Board Minutes of March 24, 2010

I. Call to Order and Roll Call - Having a quorum, the meeting was called to order at 12:15 pm. Roll call completed

Board Members Present: Marcia Jacobowitz
Jonah Mandelbaum
Daniel Patenaude

Member Excused: Michael Worden
One Vacancy

Others Present: Russell Budd, Consultant
Laura Wong-Pan, Law Dept
Frank Fornario, Blooming Grove Supervisor
Jurgen Wekerle, Sierra Club

Staff Present: Eenika Cruz, Administrator
David Church, Executive Director
Kelly Dobbins, OC Planning
Ed Helbig, Consultant

II. Consent Calendar

A motion was made by Jonah Mandelbaum to approve the Minutes from the September 8, 2009 Special Board meeting. The Motion was seconded by Dan Patenaude. Marcia said she would like the minutes to reflect a change to the wording on the second page, last paragraph in the second section. She would like to minutes to read ‘Marcia mentioned the confidential memo by Laura Wong-Pan of the O.C. Dept of Law analyzing the Authority’s capabilities and Marcia said she did not agree with some of the propositions set forth.’ The minutes with the described changes was approved unanimously.

A motion was made by Jonah Mandelbaum to approve the Minutes from the January 29, 2010 Board meeting. The Motion was seconded by Dan Patenaude. Hearing no comments the motion was approved unanimously.

Marcia reminded the Board that she would still like to get proposals for insurance. She asked for three insurance agencies to be present at the next meeting to speak with the Board.

A motion was made by Dan Patenaude to approve the Demands List for March 2010. The Motion was seconded by Jonah Mandelbaum. Hearing no comments the motion was approved unanimously.
The Statement of Account Recap was reviewed by the Board along with the 2009 Year-to-Date Profit and Loss Statement. Dan asked what the check for Watershed Assessment Associates was for. Eenika said it was the final billing for the 2009 stream biomonitoring work done. Dan said he asked because he was not familiar with them and remember it being with another vendor. Kelly Dobbins said we used to pay Hudson Basin River Watch and Kelly Nolan of Watershed Assessment Associates was their subcontractor. Now we are contracted and pay him directly to reduce administrative costs. No other comments were made.

III. Executive Director's Report

A. 2009 Annual Report – Dave said the Board should have received the Annual Report with their packets. He asked for the Board to review it and get any comments to him. Dan said it looked great and asked who did it. Eenika said that she, Kelly, Ed and others all put together the text and Becky in Tourism did the design and formatting. Marcia said she would like to get a few more and would like for a copy to be sent to every supervisor and mayor. Dave said the last piece still missing is the financial audit which will be an appendix and will make it officially done. It will also be posted on the website.

Dave said he would like to discuss the project management line with the Board and asked if they would like to discuss it. The board said it should be discussed in executive session at the end of the meeting.

Dave also asked the Board who they would like to designate to sign checks since Tom is no longer on the Board. Marcia made a motion to make Mike Worden the third signatory on checks for monthly Demands. The motion was seconded by Jonah Mandelbaum. Hearing no comments, the motion passed unanimously.

B. Board Reappointment Update and Other – Dave said he received a letter of resignation from Tom and the Board received a copy. Dave said he and Marcia met with the County Executive about this and he was a few names and will be bringing a name for Legislative approval next month. He will also put in a home rule request to expand the number of Board Members. Marcia said Dave wears two hats and will be getting busier and he needs someone he can depend on. Marcia said the County Executive was open to this and said he will put in a request with the Legislature to add more members to this Board.

C. County Comprehensive Plan Amendment – Water Master Plan – Dave gave an overview of his role as the County Planning Commissioner. He said it would be a nice idea to add a water piece to this Plan. It will also be bundled with a house needs assessment, priority growth amendment and so on. Dave said it was submitted as a legislative request, but missed the due date by a few hours. It will go before the Rules Committee first which are scheduled for the third Thursday in April, then it will go to the Physical Services Committee. Then they will need to declare they are the lead agency for SEQR review and will likely send it to the full legislature a few weeks later. Laura explained further. Dave said there is a lot of new legislators and they may not be familiar with the process which could delay the process. Dave said there was another partisan forum tonight. Marcia said she spoke with Sonia Ayala and noted that Ed would be attending and doing his presentation. Dan asked how other forums went. Dave said the OC Citizens’ Foundation went well and the partisan one on March 10th attended by Eenika and Ed went pretty good too. Marcia noted she wanted to have a transcript from this forum for the Board and asked Eenika when it would be done. Eenika said she got the tape from Jeff Berkman just yesterday and was still trying to locate a transcription machine to type it up for the Board. Dave said there has been some confusion about the outreach we have done. He explained we have sent out at least two letters to all mayors and supervisors, had the hearing at the 911 Building, the kick off meeting and so on. The Board agreed they did ample outreach. The board discussed the upcoming forum further and Dave noted it would be divided into two parts. The first to be discussed is the Water Master Plan and the other is the KJ pipeline. Dave added that we only tried to conceptualize helping communities with these interconnections.
D. Grant Program (Safe Yield Analysis and Leak Detection) – Dave said we are in good shape and may be able to get the proposals out by Friday. Dave has been mentioning that we are going to do this program again and people have been responsive so far. Dan asked if we were still going to rate proposals. Dave said we were but it was going to be for internal discussion purposes only. Dave asked the Board if they would fund only 50% of safe yield projects or would they be willing to go to 60% or higher and noted this project was for municipal water suppliers only. Dave also added that we were only paying to detect leaks and not to fix them. Jonah said the board should ask for the money back if they don’t fix any leaks found.

