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NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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EXTENDED WATERSHED LAND ACQUISITION PROGRAM

JOINT LEGISLATIVE PUBLIC HEARING

2012 Public Water Supply Permit Application
and Draft Environmental Impact Statement

----- X

DATE: July 14, 2010
TIME: 6:10 p.m.
PLACE: Tri-Valley High School
34 Moore Hill Road
Grahamsville, New York

APPEARANCES: WILLIAM J. CLARKE, NYS DEC
ESTHER SISKIND, NYC DEP
DAVID S. WARNE, NYC DEP
DAVID TOBIAS, NYC DEP

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REPORTED BY: Michelle L. Conero

FILE NO.: A40598F

1 MR. CLARKE: If you can't hear me, please
2 speak up. We've only got one microphone on the
3 stage here.

4 UNIDENTIFIED SPEAKER: I can't hear a
5 word you're saying.

6 MR. CLARKE: How about now?

7 UNIDENTIFIED SPEAKER: You should have a
8 mike.

9 MR. CLARKE: Good evening. Thank you for
10 coming. My name is William Clarke, I am the
11 Regional Permit Administrator for the New York State
12 Department of Environmental Conservation. With me
13 this evening is David Warne, Assistant Commissioner
14 with the New York City Department of Environmental
15 Protection; Esther Siskin, also an Assistant
16 Commissioner with the New York City Department of
17 Environmental Protection; and Dave Tobias, also with
18 the Department of Environmental Protection.

19 Tonight we're holding a joint legislative
20 public hearing designed to take public comment on
21 the application before New York State by New York
22 City to continue the Land Acquisition Program and
23 the watershed. In addition, an environmental
24 impact statement has been prepared by New York City
25 as lead agency for review by the public.

1 I want to emphasize no final decisions
2 have been made, nor will they be made, until all
3 public comments have been received and have been
4 carefully considered and a response prepared.

5 You may have seen that the public comment
6 period has been extended. The new comment period
7 deadline is September 15th. That's September 15th.

8 Tonight we're going to be dividing the
9 proceedings into two parts. The first part is going
10 to be a public information presentation, both in
11 terms of the procedures that are being followed and
12 also by New York City as the applicant and the
13 environmental impact statement preparer, on some of
14 their analysis within the impact statement. At the
15 conclusion of that we will then be taking public
16 comment. We have folks that have signed up in
17 advance here tonight. We will take folks to come
18 up to the microphone here, give your name, we'll
19 take your statements, then if there's anyone else
20 that has not signed up, we'll also be taking your
21 statements. We can go over that in a few minutes
22 once the presentation is done.

23 Without much further ado, I'm going to
24 turn it over to David Warne from New York City.

25 MR. WARNE: Thank you, Bill. On behalf of

1 New York City DEP, I'd like to thank you for coming
2 tonight. We're very pleased to be here. We also
3 want to thank the folks at the Tri-Valley School for
4 allowing us to use this facility tonight.

5 As Bill said, we are here this evening for
6 the purpose of accepting public comment on the draft
7 environmental impact statement on the extension of
8 the New York City Watershed Land Acquisition
9 Program. We are interested in hearing your
10 comments. I encourage you all to take advantage of
11 this opportunity to make comments. Also, as Bill
12 said, there's an opportunity for you to submit
13 written public comments, and that comment period has
14 been extended through the middle of September,
15 September 15th. We really do want to hear and take
16 into consideration any comments that you may have
17 this evening.

18 In addition to the New York City folks
19 that Bill introduced, we're also accompanied this
20 evening by Matt Schwalb from our land acquisition
21 team, and Robin Levine from our counsel's office,
22 and Hillary Metzler from New York City Law
23 Department.

24 At the conclusion of the public comment
25 period we'll be happy to stay afterwards and

2 any questions or additional comments that you may
3 have.

4 So again, thank you very much for coming.
5 With that I'll turn it over to Dave Tobias.

6 MR. TOBIAS: Thanks, Dave.

7 Again, Dave Tobias with the City's Land
8 Acquisition Program. Thanks for coming.

9 The first thing I'd like to do is just
10 run through a bit of history to give you some
11 context of the Land Acquisition Program and where
12 we are today.

13 Very briefly, in 1989 the Federal
14 Government issued a surface water treatment rule,
15 and that applied to most cities around the country
16 and forced cities to address their water quality
17 issues by demonstrating protection of the water
18 supply, either through watershed protection or
19 facility treatment plants. In 1993 New York City
20 submitted its first water supply permit
21 application, and from there negotiations went
22 forward for the better part of four or five years.
23 WSP is water supply permit. MOA is an acronym for
24 memorandum of agreement, which was signed in 1997
25 by virtually all of the communities within the

1 watershed west of Hudson, and almost all east of
2 Hudson as well. We had a five-year filtration
3 avoidance determination issued by the US EPA at
4 that point, and a ten-year water supply permit was
5 issued. That water supply permit ended of course
6 in 2007, at which point it was extended for five
7 years. We are in that period now. 2002 we had a
8 five-year FAD issued, and in 2007 that became a
9 ten-year filtration avoidance determination. So we
10 are now at a period where we've been negotiating
11 with the stakeholders for the last several years
12 leading up to our application for the next water
13 supply permit. The current one ends in 2012 and the
14 next one is proposed to start then and run for ten
15 years.

16 Currently our program consists of the
17 following basic elements: It is first and foremost
18 I think we'd put willing seller/willing buyer.
19 It's the second on this list and it's most
20 important. That is to say landowners not interested
21 in speaking with us have no requirement or
22 obligation to do so. We can purchase fee simple or
23 conservation easements, two different forms of real
24 property interest. And I'll mention that we also
25 have two different conservation easement programs,

1 one run by the State -- I'm sorry, one run by the
2 City's DEP, which is our program, and one run by
3 the Watershed Ad Council, focusing on farm
4 easements. We are required to pay fair market
5 value as determined by independent appraisal firms
6 that we hire. They are not City employees. We
7 commissioned about a half dozen appraisal firms to
8 do the work of identifying fair market value for
9 every single property that we make purchase offers
10 on.

11 Eligibility. Properties must meet the
12 number of thresholds in order for us to move
13 forward. Again, first of all it is a willing buyer
14 program. That is to say that the City must be
15 interested in the property.

