

STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION NINE
44 HAWLEY STREET
BINGHAMTON, NEW YORK 13901-3200
WWW.NYS DOT.GOV

JOHN R. WILLIAMS, P.E.
REGIONAL DIRECTOR

ASTRID C. GLYNN
ACTING COMMISSIONER

December 23, 2008

Honorable William Stanton, Mayor
Village of Margaretville
PO Box 228
773 Main Street, Gottfried Bldg.
Margaretville, New York 12455

Dear Mayor Stanton:

RE: ADOPTION OF COMPREHENSIVE PLAN, SUBDIVISION REGULATIONS, AND ZONING LOCAL LAW AMENDMENTS FOR THE VILLAGE OF MARGARETVILLE, DELAWARE COUNTY SEQR LEAD AGENCY REQUEST, NOTICE OF COMPLETION OF DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT NYSDOT CASE SEQR #08-022

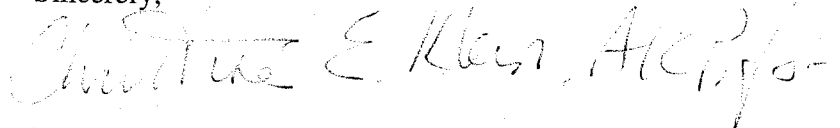
We agree that the Village of Margaretville Village Board should assume Lead Agency status for the above-named project. We have reviewed the Draft Generic Environmental Impact Statement and offer the following comments:

- The Comprehensive Plan, particularly the first recommendation in Chapter Four, discusses the "Route 28" bridge. After contacting the consultant who prepared the report, it was determined the bridge is actually the Route 30 bridge over the East Branch of the Delaware River (BIN 1053430). The report should be revised or clarified accordingly. We are starting the process to add this bridge replacement project to our capital program. At this time, we anticipate the project will be let in 2015/2016.
- On Page 103 of the Comprehensive Plan, NYSDOT is listed as a funding source for the first three projects in the table. The Village may wish to list Transportation Enhancement Program as a more specific NYSDOT funding source.

- Our Department has two capital projects programmed in the Margaretville area. As the projects are developed, we will work with the Town, Village, and other stakeholders through our Public Involvement Team.
 - PIN 904464, Route 30 over Binnekill. This project proposes to replace the bridge in Margaretville. Pedestrian facilities will be considered. The project is currently scheduled to be let in April, 2014.
 - PIN 904455, Route 30 over Broad Creek. This project proposes to replace the bridge and approach slabs. The project is currently scheduled to be let in November, 2014.

If you have any questions, please do not hesitate to call Christine Klein of our Regional Planning & Program Management Office at (607) 721-8259.

Sincerely,



Pamela M. Eshbaugh, P.E.
Regional Planning & Program Manager

PME/CEK/jab

c: J. Kabanek, Region 9 Structures Engineer
T. Giblin, Region 9 Design Office
J. Fitzgerald, RPPMO
M. Bowers, RPPMO
B. Richter, Schoharie County/Delaware North Resident Engineer
D. Mason, Schoharie County/Delaware North Assistant Resident Engineer
File – SEQR 08-022
Blue



**Department of
Environmental
Protection**

465 Columbus Avenue
Valhalla, New York
10595-1336

**Steven W. Lawitts
Acting Commissioner**

Tel. (718) 595-6565
Fax (718) 595-3557

Bureau of Water Supply

**Paul V. Rush, P.E.
Deputy Commissioner**

Tel (914) 742-2001
Fax (914) 741-0348

January 27, 2009

Honorable William H. Stanton, Mayor
Village of Margaretville Board of Trustees
Village Hall
P.O. Box 228
Margaretville, New York 12455



**Re: Village of Margaretville Comprehensive Plan - DEIS
Village of Margaretville, Delaware County, NY
DEP Log#: 2006-PE-0309-SQ.1**

Dear Mayor Stanton and Members of the Board:

The New York City Department of Environmental Protection (NYCDEP) has received from the Village of Margaretville Board of Trustees (Board) the Draft Generic Environmental Impact Statement (DGEIS) for the above-referenced project. The proposed action is for the Comprehensive Land Use and Action Plan for the Village of Margaretville which includes recommendations for zoning and subdivision laws. The Village of Margaretville has prepared the DGEIS as part of the SEQRA process to determine potential impacts associated with adoption of a Comprehensive Plan.

