

# FINAL

FINAL MINUTES OF THE COMMITTEE FOR THE ENVIRONMENT, JUNE 16, 2015  
7:30 P.M. at Courtroom, 169 Mt. Pleasant Ave., Mamaroneck, NY 10543

PRESENT: Joan Heilman, Phil Horner, Marc Karell (Co-Chair), Shonna Keogan, Kristen Carpenter, Laura Holbrook, Sarah Richards, Maria Karsou, Martin Hain, Greg Cutler, Assistant Planner VoM, David Finch, Liaison to BOT

Absent: Monica Pfeiffer-Barach

**1. Water Quality Report:** Phil Horner described that there are two different budget-related issues related to water quality that the board is considering. One is the \$600,000 commitment to do the pipelining which has to do with sanitary sewers which doesn't eliminate flow but keeps leakage from causing other problems.

a. Water quality consulting firm Arcadis, which has an \$80,000 contract with the Village, will pick up on Save the Sound's reading on Beaver brook swamp. The Rye Neck High School has agreed to have their lines dye tested, but it's a concern that it has taken six months to get the report from last year. Phil expressed concern that this is public information and our municipal separate storm sewer system (MS4) program is all based on public education and participation and urged the village to be more transparent on this.

b. After Village Trustee David Finch made it clear that Arcadis's role is one of gathering data and not enforcing, concern was expressed by both the CFTE and the community that the records-keeping on the part of the Village has been inadequate. The CFTE's water quality team has found it challenging to follow up on identified "hot spots" because information provided by the Village has been spotty and non-specific.

c. The committee then discussed the annual MS4 report, which was made available for review on May 13 and was required to be filed on June 1. The Water Quality subcommittee expressed concern about the length of time that the community has to review and comment on the MS4 report, nor did the Village staff have enough time to review the public feedback and incorporate it into the revised report. In particular, suggested adjustments to the report pertaining to the village leaf-bagging program on Washingtonville and street sweeping in the winter – requested by CFTE and (Village Manager) Richard Slingerland - were not included in the final report.

d. It was then suggested by Marc Karell that the committee urge the Village to set certain dates in the future, releasing the report for public review from May 1 to May 21 in order to expand the time for public comment, while still giving the Village enough time to review the comments and revise the report accordingly.

e. Stuart Tiekert then highlighted his concern over the lack of records keeping in the Village, hampering ongoing enforcement efforts and the committee's ability to track progress for the MS4 reports.

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- f. The Water quality subcommittee also criticized the rounding of numbers in the report and the lack of specificity of facts and figures, which appeared to be “decent estimates,” but were unnecessarily vague.
- g. The committee then discussed whether the CFTE should suggest a recall of the MS4 report, due to the omission of the requested information and potentially faulty data and records keeping. Specifically, the water quality questionnaire – which was overhauled by the CFTE water quality subcommittee – has never been filled out according to Village records.
- h. The committee then discussed the confusion over the reporting of “illicit discharges” as the Village had not included the red clay discharge reported as a result of run off from the tennis courts at Harbor Island as an “illicit discharge.” According to the Village, runoff from the tennis court was deemed “suspended solids” and not “illicit discharge” there therefore left off the report, which then prompted a discussion of how we could properly define “illicit discharge” in an effective and enforceable way.
- i. The committee then reprised the discussion over whether it should urge the Village to redo the MS4 report. Despite the fact that DEC reviews the report, they do no more than a cursory paper review, which does not act as a check on the report’s possible weakness. The last time the DEC audited a program, the Village got a marginal rating, and the potential lack of accurate records keeping puts us at risk of this happening again.
- j. The water quality subcommittee suggested making a motion that the Village Manager review the public report in light of these and other public comments to judge if a recall is advisable. If the report is recalled, the CFTE would urge that they consider the full list of suggestions provided and if the decision was made to let the report stand, we would recommend a longer comment period and greater control over counts and changes indicated as a result of public comment.
- k. Trustee David Finch also expressed concern that the Village has a culture of not adequately keeping records of its enforcement activities.
- l. The CFTE then agreed to some preliminary language for a recommendation to the BOT regarding the 2015 MS4 report, subject to subsequent review:  
*Due to both inexact as well as inaccurate reporting of enforcement activity, the CFTE rejects the current MS4 report as it stands. We urge that the Village improve both the process gathering data for the report throughout the year, as well as the year-end process for review and comment, allowing for greater transparency and public involvement, as dictated by law. In particular, we would like the Village to take concrete steps to ensure proper records keeping in the future.*

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**2. Recyclable Fabrics:** Maria Karsou informed the committee that the owner of Steve's Toy Box has assented to install a large container to take recyclable fabric donations in his parking lot on the Boston Post Road. They are currently reviewing options for selecting a company to collect and process the collected donations, including GreenTree. Committee member Joan Heilman interviewed them and established that they separate "usable" clothing, donating the balance to the "rags and filler" market. It would not provide revenue to the Village.

