

TOWN BOARD MEETING
February 14, 2022
6:00 P.M.

PRESENT: Councilpersons: Kevin Armstrong, Patty Wood, Leonard Govern, Luis Rodriguez-Betancourt, Supervisor Joseph Cetta, Attorney Carly Walas, and Town Clerk Ronda Williams

OTHERS PRESENT: Duane Martin – The Reporter, Jon Henderson, Martin & Sharon Way, Walt Geidel

ABSENT: Jeff Offnick, Highway Superintendent

FLOOR TIME:

None Requested

RESOLUTION #41 APPROVAL OF MINUTES

A motion was made by Councilman Rodriguez-Betancourt, seconded by Armstrong approving the minutes of January 10, 2022 as presented. All in favor, motion carried.

CODE ENFORCEMENT REPORT:

Town of Walton
Code Enforcement Office
Jonathan R Henderson

Monthly Summary Report
Month of January 2022

Building Permits Issued	1
Building Inspections Completed	7
Fire Inspections Completed	0
Notices of Violation Issued	0
Tickets Issued	0
Certificates Issued	2
Complaints Received	0
Floodplain Development	
Permits Issued	0
CO Searches	2

Supervisor Cetta introduced the new Code Enforcement Officer Jonathan Henderson to the Board.

Mr. Henderson informed the Board that he will be registering for online courses, in the meantime, he has been visiting open permit sites and familiarizing himself with the area.

DOG CONTROL REPORT:

Martin J. Way, Jr.
Dog Control Officer, Town of Walton
129 North Street Walton,
New York 13856
January 2022
Dog Control Activity Summary

Complaints	4
Dogs Seized	
Returned to Owner	1
Humane Society	1
Dangerous Dogs	0
Tickets Issued	2
Total Redemption Fees	0
Help Requested	0
Mileage	89 Miles

ASSESSOR REPORT:

Assessor’s Report to Walton Town Board
January 2022

- **Ongoing Work:** exemption processing, property review, updating property records and assessments, monitoring real estate listings, verifying property sales values, and returning phone calls and emails.
- **New Business:** Walton, as did most of the County, trended a positive 12% increase in residential property sales prices last year. There is a range of values available for the Equalization Rate this year between 77% and 85%. At the discretion of the Board, I suggest 81%.
- **Mobile Home owners:** mobile home owners whose home is on someone else’s land will no longer be eligible to receive a STAR exemption on their home All mobile home owners whose home is on someone else’s land must now register for the Star Credit. This will be more of a savings probably because the Star Credit uses a minimum credit based on a \$20,000 value of the mobile home, while the exemption was capped at the value of the mobile home, often below \$20,000. The State has begun writing letters to park owners and homeowners to advise them of this change.

Mobile home owners can register for the STAR CREDIT at 518-457-2036.

This is the link at the Department of Tax and Finance’s website for more information for mobile home park owners: <https://www.tax.ny.gov/bus/mhp/>

- **Homeowner Assistance Fund**

The federally funded program is dedicated to assisting homeowners who are at risk of default, foreclosure, or displacement as a result of a financial hardship caused by the COVID-19 pandemic.

For more information use the website <https://www.homeownerfund.org> or call 1-844-77-NYHAF (1-844-776-9423).

- **Vets may apply for a veterans property tax exemption** at the

Delaware County Veteran’s Service Agency,

97 Main Street, Suite #4, Delhi, New York 13753

(607) 832-5345

or at the Assessor’s Office, 129 North Street, Walton, New York (607) 865-5281.

The forms RP458a and RP458 are also available online at

<https://www.tax.ny.gov/forms/orpts/exemption.htm> . Un-remarried surviving spouses are also eligible.

Respectfully Submitted
Assessor

Penny Haddad,

FEMA COORDINATOR:

**TOWN OF WALTON
FEMA COORDINATOR REPORT
FEBRUARY 14, 2022**

Project # 83449, PW #00078, Integral Road Support Washout on Houck Mt. & Wakeman Brook, has had some activity since my last report. The EHP (environmental historical preservation) review was completed and the last of the report’s documents were uploaded to the grant’s portal on February 3, 2022 and the project moved to pending “FEMA Final Review”.