Based upon the review of the materials received, NYCDEP respectfully submits the following for your consideration:

Comprehensive Land Use and Action Plan:

1. One of the goals expressed in the Comprehensive Plan is to increase tourism by promoting and enhancing recreational areas. The impact of increased visitation especially with regards to the increased amount of parking lots and impervious surfaces located in the town and along the bordering waterways should be addressed. A drawing showing where the extra vehicle areas will be located and careful planning should be involved to avoid roads, sidewalks, or parking lots which run into wetland habitats and within 100 feet of such areas or watercourses. Additionally, to promote such uses, environmental and resource protection is necessary to provide sustainability and renewability. Water quality, habitat enhancement of trout populations, and fisheries provide for sustained economic benefits. It is important to provide for continuing environmental quality of both land and water to ensure that any sustainable growth will be consistent with the character, setting, and health of the community.



www.nyc.gov/dep

(718) DEP-HELP

2. As outlined in Chapter 3, promoting water quality and protecting natural resources is consistent with the Comprehensive Plan vision. Since many of the recreational opportunities are directly tied or in close proximity to water resources, municipal planning and protection of the resource should be strengthened by involving NYCDEP beyond city land-use permitting (e.g. including stormwater protection and management). This would be accomplished through implementation of the recommendations of the Stormwater Inventory Report as outlined on page 48 of the Comprehensive Plan. Similarly, adoption of the Stream Corridor Management Plan is highly recommended.
3. One of the recommendations in this Chapter is to “Develop a Green Infrastructure Plan.” A bullet under this heading is to “Connect, interpret and develop a contiguous park and trail system within the Village” by instituting an “ongoing tree planting program to provide shade in the summer and to support a pedestrian-friendly environment.” It is not stated whether there is an intention to use native tree species in this program, how these trees will be maintained in a healthy condition or what measures will be used in the event of insect or disease infestation or when trees near the end of their lives, thus becoming a safety hazard to pedestrians rather than a benefit to the Village. Non-native species, such as Norway maple or Norway spruce, can cause a kind of ecological pollution that is detrimental to habitats of wildlife and native understory plants and can become widespread in the environment as their seeds are carried off-site by wind, water, animals and humans. Consideration of such issues should be part of this plan and, the plan should specify the type of proposed trail surface.
4. Chapter 3, Section II: Smarter Growth and Land Use contains a recommendation to “Determine whether the Site Plan Review Law is consistent with the Comprehensive Plan.” One of the objectives under that heading refers to promoting “landscaping of properties that are slated for construction activities,” curbing the “removal of street trees,” etc. More discussion should be given to when and how to apply such ideas. For example, invasive species or hazardous dead or dying street trees should not be given the same consideration for planting or retention on a site as healthy native and/or non-invasive trees or shrubs. “Planted buffers between uses” can serve to screen unsightly activities from public view but can also be traffic hazards or can be unsightly themselves if not properly maintained. Consider adoption of specific landscaping guidelines that will allow for appropriate uses without encouraging landowners to misuse plants or leave those trees that will be safety hazards or impact the surrounding native habitats.
5. Chapter 3, Section III: Building Community Character includes a recommendation to “Clean the Village up.” Provide additional language regarding planting trees and shrubs to include a recommendation that only native non-invasive species be used.
6. In general, this section of the document provides little information about existing conditions of the natural resources and, while there are numerous recommendations

about specific enhancements to vegetation through planting trees, there is little or no reference to controlling incursion or expansion of invasive species, such as Japanese knotweed, or maintenance of existing resources through planned management. There is no mention of enhancement of wildlife or native plant habitats nor reference to rare species and how they might be protected and/or enhanced through the Comprehensive Plan. Please consider adding such concepts.

