



MINUTES OF THE EASEMENT COMMITTEE MEETING

July 3, 2024

MEMBERS PRESENT:

Tom Hutson, *Committee Chair*
Paul Gallay, *via Teams*
Wayland 'Bud' Gladstone
Karl Gockel, *via Teams*
Fred Huneke
John Verhoeven, *via Teams*
Shilo Williams, *NYC DEP, via Teams*

MEMBERS ABSENT:

None

OTHERS PRESENT:

Serena Orleski, *Easement Program Manager*
Bill Martin, *Easement Program Acquisition Coordinator*
Mike Morales, *Easement Program Stewardship Coordinator*
Matt Schaefer, *Land Conservation Stewardship Specialist*
Troy Bookhout, *Easement Program Conservation Planner*
Dennis Heinz, *Senior Land Stewardship Specialist, via Teams*
Amy Faulkner, *Director of Operations, via Teams*
Carol Bishop, *Finance Director, via Teams*
Michael Vander Werff, *NYS DEP, via Teams*
Paul Kaczmarczyk, *DOH, via Teams*
Morgan Zyzik-Tarbell, *DOH, via Teams*

PUBLIC ATTENDEES:

Nick Carbone, *Delaware County Watershed Affairs, via Teams*
Mark Tribe, *Ozymandias, LLC, via Teams*

I. CALL TO ORDER

The meeting was called to order at 10:03am.

II. INTRODUCTIONS

Shilo Williams was introduced by Michael V. as the new Asst. Commissioner for Source Water Protection at DEP and has been designated the Commissioner's representative to the WAC board. Shilo gave a brief introduction about herself.

III. APPROVAL OF MINUTES

Motion to approve the Minutes of the June 5, 2024 public meeting of the Easement Committee.

Motion: Fred Huneke

Second: Karl Gockel

Motion Carried

IV. ADDITIONS/DELETIONS TO AGENDA

- A. Update on approval/support from Dept. of Health for our successor contract SWP118, which will provide the ability to combine funding for Ag. and Forest easements into one source. This should create smoother interactions with Finance and allow us to prioritize based on scoring and ranking rather than funding type available.
- B. Update on recent approval of revised Easement Committee Charge. The updated charge gives the option to hold meetings bi-monthly. Serena mentioned she'd like to move in that direction but that will require further discussion of our current guidelines and provisions for additional staff approvals. Serena recommended creating a placeholder in next month's meeting to discuss that potential transition, but for now EC shall continue with monthly meetings.

V. CHAIR'S REPORT/PROGRAM MOTIONS

- A. Chair's Report
None

VI. DISCUSSION ITEMS

- A. Binding Dispute Resolution / DEC as Arbitrator

Serena provided a brief introduction of the topic, to be discussed in greater detail in executive session. Serena reiterated that our current model easement deed developed in 2010 contains a clause that names NYS DEC as a potential arbiter if someone were to request binding dispute resolution. She mentioned Ryan N. is in discussion with Tom Snow at DEC in attempts to formulate an agreement where this can be facilitated.

VII. STEWARDSHIP MOTIONS

- A. Wayland & Suzanne Gladstone (PID 6041): Agricultural Building & Improvements Request Outside of the ADA Greater Than 5,000 sq. ft.

Wayland 'Bud' Gladstone recused himself on this topic. Matt introduced this request to construct two covered, concrete feed lanes adjacent to their current covered barnyards. Previous projects on the property utilized the 5,000sqft as-of-right Ag structure allocations, requiring this request to come before the EC for approval. A site visit showed the proposed area is showing signs of rutting and surface water collection which this project hopes to alleviate. This project will be self-funded by the landowner. The ag planner, Dan V., included in his memo that this project conforms to the Whole Farm Plan. Since this will be attached to existing WAP-funded BMP's, the engineer who designed those barnyards will be making a site visit next week to ensure the additions won't compromise the existing structures. The motion was voted on immediately after discussion while Bud remained recused.

Motion to approve the request dated June 14, 2024, from Wayland Gladstone (PID 6041-00) to construct a new Agricultural Building or Improvement over 5,000 sq. ft. located within the Farm Area (“FA”) as presented and described in the Agricultural Building & Improvements Request Outside of the ADA Greater Than 5,000 sq ft memo dated June 18, 2024.

Motion: Fred Huneke

Second: John Verhoeven

Abstained: Wayland ‘Bud’ Gladstone

Motion Carried

B. Ozymandias, LLC (PID 6106): Solar array outside the Acceptable Development Area (“ADA”)

Troy presented this request to locate a solar array outside of the ADA for a residence. The floor was opened for any questions. Michael V. inquired about the cited section used for communication devices, since this array would serve the residence and associated buildings, was this considered an improvement under the residential section of the deed. Serena explained that section was utilized because solar panels aren’t mentioned explicitly in the CE, the Towers and Communications Devices section is used since it references “such similar device”, which is further detailed in our Guidelines to include solar panels. Therefore, solar arrays planned outside of the ADA can be requested under that section but requires WAC’s approval. She agreed with DEP’s interpretation that in this instance the array was essentially a utility solely for the residence and could be viewed as an accessory to the residence. The deed requires that residential structures and associated accessory buildings and improvements must stay within the ADA. Previously permitted arrays outside of the ADA have had agricultural components to them. Since the array would be serving as a utility for the residence only, at least upon initial installation, she thought the deed was clear that it would need to stay wholly within the ADA. Troy confirmed there are no current agricultural buildings on the property that this array could service.

