

Stormwater Board Meeting
Tuesday June 14,2022 @2:30pm
Stormwater Coalition Office

Stormwater Board: Present

Andy Avery- Chair
Kathy Szerszen
Tom Whispel
Chris Doane
Dick Gunderman (2:50 pm)
Jessica Verrigni
Jimmie Joe Carl
Nikole Watts

Soil and Water Conservation District

No one Present

Andy Avery called meeting to order at 2:32pm.

Motion to approve May meeting minutes: Motion made by Chris Doane Seconded by Tom Whispel

Finance Report:

- Review May's Treasurer report to file for audit: Motion made by Chris Doane Seconded by Kathy Szerszen.
- Approve List of bills: Motion made by Chris Doane Seconded by Tom Whispel.
 - o Tom asked what the Insurance – Office Pac for \$1,028.00, line 8 on the bills was.
 - Andy explained that they carry insurance on the board just in case the board members were ever sued.
 - Andy also explained that it is a once-a-year payment.
 - Jessica pointed out the amount was listed on Line 10 on the Monthly expense budget.

Engineer Report:

- Town of Southport
 - o Lewis Road Permits are completed
 - o Culvert is ordered
 - o Getting Kathy, the additional cost estimates
 - o Met with property owner, seemed to have no issue with letting us use her property to get equipment in.
 - o Meeting with Todd at the site, so we can figure out the best way to get the equipment, rock and material to the job site.
- Kristen Card Griffith
 - o 3 FEMA mitigation grants submitted
 - Christian Hollow in the Town of Southport
 - 17th Street in Elmira Heights
 - Upper Larchmont Dam in the Town of Elmira
- SWPPP
 - o Southern Tier Logistics in the Village of Horseheads

- Plans approved
 - Jessica is now handling the construction
- Town of Veteran
 - Storage Unit
- Chemung County
 - Meals on Wheels
- Town of Erin (Breesport)
 - Solar Farm
- County DPW
 - Closing out paper work for the sediment basin

Presentations

- Cornell Local Roads
 - 2 presentations: Projected Increase in Rainfall and How it Effects Culvert Sizing

Upcoming:

- Town of Erin
 - Culvert sizing
- Town of Catlin
 - Culvert sizing

District Report:

- Audit happening right now
- 7 municipalities have not submitted their payments

Technician Report:

- Construction Sites Active and/or winding down
 - Villa's SFH (Village of Horseheads)- Inspected 6/6/22
 - Horseheads Hotel- Best Western (Village of Horseheads)- Inspected 6/6/22
 - Barrington West Lots 54,83, &84 (Town of Horseheads)- Inspected 6/2/22
 - Hilliard Warehouse (Coty of Elmira)- Inspected 6/2/22
 - Well Now (City of Elmira)
 - Hunter's Run (town of Horseheads)- Inspected 6/2/22
 - Hulett Well Reclamation (Town of Veteran)
 - Lant Well Reclamation (Town of Veteran)
 - Preferred Landscape (Town of Big Flats)- Inspected 6/2/22, 6/13/22
 - Lot # 13 Hibbard Subdivision (Town of Big Flats)- Inspected 6/2/22
 - Rte. 13 Connector Road Project (Chemung County)
 - Mark Twain Riverfront Park (City of Elmira) Inspected 6/6/22
 - Fairport Ridge (Town of Horseheads) Inspected 6/2/22
 - Hickory Grove Solar (Town of Horseheads) Inspected 6/6/22
 - NEXAMP Solar Project Yawger Road (Town of Big Flats) Inspected 6/7/22
 - Stamped fittings (Town of Big Flats)- Pre- Construction Meeting 6/7/22
 - Southern Tier Logistics (village of horseheads)- Pre- Construction meeting 6/8/22
- WQIP Mapping Grant
 - No Progress
- Stormwater Team Budget