Village of Margaretville DGEIS

1. Section 3, "Description of the Environmental Setting" does not discuss the presence of wetlands or the potential for rare plant and animal species (the NYSDEC Environmental Resource Mapper indicates the presence of several within the Village) and does not address potential impacts or mitigation efforts that might be used to protect these resources. These issues should be addressed.
2. Section 5, "Description of Mitigation Measures" stormwater and sediment and erosion control measures have not been included in the section on Surface Waters on page 15. A method for enhancing the existing relationship between NYCDEP and the Village should be included. In addition, erosion control measures should be applied to all areas of disturbance along wetlands and streams. All soil stockpiles associated with construction should be as far away as possible from wetlands and watercourses. Soil stock piles and disturbed soils should be stabilized with a non-invasive species of perennial rye-grass.
3. Tree and shrub planting lists should be provided. It should be encouraged that all plantings should be native and non-invasive and should match the existing soils present in Margaretville. Planting should occur in adequate growing seasons and conditions.
4. An assessment of wetland types and size should be performed in the Village while there is planning for proposed development activity. Delineations of surrounding wetlands may be required to update defined and mapped areas.

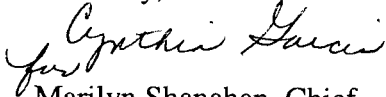
Existing Zoning Law

1. Consider amending the purpose to include "minimizing impacts to the environment".
2. Section 9.06 Swimming Pools – Since chlorinated pool water could affect stream biota if discharged to a stream or affect biological organisms at a wastewater treatment plant, consider adding a section on dewatering of swimming pools to require that chlorinated swimming pool water be de-chlorinated prior to any discharge.
3. Submission Requirements under Section 7.06-3 (i) (2) - water supply system should include a list of known tributaries in the NYC watershed including Waters Index Number from NYCRR.

NYCDEP is available for further consultation on the matters raised in this letter and expects to be fully involved in the SEQRA process as an Involved Agency. Please notify me of any public meetings regarding this project so that NYCDEP may participate fully in this process. In addition, please copy me on behalf of NYCDEP on all correspondence related to the SEQRA review between your agency and the applicant.

Thank you for the opportunity to provide comments. Please contact Ms. Cynthia Garcia of my staff at (914) 773-4455 if you have any questions or care to discuss the matter further.

Sincerely,



for
Marilyn Shanahan, Chief
SEQRA Coordination Section

xc: Margaretville Planning Board
Town of Middletown Town Board & Planning Board
Delaware County Planning Department
New York State Department of Environmental Conservation – Region 4

Village of Margaretville

From: "Carolyn Konheim" <csk@communityconsulting.org>
To: "Mayor Bill Stanton" <villageofmargaretville@catskill.net>
Cc: "Peg Ellsworth" <peg@markproject.org>; "Nan Stolzenburg" <nan@planningbetterplaces.com>
Sent: Friday, January 30, 2009 5:30 PM
Attach: comments on Village plan.doc
Subject: Comments on final draft of Margaretville Comprehensive Plan

Dear Mr. Mayor and Village Board:

Although the final draft does not address the flaws in the plan for public comment that I reported to you in the attached letter to you in October, I urge that the Board approve it and remedy it through the augmented Town Comprehensive Plan as I recommended below in October. It is too important for any grants just to have an approved plan.

