

**Auburn City Council  
Special Meeting with the Town of Owasco  
Re: Owasco Lake Watershed Rules and Regulations**

**Thursday, October 29, 2020 5:00 P.M.**

**City Council Chambers  
Memorial City Hall  
24 South St.  
Auburn, NY 13021**

**Minutes**

The meeting of the Auburn City Council was called to order at 5:00PM in the City Council Chambers, 24 South St. Auburn NY by Mayor Quill.

**ROLL CALL** – The City Clerk called the roll. Councilor Deb McCormick, Councilor Jimmy Giannettino, Councilor Terry Cuddy and Councilor Tim Locastro and Mayor Quill were all present. The Owasco Town Clerk called the roll for the Owasco Town Board, Supervisor Wagner, and Town Councilor Cornelius, Vitale, Kerstetter and Guicciardi were all present.

**The following City Staff was present for the meeting:**

- City Manager, Jeff Dygert
- Corporation Counsel, Stacy DeForrest
- City Clerk, Chuck Mason
- Director of Municipal Utilities, Seth Jensen
- Assistant to the Mayor and Council, Rhonda Miller

**Pledge of Allegiance to the Flag** – Mayor Quill led the Pledge of Allegiance.

**Moment of Silent Prayer or Reflection** – Mayor Quill asked for a moment of silent prayer.

Mayor Quill recognized Steve Lynch from the Cayuga County Office of Planning and Economic Development. Mr. Lynch introduced the steering committee:

Leslie Baxter	Steering Committee (Former Town of Scipio Board and OLWMC Member)
Greg Rejman	Steering Committee (Dairy Farming)
Doug Kierst	Extended Staff WG (CC Soil & Water Conservation District)
Drew Snell	Extended Staff WG (OLWMC Watershed Inspection and Protection Division)
Dan Welch	Extended Staff WG (Cornell Cooperative Extension)
Bruce Natale	Extended Staff WG (Cayuga County Planning - maybe)
Eileen O'Connor	Extended Staff WG (Cayuga County Environmental Health)
Adam Effler	Extended Staff WG (OLWMC Executive Director)

**PUBLIC TO BE HEARD** – Mayor Quill opened the Public to be Heard portion of the Council meeting and the Clerk read the Public to be Heard rules.

**Greg Rejman**, Sunnyside Farms from Venice Center. I get a little nervous with this stuff. So you'll just have to bear with me. We have land in both Cayuga and Owasco watersheds. We're a part owner in Cayuga Milk Ingredients, which I believe is one of the largest users of water from Owasco Lake. Close. Sewer, okay. We all want clean water. That's not an issue that everybody wants clean water. But we must be methodical and use science to guide us to get there. A little bit of background, I'm a part near a member of the WQMA representing partners for a healthy watershed. I'm on the steering committee for these rules and regulations. I'm an advisor for the Owasco Lake Inspection committee. I think that's my official title. And a farmer. I was a farmer representative at the HABSUM in Syracuse. Excuse me, it's gonna be a little bit scattered. So I apologize. But my biggest thing, I think that we should be on more of a voluntary basis with just a few basic rules to follow. And that will protect the lake more in the long term. As can be seen by Skaneateles Lake, which had a lot of money from Syracuse, with a lot of programs. New York, New York City Watershed provides a lot of funding for their projects and same with the Chesapeake Bay. This group has taken a different approach and just putting regulations out there. And with no funding. The lake is not dirty. According to the DEC or EPA, Dr. Halfman has said that the lake has been losing phosphorus for the last three or four years. When I drive around the amount of cover crops and buffers planted in the last 10 years is absolutely amazing. The farming community is night and day difference from what we used to be, and the showing in the lake already, with no rules. With these real strict rules and regulations that are being proposed tonight. What if they don't work? What if we find out it's more of quagga mussels, zebra mussels, other environmental factors. On our farm. So I support buffers where they're needed. I recently was on Facebook, the Partners for Healthy Watershed video. We had 19,700 views and at the end of it, I say that we have enough buffers, enough land and buffers to make a 35 foot wide strip all the way around Owasco Lake that's just on our farm. The new rules, we're going to have 38 locations, for a total of 31 and a half acres of new buffers. That averages out to be 0.83 acres per buffer. That's not enough to make enough economical use of the land. So we're gonna lose that land. It's \$7500 an acre, that's \$236,250 of lost land that I had to pay for. And I still pay close to \$1,000 a year taxes on that land as well. And it'll be an additional just shy of \$10,000 to install the buffers at \$300 an acre. So throughout this whole thing. Like I said, I believe in buffers, we have them ourselves. We do cover crops, it's part of a system. A buffer isn't, it'll help, but it's not going to solve the problem. We have to keep soil and the fields above the buffers. So my goal is to not have buffers and not need buffers. I want the dirt to stay put.

