

A workshop of the Town Board of the Town of Moreau was held on March 1, 2018 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York for the purpose of discussing the MS4 program.

The Supervisor called the workshop to order at 6:13 p.m.

Town Board Members Present

John Hogan	Councilman
Alan VanTassel	Councilman
Gina LeClair	Councilwoman
Kyle Noonan	Councilman
Todd Kusnierz	Supervisor

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Maureen Leerkes, Highway Department Clerk and Stormwater Management Officer; Matt Dreimiller, Building Inspector/Code Enforcement Officer; Jim Martin, Zoning Administrator; Don Rhodes, Laberge Group; Blue Neils, Cornell Cooperative Extension Saratoga County/Stormwater Coordinator; Contractors: Gianni Simone, Tom Hutchins, Doug Heller, Shawn McKenna, Tom Center and Travis Mitchell

Blue Neils, Coordinator, CPESC, CPMSM – Saratoga County I-SWM Program, was introduced and gave a very lengthy presentation relating to the Fundamentals of the MS4 Permit System.

The presentation consisted of a power point presentation, highlighting on the following topics:

- Acronyms
- Regulations
- Timeline Summary of the program
- Goals – Phase I and Phase II
- Minimum Control Measures
- Summary of Stormwater Impacts
- Summary of Hydrology and Development
- The Reason for Stormwater
- Stormwater Flow – Hydrology Lesson
- Impacts of Increasing Imperviousness
- Impacts of Stormwater Pollution
- State of New York – Known Water Resources and Impairments 2008
- Land Development and Population Growth in the US, 1982-2002
- Stormwater Permits
- Current Governing Permits
- Minimum Control Measures
- Stormwater Program – Organizational Structure
- Public Education and Outreach
- Public Participation and Involvement
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post Construction Stormwater Management
- Good Housekeeping and Pollution Prevention
- Permit Management – Program Resources, Budgetary Issues and Funding
- Program Resources for MS4's

A copy of the presentation is available in the Town Clerk's office.

The Supervisor thanked Mr. Neils for his presentation and for breaking down a complicated Federal program. He asked if the Town of Moreau was doing anything differently from other municipalities. Mr. Neils replied no.

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Jim Martin asked how often inspections should be done and Mr. Neils replied that it depends. He stated that once the project gets going, an inspection should be done before construction and then once in the spring and once in the fall.

The Supervisor commented that the engineer has done an incredible job getting the MS4 program up and running. He asked if the Town now has the expertise to do inspections in-house. Mr. Neils stated that Matt Dreimiller is qualified within technical standards but commented that he continues to work with him.

The Supervisor asked if most Towns use their Code Enforcement officer as the MS4 Coordinator. Mr. Neils replied that it depends but in many instances, yes. He stated that they are an extra set of eyes and suggested that all towns at least send them to the DEC 4-hour class.

Councilman Noonan asked how often the source can be pinpointed for illicit discharges. Mr. Neils stated that for repeat offenders, you have to wait, but can usually find the source. He stated, for those who are random offenders, without someone swearing out a complaint, it's difficult. He went on to say that complaints can't be anonymous. He stated that in order for a complaint to be acted upon, you need a witness to the act.

Councilman Noonan asked if the Town is under more of a watch because the river is on three sides of the Town. Mr. Neils stated that it was difficult to say. He explained that because it's such a large body of water, what may go into it, is like spitting in the ocean. But, he also stated that the Town should be a little more aware.

Councilman Hogan asked what the definition of "outfall" is. Mr. Neils stated that it's at the end of the pipe. Either where the municipal system ends and you're discharging to a water body or to an adjacent jurisdiction.

Mr. Neils stated that if the Town finds someone with illicit discharges, there should first be a documented warning. A second time would require a reminder and a third time action should be taken.

Councilman VanTassel asked, regarding to the 6 requirements, if the Town has any gaps that they should be focusing on. Mr. Neils stated that Public Education is necessary. He commented that it's the biggest target area and it costs the least amount of money.

Maureen Leerkes stated that the monthly meetings she attends, have been very helpful.

Don Rhodes stated, with regard to the frequency of inspections, you can't just do them twice per year. He suggested that they be done monthly at least for another year. Mr. Rhodes wanted to make it clear, that someone keeping notes in a notebook, isn't a formal inspection. He stated that you need to start with a regimented program and commented that you need someone qualified to oversee the 6 Minimum Control Measures. He stated that the Town may want to employ someone, who does just this. He stated that it would be cheaper than hiring a consultant. The Supervisor asked if this person needs to be an engineer and the answer was no. It was mentioned that you would want someone who is well qualified.

Mr. Rhodes stated that not only are developers responsible but so are the towns. DEC will come after the towns if compliance isn't met and that's why you need responsible oversight.

Jim Martin asked Mr. Neils to explain what the contractors responsibilities are on site. Mr. Neils stated that the responsibility falls back on the owner-operator. They're the ones that sign off on the plan stating that they've read it and agree to the plan as it was accepted by the State. He stated that they need to keep an active log book on site. Under the local law, they have a duty to comply with the SWMP.