While the section on recommended actions makes a brief mention of coordination with the Town, there is no recognition of the importance of participation in the Town comprehensive planning process, as well as collaborating with a dozen other public and private initiatives that will greatly affect the village. Village planners should participate in an evolving proposal that could fund some missing elements of the Village plan and integrate the many individual efforts into a combined strategy with the power to turn around our struggling economy. The proposal seeks to do this by obtaining far more funding than the current low budget plans to expand the services of the two outstanding planners now working on the other comp plans (the Town and Fleischmanns). It would give them adequate resources to augment the plans and tackle the underlying threats to our survival posed by NYCDEP and disproportionate part-time home ownership. The product would be a well-researched realistic economic survival strategy. Which entity in the area would take the lead has to be determined, but an effort of this scale must be undertaken or these "comprehensive" plans will leave us with only generalized wish lists.

3/25/2009

**Carolyn S. Konheim
602 Fox Ridge Road
Margaretville, NY 12455**

October 31, 2008 (rev. 11/2/08)

Hon. William Stanton
Mayor
Village Hall
773 Main Street
Margaretville, NY 12455

Re: Comments on draft Comprehensive Plan for the Village of Margaretville

Dear Mr. Mayor:

This letter is to clarify and augment my verbal comments at the Village Planning Board hearing on the draft comprehensive plan on October 16th. I think you know nobody wants this plan to succeed more than I do. Although I could not be a member of the advisory committee because we reside in the Margaretville zip code, not the Village proper, I was a welcomed and vocal participant at as many meetings as I could get to and contributed much background material to the consultant. They know I care passionately about the future of Margaretville.

When the Catskill Watershed Corporation announced their low budget grants to produce separate Town and Village comprehensive plans, I urged the Supervisor of the Town of Middletown and you as Mayor of Margaretville to achieve a more adequate budget by combining the funds and scope. *Margaretville can't be understood without considering the surrounding area on which it depends.* While NYCDEP can not acquire land within villages and hamlets, its land acquisition in the surrounding area is depleting the full time population of the region, depriving Margaretville businesses and institutions of their client base. *The pervasive impact of watershed restrictions is a structural deficiency of the area that the plan fails to address and consequently limits the Village's ability to realize the plan's Vision.*

The draft plan's 200 ± Next Steps are a compendium of basically good big and small things to do, but they are not prioritized, probably in part, because they are so numerous they are difficult to grasp. The Vision statement is comprised of two feel good sentences that do not provide much direction. It is not translated into goals and objectives. Without a Needs Statement that defines obstacles and is the basis of Goals and Objectives, the plan provides no way to prioritize recommended measures. *The bewildering array of Next Steps is not a plan. More work is needed to mold one.*

The draft plan does not react to the dramatic loss in the Village population from the 660 assumed in the plan to 555 (2007 census est.). That's a 1/6 loss of people; 105 fewer, which equates to 42 fewer households. But there are not 42 vacant homes in the village. Who make up the disappearing 105? Were their houses purchased by part-time residents, which the census doesn't count? Are they part of the imbalance of 50-60% second home sales that represent the second unaddressed structural deficiency of the area. The lack of attention to the consequences of this phenomenon jeopardizes the effectiveness of recommended actions. It may also result in missing opportunities of part-time residents. A survey by Delaware County indicated that 1/3 of part-timers intend to retire here. This is consistent with second home areas nationwide. Based on interviews, the NY Times concludes this choice is largely determined by the extent of weekenders' pre-retirement community involvement. *The findings suggest there would be significant economic—as well as social-- value in developing a systematic strategy to engage new and established part-timers in community activities.* The benefit of doing so is evident in the synergy of part and full time members of the Citizens Initiative for Community Space that worked from concept to completion of the Park Pavilion in record time.