- Reached out to the Mayor of Wellsburg to find out what they decided. Remainder of discussion occurred between Kathy Szerszen and Wellsburg
 - Attending Town of Southport Board Meeting 6/14/22
- Post Construction Inspections performed
 - Chemung Supply (Town of Horseheads)- infiltration basin – Report Complete
- Outfall Inspections
 - Elmira (City) – 3
 - Big Flats – 18
 - Southport-2
 - Nikole-2
- Drone video Fairgrounds, Harris Hill, and Park Station for County website
- Stream sampled with Gene Stow for the Chemung County Water Quality Committee
- Attended Zoom call with representatives from Chemung County Sewer District, Chemung County Planning, City of Elmira and consultants from Larson Design Group to discuss the possibility of submitting a grant through the Consolidated Funding Application for the Engineering Planning Grant to plan a strategy to install Green Infrastructure to reduce amount of stormwater flowing to the combined sewer system. At this time the group would be looking for letters of support from the District and the Stormwater Team.
- Town Of Big Flats
 - Field visit to Airport temporary parking lot to see work completed on their infiltration basin that were identified in last post construction inspection.
 - Reviewed the approved SWPPP for Stamped Fittings in preparation for pre-construction meeting
 - Reviewed the approved SWPPP for Nexamp Solar Project in preparation for pre-construction meeting.
- Town of Horseheads
 - Complaint taken on dumping concrete and yard waste into a stream on Crane Road. Visited the site and followed up with Greg Larnard on actions that can be taken.
- Village of Horseheads
 - Reviewed approved SWPPP for Southern Tier Logistics in preparation for pre-construction meeting.
- Upcoming
 - Next Thursday and Friday teaching in Pittsford NY (Rochester) for the Erosion and Sediment Control Certificate Course.

Educator Report:

- Grant Writing Training
- Environmental Education Training
- Leadership Training
- School Visits:
 - Pine City Kindergarten
 - 100 Students
 - Fred the Fish
 - Parley Coburn Third Grade
 - 120 Students

- Water Sampling
- Electronic Recycling Event
 - o 100 Registrations
 - o Most attended event since the voucher program started
 - o Waiting on React for the Bill
- CSO grant opportunity meeting with Sewer District
- Received the \$1,500.00 grant from USC to purchase Stormwater Workbooks

Upcoming:

- 7 Cohesion Sites
- 3 Town of Southport Parks
- 4 Town of Big Flats Park
- 2 Classes at EOP
- East Side market on July 19,2022
- Meeting with Allie from the Sewer District
- DEC permit follow up
- Reached out to Joe Roman on writing up and educational 1 pager to hand out to resident on Lewis Road project
- Mapping with Jess
- Assisting with Water Quality Symposium training classes
- Boces reached out I will be reviewing their new curriculum changes
- Rain Barrel workshop (Late summer)
- Rain Garden (clean up)
- City Clean up (partner with river friends)
- Vacation June 30th to July 11th

Old Business

- N/A

New Business:

- Legislator approved \$38,000.00 for Stormwater Team budget
- Andy sat in on meeting on Fassett Road stormwater design meeting
 - o Moving Forward
 - City has ARP funding
 - Town of Elmira funding
- New Computer for Nikole
 - o Get quotes, email them to the board
 - o Board can vote for purchase after reviewing the quotes and budget
 - o There will be a GIS bill that will be coming in for \$2,500.00
- Health Insurance Increase
 - o Price increase of 12.73% has been proposed but is not yet finalized.
- Groups
 - o Water Quality and Stormwater Coalition
 - The meeting will be held at 9 am and 10am on July 27th at the Fairgrounds Cabin
 - Quarterly Meetings
 - Inviting Mew organizations
 - County Planning Dept

- Sewer District
 - Emergency Management Council (Cornell Cooperative Extension)
 - Nikole will contact Michelle to confirm who to contact on attending the meetings
- Non MS4 have not been contacted on budget increase
 - Jess asked the board on how to handle this, writing a letter was suggested.
 - Letter explaining and introducing the organization
 - Offering to have a staff member come talk or present to their boards
- Wellsburg
 - Kathy spoke with Henry the mayor, they understand the importance of the team, but they are struggling to find the money.
 - Henry told Kathy that he is working on finding the funding to pay for the program
 - Kathy asked about the billing
 - Would it be better to return to the 2 payment installments or go with the one payment?
 - Andy suggested maybe give the municipalities a choice. It was point out that it might get confusing for everyone.
 - All agreed that having one payment would be best.
- Open Meeting law Changes
 - There have been some updates/changes that are in effect as of June 14, 2022
 - Some updates/ changes
 - All meetings must be noticed
 - Public allowed to attend
 - Local laws, rules, regulations, resolutions and policies and any record which is subject to disclosure under FOIL which is scheduled to be discussed at the meeting must be made available to the public to the extent practicable
 - Public body must make minutes available within two weeks of the meeting and within one week of the executive session.
 - Video Conferencing (this could be difficult to accomplish)
 - Kathy asked that Karen check with the county attorney and other soil and water districts to see how they are handling the new/ updates of the Open Meeting Laws. And to have an update to the board by July meeting.

Motion made by Chris and Seconded by Dick to Adjourn the Meeting.