**3. Reporting Water Issues on the Website:** The committee discussed the need to create a more intuitive web interface for reporting water issues, that would incorporate the ability to easily send in photos, as well as a stock form that would require the divulgence of a location, time when the problem was sighted, etc. Previously, the link for reporting water issues was on the home page of the website; now residents need to look for the form under the water quality subsection, which could be confusing for people who are not familiar with the website.

a. A community member mentioned that many residents find it easier to simply email the mayor or Rich, however David Finch emphasized the importance of reporting through the link as a means of record-keeping and ensuring accountability – for efficiency sake but also to ensure we are meeting state guidelines.

b. Sarah Richards mentioned the that there is text number – TIP 411 – you can report something on your phone – that enables Villagers to report incidents that goes to the police. Kristen Carpenter also suggested that the Marine Education Center suggested the development and distribution of cards that provided helpful links for reporting issues to the Village and the DEC, as well as the county.

c. Phil Horner suggested that, once we've overhauled the form and put it in a more prominent place, we draft short informational outreach articles to raise awareness on reporting.

d. Phil also mentioned to the committee that he awaits comment on a draft of an outreach article that he sent Shonna Keogan in order to circulate it to the local news media. Shonna indicated that she would review it in the following days.

**4. Community Garden:** Sarah Richards informed us that the Village has removed a tree from the garden site that was blocking sun and that the fencing was scheduled to be installed and that we are still waiting for the beds. Sarah intends to send out something to all participants to give them a start date. Sarah also requested that Shonna draft a press release announcing the garden.

**5. Fishing in Columbus Park:** A member of the community brought up the issue of people fishing in the stream at Columbus Park. Given the high levels of contaminants in the water, she inquired as to whether to committee could

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recommend that we post signs warning people about the dangers of eating or touching anything that comes out of the water.

**6. Energy, Conversion of Street Lights to LEDs:** The Village understands that converting current street lights to LEDs will save the Village considerable energy costs, reduce its carbon footprint significantly, and reduce O&M efforts as LED lights are longer lasting than current street lights. The Village has an agreement to “piggyback” the existing LED conversion contract with the City of New Rochelle. It had been recommended and agreed that a preliminary study be performed before the LEDs are procured to determine exactly which lights should be placed where throughout the Village and to identify areas currently under- or over-lit. While the contractor servicing the City of New Rochelle can perform this study, the Village agreed that an outside experienced lighting firm work with that contractor and oversee their work. Marc recommended such an experienced firm, headquartered in White Plains, who is uniquely qualified to perform this work. Dave said that the contract that they will “piggyback” contains the opportunity to install the lights without any payment upfront; the availability of financing. However, the Village does not like the terms of the financing in the contract, and is looking into raising the upfront money needed itself. It hope to have a better idea on how to raise the funds or get better loan conditions within one month.

**7. Erosion/sediment control:** Several speakers felt that the Village’s enforcement of erosion and sediment control at construction sites was not proper. Mr. Tiekert named several properties that had, in his opinion, continuing problems with, for example, pools of water collecting underground and not being managed properly.

The question was asked about inspectors. Village Manager Slingerland had stated at the CFTE meeting several months before that the Village then had a shortage of qualified, certified inspectors and he would make sure that more people are trained, certified, and brought on board to perform such inspections. The question was asked of Messrs. Finch and Cutler of how many additional inspectors are now on the Village’s payroll. They did not know, but thought it was probably one or two. The question was asked of how many inspections of subject sites had been made in the last few months. Neither of them knew and both were not sure where records of such inspections are kept. This was very disturbing to some on the CFTE.

As a result, Marc asked Mr. Cutler to find out from Village management:

- exactly how many inspectors who are trained and certified have been brought on board by the Village since the discussion led by Mr. Slingerland,
- how many erosion/sediment inspections have been performed in the Village since the discussion led by Mr. Slingerland and whether it covers every applicable building registered with the Dept of Buildings, and
- how is data concerning erosion/sedimentation inspections (address, date, time, findings, photos, etc.) kept and managed?

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An answer to these questions from Village management by email to the CFTE was requested within seven (7) days of this request (the meeting).

**8. Impervious surface:** Concern was expressed that the Village was pouring concrete and other materials over grassy surfaces in several recent Village projects. This is contradictory to the goals of the Village to have less impervious surfaces, to reduce the intensity of stormwater flow and flooding. Mr. Finch stated that this was necessary in at least one case he was aware of because the grassy area had shards of glass and other potential hazards that are difficult to see in the grass that would be more visible on concrete.

### **POST-MEETING ACTIVITIES**

Re: Section 1.l. above.

A vote was held approving the writing of a resolution voicing concerns with the MS-4 report that the Village Administration had just submitted to the State of New York, with both the content and the methodology in preparing it. Exact verbiage could not be assembled given the time constraints and pressures of an in-person meeting.

Several days after the meeting, a draft resolution was submitted to all CFTE members for their review and comments. Several members gave comment, and the draft resolution was revised. The following is the final resolution from CFTE concerning the MS-4 report:

“Due to both inexact as well as inaccurate reporting of enforcement activity, the CFTE cannot give approval to the current MS4 report as was submitted. We urge that the Village improve both its process to gather data for the report throughout the year, as well as its process for distribution, review and comment of the report to allow for greater transparency and public involvement, as dictated by law. In particular, we ask that the Village Manager’s office prepare and submit an enumerated plan for improving the process to ensure proper recordkeeping, improve the preparation and review process, and produce a better quality report in the future.”

This resolution was approved by the CFTE and emailed to Dave Finch, Ilissa Miller, and Leon Potok, the Village Board of Trustees on July 6. Phil Horner of CFTE led the discussion about this resolution at the Board of Trustees meeting on July 13.