



## Catskill Watershed Corporation

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\* Please note that the above mentioned address has been revised to **669 County Hwy 38 • Suite 1 • Arkville NY, 12406**

July 10, 2020

Cassandra Finnis-Palen  
PO Box 122  
New Kingston, NY 12459

Dear Ms. Palen:

Thank you for your call regarding the Town of Middletown July 8, 2020 public hearing for eminent domain for a community wastewater project in the hamlet of New Kingston.

As you noted in your phone message, neither you nor I was in attendance, but John Mathiesen from the Catskill Watershed Corporation (CWC) was present, along with the project attorney, Kevin Young, and Henry Lamont and Chris Yacobucci from Lamont Engineers.

Here's what I recall from our conversations regarding your property in New Kingston.

By way of background, you may recall that in 1997 the hamlet of New Kingston was put on a list by the Watershed Towns to be eligible for funding of a community wastewater project. There are twenty-one other communities on that list that were ahead of New Kingston. The Town of Middletown is free to accept or reject this funding for New Kingston. With the sign-on of the Town, CWC started a study of New Kingston. Our engineers determined that the best wastewater project for the property owners in New Kingston is a community septic system. The lots in New Kingston are simply too small to support onsite septic systems. The Town agreed and put the project out for a referendum in June, 2019. By a vote of 27-4, the property owners in New Kingston overwhelming voted to establish a wastewater district and proceed with the project.

When CWC was looking for potential sites in 2015, you and Gilbert sent a letter to the then Supervisor the Town of Middletown. Your letter stated

*Cassie and I are not interested in having our property available for soil testing for a possible cluster/community leach field or any variation there of to be used as a site of a sewage treatment facility.*

*Aside from the invasion of and devaluation of our property such an undertaking would entail, having attended the information meeting with The Town Board and Lamont Engineers, the most cost effective proposal was shown to be 'a septic maintenance district.'*

After CWC received that letter, we explored other properties within the hamlet of New Kingston, including the Faulkner and Moriarty properties. Unfortunately, the soils on the Faulkner property were not suitable, leaving only the Moriarty property.

The project was thereafter planned for the absorption (leach) field to be located entirely on the Moriarty property, as it was the only property with a willing seller and suitable soils.

Last year, CWC approached you and your husband to see if you'd be willing to allow a right of way to the absorption field to be located on your property. You indicated you may be willing to sell your property for the absorption field itself if an agreement could be reached. CWC then asked Lamont Engineers to review whether or not an absorption field could be located on your property and if soils were suitable. The size of the property available of 8 acres is much smaller than the available 22 acres at the Moriarty property. Although we were not allowed to conduct soil tests, to fit the entire absorption field onto your property would be an extremely tight fit with little spacing between each series of fields. In short, we'd have to shoe horn it in, it wasn't ideal and no soils tests were ever done.

Also, by that point (last October), Mr. Moriarty had already agreed to just sell the 22 acres needed for the absorption field, rather than CWC purchase hundreds of acres. As such, we recommended to the Town that they acquire the Moriarty property. It has more acreage for the absorption fields, suitable soils, and a willing seller with a known price and no additional conditions.

One main reason that five years have passed since you first said no to your property being used for this project is because of this land acquisition process. Henry Lamont has often remarked "no land, no project." Once the project was finalized to be a community septic system, CWC and Lamont Engineers continued to spend a lot of time discussing property acquisition with property owners. Your late comment about maybe being willing to sell meant Lamont Engineers had to immediately review topographical maps, and then propose an absorption field design that would be an extremely tight fit under the best of circumstances. These redesigns and discussions with property owners, not just yourselves, delayed the project design, and delayed bringing this project to a point where the Town is finally able to acquire the property needed. Another local resident has also taken it upon themselves to contact the State Historic Preservation Office regarding the design of a shed to be located near the absorption fields that could possibly be visible from the hamlet of New Kingston. Even though SHPO previously signed off on the project, responding to those letters also takes time and money.

The July 8<sup>th</sup> hearing was one of the final steps in property acquisition for the New Kingston Community Septic Project. An attorney for the Watershed Agricultural Council was also in attendance. He raised a lot of issues, including why Mr. Moriarty's property was selected and why no alternative sites were picked. Chris Yacobucci from Lamont Engineers ran through the other sites his firm reviewed including yours. He noted that the Faulkner property had poor soils, that NYCDEP declined and their property had a State conservation easement, that the VanBenschotens declined, and that you and your husband also declined per the 2015 letter to the Town. Although the Watershed Agricultural Council staff previously said they were supportive, their attorney at the hearing on July 8th raised almost every known legal objection that could be made. That was the extent of you and your property coming up at the hearing. We answered the attorney's questions, and moved on.

I am sorry if you feel you were singled out, but that wasn't the intention or the case. I can completely understand that you wouldn't want to sell a portion of the property right in front of your house for a community absorption field.

The Town Board now has to make the decision on whether or not to proceed with eminent domain. This decision will be based upon not any individual property owner, but rather what's best for New Kingston

for the next 50 years. The property owners in the District have already shown their support in last year's vote.

As you can imagine, the COVID-19 pandemic has greatly impacted municipal finances, including the City of New York's. I plan on retiring in a little less than one year. My goal before retiring to a quiet fishing hole is to ensure that funding is in place to complete construction of the New Kingston Community Septic System.

Thank you for your continued interest and support.

Very truly yours,



Alan L. Rosa

Executive Director

cc: Town of Middletown Board