The draft plan does not provide location-specific policies to guide the review of zoning and proposed projects. A principal element of a comprehensive plan prescribed by State Village Law is: “(c) The existing and proposed location and intensity of land uses.” There are similar location-specific requirements for housing, public facilities, recreation, schools, health care and transportation. The consultant to Margaretville, indeed, distributed a graphic of the 10 steps of a comprehensive plan that shows the intended product of the planning process is a land use plan. In fact, this draft plan defers evaluation of land use laws (zoning) to future studies. While the draft plan recommends enhancing housing options, it doesn’t say how much, where and what should be done. Thus, the draft plan does not articulate the location-specific land use policies that were anticipated to resolve whether a project is consistent with the comprehensive plan. Instead, the draft plan defers a land use plan to the smorgasbord of the 200+ action steps. The measures are also predominantly proactive economic and social measures that the current Village Planning Board adamantly insists are beyond its jurisdiction. (In fact, State law advises that comprehensive plans should include: “(1) Specific policies and strategies for improving the local economy in coordination with other plan topics.”)

In designating implementing responsibilities, the draft plan surprisingly calls for creating an LDC as if MARK has not provided that service for 25 years. However, in assigning tasks to MARK and any other entity, it should never be assumed, as the draft plan does, there is No Cost to the designated organization just because the task fits into its ongoing programs. An estimate should be made of the anticipated level of effort, whether salaried or volunteered, before asking for a commitment.

While the section on recommended actions makes a brief mention of coordination with the Town, there is no recognition of the importance of participation in the Town comprehensive planning process, as well as collaborating with a dozen other public and private initiatives that will greatly affect the village. Village planners should participate in an evolving proposal that could fund some missing elements of the Village plan and integrate the many individual efforts into a combined strategy with the power to turn around our struggling economy. The proposal seeks to do this by obtaining far more funding than the current low budget plans to expand the services of the two outstanding planners now working on the other comp plans (the Town and Fleischmanns). It would give them adequate resources to augment the plans and tackle the underlying threats to our survival posed by NYCDEP and disproportionate part-time home ownership. The product would be a well-researched realistic economic survival strategy. Which entity in the area would take the lead has to be determined, but an effort of this scale must be undertaken or these “comprehensive” plans will leave us with only generalized wish lists.

Margaretville and its neighbors have to start thinking bigger. We need to demand far more compensation for use of our assets. We have to raise the economic floor and get more money into circulation by paying people more. The entire economy prospers by replacing minimum wages with Living Wages. We must become more impatient for change. CICS showed that with good partners and a clear goal, this community could design, fund and build a \$300,000 Pavilion in six months. We can do this for the whole village if we have a clear plan. We all have more work to do.

Sincerely,

Carolyn Konheim

cc: Village Board, Village Planning Board

Village of Margaretville

From: "Kent Manuel" <kent.manuel@co.delaware.ny.us>
To: "Ann Ruzow Holland" <aholland@willex.com>
Cc: "Karen McMurray" <villageofmargaretville@catskill.net>
Sent: Wednesday, January 28, 2009 3:51 PM
Subject: County PB comments on Margaretville plan

Ann,

In anticipation of the January 31st comment deadline, I sent the County Planning Board copies of the Village Plan and requested that all comments be forwarded to me by this week. To date I have received feedback from a handful of members; in general, they all stated that the plan read well. The following specific comments were also provided:

Pg.20 concern over granting of façade easements; better to work with current owners on improvements w/o ownership transfers

Pg.36 Local examples are also available (Delhi Fair on the Square)

Pg.58 #7, last sentence: Remove "s" from "takings"

Pg.71, Resolve the safety problems with truck usage of the Route 28 Bridge; should this be Route 30?

Parking expressed as an issue throughout, and needs clear follow through into Goals & Strategies.

The plan is on the County Planning Board's February 4th meeting agenda, at which time they will make an official recommendation to the Village. Please let me know if you have any questions, Thanks.

Kent Manuel, Senior Planner
Delaware County Planning Department
P.O. Box 367
Delhi, NY 13753
(607) 746-2944
(607) 746-9652
kent.manuel@co.delaware.ny.us

This message is being sent by the Delaware County Planning Department. It is intended for the exclusive use of the recipient and may contain privileged and confidential communications or is otherwise exempt from disclosure.