Paul G. mentioned that even though a solar array might be utilized to service a residence, not all the energy produced by the array is utilized by the residence. In those cases, power would be sent back to the grid where it would benefit the whole community. Troy believed that any additional energy would be supplied back to the grid. A question was raised about the size of the array and if it could produce a surplus to which Paul shared his experience as an owner and educator where his experience has typically resulted in a “net zero” even with small arrays. Serena mentioned that this topic may require a larger discussion about how solar is or is not compatible with our conservation easement purposes.

Karl asked how this project was discovered, and Serena mentioned that this was discovered during a site visit. Serena opened the floor to Mark Tribe to speak to the Committee. Mark said he didn’t read the easement carefully enough and located the array across the driveway outside of the ADA. He also mentioned that if the project is not approved, it can be moved, but he believes it will be impactful to the Ag. fields on the property. He mentioned he doesn’t currently live at the property full time and plans to in 8-10 years develop some modest agricultural uses. He said he was trying to take advantage of “net metering” which is where you

use the grid as a battery, the residence doesn't have any so the excess power would go back to the grid. Tom expressed his appreciation of Mark's comments.

Motion to approve request to locate Solar array outside the Acceptable Development Area (ADA) on Ozymandias, LLC WAC eased property PID#6106 as described in the landowners' reserved right request letter dated June 17, 2024, and further detailed in the Memorandum dated June 18, 2024.

Motion: John Verhoeven

Second: Fred Huneke

Motion Denied by common consent.

VIII. STEWARDSHIP UPDATES

None

IX. EXECUTIVE SESSION (IX-XI)

Motion at 10:30am to go into Executive Session to discuss Violations/Legal Updates, Acquisition Project Motions/Updates, and Other Business.

Motion: Bud Gladstone

Second: Fred Huneke

Motion Carried

Motion at 11:03am to come out of Executive Session.

Motion: Bud Gladstone

Second: Fred Huneke

Motion Carried

X. VIOLATIONS/LEGAL UPDATES

None

XI. ACQUISITION PROJECT MOTIONS/UPDATES (MOTIONS IN PUBLIC MEETING)

ACE Project Motions

A. (PID# 6320): Land Plan Approval & Appraisal Authorization

Motion to approve the Land Plan for PID# 6320 as shown on the Land Planning Maps dated May 30, 2024, as presented, and authorize appraisal of an easement under the following scenario:

One (1) ADA consisting of ~13.23 acres, five (5) RPAs consisting of ~55.66 acres, two (2) FAs consisting of ~118.33 acres combined, and zero (0) additional tax parcels.

Existing		Land Plan		Total
Tax parcels: 1	+	Subdivision: 0	=	Tax parcels: 1

Residences: 1 + Residences: 0 = Residences: 1
ADA: 1 = ADA: 1

Motion: Bud Gladstone
 Second: John Verhoeven
Motion Carried

FCE Project Motions

- A. (PID# 6322): Land Plan Approval & Appraisal Authorization

Motion to approve the Land Plan for PID# 6322 based on the Land Planning Maps dated June 7, 2024, as presented, and authorize appraisal of an easement under the following scenario:

One (1) ADA consisting of ~8.05 acres, and one (1) FA consisting of ~165.17 acres, and zero (0) additional tax parcels.

<i>Existing</i>		<i>Land Plan</i>		<i>Total</i>
<i>Tax parcels: 2</i>	<i>+</i>	<i>Subdivision: 0</i>	<i>=</i>	<i>Tax parcels: 2</i>
		<i>ADA: 1</i>	<i>=</i>	<i>ADA: 1</i>

Motion: Bud Gladstone
 Second: Paul Gallay
Motion Carried

- B. (PID# 6318): Appraisal Approval, Offer Authorization and Purchase & Sale Contract Execution

Motion to approve appraisal, authorize offer, and execute contract for the purchase and sale of a Forest Easement for PID #6318, encompassing +/- 388.06 acres, at the full easement value of \$750 per acre.

Motion: Karl Gockel
 Second: John Verhoeven
Motion Carried

Updates
 None

XII. DISCUSSION/OTHER BUSINESS

- A. Q2 Dashboard and Success & Challenges Report

XIII. ADJOURNMENT

The meeting adjourned at 11:10am

The next meeting will be held on **Wednesday, August 7th at 10:00 a.m., via Teams**