The review of environmental, historical, executive laws and orders, Indian tribal organizations, and other environmental considerations showed this project is compliant with EHP laws, regulations, and executive laws and orders. The report states there are no additional environmental historical preservation concerns on the projects.

This project had been under “EHP Review” since July 17, 2019. This series of projects are 0% complete and is worth about \$58,000.00 in reimbursement.

With the completion of the EHP review, the DEC and Army Corp. stream permit application process can resume. The DEC and Army Corp. had placed the applications on hold since submitted in 2020 until they were able to review the EHP reports. These reviews have been forwarded to the regulatory agencies for their review. Sites 1 and 2 in this project were somehow not included in the original regulatory permit applications group of applications. Because of the steep slopes, once the snow is gone, the sites will be surveyed. Given the close proximity and similar scope of work to Site 3, we are considering modifying DEC #4-1256-00666 to incorporate the additional work. To do so, we would need to submit a

new/updated Joint App, project narrative, plan(s), location map, short EAF, and photos of the additional sites. The DEC is onboard with this approach.

Project #83441, Woodlawn Road Integral Support Failure is still “Pending EHP Review” and has been since March 13, 2020. This work is 100% complete and is worth about \$140,000.00 in reimbursement.

Project #151549, “Management Costs”, is the last project with no determination on obligation. This is on hold until all projects have been obligated per the IBD. This is worth about \$16,500.00 at this time.

SUPERINTENDENT OF HWY. REPORT:

TOWN OF WALTON HIGHWAY DEPARTMENT
25091 STATE HIGHWAY 10
WALTON, NY 13856
607-865-5120

TO: WALTON TOWN BOARD
FROM: JEFF OFFNICK, HIGHWAY SUPERINTENDENT
DATE:
RE: REPORT

- ✓ We have received the snow removal agreement from the Town of Colchester.
- ✓ We have advertised for bids on our stone, pipes, crushing, excavator with operator, etc.
- ✓ Aside from the cold temperatures the winter has not been too hard on us, the fleet has been holding up fairly well.
- ✓ We have used just over 2,000 cubic yards of salt/sand mixture this winter.

RESOLUTION #42 TOWN OF WALTON AND TOWN OF COLCHESTER
SNOW REMOVAL AGREEMENT

A motion was made by Councilman Rodriguez-Betancourt, seconded by Wood granting Supervisor Cetta permission to sign the agreement allowing for the Town of Walton Highway Department to plow snow and ice removal for portions of Wilson Hollow Road in return for Colchester to plow snow and ice removal on portions of Trout Brook Road. All in favor, motion carried.

TOWN CLERK’S REPORT:

Provided Financial Reports

Reported that I am 75% collected and 20 residents have taken advantage of the partial tax payment program.

Reported that NYSEG installed a new meter allowing for the completion of the generator to be hooked up and has been tested.

Reported that Decker Advertising has increased their affidavit of publication for legal notices. We normally spend between \$6.00 and \$15.00 for the legal notice and then an additional \$20.00 - \$25.00 for the affidavit of publication.

Reported that the following budget amendments needed to be completed to close out 2021.

Budget Amendments December 2021			
General-A	Account	Increase	Decrease
Justices, PS	1110.11	900	
Supervisor	1220.4	450	
Assessors, PS	1355.1	374	
Attorney, CE	1420.4	9,887	
Public Information, CE	1480.4	1,866	
Buildings, Equipt	1620.2	51,000	
Central Data, CE	1680.4	1,847	
Superintendent, Equip	5010.2	1,190	
Celebrations	7550.4	172	
State Retirement	9010.8	5,023	
Fund Balance	909		51,000
Independent Auditing, CE	1320.4		2,350
Judgement and Claims, CE	1950.4		10,000
Contingency	1990.4		500
Elections, CE	1450.4		4,090
Social Security	9030.8		369
Disability Insurance	9055.8		3,500
		71,809	71,809
General-B	Account	Increase	Decrease
Safety Inspections, CE	3620.4	2,235	
Playgrounds & Recreation CE	7140.4		2,981
Retirement	9010.8	555	
Social Security	9030.8	191	
		2,981	2,981
Highway - DA	Account	Increase	Decrease
Machinery, Equip	5130.2	96,528	
Machinery, CE	5131.4	3,360	
Snow Removal, CE	5143.4		4,800
Snow Removal, PS	5142.1		21,950

