

TOWN OF HARPERSFIELD

RESOLUTION NO. 016 OF THE YEAR 2016

Councilman Harry Peterson offered the following resolution and moved its adoption:

In 1997, Town Supervisor James Eisel Sr., on behalf of the Town of Harpersfield, executed the 1997 Memorandum of Agreement with New York City, New York State 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:

1. In the 1990s, 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 than 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 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.

2. The controls required by the City for wastewater treatment plants have proven to be cost prohibitive for the West of the Hudson watershed residents. The capital cost of the regulatory upgrade for a sewage treatment plant ("WWTP") to comply with the WWR range from \$2,000,000.00 to in excess of \$4,000,000.00 (\$200,000.00 per home) for each WWTP and the annual operating cost of the upgraded facility is as much as

\$7,500.00 per home.

3. At the time of the MOA, it is estimated that there were over 22,000 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 WWR 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 businesses connected to an existing septic system cannot alter or modify their septic systems without coming into compliance with the City's regulations for new systems (or to the extent determined possible by the DEP).

4. The Partnership Programs have drastically improved the overall nature of sewage disposal within the watershed. The results include the rehabilitation of over 4,400 residential septic systems, the construction of 16 community sewer systems, the extension of city owned sewer line to cover over a hundred homes/businesses; the closing of over 12 WWTP's 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.

5. 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, as 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 71-81% of the turbidity 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.

6. 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).

7. 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 times 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 Town Board of the Town of Harpersfield 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 solutions to achieve the Partnership Objectives, the Town Board supports the Coalition and Watershed Counties execution of the Side Agreement.

Seconded by Councilwoman Catherine Straus with the vote as follows:

James Eisel Sr.	Supervisor	Aye.
Catherine Straus	Councilwoman	Aye.
Robert Reeve Jr.	Councilman	Aye.
Harry Peterson	Councilman	Aye.
Edward S. Slicer	Councilman	Aye.



Linda E. Goss, Town Clerk
Town of Harpersfield