16 Beyond that, we also have a number of
17 thresholds. First of all, natural features
18 criteria. There are five natural features, four of
19 them related to water. So 300- foot buffers to
20 streams, 1,000 foot buffers to reservoirs, flood
21 planes, State or Federal designated wetlands, and
22 then the fifth related to slopes over 15 percent.
23 If a property doesn't have one of those natural
24 features, we can not pursue it.

25 Secondly, there are parcel size minimums

1 which are based on priority areas. Most of the
2 watershed is a 10-acre minimum, although exceptions
3 are allowed for properties that abut City-owned
4 lands.

5 And finally, there are a number of
6 designated areas throughout the west of Hudson
7 watershed where towns have identified properties
8 surrounding the population centers, usually hamlets
9 and villages -- and including villages, and set
10 aside those to exclude the Land Acquisition Program
11 to this point, at least in fee simple. That is to
12 say we could buy a conservation easement or we
13 could purchase a farm easement in those designated
14 areas, although not a lot of activity has happened.
15 So towns, to be brief, have had opportunities to
16 identify areas of population centers that are
17 effectively off limits to us. That includes the
18 Town of Neversink.

19 Local consultation is an important part
20 of our program. After we enter purchase contracts
21 we submit information packages on our pending
22 projects to local towns, giving them an opportunity
23 to view what we are about to do, what we are
24 planning to purchase. The local consultation
25 package effectively allows towns to review our

1 proposals for three main elements, one being our
2 proposed recreational uses, another being to make
3 sure that they have an opportunity to show that
4 what -- to identify where we have failed to adhere
5 to our requirements under the MOA, and finally to
6 give towns a heads up for any subdivisions that
7 might be coming their way within the purchase
8 contracts stage.

9 Property taxes. The City pays -- I know
10 there's been a lot of information, or
11 misinformation, out there, and we're very happy to
12 answer as much as we can tonight and going forward.
13 The City pays property taxes as assessed on every
14 real property interest that it acquires. So on fee
15 simple as well as conservation easements the City
16 pays taxes, and we can talk, if you'd like, after
17 about specifically what that means. We also have
18 an agreement already signed, and it's part of our
19 program, whereby we've agreed not to grieve taxes
20 for at least twenty years -- I'm sorry, for twenty
21 years from the purchase date. Not from 1997 but
22 from each purchase date. So if we buy something
23 today, that twenty-year period would expire of
24 course 2030. I'll get back to that point in one or
25 two slides.

1 Recreational use is also a very important
2 part of our program for all of the fee simple lands
3 that we purchase. We have open to date roughly
4 two-thirds of those. It is not our right to open
5 up lands that are under conservation easement.
6 Those remain effectively owned by a landowner in
7 terms of how the properties are used. But we have
8 opened two-thirds of the properties that we have
9 acquired so far in fee simple for recreational uses
10 and a variety of those.

11 Finally land use management. In addition
12 to recreational use on properties that we purchase
13 in fee, we try to integrate as much as we can with
14 local communities and economies. We have needs in
15 terms of managing our forests and making sure that
16 they are as healthy as they can be. We often bid
17 out timber projects on lands that we own in fee to
18 local companies. We also allow, in a number of
19 cases, farmers to come onto City property through
20 license or lease agreements and take hay, maple
21 syrup, firewood and other such resources. We are
22 engaged -- we have been engaged in over two years
23 of negotiations with the coalition of watershed
24 towns representing most, if not all, of the local
25 communities west of Hudson, and we have come up

1 with a number of proposed and/or potential program
2 changes that we want to mention because they are
3 part and parcel of our water supply permit
4 application.

5 First, we have agreed broadly that a
6 number of towns will be able to expand these
7 designated hamlets as were discussed before,
8 thereby being able to protect larger areas around
9 their population centers from the Land Acquisition
10 Program, both in fee simple and conservation
11 easement, possibly as well as the watershed -- the
12 farm easement program.

13 Again -- well I haven't mentioned it
14 yet but these are opt in/opt out procedures so that
15 going through time there will not be parcels
16 allowed to be swapped in and out but rather the
17 municipality will be able to vote to elect to
18 exclude the Land Acquisition Program on mass from
19 all of these parcels or none of the parcels.

20 Natural features. To date there have
21 been no fixed thresholds for natural features,
22 minimum natural features required on each parcel
23 that we pursue. At this point we are proposing
24 that at least 7 percent of a property must contain
25 water features, that is acreage within those water

1 features I mentioned earlier, wetlands, flood
2 planes, stream buffers. So if a property does not
3 have 7 percent of its surface area within a water
4 feature, nor does it have 50 percent of the
5 property in slopes over 15 percent, then we can not
6 pursue that project.

7 We are also preparing and negotiating for
8 several new programs in addition to those we've
9 already run for the past thirteen years. One is a
10 riparian buffer program which would focus on areas
11 surrounding streams. We are trying to develop ways
12 to increase land trust involvement so that land
13 trusts can perhaps act quicker, faster or in a
14 different way than the City has been able to work
15 before.

16 And finally, we are hoping -- not
17 finally. There's one more after this. The forest
18 easement program that would be run through the
19 Watershed Ad Council.

20 Finally, we have also, as a potential
21 program change, agreed that we would extend that
22 20-year no-grievance period for property taxes from
23 20 to 30 years from the acquisition date.

24 So that is a brief general description of
25 the program changes we are suggesting as part of

1 this water supply application -- permit application
2 process.

3 I won't spend too much time on this. I'm
4 sure you've all seen this map before. It outlines
5 the different priority areas within the west of the
6 Hudson watershed. The areas in bright red and
7 purple are high priority. There is 1-A and 1-B,
8 the tan -- the various shades of tan, 3 and 4,
9 which cover most of the watershed.

10 East of Hudson is mostly comprised of the
11 Croton system with two areas, one to the north, the
12 West Branch Boyd Reservoirs, and one to the south,
13 Kensico, which are connected to the Catskill-
14 Delaware system.

15 I won't bore you with all of these
16 numbers, but to show that we have -- we originally
17 had a requirement to solicit 355,000 acres. It was
18 not a requirement that we were to purchase any
19 single acre but that we were to solicit, and where
20 landowners were interested in speaking with us
21 further, we had an obligation to speak with them
22 further, appraise the properties, make the purchase
23 offers and step into contract. So there's been
24 again no requirement that we purchase a single acre
25 but rather that we step into voluntary discussions

1 with landowners if they are interested and we have
2 an interest in purchasing.