99,888

99,888

RESOLUTION #43

2021 BUDGET AMENDMENTS

A motion was made by Councilman Govern, seconded by Wood to accept the 2021 budget amendments as submitted. All in favor, motion carried.

SUPERVISOR’S REPORT:

RESOLUTION NO.44

**THE TOWN OF WALTON RESOLUTION IN SUPPORT OF
DELAWARE COUNTY BOARD OF SUPERVISOR RESOLUTION NO.
162**

WHEREAS, on October 27, 2021, the Delaware County Board of Supervisor passed Resolution No. 162 entitled: **DELAWARE COUNTY REQUESTS THAT A MORATORIUM ON NEW PURCHASE CONTRACTS FOR FEE TITLE AND DEP CONSERVATION EASEMENTS, BE IMPLIMENTED IN DELAWARE COUNTY PENDING A COMPREHENSIVE REVIEW OF THE LAND ACQUISTION PROGRAM TO IDENTIFY THE NEED FOR THE CONTINUATION OF LAND ACQUISTION, THE BENEFITS OF LAND ACQUISTION, THE IMPACT OF LAND ACQUISTION ON COMMUNITY SUSTAINABILITY AND THE OTHER TOOLS AVAILABLE TO ACHIEVE MOA LAND ACQUISTION OBJECTIVES.**

WHEREAS, the Town Board has reviewed Resolution No.162 in detail and by this resolution is indicating its support and its adoption of the facts and principles set forth therein. For purposes of transparency, this resolution restates the rationale and conclusion from the perspective of the Town of Walton. A copy of Resolution No. 162 is also attached hereto.

WHEREAS, the fundamental principle of the 1997 New York City Watershed Memorandum of Agreement (the “**MOA Watershed Objective**”) is the following: “[T]he parties recognize that the goals of drinking water protection and economic vitality within the watershed communities are not inconsistent 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 New York City drinking water supply and **the economic vitality and social character of the watershed communities**”; and

WHEREAS, the 1997 New York City Watershed Memorandum of Agreement (“MOA”) also defined the MOA Land Acquisition Objectives as follows: “the parties agree that the City’s Land Acquisition Program, the City’s watershed regulations, and the other programs and conditions contained in this agreement, when implemented in conjunction with one another, **would allow 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; and that the City’s land acquisition goals **ensure that the availability of developable land in the watershed will remain sufficient to accommodate projected growth** without anticipated adverse effect on water quality **and without substantially changing future population patterns** in the watershed communities” (hereinafter “**Land Acquisition Objectives**”); and

WHEREAS, the City’s Land Acquisition Program is premised on the principal that surface runoff from impervious surfaces and concentrated human activity poses a contamination threat to the City’s water supply. In developing the City Land Acquisition Program, the parties were concerned that the vast amount of open space within the West of Hudson Watershed created the potential for new significant adverse development in an unfiltered watershed. The City’s Land Acquisition Program was a tool to prevent and control such development; and

WHEREAS, in 1997 when the parties executed the MOA, approximately 11% of the watershed lands within Delaware County were under New York City and/or New York State control. Twenty-three years later, according to the December 2020 Land Acquisition Report, 28.4 % of the watershed lands within Delaware County are under New York City and/or New York State control and such control is closing in on the 30% benchmark (as suggested in the 2012- 2022 Long-Term Land Acquisition Plan) when memorandum of contract properties are included; and