**Ellen Cotter**

Okay, great. Well, thank you for giving me the opportunity to speak. My name is Ellen Cotter. I live 111 South Street in Auburn. And I served on one of the stakeholder groups involved in the process of revising the rules and regs. And I certainly appreciate the effort that went into the revision process. And I have no expertise in terms of, you know, knowing what specific buffers should be and that sort of thing, but I do have a few points. And as regards the waiver system, that I hope you'll keep in mind as you consider whether to adopt the rules and regulations as written and seek approval from the State

Health Department. As far as the section on waivers, there doesn't appear to be any limit to the number of waivers that can be granted, regarding a specific property. There doesn't seem to be a limit to the duration of a waiver, there's no periodic review with renewal or rescission of a waiver. There also doesn't appear to be an appeal process, either on behalf of the applicant, or others who may be impacted by a waiver, such as owners of neighboring properties. There's no public notice of an application. There's no process for community involvement. And it doesn't appear, it appears that the waivers can be transferred when a property changes ownership. And all of these points lead me to believe that the process is sort of weighted in favor of the applicant rather than in favor of the protection of the watershed. But my bigger concern, is that the authority for granting any waiver, all waivers, lie solely with the Watershed Inspection Program, which in its current form, has been in operation for just a couple of years. And given that the ultimate authority for enforcing the watershed rules and regs, it's the local Department of Health. It seems as though having a separate non governmental, subcontracting organization granting waivers undermines the authority of the Department of Health. And while in practice, the inspection program operator might seek the advice from relevant agencies with with specific expertise. As the waiver program is written, it doesn't specifically require that the operator seek anyone else's advice and it does say basically, that the operators the single decision maker. So it's, I mean, the rules governing the waiver system should, I think, codified the involvement of relevant agencies and grant the same governmental body that has the authority to enforce the rules, the authority to grant the waivers in the first place to those rules. So thank you for your consideration. And and I hope you will take these into consideration as you make your decision. Thank you.

**Legislator Trish Kerr** Yes, good evening and thank you. My name is Trish Kerr. I live at 12 Sheridan Street in Auburn, New York. And I am a legislator for District 12 for Cayuga County. I want to thank everyone who worked on this, who came together to get to the point where we are tonight, as Steve mentions, all of the different partners and stakeholders in this, and it's really amazing. A testament to our community and who we are as people, who put aside our differences and come together civilly to discuss something that is so important that we all have, we all value, which is, which is our water quality, protection of our lake and for the future of our community. Especially with Owasco Lake being as large as it is with its watershed. There's a lot of tributaries, and a lot of land uses, a lot of stakeholders and a lot of municipalities. So I appreciate the effort that has gone into this tonight. And I really want to express my thanks for that. And I do want to recognize, appreciate the remarks from the owners on the sidebar. Agriculture is an integral component of our economy, here in Cayuga County. It is a growing industry that adds a lot of potential. And I am grateful to our farming community that has proven themselves to be dedicated partners in this effort. There's never going to be perfect solution. The rules and regulations, tonight, some people think that they don't go far enough. Some people think that they go too far. But it is a major step forward in the right direction. And as we as we shift to implementation, I just want to recognize the hard work that's been done but the hard work to come as well. Finally, very important for a lot of these guidelines going forward, as well as ongoing monitoring to make sure that we're having the impact on the water quality that we hem them to. So I work I look forward to working with everyone, to advance these unified goals that protects our lake and our drinking water and I thank

you for putting this together, tonight. I know this hasn't been easy, with COVID. I look forward to hearing your update to the presentation. Thank you.

