

MINUTES OF THE COMMITTEE FOR THE ENVIRONMENT MEETING OF  
FEBRUARY 18, 2013, AT 7:30 P.M. AT COURTROOM, 169 MT. PLEASANT  
AVE MAMARONECK, NY 10543

**PRESENT:** Cathy Hiller, Monica Barach, Joan Heilman, Phil Horner, Jean Peron, Katy McManus, Laura Holbrook, Marc Karell, Sarah Richards

**ABSENT:** Shonna Keogan, Ilissa Miller, Liaison to BOT

Visitor: Stuart Teikart

Mr. Teikart's comments follow these minutes.

Minutes of January 30, 2014 meeting were approved.

**April 26<sup>th</sup> Earth Day – Beach Cleanup** –Jillian and Jean will be requesting a meeting with Richard Slingerland (Village Manager) "RS" and Dan Sarnoff (Assistant Village Manager) "DS" to begin the clean-up day process. Jill and Jean would like to meet the first week in March. The CFTE has agreed to participate in helping on that day. More details as cleanup day approaches.

**April 27<sup>th</sup> Water Quality Forum**– Cathy said that speakers are not lined up yet and wanted to know if the Committee was committed to go ahead with the Forum. There were several suggestions for possible speakers that Cathy will follow up on. Laura will talk to the Mamaroneck Library librarian regarding a kids' cleanup. Marc suggested that it may be easier to hold the Forum the following week, as other environmental events are taking place the originally-scheduled weekend. Cathy said the purpose of the Forum is to ask the public, "What can citizens do to make our Water Quality better?"

**Recycling Updates:** Sarah, Joan and Monica attended a Greenburgh Nature Center program on composting for communities and schools, leaf mulching and bagging leaves. Some pertinent take-aways are: Local composting is best, both food and leaves should be combined, placement of composting facilities within the community is a sensitive issue, and large companies should implement composting. Monica said she will look into the hiring of a composting company for food composting. It will be a conversation for the future.

**Bagging Leaves:** It was brought to the CFTE's attention that a newly-proposed law mandating leaf bagging is scheduled to go in effect this fall. It proposes that all leaves be bagged and the bags left curbside. RS will propose it to the BOT. One of the benefits will be encouragement of residents to mulch and compost their leaves. The VOM will send a representative to Greenburgh to investigate their leaf-bagging program. Our Committee will help publicize it. It was mentioned that there should be a Spanish translation of the recycling brochure. Joan wrote a letter to the BOT supporting leaf bagging.

**Styrofoam:** Joan will continue to find out what other communities are doing with Styrofoam.

**Police (Prescription) Drugs Drop Off:** No action has been taken so far. This is a water quality issue.

**SWEAC** (Southern Westchester Environmental Action Committee)– The Committee voted to join this group. SWEAC is a collaboration of municipalities addressing energy and other sustainability concerns in Southern Westchester.

**Carbon Footprint /Air Quality)** – Marc mentioned that UtilityTrac, a carbon footprint software, is used by the Town of Mamaroneck and other municipalities to reduce the efforts of keeping track of energy use and greenhouse gas emissions. Marc will discuss purchasing this software with RS and feels it will bring cost savings if done as a group.

**Planting of Indigenous Plants:** Sarah will get tip sheets from the Native Plant Center. Because of the widespread destruction of milkweed plants which are needed by monarch butterflies, Monica suggested that milkweed seeds be distributed at the Village clean up. The VOM should be encouraged to plant in places like Columbus Park and the west bank of Wst Basin and any other appropriate areas. The Marine Education Center will plant indigenous plants, as will the Harbor Island Conservancy.

**Education and Display Case:** Laura volunteered to create displays for the case in the walkway. The first will focus on why plastic bags are banned in the Village and will include a tease about the Village clean up day. She suggested we develop a seasonally appropriate education campaign schedule that would be tied together with a consistent design. When the

committee feels it appropriate, the campaign could be supported with signs posted in high traffic areas. An email newsletter was also discussed.