WHEREAS, on October 31, 2017 Delaware County issued the following report: *New York Land Acquisition Town Level Assessment 2017: Delaware County Evaluation and Response* (“*Delaware County 2017 Report*”), which found a substantial number of Delaware County towns had an insufficient amount of remaining developable land to “allow existing development to continue and future growth to occur in a manner that is consistent with the existing community character and planning goals” of those communities. The report concluded the “City’s land acquisition goals for those communities did not ensure... the availability of developable land... will remain sufficient to accommodate projected growth” and thus the continuation of City’s land acquisition could “substantially changing future population patterns...”; and

WHEREAS, the 2017 City of New York Filtration Avoidance Determination (“FAD”) requires that an application for new Water Supply Permit to succeed the 2010 WSP be filed by June 2022. The City of New York must also develop a new Long-term Land Acquisition Plan, which will cover the period 2023-2033 and consider the findings and recommendations of the National Academies (“NAS”) Expert Panel review; and

WHEREAS, in August, 2020, the NAS published its report entitled, *Review of the New York City Watershed Protection Program*, which recommended that expenditures in the land acquisition program be reduced to fund other programs that will lead to more direct improvements to water quality. NAS Report, p.385. NAS recommended that the City be provided flexibility to implement an optimal variety of programs that would focus watershed management actions on the most valuable lands for water quality protection and that it shift funding and emphasis from acquiring large parcels in the fee-simple and conservation easement programs to the protection of riparian lands on critical areas of tributary streams through programs that provide an opportunity to simultaneously address community needs and watershed protection. Programs which provide a “financial mechanism” to promote community well-being and economic vitality in the watershed while promoting the protection of high potential water quality impact areas were specifically encouraged. See NAS Report p. 215-216 [discussing the NYC Flood Buyout Program].

WHEREAS, with the assistance of the Coalition of Watershed Towns and CWC, Delaware County has developed an Alternative Land Acquisition Program Option (the “Alternative Option”) that provides an opportunity for impacted communities to provide robust/enhanced protection of environmentally sensitive lands in a manner that does not rely on one-time payments for fee title acquisitions of large parcels or conservation easements that burden land in perpetuity. The Alternative Option focuses on environmentally sensitive lands (such as riparian or stream buffers) which directly contribute to water quality and provides for a fixed-term annual rental payment to the landowner; a model that has proven to be effective in Delaware County; and

WHEREAS, the Alternative Option would allow landowners to retain ownership of their property while receiving periodic payments that reflect the water quality protection value their property provides. The Alternative Option provides a financial mechanism to promote community well-being and economic vitality while promoting water quality, thereby achieving the balance of interests required by the MOA. The County envisions an impacted municipality would make a determination and a commitment to participate in the Alternative Option program as a way to provide enhanced protection of sensitive lands in lieu and as a substitute for the continuation of the traditional DEP Land Acquisition Program. The municipal commitment would be for a period of years (e.g., 10 years) during which time, Land Acquisition Program would be suspended within that community; and

WHEREAS, in April 2018, the Delaware County Board of Supervisor passed Resolution No. 74 demanding relief from the City Land Acquisition Program to ensure the

continued availability of developable land to accommodate future growth and prevent substantial changes to future population patterns. The DEP, in consultation with DOH, denied Delaware County's request but agreed that the Delaware County Alternative Option has merit and deserves further discussion; and

WHEREAS, the government stakeholders concurred that the appropriate opportunity for further discussion of the Alternative Option would be in the proceeding to amend the 2010 City of New York Water Supply Permit, which may provide for the expansion of the current Stream Acquisition Program ("SAP") beyond the Schoharie Basin and the development of a new Long-Term Land Acquisition Plan for the period 2023-2033. The findings of the NAS Expert Panel will be considered as part of this proceeding and Delaware County will be provided an opportunity to seek a permit modification adding its Alternative Option program to the Water Supply Permit. All parties reserved whatever rights they have to oppose or support such a modification; and

WHEREAS, DEC recently announced it will make a determination to expand SAP beyond the Schoharie basin to the entire watershed, that this determination is not subject to review under the State Environmental Quality Review Act ("SEQRA") and does not require due process or a modification to the 2010 Water Supply Permit. According to DEC, homeowners will have the ability to request that SAP acquisitions of individual parcels in excluded hamlet areas and hamlet expansion areas be approved on a case-by-case basis by making direct appeals to the Town/ Village Board. This may include both vacant lots and improved lots, both of which are eligible for SAP acquisition under the 2010 Water Supply Permit (although DEC states that the purchase of improved lots is not intended); and