There was a lengthy discussion over the maintenance agreements with homeowners associations and how they need to comply with the program as well. Mr. Rhodes stated that there should be discussion as more

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and more come on board. He mentioned the possibility of Stormwater Districts instead of letting homeowners associations attend to the needs of the program. With a Stormwater District, you wouldn't have to worry about an association abandoning their duties.

Jamie Campagnone, representing Galusha & Sons, stated that they have several single family lots in Town. He stated that he understands it took an extreme amount of effort to get the program working. He stated that they have a monthly inspection fee for a professional engineer. He understands why it needs to be done but would like to see it more in line with other towns. He stated that they hire the LA Group to do their inspections, they're done weekly at \$130.00 per week. He stated that on top of that, they have to pay for the Town's professional engineer to inspect as well. He stated that for larger projects, there's more oversight, with inspections twice per week. Mr. Campagnone asked how they will move forward on this. He stated that they need to know what their costs are, up front. They need to know what Laberge is going to charge, way before their projects start. Supervisor Kusnierz stated that this is something that's being worked on. He stated that the Town is working on a plan so that the developers know what their costs will be, before they start their projects.

Gianni Simone, Cerrone Construction stated that he agreed with Mr. Campagnone. He thanked the Town Board for having this meeting and for listening to what they've had to say over the last several months. Mr. Simone discussed the charges from Laberge and stated that they're being charged for them to come from Albany. He stated that he didn't ask them to come from Albany, the Town did. He was of the opinion that fees should be set before they get the work started. He stated that whoever set up the way the fees are collected, messed it up.

The Supervisor stated that there is a longstanding practice of establishing Trust & Agency accounts. He stated that it was the belief of the previous Board and this Board, that any projects coming on board, the tax payers shouldn't be on the hook for paying for them. He stated, that's why it's required to set money aside upfront. He agreed, that if the Town is going to do that, the developers should have an idea of what the costs are going to be, for each step of the process along the way. The Supervisor commented that this Board is committed to reducing costs. He stated that the Town is on a learning curve with the MS4 program but that they've gotten themselves where they need to be legally. He stated that they now need to see how they can do it affordably.

Tom Hutchins, engineer and resident of the Town, addressed the Board. He stated that the MS4 program is difficult, it's been handed down to the Town and it's not going anywhere. He stated, that on the construction side, it's a whole different permit, equally complicated and paperwork intensive. He stated that the process has been struggled with, not only by developers, but by municipalities as well. He stated, that he didn't think within the Town's MS4 permit, there is a specific requirement that the municipality conduct inspections at construction sites, on a particular time frame. He wanted the Town to be aware, that with all of these inspections, come costs.

Shawn McKenna asked how many inspections are required, either by their own engineer or the Town engineer. Mr. Neils stated, that on the construction side, it's controlled by the State's Construction permit. He stated that the MS4 is slightly different. The permit says that you have to ensure compliance with the local law. He stated that there are a number of ways that this can be done. He stated that you can require a self-inspector to carbon copy the Town on the reports. Mr. Neils stated that if they find problems for several weeks in a row, they should be put on notice. He stated that for the construction site operator, inspections are once per week and during winter shut down, it's once per month. Mr. McKenna stated that he already has to have his own engineer do weekly inspections and asked why this person couldn't prepare a monthly inspection report and give it to the Town. He asked why there was a need for a second engineer. He commented that there's no need to have two licensed professionals look at the same thing. The Supervisor asked if there was a legal issue. Mr. Neils stated that with the MS4 permit, unlike the construction permit that requires weekly inspections, there is no mandate. He stated that what's in the local law is a suggested schedule of inspections.

The Supervisor stated that the Board would look into it and see if they can save the contractors some money.

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Mr. McKenna asked if the pre-construction meetings are mandatory and Mr. Neils replied, yes. Mr. McKenna asked who has to attend and it was replied that the Contractor, the Town's designated Stormwater Management Officer and often times, the designated engineer, Code Enforcement Officer and sometimes elected officials. Mr. Neils stated that it's usually a quick meeting. Jim Martin stated that there are other reasons for pre-construction meetings other than for Stormwater.

Mr. Campagnone stated that he hoped the Town would consider involving the contractors more in the process. He stated that he would like to be a part of it and to see the Town grow. He stated that he would offer his experience for free and anything he can do to help, he would make himself available.

Supervisor Kusnierz stated that this Board is committed to moving the community forward and make it a great place to live. He stated that his door's always open and his home number is in the phone book. He stated that anyone can call him anytime with an issue.

Mr. Neils stated that there needs to be a predictability factor so that the contractors know what to expect and so they can include those numbers in the overall project costs.

Councilman VanTassel stated that the Town is in a different position than they were two years ago. The Town has built a better Building Department and stated that they can make progress pretty quick.

Supervisor Kusnierz thanked everyone for their time and for participating in the workshop.

A motion was made by Councilman Hogan and seconded by Councilman VanTassel to close the workshop at 8:45 p.m.

Roll call vote resulted as follows:

Councilman Hogan	Aye
Councilman VanTassel	Aye
Councilwoman LeClair	Aye
Councilman Noonan	Aye
Supervisor Kusnierz	Aye

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk

The minutes to this workshop are not intended to be a complete transcript. To hear the full audio, please visit the Town's website: www.townofmoreau.org
You may also review a hardcopy of the presentation, which may be obtained from the Town Clerk's office.