3 So what you see here is that we have
4 solicited -- we finished our solicitation of
5 355,000 acres. We actually have moved on from
6 there and solicited another 120,000 odd acres
7 totaling about 475,000 so far. From that pool, as
8 of July 2009, which is where we set our date to
9 analyze, because we had to set a date in time to
10 look forward and backwards from, and that was a
11 year ago when we started our environmental
12 analysis, as of that time we had acquired 80,700
13 acres, give or take.

14 This is how the Acquisition Program looks
15 as divided up on a reservoir basin basis. So you
16 can see basically this runs opposite. East is
17 Kensico to the left, and west is Cannonsville to the
18 right. And actually, the furthest bar on the right
19 is the total across the watershed. The lower part
20 of each bar in bright green is the amount of each
21 basin that was protected by the City as of 1997.
22 The next segment is what the Land Acquisition
23 Program was able to add since 1997 . And finally,
24 the bright yellow bar is what has been protected,
25 for the most part, for a very long time by others

1 such as New York State. So what you might find
2 interesting about this is that as you move from
3 east to west, again opposite across this chart, the
4 protection levels go down so that in West Branch,
5 for example, roughly 47 percent -- this is not West
6 Branch. Neversink or Delaware. This is West
7 Branch on the east side of the Hudson. Roughly 47
8 percent of that basin is protected by both the City
9 and others, 65 percent for the Ashokan basin
10 running down to about 16 percent in Cannonsville.
11 So you can see the difference that the Land
12 Acquisition Program has been able to make on a
13 relative scale from each basin and watershed.

14 In terms of where we've been and where we
15 think we're headed, through last year we followed
16 fairly strictly the MOA -- the solicitation
17 schedule laid out in the MOA. We moved from higher
18 to lower priority areas, basically from east to
19 west across the watershed, and we had been
20 operating watershed wide. From this point on we
21 envision ourselves moving away from those areas
22 that you just saw recently primarily that had been
23 -- that are relatively highly protected and into
24 basins that are relatively lesser protected. So
25 we'll be concentrating west of Hudson and generally

1 the westerly parts of west of Hudson. We think
2 that we've solicited virtually all of the lands
3 that we will be pursuing in the future. That is to
4 say that we don't envision soliciting any new
5 properties but rather are soliciting properties and
6 landowners we've had contact with for quite awhile
7 in some cases.

8 I will now hand it over to Esther Siskin.

9 MS. SISKIN: Hello. Tonight I'll be
10 giving a summary of the draft environmental impact
11 statement, and I'll be focusing on the four areas
12 that you see here, water quality, socioeconomic
13 conditions, community character and the
14 alternatives analyses. For those of you who have
15 not seen a copy or read a copy of the EIS and would
16 like to do so, you can download the EIS on the
17 website that's listed here, and we also have CDs at
18 the desk up front that you can pick up on your way
19 out.

20 With respect to water quality, land
21 acquisition is well documented in the literature as
22 a water quality protection measure. The EIS
23 contains many citations showing the benefits of
24 land acquisition with respect to water quality
25 protection. The citations listed here are from the

1 National Research Council, SUNY Yale and the Center
2 for Watershed Protection. I'll just read the one
3 from the National Research Council which was
4 established by the Federal Government. "Purchasing
5 private land is one of the most important non-
6 structural tools used to protect a watershed. A
7 Land Acquisition Program is potentially one of the
8 most successful strategies for source water
9 protection."

10 In addition, the way we've approached the
11 design of the program where we avoid purchases in
12 hamlet designations is considered to be a smart
13 growth measure. By avoiding purchases in those
14 areas the land can be utilized for what it's
15 historically been used for, which is commercial
16 development, affordable housing and other types of
17 residential, nonresidential development. That
18 avoids sprawl type development in outlying areas.

19 For the socioeconomic impact analysis we
20 looked at four main evaluations. We looked at the
21 impacts of the Land Acquisition Program on the
22 amount of developable land in each town. We looked
23 at impacts on land prices, housing prices and
24 affordability. We looked at impacts on land
25 intensive industries such as agricultural, forestry

1 and mining. And we also looked at impacts on local
2 government revenues.

3 We conducted a number of interviews to
4 support the environmental impact statement. Hugh
5 O'Neil, president of Appleseed, is our economic
6 consultant, and he talked to many people in the
7 watershed in preparation of the EIS. We also
8 reviewed many documents at the town, the village
9 and the county level and from other organizations
10 in the watershed.

11 So as I mentioned, one of the key
12 analyses that we did was looking at the impacts of
13 the Land Acquisition Program on the amount of
14 developable land, and it was a five-step analysis.
15 We started off by determining how much developable
16 land existed in each of the towns in the watershed
17 today. We next projected how much housing demand
18 there would be through the year 2022, which is the
19 timeframe for our water supply permit. We looked
20 at how much land we'd be acquiring out into the
21 future, through 2022. Again, that takes us to the
22 end of the permit period. And then what we did was
23 we subtracted the housing demand and the land
24 acquisitions from the amount of developable land
25 today to figure out how much would be remaining in

1 the year 2022. And then what we did was we did a
2 more detailed assessment of the most affected
3 towns.

4 In order to figure out how much
5 developable land was available in each town, we
6 first started with the land uses that typically get
7 developed. Obviously vacant land, low-density
8 residential land, and for certain towns we also
9 included agricultural land where the impacts would
10 have been higher if we did include agricultural
11 land. So that served a pool of potential land
12 uses. From that we subtracted out undevelopable
13 lands which include 100-foot buffers around water
14 courses and 300-foot buffers around reservoirs and
15 reservoir systems because the watershed regulations
16 limit impervious surfaces in those areas. We also
17 excluded wetlands, DEC and Federal wetlands, slopes
18 greater than 15 percent, flood planes and low
19 infiltrating soils.

20 As I mentioned, we projected how much
21 land we would be acquiring through the year 2022.
22 Dave Tobias reviewed the first two columns of
23 numbers with you that show how much land we've
24 acquired to date, or this is actually through July
25 2009. Then we projected how much we would be

1 acquiring over the next twelve years. What we did
2 was we've assumed in this analysis that we would be
3 acquiring more land over the next twelve years than
4 over the past twelve years. DEP does not expect to
5 do that, but what we did was we created a high-end
6 projection, also what's known as a reasonable worst
7 case scenario. For purposes of the EIS we were
8 required to do that, the reason being that we
9 didn't want to underestimate the impacts of our
10 program. So this shows the results of that
11 analysis. On average, over the 34 towns that we
12 looked at, they have about 84 percent of their
13 developable land remaining, and every town had at
14 least 65 percent of their developable land
15 remaining. We then did, as I mentioned earlier,
16 town level assessments for 19 towns that were the
17 most impacted. This map shows the 19 towns.
18 Neversink was one of them. We ensured also a good
19 geographic coverage across the watershed. And this
20 is the results of the town-level assessments. For
21 those towns where DEP was -- had higher rates of
22 land acquisition, the towns essentially fell into
23 two general categories. Certain towns had a low-
24 growth projection, they tend to be the more rural
25 towns, and so there was obviously less of an impact

1 between land acquisition and growth in those towns.
2 And then in towns where there was a higher growth
3 rate, we found that the hamlet expansions would
4 limit the conflict between growth and land
5 acquisition in those towns because that is
6 typically where the growth tends to occur.

