Minutes of the WAC Easement Committee Meeting
November 3, 2021

Members Present via Zoom:
Tom Hutson, Committee Chair
Dave Cammer, Committee Vice-Chair
Fred Huneke
John Riedl
Bud Gladstone
John Verhoeven
Jeff Graff, NYC DEP

Members Absent: N/A

Others Present via Zoom:
Josh Gorman, Easement Program Acquisition Coordinator
Dennis Heinz, Land Conservation Stewardship Specialist
Mike Morales, Land Conservation Stewardship Specialist
Troy Bookhout, Easement Program Conservation Planner
Serena Orleski, Land Conservation Acquisition Specialist
Ryan Naatz, Interim Executive Director
Duncan Schmitt, NYC DEP

Public Attendees:
Morgan Zyzik-Tarbell, NYS DOH
Paul Kaczmarczyk, NYS DOH
Nick Carbone, Watershed Affairs

1. CALL TO ORDER
Meeting Called to Order at 10:07am.

II. APPROVAL OF MINUTES
*Motion to approve the Minutes of the October 6, 2021 public meeting of the Easement Committee.*
Motion: Bud Gladstone
Second: Fred Huneke
**Motion Carried**
III. ADDITIONS/DELETIONS TO PUBLIC AGENDA
Josh stated there is one stewardship update/addition; PID #6106. Troy will present. It is an initial discussion on a subdivision for the Houshmand property.

IV. CHAIR’S REPORT / PROGRAM MOTIONS
Tom stated no program motions.

V. DISCUSSION ITEMS
1. CAT 450 5-year Review:
   Josh opened the discussion: as EC knows, Rob and he had initially provided data to DEP. As he understands it the DEP Report is finalized and submitted. Jeff agreed: he believes it was submitted to WAC and that Ryan has the copy. Duncan added: correct. Ryan stated: they did submit [the report] last week; he has not had the opportunity to review. Thus, before he would distribute to this group it is prudent for him to review/talk through with DEP (if necessary). It is final and will be shared with the group shortly.

VI. STEWARDSHIP MOTIONS
1. PID #6094 – Former Michael Moriarty: Town of Middletown – Agreement for Payment of Fair Compensation
   (Discussion in Executive Session and vote in public, as noted by Josh and Tom)

   *Motion to approve the Agreement for Payment of Fair Compensation for Property Acquisition for the former Michael Moriarty (PID #6094) property, approved by the Town of Middletown, as described in the staff memo and attached materials dated October 19, 2021.

   Motion: Fred Huneke
   Second: Bud Gladstone
   **Motion Carried**

2. PID #6040 – Timothy D. & Christl Johnson – Final Subdivision Approval with Right of Way Materials

   *Motion to grant final approval for the subdivision request with required right of way materials submitted by Timothy D. Johnson and Christl Johnson (PID #6040) as described in the Easement Program Staff memo and the Timothy and Christl Johnson Subdivision Plan dated July 17, 2019. The landowner has provided the Easement Committee with a metes and bounds survey, prepared by a licensed professional surveyor at the landowner’s sole expense. Prior to the actual deed conveyance of the property, Mr. and Mrs. Johnson shall submit the proposed deed for WAC Easement Program Staff to review and approve.

   Mike presented this; he stated this is the final subdivision approval. They requested in July of 2019 for preliminary approval. The survey is included in this packet. This final approval is contingent upon the Johnson’s obtaining a right-of-way through this parcel. The language is
included in this memo, as well. That language will be included in the conveyance deed (for the right-of-way). Mike is still waiting on the final conveyance deed, from their attorney, so he can review. He reiterated: the attorney did send the language to be included. Right-of-way is called out on the survey in the packet. Tom inquired about the site plan; a lot of meadow/hayfield included. Mike replied: it is an 11-acre subdivision. Odd shape, that was approved, is because of the active water pipeline that goes from the RPA (that was existing prior to the easement). Johnsons can still farm that; that is why they are retaining a right-of-way, to have better access to those back fields. That right-of-way is an existing farm road (as it sits today). Mike emphasized: Johnsons are still going to be able to farm and pasture and again, reasoning for odd shape is because of the existing water pipe line (from the spring site to the bottling facility). Tom inquired about any vested rights. Mike replied: those were preexisting prior to the easement. The bottling facility was in place prior to the easement, as was the spring rights. Mike continued: spring also goes to different house sites on the property. It is a large spring, in title there is rights for Tim & Christl for the water supply for their house. It is something Mike will work with the new owner of water bottling facility – that all improvements (etc.) be vetted through EC/WAC . . . any new structures, for instance. (There was an amendment to ADA, for the water bottle facility, when they put an improvement outside of ADA; luckily, new version of ADA is big enough to include the driveway, etc.) Mike has been in touch with the owner of the water bottling facility who copies of everything including the easement deed.