**Ray Lockwood**

Thank You Chuck. Mayor Quill, City Council, Supervisor Wagner, members of the Town Council of Owasco, I'm sure you all know me. I'm Ray Lockwood. I'm a dairy farmer in the town of Aurelius, and President of the Cayuga County Farm Bureau. The largest farm organization in the county representing 423 family members. Speaking tonight regarding the concerns of the proposed watershed rules and regulations. Farmers are first foremost, environmental stewards of the land and water. Without fertile and clean water, we cannot produce food and fiber necessary to feed our county. While we support some of the proposed rules and regs, we are opposed to several items contained in the proposal, which will limit the ability of farmers utilizing industry government approved regulations. To put in Ag provisions, the Owasco Lake Watershed Rules Regulations are reflective of guidance and regulations set out by the New York State Department of Ag and Markets and the Department of Environmental Conservation. These agencies serves as a source of regulations and standards for farmers. Adding different local regulations on top of these agencies, it is overly burdensome to the farmers. We encourage the Owasco Lake Watershed Council to continue to engage with farmers and industry experts, like Cornell Cooperative Extension, Cornell University's Nutrient Management Sphere Program and local Soil & Water districts, to discuss metrics that are actually achievable. The critical and timeliness can be moved to address these economic conditions on our farms, as well as budget funding for cacio practices. The following concerns and recommendations regarding the proposed rules & reg's: 11 - domesticated or farm animal mortalities shall be buried or dispose in a sanitary manner within 72 hours. No domestic farmer animal carcass shall be buried or disposed of within 250 feet from high watermark of Owasco Lake, topping the bank of the downgraded watercourse the road side ditch or other strong water conveyances. It might be helpful to incorporate references the Cornell Cooperative Extension guidance, New York State Department of Ag & Markets guidance and natural resource conservation services as a "sanitary manner" is very arbitrary. Number 12. A person who is responsible for any spill or other unplanned, unintended release of an order a commercial fertilizer during storage, transportation, land application shall notify Owasco Lake Inspection Program Protection Grid. There is no mention of the jurisdiction and enforcement of the State Department of panic sedation is in regards to the unintended release in the North is the official state regulatory authority. And this issue will bring the individuals to rebuild reports in the DC in that theological a watershed inspection and Protection Division. We recommend agencies inclusion in the regulations at the least knowing of the January 120 25 operating sometimes within seven or more acres of rain news in a wood production, inadequate commercial fertilizer fires out already covered under the current state pollution discharge elimination system CDs, General permit for confined animal feeding operation that In this timeline is concerning is 20 2020 2025, excuse me, may seem to be far away, but presents a really different veteran police plan to meet a cost share funding procrastination, Best Practice Management bmps is up and they are they can take many years of playing in implementing practices, especially physical practices. This timeline goes way

above and beyond state rights under this regulation to be able to spread the noise during an emergency situation. drivers have to go to the watershed commission that BBC asked for permission to spread which is concerning because a lot of sheds mission may not have had the technical expertise and staff to make a call and emergency and or we're sweating cables with that also, we're also SD notify dc in these situations which creates additional work for the timer in addition are currently not enough certified major players in their state meet the demand of writing cm payments will also be very costly to the timer's isn't City Council in town council one of the costs here and these plans and implementation of best management practices. With the timer is similar what is done in the New York City and city I was like watersheds accepted estimated in paragraph two the rate of the January 120 25. a vegetative buffer of a minimum 30 by 39 feet must be maintained between craft plans and type of bank to be downgraded or enforce these provisions are concerning as it requires fires and take land under production and doesn't seem to provide any assistance from timers to achieve these practices. A minimum distance of 100 feet must be maintained between marinara aido commercial fertilizer applications and provide water supply wells or spreads whether it be a similar restrictions placed on neighboring land owners based on placement of the drinking water well, from the fire to just last week, a neighbor's yard a well tensely from the fire field and Miranda, just restricting the family's ability to play your face. And so it's important that both primers are homeowners not only existing regulations, and the placement of new trees and why was manually upgraded suppliers who wish lamination plans that are required by these regulations to make the prime management plans available for review by Alaska Lake watershed inspection and corrosion protection divisions upon request. Currently, management plans for capers are subject to inspection by New York State Dec. Who has technical expertise that means you're waiting these plants. There's a watershed in place individuals were certified management planners who have announced that probably the only way these plants these plants contain sensitive information is imperative. Information explains the news is confidential and they happen to county to county Farm Bureau. I was exposed to state and town councils to gain weight and growth and the proposed rules and regulations. Until such time as these concerns are us. We can take encourage continued conversations with the farmers in the ag industry experts taking pretty opportunity to allow me to share our recommendations. Thank you very much to both the town and City Council for allowing me this time very much wood County Farm Bureau.