WHEREAS, the Town maintains the potential impacts that would result from an extension of SAP to the entire watershed (and resulting expansion of the land acquisition program) must be reviewed under SEQRA. There has been a significant change in circumstances since the SAP program was first envisioned and implemented under the 2010 Water Supply Permit. This change in circumstances requires the preparation of a supplemental Environmental Impact Statement (EIS) in order to identify and take a "hard look" at the impact this expansion of the land acquisition program would have on the environment and the sustainability of our community; and

WHEREAS, fee acquisitions under SAP are subject to Section 82 of the MOA which requires the City to grant to NYSDEC a conservation easement to ensure that such land is "held in perpetuity in an undeveloped state in order to protect the watershed and New York City's drinking water supply." The Conservation Easement required by DEC under Section 82 of the MOA prohibits in perpetuity the following activities on the acquired property:

- "construction of any new ... structures normally requiring a building code permit";
- "storage of petroleum ..., hazardous materials"
- "excavating, extraction, grading, or removal of soil, sand and gravel"
- "use of snowmobiles, dune buggies, motorcycles, all-terrain vehicles or other motorized vehicles recreation purposes"
- "the expansion of any existing or construction of any new paved driveways, roads, and parking lots"
- "the commercial, residential or industrial use"
- "except in accordance with Article 49 of the ECL, the siting or routing of any facilities required for ... the transmission, or distribution of **gas, electricity, water, telephone, or cable television services** on, *over* or under the Protected Property"
- "the commercial, residential or industrial use of the Protected Property(ies) in such a manner that: (i) causes the introduction of sediments, ... or other pollutants to any watercourse or wetland on the Protected Property(ies) that may adversely effect the quality of such watercourse or wetland; (ii) interferes with or disturbs open space, vegetated areas or steep slopes on the Protected Property(ies); or (iii) is otherwise inconsistent with the purposes of this Easement."

WHEREAS, the Town Board requests that the DEC, the Catskill Center and DEP identify and evaluate the potential adverse impacts on municipal and private functions if the City proceeds with an expansion of SAP beyond the Schoharie basin and encumbers large sections of stream buffer/ corridors with restrictive conservation easements in perpetuity. Specific areas of concern include impacts on the following:

- Installation and upgrade of electrical, water, gas, telephone, broadband/cable lines as needed to provide basic utilities
- Maintenance, upgrade, expansion, widening, safety improvements to existing roads and extension of existing roads.
- Installation, expansion, and replacement of communication towers (including the necessary utilities)
- The siting, maintenance, and expansion of stream crossings
- Flood mitigation projects
- Renewable Energy Projects

NOW, THEREFORE, BE IT RESOLVED the Town Board join in the Delaware County Board of Supervisors petition to DEC, DOH and DEP requesting for the following relief:

- (1) The FAD requires application for a WSP to succeed the 2010 WSP is required by June 2022 and that the City develop a new Long-Term Land Acquisition Plan, which will cover the period 2023-2033 and which will consider the findings of the National Academies Expert Panel review. Given the uncertainties created by the change in circumstances, effective January 1, 2022 and extending through completion of the permitting process, the City refrain from entering into new contracts to purchase fee title and/or conservation easements under the Land Acquisition Program within the Town of Walton;
- (2) In developing the Long-term Land Acquisition Plan for the period 2023-2033 and the WSP renewal application due June, 2022, that DEP limit its land and conservation easement acquisition within the Town to WAC Conservation Easements, flood mitigation projects, stream protection/management, the Delaware County Alternative Pilot Land Acquisition Proposal and a voluntary SAP plan.