After the plastic bag display, she will work with Sarah to put up a native plants theme display -- that display will also promote the clean up day. Other themes for the future could include promoting the leaf blower ban; composting and leaf mulching; and water quality.

**Plastic Bag Offenders:** Nothing to report. **Plastic Bag letter-writing campaign.** The Committee members, as individuals, should write letters to Stop and Shop asking that they discontinue plastic bag use.

**Other: Air quality:** Marc said any air quality problem such as odors and black smoke can be reported to the WC Department of Health. He said swift action is taken by that Department to solve problem. It is important to have available for the DOH the date, time and exact location of the problem.

**Permeable surfaces** – Jean will ask Ilissa for the plans and/or status of the permeable surface experiment.

**Water Quality Overview:** The WQ team met with RS and DS. Kevin Hogan, PE, senior engineer from ARCADIS was present (ARCADIS is acting as VOM consultants in carrying out a compliance program to address a Federal EPA citation of Village waters.) . Kevin helped us understand some of the terminology and results of tests made in rivers and streams. The testing program for 2014 was discussed including Save The Sound and Westchester Health Dept beach testing. The WQ Team intends to participate.

Phil will draft an article about the \$100K contract with ARCADIS which includes a 6-step program for summer of 2014 action. This year testing will be done on Beaver Swamp Brook and Guion Creek. Tests will be done for stream water and storm pipe outflows from Rye Neck High School to Barry Avenue and reports of hot spots will be made. The contract also includes investigation of hot spots to propose correction. A database will be created to track findings from year to year.

**M4S** (Municipal Separate Storm Sewer Systems) – The Village’s M4S Annual Report to NYS covers the annual period from March 2013 to February 2014. The Report documents actions taken to improve storm water manage and fight pollution during the reporting hear and lays out action

plans for the coming year. Our involvement led to a much more meaningful report last year. Phil will pursue participation again this year

**LWRP:** (Local Waterfront Revitalization Plan) The Mayor's advisory group has been disbanded. A final draft of a new LWRP went to the BOT. There is still considerable public objection to the draft. While no longer an official player, Phil will watch what happens and keep the CFTE informed.

**Sustainability Conference:** Marc, Cathy and Monica attended one of two Town of Mamaroneck workshops. Although not open to the public, several groups from different aspects of the community (home associations, business, clergy) were invited.

Three questions were proposed to the attendees:

1. How can we be more sustainable (e.g. solar power, energy efficiency, water conservation, etc.)?
2. How can we improve the quality of life- ( e.g. bike and walking paths, more open space, parks)?
3. How can we be more resilient to future storms (e.g. putting utility wires underground, reduce flooding impacts)?

A presentation was made summarizing these three issues. Breakout groups then sat around and discussed their concerns. The ideas to address these issues (many dozen) were put on a wall and people present could vote on which ones were most important. The first workshop was taped and is to be shown on LMC-TV. Many of the answers may be of help to the VOM.

**Items Not on the Agenda:**

**Communications from the BOT:** The Committee agreed that the communications with the BOT should be strengthened. Marc will email Ilissa and RS.

Respectfully submitted:  
Jean Peron

Next Meeting: March 18, 2014

Comments from Stuart Teikart:

The PLL-V2013 (Proposed Local Law) will be redone from the original version. The new law was revised due to threat of fines. There are problems with definitions, e.g. words that are defined are not used in the body of the law.

There are two major projects taking place without valid SW3Ps (Stormwater Pollution Prevention Plan).

The WQ of the last two or three years did not do well.

Bagging leaves: Bagging leaves instead of curbside pickup will not work because there is too long a time between pickups and the bags will become soggy in the rain, among other problems. He said the easier way to keep leaves from being washed into storm sewers is to have a final street sweeping of debris after all leaves are picked up. This used to be done but has been discontinued in recent years.

Organic pickup should be done all year.

Native plants – he said all bamboo is incorrectly classified as invasive. There is a species that is not invasive.

