

TOWN OF HARPERSFIELD
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HARPERSFIELD, NY 13786
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TOWN OF HARPERSFIELD
RESOLUTION NO. 002 OF THE YEAR 2003

At the regular monthly meeting of the Town of Harpersfield on May 5, 2003, Councilman Harold Bedford offered the following resolution and moved its adoption:

WHEREAS, the 1997 Watershed Memorandum of Agreement (MOA) specifically recognized that "the goals of drinking water protection and economic vitality within Watershed communities are not consistent and it is the intention of the Parties to enter into a new era of partnership to cooperate in the development and implementation of a Watershed protection program that maintains and enhances the quality of the New York City drinking water supply and the economic vitality and social character of the Watershed communities"; and

WHEREAS, the 1999 West of Hudson Economic Development Study prepared under the auspices of paragraph 134 of the MOA recognized the paramount importance of tourism and tourism related facilities to the economic well being and growth of the Watershed communities: and

WHEREAS, the proposed development of a large hotel and recreation resort complex such as the Belleayre Resort at Catskill Park proposed in the Towns of Shandaken and Middletown is not incompatible with the protection of water quality or the MOA, and judgements about its land use compatibility is reserved to the affected local government; and

WHEREAS, the Coalition is not taking a position on the Belleayre Resort project, but is concerned with NYCDEP's attitude towards any project in the watershed regardless of scale: and

WHEREAS, the MOA and the NYC Watershed Rules and Regulations recognize the City of New York's interest in the protection and regulation of the quality of its water supply by specific provisions in said regulations and through the implementation of other programs provided in the MOA; and

WHEREAS, the MOA and the NYC Watershed Rules and Regulations also recognize the inherent and implicit right of the Watershed communities to plan for and regulate land uses in accordance with the Municipal Home Rule provisions of the New York State Constitution; and

WHEREAS, the New York State Environmental Quality Review Act (SEQRA) provides for the comprehensive environmental review of actions, including proposed development projects, imposes different responsibilities on the lead and involved agencies and also preserves the underlying jurisdictional rights between and among agencies; and

WHEREAS, the New York State Department Environmental Conservation (NYSDEC) Commissioner rejected the NYCDEP's request to be lead agency and appointed NYSDEC Region 3 the lead agency for the Belleayre Resort project; and

WHEREAS, NYCDEP's proposed unprecedented expenditure of the sum of \$600,000.00 to retain consultant experts to review and critique the Belleayre Resort Draft Environmental Impact Statement (DEIS) submitted to NYCDEC as the lead agency violates the spirit of the MOA, extends beyond the legitimate interests of the City of New York as an involved agency and will have a chilling effect on all legitimate economic development opportunities for the Watershed communities; and

WHEREAS, issues such as air pollution, traffic, community character and secondary growth are beyond NYCDEP's jurisdiction as it pertains to water quality in the watershed; and

WHEREAS, NYCDEP's regulations already present an unparalleled level of control over stormwater and wastewater to protect the quality of New York City's water supply; and

WHEREAS, the proposed expenditure of \$600,000.00 in a time of fiscal crisis in the City and State of New York is particularly troubling in light of the NYCDEP's advice to the Watershed communities and the Catskill Watershed Corporation that similar funds were unavailable to address existing water quality problems or to continue to fund important existing watershed protection programs including the operation of the CWC; and

WHEREAS, NYCDEP has still failed to execute any of the contracts with CWC for the continuation of the watershed protection and partnership programs required under the Filtration Avoidance Determination.

NOW, THEREFORE BE IT RESOLVED, that the Coalition of Watershed Towns respectfully demands that NYCDEP withdraw its Crossroads RFP, limit its regulatory focus to water quality issues and refrain from further interference in land use planning in the watershed for non-water quality related issues. ✓

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor George Pataki, Mayor Michael Bloomberg, Senator John Bonacic, Assemblyman Clifford Crouch, USEPA

Region 2 Administrator, Jane Kenney and NYS Department of Environmental Conservation Commissioner, Erin Crotty, USEPA Director, Christine Whitman and DEP Commissioner, Christopher Ward.

Seconded by Councilman David Ogborn with a roll call vote as follows:

Adopted:	Supervisor	James Eisel Sr.,.....Aye.
	Councilman	Harold Bedford.....Aye.
	Councilman	Morris Riddell Jr.,.....Aye.
	Councilman	David Ogborn.....Aye.
	Councilwoman	Catherine Straus.....Aye.



Linda E. Goss, Town Clerk
Town of Harpersfield

Date: May 6, 2003