If you are not the intended recipient or a person responsible for delivering this message to the recipient, you are not authorized to read, copy, print, or transfer this message and any attachments. If you received this message in error, please notify us immediately by email and discard any paper copies and delete all electronic files of the message and any attachments.

Thank you.

1/29/2009

Village of Margaretville

From: "Ann Ruzow Holland" <aholland@willex.com>
To: "Village of Margaretville" <villageofmargaretville@catskill.net>
Sent: Friday, February 20, 2009 2:48 PM
Subject: DCPB

From: Kent Manuel [kent.manuel@co.delaware.ny.us]
Sent: Monday, February 09, 2009 9:56 AM
To: Ann Ruzow Holland
Subject: RE: Delaware County Planning Board Comments
Ann,

Their meeting minutes are still draft but the comments provided at the meeting were reiterations of the comments sent before. Here is the excerpt from the draft minutes:

"The Board commented that the Plan does not focus enough on important issues such as parking and is too detailed about issues less important. The Board also felt that the Plan should have mentioned more local communities as opposed to out of State communities. Motion by Don Kearney to approve with the recommendation that the Village Planning Board review the specifics of the Plan to see how it coincides with the local communities, seconded by Pat Miele. Motion carried."

Let me know if you have any questions, Thanks.

Kent Manuel, Senior Planner
Delaware County Planning Department
P.O. Box 367
Delhi, NY 13753
(607) 746-2944
(607) 746-9652
kent.manuel@co.delaware.ny.us

This message is being sent by the Delaware County Planning Department. It is intended for the exclusive use of the recipient and may contain privileged and confidential communications or is otherwise exempt from disclosure.

If you are not the intended recipient or a person responsible for delivering this message to the recipient, you are not authorized to read, copy, print, or transfer this message and any attachments. If you received this message in error, please notify us immediately by email and discard any paper copies and delete all electronic files of the message and any attachments.

Thank you.

From: Ann Ruzow Holland [mailto:aholland@willex.com]
Sent: Monday, February 09, 2009 9:35 AM
To: Kent Manuel
Cc: 'Village of Margaretville'
Subject: Delaware County Planning Board Comments

Good Morning Kent:

Hope things are good with you. I'm wondering when we might receive the final comments from the Board as I'm preparing to summarize and respond to all the comments received and wanted to include DCPB as well.

Thanks for the status and update.

Best,
Ann



DELAWARE COUNTY PLANNING DEPARTMENT

Highway Department Building • P.O. Box 367 • Delhi, New York 13753
Phone (607) 746-2944 • Fax (607) 746-8479 • Email: pln@co.delaware.ny.us

DELAWARE COUNTY PLANNING BOARD

- DATE:** February 4, 2009
- TIME:** 7:00 PM
- PLACE:** Delaware County Highway Building
- CPB:** Harold Bedford
Pat Miele
John Reynolds
Art Edel
Don Kearney
Mark Lee
- STAFF:** Shelly Johnson-Bennett
Kent Manuel, Senior Planner
Justin Shaw, Planner
Michael Jastremski, Planner
Jessica Ulmer, Administrative Assistant

Harold Bedford opened the meeting of the Delaware County Planning Board at approximately 7:00 PM.

Minutes

The December 2008 meeting minutes were reviewed. Motion by John Reynolds to approve, seconded by Art Edel. Motion carried.

Nominations

Pat Miele nominated John Hamilton and Harold Bedford as co-Chairs, and Art Edel as Vice Chair. The Board decided that they did not want to have two co-Chairs and that they would like to have John Hamilton as Chairman and Harold Bedford as Vice Chairman. Motion by Mark Lee to have John Hamilton be Chairman and Harold Bedford to be Vice Chairman, seconded by Art Edel. Motion carried.

General Municipal Law 239 Reviews

Referral from the Village of Delhi Board of Trustees, presented by Kent Manuel for an Amendment to the Village Code. The Board is proposing some changes to their Village Code Book. Motion by Mark Lee to approve, seconded by Don Kearney. Motion carried.