Permeable surfaces – he said that gravel should not be considered permeable, as compaction from autos, etc., make it impermeable.

Following is letter of explanation to the BOT from Mr. Teikart dated 2/10/14

Dear Mayor and Board of Trustees,

Thank you for considering changes to our Stormwater Management law Section 294 of our code, I think there is agreement that the law as constructed is difficult to understand, unnecessarily complicated and has lead to an uneven implementation and enforcement. Certainly Section 294 will benefit from changes simplifying it and bringing it into closer compliance with state law. Unfortunately, I believe the draft before you only complicates our existing law, does nothing to clarify the process and in practice will not improve water quality because it will ensure continued lack of compliance.

I have been trying to educate myself about stormwater management, a complicated but important part of our environmental law. I believe that its history offers some important insights, especially for those members of the board not present when Section 294 of the code was initially adopted. The original law was passed in March of 2010, two years late and under threat of NYSDEC (DEC) fines of \$37,5000 per day. The board received many comments, with residents, members of land use boards, the Village Attorney and trustees all voicing concerns that the law that was being adopted was flawed and needed to be amended. The minutes of the public hearings reveal troubled members uncomfortably voting "yes" because of the threat of a \$27,000,000.00 in potential fines. This board does not that "Damocles Sword" hanging over your heads, I urge you to take the necessary time in order for to reach an effective law this time.

I also urge the Board to read the Model Law suggested by the DEC. It is, simple, easy to understand and clearly in

conformance with our SPDES permit, the threshold requirement for our local law. With **minor** streamlining it could be tailored to fit the Village's needs. I believe the proposed local law before you is overly complicated, confusing and fails to meet the requirements of State law. Part of the problem is the confusing and often contradictory definitions contained in both the existing and PLL.

The DEC Model Law only defines 40 words and terms to create a law suitable to every governmental unit in the state of New York. The PLL incorporates only 27 of those definitions but adds 65 other definitions for a mind boggling and confusing total of 92. Approximately 20 of the added definitions are for terms that are never used in the law. Inexplicably, the only definition being entirely eliminated in the PLL is, not one of the dozen that appear pointless, but "Jurisdictional Wetland" one of the 40 definitions in the Model Law. Individually, many definitions, instead of clarifying, confuse.

One good example of a confusing definition is the new one offered for "Gravel", which begins by defining what gravel is using the entire verbatim definition from the Model Law - *"Poorly/open graded angular crushed stone used for stormwater storage and/or infiltration practices, including 1. Aggregate consisting of mixed sizes of 1/4 inch to 3 inch particles which normally occur in or near old streambeds and have been worn smooth by the action of water. 2. A soil having particle sizes, according to the Unified Soil Classification System, ranging from the No. 4 sieve size angular in shape as produced by mechanical crushing."*

However, then the PLL creates new language to define what gravel is not -

*"This definition does not include well/close graded material meeting the specifications for New York State Department of Transportation (NYSDOT) road subbase material (formerly known as "Item 4"). NYSDOT road subbase material shall be considered impervious. The Village Engineer shall provide technical guidance related to hydrologic modeling (e.g. curve*

*numbers) for gravel surfaces, trenches, beds, reservoirs, etc. This includes subsurface gravel installed beneath pervious pavers, porous pavement and other similar green infrastructure and standard Stormwater Management Practices.*

The definition appears to create a distinction, that some gravel is pervious and some is impervious, when there is no such distinction. Under the Stormwater Management Design Manual, guidance is given that **all** gravel surfaces, due to compaction from use, are considered impervious surfaces. Any product proposed as a porous paving must satisfy the specifications defined in Table 5.15 of the Stormwater Management Design Manual. This is quite clear, the definition is not

I urge the Board to let tonight's meeting be the beginning of a Village wide conversation about how this law may be amended to increase compliance and improve Village water quality. Even in 2010 under the threat of fines, the DEC was provided a copy to review prior to public hearings, the land use boards were also asked for their comments. We are under no time constraints this time, let's take the time and get it right.

Sincerely,

Stuart Tiekert