**Tanya Van Slyke**

Thank you. I think many of you are familiar with me. I am a second year director of the Northeast dairy producers Association, working with many farms in Cuba County, many dairy farms in Cuba county and was on one of the subcommittee's So having said that have simply been a part of the process and in part of getting feedback in in reviewing and commenting. So a couple comments that I'd like to share and I will I'll try to be brief and bear with me as I read through my notes here. So some comments on iPods for our farmers who was pressuring and shear earlier to see thing. You know, farmers have consistently raised concerns as well as Ray Lockwood, farmers have consistently raised concerns about the imposition of buffers and Other requirements that will result in significant portions of existing farmland being forced out of production with a loss of productive acreage and no compensation. And so we raised

this several times, and many of the larger dairy farms in the watershed are already regulated through their tiempo permit, as has been shared many times in the past. And so this seems like an additional burden. And without taking into consideration the balance between environmental stewardship, which our farms are already doing through their cable permitting requirements, and unscientific recommendations that are formulated through this process. Again, these recent news concerns have been repeatedly raised and dismissed. In the most recent comments, or response, stated they act that you do not believe that it places undue regulatory burden on on farmers. But we wonder why you aren't also looking at homeowners and other property owners the same way you are looking at farms. We've also shared concerns from the past about the inspection process and the rights of those folks who will be allowed to do inspections. So the council town boards and other duly appointed representatives cannot have unlimited rights to access public and private properties to make sure that folks are in compliance. As a matter of course, there are issues with this. Certainly when it comes to farms and other businesses, we need to make sure that the folks that are doing inspections understands what some of the safety hazards and workplace safety are surrounding farms, farm lands, and we want to make sure that that is taken into consideration. As we move forward, we're talking about how inspections will take place. And we certainly don't want to unconstitutionally be monitoring private lands. And there are other there are many examples that I can give you but like to time this evening, that that we can highlight how other regulatory agencies certainly respect us. Certain types of landowners, as I stated a minute ago, seem to get a pass while agriculture seems to be further burden and yet for one of the most highly regulated businesses, the watershed. So as I'm looking through the comments, you know, some comments note that golf courses, parks, schools, municipalities, the city should be required to comply with the limitations on fertilizer and pesticide applications for face fines and penalties such as arts would face in these proposed guidelines. The response to the comments noted that these operations must already comply with DC regulations, as you stated. However, that's not the case, you know, for foreigners, because we are already covered by the rules and regulations under our DC guidelines. So that should be respected because there's science behind those guidelines. The other thing that I want to note about the about the post guidelines is there seems to be certain restrictions that only apply too far to seven acres or more. And we certainly just wonder we're back. The science comes behind that. If we are looking at environmental stewardship, and clean water, and land uses, um, we just we don't think that they're signing. So certainly we want recommendations and before that, certainly protecting water and have science and research and backing behind that.

**Presentation –**

Mayor Quill recognized Steve Lynch from the Cayuga County Office of Planning and Economic Development. Mr. Lynch provided a presentation on the timeline of the project and all of the work that went into creating the final proposed Owasco Lake Watershed Rules and Regulations.

**Resolutions -**

**COUNCIL RESOLUTION #104 of 2020**

**ENDORISING AND SUPPORTING THE ADOPTION OF THE REVISED OWASCO LAKE  
WATERSHED RULES AND REGULATIONS**

Sponsored by Councilor McCormick

October 29, 2020

**WHEREAS**, Owasco Lake is the source of public water supply for the City of Auburn, the Town of Owasco, and approximately forty-five thousand water users within Cayuga County; and

**WHEREAS**, the water quality of Owasco Lake is directly impacted by its watershed, which includes the lake, its tributaries, and all watercourses tributary thereto, and comprises approximately 205-square miles over Cayuga, Onondaga and Tompkins counties; and

**WHEREAS**, in 1984, pursuant to Public Health Law Section 1100, the New York State Department of Health adopted Title 10 of the New York Codes, Rules and Regulations, Section 104.1, which is commonly referred to as the Owasco Lake Watershed Rules and Regulations (the “Watershed Rules and Regulations”), a copy of which are attached hereto and incorporated herein; and

