42ⁿ Senatorial District
Room 509, Legislative Office Building
Albany, NY 12247

Division of Mineral Resources
625 Broadway
Albany, New York 12233

Bureau of Oil and Gas Regulation
Division of Mineral Resources
625 Broadway
Albany, New York 12233

Millennium Pipeline

One Blue Hill Plaza 7th Floor
Post Office Box 1565
Pearl River NY 10965
Attn. Michelle C. Hook

On motion by Councilperson C. Seward, seconded by Councilperson B. Giraldi, the Town Board adopted the foregoing resolution by a vote of 5 ayes, 0 nays on this 5th day of July, 2016.

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RESOLUTIONS (cont.)

- A motion was made by M. Taylor, seconded by J. Lybolt to approve the hiring of 2 additional employees at the **summer camp**. Kayla Consolo and Abby Hughes. All in favor.
- A motion was made by C. Seward, seconded by M. Taylor to approve the increase of \$1.75 per hour for **Kyra Platt**. All in favor.
- M. Taylor made a motion to approve the **Budget Modifications** as presented. Motion seconded by C. Seward. All in favor.
- A motion to hire **Skyline Consulting** in the amount of \$5,000.00 to establish the Ward Boundaries was made by B. Giraldi, seconded by J. Lybolt. All in favor.

EXECUTIVE SESSION

- A motion was made by J. Lybolt, seconded by C. Seward to go into Executive Session at 7:25 p.m. for potential litigation over outstanding monies, a personal injury lawsuit, litigation with another municipality and a highway employee issue and invite R. Platt and J. Salamone into the portion pertaining to the highway department. All in favor.
- A motion was made at 9:12 p.m. by C. Seward, seconded by M. Taylor to come out of Executive Session. All in favor.

ADJOURNMENT

A motion was made by B. Giraldi, seconded by J. Lybolt to adjourn the meeting at 9:15 p.m. All in favor.

Respectfully submitted;

Jean M. Dougherty, Town Clerk