7 We also did an analysis of land and
8 housing prices. The way we did that analysis was
9 that we divided the watershed into regions based on
10 general economic trends and then we looked at
11 similar regions outside the watershed. So we did a
12 comparison of inside the watershed to outside the
13 watershed, looking at the land and housing prices
14 over the past decade. Land acquisition was
15 implemented at a time of rising land and housing
16 prices, and we found that there was similar
17 statistical trends both inside and outside the
18 watershed, and that the rising prices were most
19 closely correlated to the second home market. So
20 towns where there was a stronger second home
21 market, those towns tended to have higher, more
22 greater increases in prices.

23 As I mentioned, we talked to affordable
24 housing organizations. We learned that most of the
25 affordable housing tends to occur in the hamlet --

1 designated hamlet expansion areas. So those would
2 tend to help avoid impacts from the program.

3 In terms of agriculture, as you're aware,
4 agriculture has been declining in the watershed
5 over the past few decades. The program through the
6 Watershed Agricultural Council easements helps to
7 reduce or minimize some of those effects. And also
8 for some of the purchases that DEP makes in fee, we
9 do allow some amount of certain types of
10 agricultural uses on those lands.

11 For mining and forestry we did look at
12 the purchases that we have made to date. There
13 were only a handful or fewer cases where DEP
14 purchased a mine that was previously active. We
15 have not purchased any active mines. And in some
16 cases DEP allows, with certain restrictions, mining
17 on conservation easements. So there did not appear
18 to be, basically in the analysis we did, a
19 potential conflict between our program and the
20 supply of mining sites.

21 And then forestry. Most of the land that
22 we purchased is forested. We've opened over 1,700
23 acres of City-owned land to the forestry industry.

24 Community character. It's difficult to
25 summarize community character on a regional level

1 but we did find some recurring themes as we went
2 through those various planning documents. Many of
3 them I've touched on already in the presentation.
4 Revitalizing hamlets and village centers,
5 preserving rural character and the high-quality
6 natural environment, preserving agriculture and
7 other working landscapes, and in general, based on
8 the design of the program, we found a lot of
9 programs consistent with goals.

10 Many of the town planners also discussed
11 the need for outdoor recreational activities. DEP
12 has opened up over two-thirds of its lands that we
13 purchased under the Land Acquisition Program for
14 recreational use, and plan to continue to do so
15 with the new lands we acquire under the new permit.

16 And then economic development and
17 affordable housing I touched on earlier.

18 We did look at east of Hudson in the EIS.
19 East of Hudson is less of a focus in the program
20 going into the future. We plan to purchase roughly
21 about 1,500 acres compared to over 8,000 acres
22 already purchased east of Hudson, and it would
23 affect about four towns.

24 Lastly, the alternatives evaluation. We
25 looked at four alternatives. The no action

1 alternative. DEP considers the Land Acquisition
2 Program to be a key element of our filtration
3 avoidance determination, and we believe that if we
4 were to eliminate that program it would jeopardize
5 our filtration avoidance. So the no action
6 alternative speaks to that.

7 We looked at a lesser impact alternative
8 that said purchasing fewer properties would of
9 course result in fewer impacts.

10 We looked at a greater impact alternative
11 which I will explain in a minute, and an
12 alternative with no hamlet expansions. For the
13 greater impact alternative we looked at extending
14 the Land Acquisition Program for another five
15 years. Instead of 2022, extending it through 2027.
16 That could be done under renewal of our permit. We
17 looked at increasing the land purchases by 10
18 percent during that period, which we believe is
19 highly unlikely given that the projections that we
20 performed for the program were very large. This
21 analysis showed that even with these increased
22 purchases there would still be on average 80
23 percent of the developable land remaining at the
24 end of that time period and each town would have 60
25 percent of their land, at minimum, remaining. Of

1 course this program could result in a greater
2 potential for conflict between land acquisition and
3 new development.

4 We looked at an alternative that did not
5 include the hamlet expansions. We did this because
6 the hamlet expansions are currently under
7 negotiation. While DEP fully supports the hamlet
8 expansions, because those negotiations haven't been
9 concluded we looked at a scenario that did not
10 include them. So if there weren't -- if the hamlet
11 expansions were not part of the program, DEP
12 wouldn't be allowed to purchase land within the
13 hamlet expansion areas. That increases the risk
14 that the development that tends to occur in those
15 areas, such as commercial businesses and affordable
16 housing, would either be shifted to other parts of
17 the town or outlying areas, or could potentially
18 not occur at all.

19 So with that, we look forward to hearing
20 your comments. We look forward to receiving your
21 comments in writing through September 15th.

22 I'll turn it over to Bill.

23 MR. CLARKE: Thank you. If you have
24 questions, many of the -- about the presentation, at
25 the conclusion of the hearing, staff will be

1 available. We'll come down off the stage. Feel
2 free to come up to the front and ask questions.

3 We are going to start. I'm going to call
4 out names, obviously, and ask you to come up one at
5 a time to the microphone. We do ask that everyone
6 show the utmost courtesy and respect for each
7 speaker. We are here to listen to your comments, and
8 everyone will be heard. As I mentioned earlier, no
9 final decisions have been made, nor will they be
10 made, until we have heard from the public, you the
11 public, and we have carefully considered all
12 comments.

13 If you want to submit written comments
14 tonight, you may do so. You can simply summarize
15 what your comments are. Written and oral comments
16 have equal weight. As I mentioned earlier, we have
17 extended the comment period to September 15th. So
18 if you leave here thinking of additional things
19 you'd like to say to us, please, you have that
20 additional time to do so.

21 So without further delay, I'm going to
22 call the first individual who signed up to make a
23 statement, Joy Ann Monforte.