Meeting was Adjourned at 3:11pm

Respectfully Submitted by: Nikole Watts

Resolution No. _____

[PUBLIC BODY]

WHEREAS, by passing Chapter 56 of the Laws of 2022 (“Chapter 56”), the New York State Legislature amended Section 103 of the Open Meetings Law; and

WHEREAS, Chapter 56 adds Section 103-a of the Open Meetings Law, permitting the [PUBLIC BODY] to authorize its members to attend meetings by videoconferencing under extraordinary circumstances; and

WHEREAS, Section 103-a(2)(a) requires the [PUBLIC BODY] to adopt a resolution following a public hearing authorizing the limited use of videoconferencing under such circumstances; and

WHEREAS, Section 103-a(2) allows for hybrid meetings by requiring “that a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend”; and

WHEREAS, Section 103-a(2)(c) requires that members be physically present at any such meeting “unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances . . . including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting”; and

WHEREAS, in accordance with Section 103-a(2)(d), any members attending by videoconference must, except during executive session, be “heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon”; and

WHEREAS, Section 103-a(2)(g) requires that any meeting where a member attends by videoconference be recorded, posted to the [PUBLIC BODY] webpage within five business days, and transcribed upon request; and

WHEREAS, Section 103-a(2)(h) requires that members of the public be permitted to attend and participate, if authorized, in any meeting by videoconference when a member attends by videoconference.

BE IT RESOLVED, that the [PUBLIC BODY] authorizes its members who experience an extraordinary circumstance, as described above and further defined by any rules or written procedures later adopted, to attend meetings by videoconference: (i) as long as a quorum of the members attend in-person at one or more locations open to the public; (ii) as long as the member can be seen, heard, and identified while the open portion of the meeting is being conducted; and (iii) as otherwise permitted under Chapter 56 of the Laws of 2022; and be it further

RESOLVED, that the [PUBLIC BODY] shall create written procedures further governing its use of videoconferencing by its members in compliance with Chapter 56 of the Laws of 2022.

MODEL Procedures for Member Videoconferencing
Pursuant to Public Officers Law § 103-a

In compliance with Public Officers Law (POL) § 103-a(2)(a), the [PUBLIC BODY], following a public hearing, authorized by resolution on [insert date] the use of videoconferencing as described in POL § 103-a.

The following procedures are hereby established to satisfy the requirement of POL § 103-a(2)(b) that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations – under extraordinary circumstances – must establish written procedures governing member and public attendance.

1. [PUBLIC BODY] members shall be physically present at any meeting of the [PUBLIC BODY] unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.
2. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.
3. If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify [REPRESENTATIVE OR CHAIR OF PUBLIC BODY] no later than four business days prior to the scheduled meeting in order for proper notice to the public to be given. If extraordinary circumstances present themselves on an emergent basis within four days of a meeting, the [PUBLIC BODY] shall update its notice as soon as practicable to include that information. If it is not practicable for the [PUBLIC BODY] to update its notice, the [PUBLIC BODY] may reschedule its meeting.
4. If there is a quorum of members participating at a physical location(s) open to the public, the [PUBLIC BODY] may properly convene a meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public *shall not* count toward a quorum of the [PUBLIC BODY] but may participate and vote if there is a quorum of members at a physical location(s) open to the public.
5. Except in the case of executive sessions conducted pursuant to POL § 105, the [PUBLIC BODY] shall ensure that its members can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. This shall include the use of first and last name placards physically placed in front of the members or, for members participating by videoconferencing from private locations due to extraordinary circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen.
6. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL § 103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.

MODEL Procedures for Member Videoconferencing
Pursuant to Public Officers Law § 103-a

7. The public notice for the meeting shall inform the public: (i) that extraordinary circumstances videoconferencing will (or may) be used, (ii) where the public can view and/or participate in such meeting, (iii) where required documents and records will be posted or available, and (iv) the physical location(s) for the meeting where the public can attend.
8. The [PUBLIC BODY] shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the [PUBLIC BODY] website within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
9. If members of the [PUBLIC BODY] are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the [PUBLIC BODY] shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The [PUBLIC BODY] shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.
10. Choice 1:

Open meetings of the [STATE PUBLIC BODY OR AUTHORITY] conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL § 103-a shall be broadcast pursuant to the requirements of POL § 103(f) and shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, “disability” shall have the meaning defined in Executive Law § 292.

Choice 2:

Open meetings of the [ALL OTHER PUBLIC BODIES] conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL § 103-a shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, “disability” shall have the meaning defined in Executive Law § 292.
11. The in-person participation requirements of POL § 103-a(2)(c) shall not apply during a [state disaster emergency declared by the governor pursuant to Executive Law § 28 or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to § 24 of the Executive Law] if the [PUBLIC BODY] determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the [PUBLIC BODY] to hold an in-person meeting.
12. These procedures shall be conspicuously posted on the [PUBLIC BODY] website.