BE IT FURTHER RESOLVED that this resolution be sent to New York Governor Kathy Hochul, US Congressman Antonio Delgado, NYS Senators, NYS Assemblymen Crouch and Miller, EPA Region 2 Acting Director Walter Mugdan, NYSDEC Commissioner Basil Seggos, NYCDEP Commissioner Vincent Sapienza and NYSDOH Commissioner Mary Bassett

RESOLUTION#44

THE TOWN OF WALTON RESOLUTION IN SUPPORT OF DELAWARE COUNTY BOARD OF SUPERVISOR RESOLUTION NO. 162

A motion was made by Councilman Govern, seconded by Armstrong authorizing the Town of Walton to join in and support the Delaware County Board of Supervisors petition to DEC, DOH and DEP. All in favor, motion carried.

RESOLUTION #45

APPOINTMENT OF PLANNING BOARD MEMBER

A motion was made by Councilman Armstrong-, seconded by Govern to appoint Gale Neale to the Walton Planning Board effective February 14, 2022- December 31, 2022. All in favor, motion carried.

RESOLUTION #46

APPOINTMENT OF ZONING BOARD MEMBER

A motion was made by Councilman Armstrong, seconded by Govern to appoint Stephen Condon to the Walton Zoning Board effective February 14, 2022- December 31, 2026. All in favor, motion carried.

RESOLUTION #47

APPOINTMENT OF PLANNING BOARD SECRETARY

A motion was made by Councilman Armstrong, seconded by Govern to appoint Sharon Brennen to the Walton Planning Board Secretary for \$500.00 and to become effective February 14, 2022-December 31, 2022.All in favor, motion carried.

RESOLUTION # 48

2022 ANNUAL AGREEMENT BETWEEN THE DELAWARE COUNTY PLANNING BOARD AND THE TOWN OF WALTON

A motion was made by Councilman Armstrong, seconded by Rodriguez-Betancourt granting Supervisor Cetta permission to sign the agreement with the Delaware County Planning Board authorizing to provide planning services to the Town of Walton for \$3,500.00 from January 1, 2022 – December 31, 2022. All in favor, motion carried

Requested to move the April meeting from April 11, 2022 to April 4, 2022 due to a schedule conflict.

RESOLUITON #49

CHANGE APRIL MEETING DATE

A motion was made by Councilwoman Wood, seconded by Armstrong authorizing the April 11, 2022 meeting to be changed to April 4, 2022 at 6:00 p.m. All in favor, motion carried.

COMMITTEE REPORT:

Councilwoman Wood questioned what the status was on the proposed dog law. Supervisor Cetta and Dog Control Officer Way stated it was decided to leave the laws as they were.

Councilwoman Wood brought up the ambulance service stating DVH has not closed a deal yet. Supervisor Cetta stated Mr. Jones from the Walton Fire Department has requested to come to a board meeting to discuss an operations plan.

Discussion took place between Councilpersons Wood and Govern concerning who remains on the Ambulance Committee and what the law or regulations are as to the formation or the process of dissolving. Attorney Walas stated they will need to refer to their by-laws.

Councilwoman Wood feels the committee is defuncted Councilman Govern stating, it is not this Boards concern as to who is on that board.

Supervisor Cetta informed the Board that he still plans to vote no for the County spending\$1.9 million of the ARPA money on an ambulance service.

APPROVAL OF BILLS:

RESOLUTION #50

APPROVAL OF BILLS

A motion was made by Councilman Armstrong seconded by Rodriguez-Betancourt approving the vouchers as presented for payment. All in favor, motion carried.

General Fund A	#15-30	\$59642.47
General OV B	#3-	\$669.50
General Hwy DA	#3-14	\$46,242.19
OV HWY DB	#-	

EXECUTIVE SESSION:

RESOLUTION #51

EXECUTIVE SESSION

A motion was made by Councilman Armstrong, seconded by Rodriguez-Betancourt to enter into executive session for the purpose of attorney/client discussion. All in favor, motion carried.

Entered 6:40 p.m.

Motion by Councilman Armstrong seconded by Councilman Rodriguez-Betancourt to close executive session. All in favor, motion carried.

Out 7:50 p.m.

With no further business before the Board, the meeting was adjourned 7:50 p.m.

Respectfully submitted,

Ronda Williams
Town Clerk