24 Please state your name for the record.

25 MS. MONFORTE: Joy Ann Monforte .

1 The references used in this extended New
2 York City Watershed Land Acquisition Program are a
3 little misleading. It is nice to see on pages
4 4-120, 121 and 122 that you so eloquently quoted the
5 Town of Denning comprehensive plan, yet you failed
6 to mention the plan makes no reference to the
7 permanent removal of property from future
8 development.

9 The comprehensive plan was developed to be
10 a guide for future planning, land use and to manage
11 the growth that does occur so that it compliments
12 the rural characteristics of our town. This did not
13 imply the permanent removal of developable lands,
14 which is the object of your planned acquisition
15 program.

16 Our developable land is extremely limited
17 with 73 percent already protected, and much of what
18 is not undeveloped due to flood planes, stream
19 management, steep incline, et cetera. With these
20 limits, the removal of every single acre from future
21 development greatly affects the existence of our
22 town, reducing future tax revenue. To compensate
23 for this loss in revenue would greatly overburden
24 the existing residents and their descendants.

25 After your projected purchases by the year

1 2022 we will only have the protection of 4.2 percent
2 total land in our entire town for future
3 development. Totally unacceptable. And you fail to
4 point out through the next 100 years or more
5 diminishing annually at the minimum projected rate
6 of .3 percent in 20 years, our town will cease to
7 grow, and again the revenue to maintain the
8 infrastructure would be a great burden on our
9 existing rural community.

10 Our town is currently working on revising
11 its current zoning laws. These revisions, which we
12 have been working on for the past few years and hope
13 to enact in the near future, will protect the
14 natural resources of our town without removing the
15 land from future development. I would hope that the
16 town's new zoning laws would be taken into
17 consideration before your plan is adopted.

18 I have a few questions. In the Town of
19 Denning is the additional 5,046 acres to be
20 purchased from 2010 to 2022 as proposed in your
21 program in accordance with the new 10-year
22 filtration waiver from the EPA? And is the 5,046
23 acres including some of our developable lands in
24 addition to the amount of lands already agreed to in
25 the '97 MOA?

1 Thank you.

2 MR. CLARKE: Thank you for your comments.

3 The next person who wishes to make a
4 statement is Jacqueline Totten.

5 MS. TOTTEN: I will (inaudible).

6 MR. CLARKE: Okay, that's fine.

7 The next person who signed up is Bill
8 VanAken.

9 MR. VanAKEN: Hello. I'm Bill VanAken and
10 I'm a resident here. I live in the Town of Denning.
11 I've lived in the Town of Neversink most of my life.

12 This hearing was not advertised at all the
13 proper way. I would like to have another hearing,
14 probably in October if it's possible, and to have it
15 advertised in the local papers. It's very
16 important. This affects the future of the town. You
17 are not going to slide this thing through like you
18 slide everything else through.

19 Filtration, that is the future. You also
20 have on the land acquisition for the last few years,
21 is that going to be taken back over by the State
22 since you do work for the DEC? On many of the
23 surveys it says DEC and DEP. The DEC lands is
24 assessed for \$300 to \$700 an acre, which is six
25 years behind the times. Are you going to put that

1 back to the previous assessment of the State or are
2 you going to keep the DEP land assessment?

3 You don't realize the affect you have on
4 all the towns and these schools. The future
5 generations are at stake. The future generations
6 are like the eagles, they're going to be extinct
7 because of what you're doing. Filtrate. You do not
8 manage your land properly.

9 First off, the last ten years you've had a
10 lot of mercury in the fish. That mercury comes from
11 your operations. The last ten years you've also
12 sprayed herbicide around all the reservoirs. If a
13 private citizen did that they would be arrested.
14 You do not manage any of your lands properly. You
15 need to get local people involved. You need to
16 employ more local people. You do not employ enough
17 local people.

18 There's many other things also involved.
19 You have to have another scheduled hearing for
20 public input and output. What you've done is
21 totally wrong. Thank you.

22 MR. CLARKE: Thank you for your statement.
23 The next person who signed up to make a statement is
24 Steven Bogk. I hope I pronounced that right.

25 MR. BOGK: Yes. Thank you. Thank you.

1 My name is Steven Bogk, I'm a resident of the Town
2 of Denning. You did pronounce my name right. Thank
3 you.

4 Joy, I want to thank you for the wonderful
5 comments. Joy was able to touch on many of the
6 comments that I was going to talk about, so I'll
7 paraphrase.

8 First I'd like to say I believe your
9 methodology in determining developable land is
10 flawed. I think Joy's highlights bring that to your
11 attention. If you truly want to know what
12 developable land in terms of what the town can
13 realize for future revenue income, you have to look
14 at land that's accessible and usable for housing. To
15 incorporate all the land privately owned is skewing
16 the numbers in your favor, and it throws everything
17 off in regards to the fact that I think you are
18 attempting to put the towns out of business. All
19 right. So that's the one comment that I'd like to
20 make.

21 It's disenheartening to see there's
22 inconsistencies, numerous errors in the document,
23 much of which was taken from the comprehensive plan.
24 It's nice that you didn't spend a lot of time on it,
25 but at least correct the errors and make the numbers

1 from one page to the other, it would look a little
2 more professional on your part.

3 Thank you.

4 MR. CLARKE: Thank you for your comments.

5 The next person who signed up is Eric
6 Goldstein.

7 MR. GOLDSTEIN: Thank you. My name is
8 Eric Goldstein and I work with the Natural Resources
9 Defense Council which is a national non-profit
10 environmental organization. For 40 years NRDC has
11 focused on a variety of public health and natural
12 resource issues, particularly water quality
13 protection and drinking water safety, both around
14 the nation and the world, and indeed throughout New
15 York State.

16 We're submitting a detailed written
17 comment but I will tonight make three main points.
18 The first is to restate the importance of the
19 extended Land Acquisition Program to the health and
20 the economy of New York City and New York State.
21 The six reservoirs and the lands that drain into
22 them that compose the Catskill-Delaware watersheds
23 is the nation's largest municipal water supply
24 providing drinking water to 9,000,000 downstate New
25 Yorkers. That's half the State's population. It

1 provides 1,000,000,000 gallons a day and it's
2 priceless both to upstate residents and to downstate
3 residents. The primary line of defense for
4 safeguarding this resource is land acquisition and
5 protecting the forest, meadows and streams in their
6 natural state. The U.S. Environmental Protection
7 Agency, the National Academy of Sciences, the
8 American Waterworks Association and experts from
9 around the country have all concluded that the land
10 acquisition is an indispensable and essential
11 element to providing a safe drinking water supply
12 for our people. This is consistent with the concept
13 of pollution prevention. It's cornerstone provision
14 of environmental science and environmental
15 hydrology. It says let's keep pollution out of our
16 reservoirs and our drinking water supplies rather
17 than trying to clean them up at the end of the line.
18 It's especially necessary for the New York drinking
19 water supply, which is one of only five major
20 metropolitan areas in the United States that has an
21 unfiltered drinking water supply.