Referral from the Town of Delhi Planning Board, presented by Kent Manuel for a Site Plan Review for Clark Companies. Property is located on NYS Route 10. The applicant is proposing to build a 60'x100' addition to an existing pole barn near the rear of the property. Motion by Don Kearney to approve, seconded by Art Edel. Motion carried.

Referral from the Town of Bovina Planning Board, presented by Justiti Shaw for a Subdivision for Ruth McCracken/Land Gateways, Inc. Property is located on County Highway 5 and has additional frontage on Scutt Mountain Road. The applicant is proposing a 2-lot subdivision. One lot is 50.72 acres and the other is 261.23 acres and is going to be sold to New York City. The 50.72 acre-lot has an existing house on it. Soils tests were done on the vacant lot. The County Highway Department has not been asked to look at the access to the proposed vacant lot. Motion by Mark Lee to approve pending the access approval from the County Highway Department, seconded by Don Kearney. Motion carried.

Referral from the Village of Deposit Board of Trustees, presented by Shelly Johnson-Bennett for an Adoption of a local law to permit Laundromats/dry cleaners in C-B District. Motion by Mark Lee to approve, seconded by Art Edel. Motion carried.

Referral from the Village of Margaretville Board of Trustees, presented by Kent Manuel for an Adoption of the Village's Comprehensive Plan. Nancy Gallup and Art Edel submitted their comments to Kent prior to the County Planning Board meeting. Comments included that the Plan does not focus enough on important issues such as parking and is too detailed about issues less important. The Board also felt that the Plan should have mentioned more local communities as opposed to out of State communities. Motion by Don Kearney to approve with the recommendation that the Village Planning Board review the specifics of the Plan to see how it coincides with the local communities, seconded by Pat Miele. Motion carried.

Referral from the Town of Sidney Planning Board, presented by Shelly Johnson-Bennett for Subdivision for Roy and Martina Kruger. Property is located at the intersection of County Route 23 and Crane Hill Road. The applicant is proposing a 2-lot subdivision to subdivide 6.16 acres out of a 31-acre lot to give to their daughter. Soils tests have been done. The applicant is proposing a shared driveway. The Town Planning Board received a letter from the Highway Superintendent stating that he recommends a shared driveway due to drainage issues. A maintenance agreement will be filed with the deeds. Motion by Pat Miele to approve with the condition that there is a maintenance agreement filed with the deeds, seconded by John Reynolds. Mark Lee abstained. Motion carried.

Other/New Business

The Town of Bovina has sent a Lead Agency Request to the County Planning Board for the Donald Farley/Coulter Brook Road Subdivision. Motion by Mark Lee for the Town to be Lead Agency, seconded by Art Edel. Motion carried.

O'Connor Legal Defense Fund: The O'Connor Legal Defense Fund was adopted in 1992 to help municipalities with legal expenses if needed. The amount allowed to a municipality is \$1,000 as a 50/50 match. The County Planning Board is proposing to increase that amount to a maximum of \$5,000. Stipulations will apply such as if a town/village were to go against the advice of the Delaware County Planning Board/Department and encountered a law suit, they would not be eligible for funds. The municipality must be participating in the TPAS program. The Planner working with that municipality will make the recommendation. Motion by Art Edel to approve the amendments to the use of the Legal Defense Fund, seconded by John Reynolds. Motion carried.

O'Connor Rail Road Project: Don Bishop took the Planning Department on a tour of his Rail Road proposals to bring tourism to Delaware County. Delaware County Department of Economic Development will be working on this project as well. Some of the proposals include horseshoe turns and the Merickville tunnel. A committee will be formed for the project. Don Kearney and John Reynolds are interested in being on the committee.

Motion by Pat Miele to adjourn, seconded by Mark Lee. Motion carried. Meeting adjourned at 8:25 PM.