Motion: John Riedl
Second: Dave Cammer
**Motion Carried**

VII. STEWARDSHIP UPDATES
1. PID #6156 – Emerald Isle LLC – Utility Easement
Dennis presented an update. After last EC he followed up with the NYSEG contact, Jason Powell, to inform him of what was presented at last meeting. He let him know of issues: conflicts with the right-of-way document and construction activities. In that conversation, Jason mentioned, for instance, that perhaps the use of pesticides could be removed from the right-of-way document or perhaps the access road could either be altered or not used. Dennis continued: it sounded like he had some answers to some of our [EC] sticking-points. Dennis has not heard another update, yet. Jason had suggested we might put together another offer packet to Mr. Merritt, which is what they did initially, and then we [WAC] would review it from there. Dennis also spoke with Mr. Merritt. He expressed some disapproval with the amount of time this has taken . . . Dennis agreed, but emphasized it seems we are moving forward. Jason didn’t really have any objections to the points raised. Again, still waiting to hear what NYSEG comes back with. Tom asked if Dennis felt the forest maintenance would be a clear cut situation/mechanical removal. Dennis replied: wouldn’t necessarily characterize it as that, will certainly clear large vegetation and anything that poses an obstacle for the installation of the poles; he does not know to what degree they are going to clear vegetation. When they come back with more information, some of that should be made clear (as that issue (clearing in RPA) was
addressed with Jason). John R. asked: is there a sense that NYSEG is feeling held-up. Dennis replied: hard to say. When he shared Mr. Merritt’s displeasure with how long it is taking, Jason (of NYSEG) did agree but do not think it is an issue at this point. If it was … I think he [Jason] would have stated that in our conversation. Dennis continued: we have to do our due diligence and in the end it took as long as it needed to, to be able to get us to get where we are; all we can do is move forward. Jeff asked about the issue raised regarding the FCEA and conservation purposes. He wanted to know if that was discussed and how they [NYSEG] would approach that issue. Dennis replied: not really NYSEG’s issue to address. Their plan is to do what they are going to do and it is up to the Committee to decide whether or not that action is in line with the terms of the easement or not. Dennis added: the fact that they have to have a maintenance plan in place to control the vegetation kind-of implies the fact that it wants to be forest; to say that it wouldn’t be forest anymore, hard to agree with that. He provided the analogy: if I cut my grass it is still lawn; just because I cut the trees doesn’t mean it is not forest. Jeff stated he just wanted to make DEP position on this clear and asked it be communicated. Dennis clarified, that he did share the minutes from the EC meeting, so he [Jason] is aware of the points that were made.

2. PID #6106 – Troy’s addition: Houshmand

Troy received a request for a subdivision. After discussion and meeting with Mr. Houshmand, he expressed his desire for a right-of-way, as well. There is also a FADA involved; appears it would be three reserved right requests coming up. Plan to bring it, as long as all material received in time, next month. Josh thanked him for keeping this on the radar. Troy added: Houshmand has 5 subdivisions as of right on this property; it is a large 600-acre property. It has 2 FADAs and he believes 4 additional residences; there are a lot of associated allocations for this property.

VIII. EXECUTIVE SESSION

Mike reported that Nick C. is in the waiting room.

❖ Motion to go into Executive Session at 10:24 am to discuss Violations/Legal Updates, Project Acquisition Motions, Acquisition Updates, and Other Business.

Motion: Fred Huneke
Second: John Riedl
**Motion Carried**

❖ Motion at 11:06 am to go out of Executive Session.

Motion: John Riedl
Second: John Verhoeven
**Motion Carried**

IX. VIOLATIONS / LEGAL UPDATES
X. ACQUISITION PROGRAM MOTIONS / UPDATES
   Ag CE
   None

   FCE
   None

   Updates
   Josh Gorman

XI. DISCUSSION / OTHER BUSINESS

XII. Meeting adjourned at 11:10 am
   Next meeting date: Wednesday, December 1, 2021 @ 10am (Location: TBD)