22 New York City has had a very successful
23 Land Acquisition Program since 1997, however New
24 York City and New York State in total are now
25 protecting approximately 34 percent of this

1 watershed, and it's for that reason that the U.S.
2 Environmental Protection Agency and the State
3 Department of Health have said that in order to
4 safeguard the downstate drinking water supply, a
5 continuation of this Land Acquisition Program is
6 necessary.

7 My second point. NRDC has concluded from
8 our preliminary review that the draft environmental
9 impact statement is consistent with State
10 environmental law. The department has prepared a
11 draft environmental impact statement, although there
12 was a question as to whether it was legally required
13 to do so. We believe it makes sense to do so from
14 many public policy standpoints, and they have done
15 that. The department has drafted -- its draft
16 environmental impact statement is consistent with
17 the public scoping document. There were hearings
18 throughout the watershed on the scope, which is the
19 outline or summary of what should be included in
20 this EIS. Those hearings were held around the
21 watershed. In many cases people commented on what
22 should be in this document so that the department
23 would explore all of the relevant issues, and from
24 our reading the document is consistent with that
25 scope or that publicly approved outline. The

1 department has properly analyzed the reasonable
2 alternatives to this project, which is another
3 cornerstone requirement of the State Environmental
4 Law, and in our view it has correctly concluded that
5 continuation of this program at the current level of
6 effort would not have significant adverse
7 environmental impacts. Nevertheless, and even
8 though no mitigation is required under those
9 circumstances, the City has been engaged in
10 extensive negotiations with representatives of the
11 watershed community for the past two years and is
12 making significant adjustments to this program,
13 hamlet expansion areas being one. In other words,
14 there will be significantly extended areas
15 identified by the towns themselves which will be
16 completely off limits to this program. In addition,
17 the natural features criteria, the basis for
18 deciding which lands should be solicited, will be
19 adjusted according to the requests of the towns
20 based on sound science so that the City is in fact
21 seeking to acquire through fee or through easement
22 those properties that have the most direct
23 connection and link to drinking water quality
24 protection.

25 And finally on the process side, the City

1 has agreed to extend the comment period through
2 September 15th which was a request of one of the
3 lawyers from the Upstate Coalition of Watershed
4 Towns.

5 Last point. The City's environmental
6 impact statement draft and the extended land program
7 are consistent with the concept of upstate/downstate
8 partnership. In 1997 when the upstate communities,
9 and the governor, and the mayor and environmental
10 groups signed a peace treaty of sorts, it was based
11 upon the desirability and the mutual benefit that
12 all parties recognized to both safeguard this
13 drinking water supply and avoid filtration, and do
14 so in a partnership spirit. This extension of the
15 Land Acquisition Program is consistent with that
16 partnership.

17 First, this continues the willing buyer/
18 willing seller approach to land acquisition. The
19 City is not going to acquire a single acre of land
20 unless there's a willing seller who is interested in
21 selling.

22 Second, this program will help the City
23 avoid a \$10,000,000,000 to \$15,000,000,000 capital
24 expense and therefore enable the City to expend
25 funds for upstate projects that directly benefit

1 watershed communities. The City is forced to filter
2 this program. The money that is now being spent
3 throughout the watershed on a wide range of water
4 quality and other projects will simply dry up.

5 Third, this program, its extension, helps
6 preserve one of the greatest assets of this
7 Catskills region, its spectacular rivers and
8 streams, its majestic forests and its natural
9 resources. These are the most important aspects in
10 terms of a sustainable economic future for the
11 region.

12 As the nation's population, as the
13 region's population grows in coming decades, it's
14 going to be tourism and recreation along with
15 farming that provide the core economic engine for
16 this community. Therefore, lands that are protected
17 by the City and made available for recreation will
18 be part of the economic engine for the Catskills in
19 the future as opposed to thinking of them as an
20 economic block.

21 Fourth, one concern that we've had
22 expressed is that continuation of this program would
23 take up so much land that it would interfere with
24 future growth and development. As the DEIS
25 demonstrates, and we believe these facts are

1 accurate, lands to be acquired over the entire
2 extended Land Acquisition Program represent about 11
3 percent of the currently available west of Hudson
4 developable land. In other words, of the lands now
5 available for development, this program, if it's
6 successful, would only remove 11 percent of that
7 developable land, meaning, if my math is correct, 89
8 percent of developable land would still be available
9 for development at the end of this program. And
10 significantly, the City would continue to pay real
11 property taxes on all of these lands and easements.
12 Indeed in fiscal year 2009, the last year for which
13 data is available, the City paid \$2,450,000 to west
14 of Hudson counties, towns, villages and school
15 districts, just in that single year alone, as
16 payments on lands that it has acquired in the
17 previous version of this program.

18 And finally, let's remember that the Land
19 Acquisition Program is only one element of the
20 Watershed Protection Program and only one element of
21 the partnership. We expect other water quality
22 measures, including septic system rehabilitation and
23 other programs that economically benefit the
24 watershed communities, will continue for many years
25 to come.

1 We value the partnership that the City and
2 the watershed communities have developed since 1997.
3 We believe this program is consistent with this
4 partnership. While we know that there will be
5 policy differences between various stakeholders from
6 time to time, we look forward to working with the
7 City and with our watershed friends as the process
8 for developing this final Land Acquisition Program
9 moves forward. Thank you very much.

10 MR. CLARKE: Thank you. The next speaker
11 is Charles, I believe it's -- I think it's VanAken.

12 UNIDENTIFIED SPEAKER: VanAken.

13 MR. CLARKE: VanAken. Sir, if you stay
14 seated we can bring the mike to you.

15 MR. VanAKEN: Maybe you ought to put it by
16 the front door.

17 Good evening. Charles VanAken, landowner
18 and taxpayer. I've lived here all my life. My
19 ancestors lived here.

20 MR. CLARKE: Please state your name for
21 the record.

22 MR. VanAKEN: Charles VanAken. Charles R.
23 Get it right.

24 I've got several things. This thing here
25 I don't think was advertised correctly.

1 Another thing. I just took this little
2 article out of the paper. It says today they're
3 going to have to spend \$20,000,000,000 to filtrate.
4 Back in `97 the figure was \$8,000,000,000. If you
5 built it in `97, you could have built two-and-a-half
6 filtration plants by now and employed some people
7 and left us alone up here in the mountains.