**WHEREAS**, the Watershed Rules and Regulations were adopted with the goal of enhancing protection and preservation of the water quality in Owasco Lake; and

**WHEREAS**, under the Watershed Rules and Regulations, the City of Auburn and the Town of Owasco are responsible for inspecting the watercourses within the watershed and for reporting violations in cases of noncompliance with the Cayuga County Health Department; and

**WHEREAS**, since 1984, the lands within the Owasco Lake Watershed have witnessed cumulative changes in land use and development; and

**WHEREAS**, in 2016, Owasco Lake showed its first detectable levels of toxins associated with harmful blue green algae blooms in its raw and finished (treated) water; and

**WHEREAS**, these harmful blue green algae blooms have resulted in cooperative efforts by the City of Auburn, the Town of Owasco and Cayuga County, to work with the Owasco Lake Watershed Management Council, to inspect, monitor, test, and, when necessary, treat the waters of the watershed, in order to protect the Owasco Lake which is the public supply of water; and

**WHEREAS**, in 2017, as a part of the continued efforts to protect water quality, the City of Auburn, the Town of Owasco and Cayuga County passed resolutions endorsing a project to update and revise the 1984 Owasco Lake Watershed Rules and Regulations; and

**WHEREAS**, at the outset of the project, a Project Steering Committee was organized to lead the process by which the existing rules would be revised. This Committee included representatives from the City, the Town, the Owasco Lake Watershed Management Council, the Cayuga County Board of Health, as well as interested farmers; and

**WHEREAS**, over the last three years, the Steering Committee has worked together with staff representatives and Project Stakeholder groups, to hold eight (8) Steering Committee meetings, five (5) public meetings, and more than ten (10) staff meetings, in a coordinated effort to create and recommend a revised draft of the Owasco Lake Watershed Rules and Regulations; and

**WHEREAS**, in October 2020, approximately four (4) years after the first harmful blue green algae blooms were detected in Owasco Lake, a final draft of the revised Owasco Lake Watershed Rules and Regulations was transmitted to the City Council of Auburn, the Town Board of Owasco, Cayuga County, the public stakeholders, and the general public for review, consideration and support; and

**WHEREAS**, the City of Auburn now wishes to express its support for the adoption of the revised Owasco Lake Watershed Rules and Regulations, a copy of which are attached hereto and incorporated herein, by the New York State Department of Health.

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby express its appreciation and thanks to the Watershed Rules and Regulations Project Steering Committee, the Extended Staff Working Group Affiliations, Project Stakeholder Groups, staff and the public at-large for all of the cooperative efforts and time spent in creating the revised Owasco Lake Watershed Rules and Regulations; and

**BE IT FURTHER RESOLVED** that the Auburn City Council does hereby endorse and support the revised Owasco Lake Watershed Rules and Regulations, which are attached hereto and made a part of this Resolution; and

**BE IT FURTHER RESOLVED** that the Auburn City Council does hereby request that the New York State Department of Health repeal the existing 1984 Owasco Lake Watershed Rules and Regulations, which are cited at 10 New York Codes, Rules and Regulations, Section 104.1, and replace the same with the revised Owasco Lake Watershed Rules and Regulations, attached herein; and

**BE IT FURTHER RESOLVED** that the Auburn City Council does hereby request that that a certified copy of this Resolution together with a copy of the revised Owasco Lake Watershed Rules and Regulations be prepared and transmitted to the Cayuga County Department of Health so that it may be further trasmitted to the New York State Department of Health for adoption; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon adoption.

Seconded by Councilor Giannettino

	Ayes	Noes
Councilor McCormick	X	

Councilor Giannettino	X	
Councilor Cuddy	X	
Councilor Locastro		X
Mayor Quill	X	
Carried and Adopted	X	

**The Town of Owasco then adopted its resolution of support, see attached.**

**The Town of Owasco Board then adjourned their portion of the meeting.**

**Executive Session.** Councilor McCormick made a motion to enter Executive Session, seconded by Councilor Cuddy. Council voted to enter an executive session regarding the following matters:

- One matter regarding the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;

The motion to enter executive session carried 5-0. The Council entered Executive Session at 6:00 p.m. Executive session adjourned at 6:58 p.m.

**ADJOURNMENT:** By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 8:00 p.m..

Minutes submitted by:

Chuck Mason, City Clerk