8 The land that you're taking, from what I
9 understand, you keep saying you're paying the taxes.
10 Well I'll tell you what, you don't pay full value on
11 the reservoir. I'm sure you don't pay full value on
12 this -- on all these buildings we have here in
13 Neversink. And also understand the taxes does not
14 increase like our landowners' taxes increase with
15 value. That means the taxpayers in Neversink, for
16 every parcel you sell or buy we are subsidizing.
17 And the use of the roads by your people in the town
18 is probably at least 20 percent, because I live on
19 Sundown Road and all I see is DEP vehicles all hours
20 of the day. I'll tell you, you could save a lot of
21 money by just finding these people a real job.

22 Another thing. You've got to filtrate.
23 One of the things when we fought you people back
24 years ago, and I was one of them, the water coming
25 into the Rondout was supposed to have a 62-day

1 circulation period from the top to where it goes out
2 the overflow. That was what they kept predicting,
3 it takes 62 days to go through this reservoir
4 system. Back in 2009 we had a flash flood. Seven
5 days it circulated. It showed the turbulent mud was
6 going up that chain. So that means your operations
7 are all wrong.

8 Also, the City does not live up to what
9 you say you're going to do. The people in the Town
10 of Wawarsing, you don't turn your funnel system
11 down. You're afraid it's going to collapse. People
12 have been flooded out of their homes. And you
13 really don't -- you really don't work with the
14 people. You're trying to buy land up. It's our
15 future is that maybe our kids would like to have
16 some day.

17 Another thing is we've got to live under
18 your regulations. We are not getting paid from our
19 springs going into your reservoir. I'm sure if we
20 had oil we would be getting paid for it.

21 Another thing is I think we ought to move
22 a little natural gas to pay some stuff in this
23 country here, put some people to work.

24 Everything you do is for the City of New
25 York and forget us up here. There's no more land

1 should be purchased anywhere. You people got to
2 filtrate and filtrate. That's what you have to do.

3 I'm going to send a letter to you but I
4 don't think it's probably going to do any good
5 because any public hearing I ever went to on the
6 City, you people just damn well did what you wanted
7 to do. I can't understand how you can endanger
8 9,000,000 people by not having the filtration.

9 I want to say about the gentleman before
10 me, I think he was hired by New York City to give a
11 little spiel. Thank you.

12 MR. CLARKE: Thank you for your comment.

13 The next person who signed up to give a
14 statement tonight is Richard Coombe.

15 MR. COOMBE: I remember well that night --

16 MR. CLARKE: Your name for the record.

17 MR. COOMBE: Richard Coombe, Town of
18 Neversink. I can remember well that night here in
19 Tri-Valley School, about 750 people, Bob VanAken and
20 many others were there, including myself who was
21 running the meeting.

22 I just want to restate what Eric said.
23 Agriculture, tourism, forestry. The low-density
24 land use patterns are critical to the future of your
25 watershed protection, to the life of those of us

1 that are indigenous to this area. I know my great
2 grandfather lived here in Grahamsville, and my
3 grandmother was born here back in the later 1800s.
4 The VanAkens and many others go way back.

5 We need to have a livelihood in the
6 watershed in order to keep the low-density land use
7 patterns, in order to protect 9,000,000 people's
8 water, and that has been shown to be the case with
9 many of the watershed protection programs, the
10 septic system and land acquisition, et cetera.

11 I would just urge you all to remember that
12 we have rights, and dreams, and hopes here also, and
13 that it's critical that you continue the partnership
14 programs with the upstate communities.

15 I'll just add one tonight for tourism, a
16 great boom for the Rondout/Neversink watersheds.
17 About 50 percent of your capacity which goes through
18 would open up the Neversink Reservoir for boating
19 and recreation. I would urge you to consider that
20 in the future. Also biking trails around the
21 reservoirs so that we could have bed and breakfasts,
22 we could start selling more produce at farm stands,
23 and along with that additional workers. A true
24 partnership means two ways. You're getting our
25 water, it's important that we get your economic

1 stimulus in order to keep the low-density land use
2 patterns.

3 I would agree that it was not well
4 advertised. If my son hadn't mentioned it to me I
5 wouldn't have known about it. I live right here in
6 town. I traveled the whole world on watershed
7 protection. I'm pleased to hear you extended this
8 to September 22nd because of the fact that it is
9 important to our lives, and it's also important to
10 your filtration avoidance.

11 Thank you very much.

12 MR. CLARKE: Thank you for your statement.
13 We finished with the folks that signed up on the
14 cards. Does anyone else wish to make a statement
15 this evening, if you could raise your hand.

16 Yes. You, sir. Please come down to the
17 mike.

18 MR. METNASH: Jim Metnash, Town of
19 Neversink.

20 MR. CLARKE: I'm sorry, your name again?

21 MR. METNASH: Jim Metnash.

22 MR. CLARKE: Thank you.

23 MR. METNASH: One thing that Dick just
24 brought up is the recreational thing. I just
25 stumbled on or thought about to open the reservoirs

1 up to the public in order to create jobs for future
2 generations, not my generation but my grandchildren
3 and great grandchildren.

4 Another thing is to try and get this land,
5 which I understand you're trying to do, is more
6 properly left in the villages, or accessible
7 building lots, let's put it that way ,the City
8 should not be buying because that's taking away from
9 my great grandchildren. The Coombes got a big
10 family. There's a lot of other big families.
11 There's not going to be anything here 20 years or 50
12 years from now for them to make a living. That's my
13 main concern. Thank you.

14 MR. CLARKE: Thank you for your statement.

15 Anyone else who wishes to make a statement
16 this evening?

17 Yes, please.

18 MS. MUTHIG: Dorothy Muthig. Mine is
19 purely recreational. A few years back we had a
20 hearing in the town hall and it was for -- we
21 mentioned all the land that you're acquiring. We
22 had snowmobile trails. We still do have some
23 snowmobile trails, but on land that you've taken
24 we've lost our snowmobile trails. You tore down our
25 bridges, you've done other things, and the more you

1 acquire the less we have to ride on. We don't harm
2 anything, we don't do anything, and this is -- you
3 do say that you're providing recreation but you're
4 not. You're really taking it away from us. We
5 would like to -- you had said years ago that you
6 were going to at least talk with us and provide some
7 things for us. You haven't done that and it doesn't
8 sound like you plan to in the future. Thank you.

9 MR. CLARKE: Thank you for your statement.

10 Anyone else who wishes to make a statement
11 this evening?

12 MS. LEMPKE: I'd just like --

13 MR. CLARKE: Come up to the microphone,
14 please.

15 MS. LEMPKE: That's not necessary.
16 Georgia Lempke. I'd just like to --

17 MR. CLARKE: We can't really hear your
18 name. If you could come up to the mike, please.
19 Thank you.

20 MS. LEMPKE: Georgia Lempke. I'd just
21 like to -- I guess I know why your hearing was
22 taking place. I didn't pay too much attention to
23 what advertisement was done.

24 But aside from that, all too often people
25 in the Town of Wawarsing, the Town of Denning and

1 the Town of Neversink, in particular Liberty,
2 Fallsburg, travel great distances in order to attend
3 a hearing. So on the flip side of the coin I would
4 like to express my appreciation for having one of
5 the hearings in Neversink, which that allows all the
6 individuals that I just mentioned not to be able to
7 have to drive so far to express or to listen. Thank
8 you.

9 MR. CLARKE: Thank you for your statement.

10 Anyone else who wishes to make a
11 statement?

12 Yes, ma'am.

13 MS. TOTTEN: Hi. My name is Jackie
14 Totten. I have a question. The land acquisition,
15 after 2022 when it ends, I would like to know what
16 your next step is. You bought all the property that
17 you can. What's your next step? Do you need
18 another reservoir? I just -- I'm curious. That's
19 it.

20 MR. CLARKE: Thank you very much.

21 Anyone else who wishes to make a
22 statement?

23 (No response.)

24 MR. CLARKE: Going once. Yes, please.

25 MR. BOTSFORD: It's Robert Botsford. My

1 palms are sweaty, so that always tells me I've got
2 to get up and say something no matter what, even
3 though I don't like getting up here.

4 I sit on the planning board here in the
5 Town of Neversink and I would -- as I'm listening to
6 you folks I really wonder why we all didn't get some
7 kind of earlier public hearing or something to be
8 notified to us or through the town. I can't really
9 blame it all on you because I'm sure you let the
10 township know that you're all coming here with this
11 public hearing. So I believe we've got to leave a
12 little of that public notice to our officials in the
13 town.

14 I happen to be one of the -- I'm going to
15 get off the land acquisition because I sit on the
16 planning board so I know the dos and don'ts of what
17 you can do with a 15 slope -- 15 percent slopes and
18 everything, and a willing seller/willing buyer.
19 That's up to the individual. I believe that if you
20 want to sell you sell, if you don't you don't.

21 Communication. I'm going to jump probably
22 back and forth a little bit. There we go back to
23 communication and trying to work with each other.
24 You guys are here. I finally realize that we're
25 neighbors, and hopefully we can work together. But

1 I think there should be a lot more communication
2 going on.

3 And the basics. Keeping to the basics. I
4 think around the watershed there's so much going on
5 and so many different rumors that I believe you guys
6 have taken the brunt of it for a long time, and I
7 don't believe that's really true. I think it's
8 between the communication and the basics of
9 everybody.

10 I happen to be on -- we had a sewer
11 extension here, and I don't really know, and I've
12 been trying to find out for a long time, exactly if
13 it was forced on us or if it wasn't forced on us. I
14 understand it was the DEP somehow.

15 But if we're looking to the future, I have
16 a perfectly good system that I paid hard money for
17 and I have to pay to hook up. I'm talking for 104
18 people here because this past week I've tried to
19 have a meeting for the people and I waited a little
20 bit too long. There's 104 people in this township
21 that have to pay out their own money to hook up, and
22 then they also have to destroy their systems. The
23 CWC has put in different systems around here that
24 were \$20,000, \$30,000 systems and they're being
25 destroyed. When we go around and we ask -- there's

1 another couple people trying to help me out here to
2 find out certain things. What's the back-up plan
3 if the sewer system does go bad? Well, it won't do
4 that, it's not going to happen. Well, the Twin
5 Towers weren't going down either, were they? The
6 Gulf wasn't going to have all kinds of oil, was it?

7 So I guess my point being is that I hope
8 we can work together. I've come a long way. If I
9 was standing here now about 10 years ago, 15 years
10 ago I'd be screaming and yelling and thinking that
11 you're some kind of evil person up there and all
12 that. Now I've grown up enough to know that you're
13 doing your job, I've got to do mine.

14 I'm just going to throw a little bit out
15 there, too. I sent a couple of certified letters to
16 the DEP right here local June 30th. I've not heard
17 any response back from them. Some town officials,
18 June 30th, haven't heard anything from them. So
19 this is where I get back to the basics of
20 communication. I guess no one wants to take the ball
21 and say, or make a commitment.

22 I guess I'll just end up with the famous
23 words that I've heard from a lot of lawyers lately.
24 It depends on how you interpret it. Well, I
25 interpret I'm going to go until I find out all the

1 answers and have the knowledge so I can talk to you
2 folks, talk to the town folks to know instead of
3 rumors and not being angry at everybody, just so we
4 know what is what. This is a very simple program
5 for how I'm taking it but I have a little knowledge
6 behind there. For someone that doesn't have the
7 knowledge, they need the communication to understand
8 that it's a very simple program, what you're asking
9 for. Thank you.

10 MR. CLARKE: Thank you for your statement.

11 Do we have anyone else that wishes to make
12 a statement this evening?

13 (No response.)

14 MR. CLARKE: Going once, twice.

15 (No response.)

16 MR. CLARKE: Okay. There being no further
17 statements this evening, I do remind folks that the
18 public comment period remains open until September
19 15th. You see the contact information up on the
20 slide there. I believe there's some handouts in the
21 back. We will again not make any final decisions
22 until we've heard from you, the public, and
23 carefully considered the comments.

24 Staff will be available following the
25 hearing. If you have questions, we will come down

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off the stage. This is a little daunting up here
with the barrier. It wasn't really intended that
way but it's the way the theater is laid out.

We do appreciate very much your courtesy
tonight and welcoming us into your community. Thank
you and good evening.

(Time noted: 7:20 p.m.)

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C E R T I F I C A T I O N

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: July 25, 2010