E. Proposed Easement Amendment – Laura said the OCWA got an easement from Seymour and Jeanette Chinsky on Route 52 in Pine Bush (Crawford) to build the water loop. Laura displayed a map showing the original lot and how it was subdivided into two lots. One was purchased to building the new firehouse and the other two lots (2 & 3) were bought by the Pirog brothers and Ms. Krom. They are selling these lot to someone who would like to build a tractor supply store. Laura said there is a clause in the easement saying no trucks can be driving over the water line/easement area. The owners are requesting to amend the easement allowing trucks to enter the site for construct and eventually for delivery trucks to cross the easement area. Dave noted he recalled the proposed water line easement there was obtained to skim flood water in Shawangunk and transport it to the Dwarkill Reservoir for storage. Marcia asked if the need for this easement still exists and Dave replied that even though they may not need it now, it may be in the future. Marcia agreed, they could not predict the future. Laura read the easement’s proposed language change. Russ said that they may need to look into putting weight limits for trucks in the easement. Laura said the broad language she proposed should cover any need for detailed text such as that. Laura asked the Board if they wanted to charge a fee to the owners for her time and for filing the easement. Laura also asked the Board if they wanted to add a simultaneous transfer of title. The Board agreed.

A motion was made by Jonah Mandelbaum to approve the amended easement as well as a simultaneous transfer of title. The motion was seconded by Dan Patenaude. Hearing no other comments, the motion passes unanimously.

Jergen brought up a good point that this easement may also exist on the firehouse’s property and may have the same issues. Laura said she’ll have a paralegal look into it and will let the Board know what they find out.

IV. Project Updates

A. Decentralized Wastewater Demonstration Project – Dave said he’s been working with the Health Dept and they’ve assigned Chris Dunleavy as the liaison to the OCWA to help facilitate this project. Dave said we’re getting ready to put out bids soon. Dave showed the Board the proposed resolution and estimates for parts for the construction of this project they were given. Dan asked why we would pre-purchase the equipment. Eenika and Dave noted because it was more cost effective and would alleviate time constraints. The Board said they were not comfortable with this and noted that if there was an issue, we would be responsible. Jonah added that it should be the contractor who buys the equipment. The Board agreed to deny the proposal.

B. Water Conservation Education – Ed said Eenika did some analysis for the MS4 Reporting and we saw about 6500 students from March 2009 through February 2010. Sarah is still doing very well and has been actively pursuing new schools and teachers have been very receptive. Ed also said the Educators how have shirts with the OCWA to wear into schools. MaryLynne has been working on text for an online survey with survey-monkey. Ed continues to work with local colleges. Ed said on April 7 he and the Planning Dept are doing some training about groundwater resources, aquifers and so on for planning and municipal board members. They can also get credit for attending. It will be held at the interactive museum. They will be doing a daytime training with Laurie Seaman soon.

Ed said contracts for performers of the festival are going out soon. It’s on May 22rd this year and we’re already getting in registrations.
Ed also spoke about the proposal made for Museum Village. Next season they are expecting to see 6000 students. Dave said they have been struggling, but have been making lots of changes. They hired a new museum coordinator and are looking for help to get them through to next year. Ed said he’s been working with them to create an education piece about water. They have a water mining equipment among other things. It would be great to promote water conservation there. Ed said there could be signage and could be quite valuable education piece. If this water course is added we could help them by paying them $1 per student who visits there, which Ed noted would be within the current budget.

**C. Moodna Watershed Management Plan** – Kelly said they had a meeting in February and about 25 people attended and some were municipal leaders and representatives. The main item on the agenda was the creation of this intermunicipal watershed group which would tackle issues and implement the Plan. The outcome of those present was to create a small working group that will start structuring the group. Kelly said they would ideally like to see one representative from each of the 22 municipalities. This small working group will meet next Tuesday (3/30) at the Monell Firehouse in Washingtonville at noon. Staff will ask them a series of questions such as weighted voting and so on. The larger stakeholders meeting will be held in late April. Kelly also said we still haven’t heard anything on the stream gages, but may have found a temporary solution. She is looking into stream height gages which are monitoring devices that look like rulers and are installed by culverts. The only downside to these can’t be viewed in real time and volunteers would need to read them. Dave said there are only ones installed on the Walkkill in Gardiner and one on the Neversink to manage reservoir waters. He also noted that he, Kelly, a staff member of John Hall’s office, member of the Army Corps of Engineers and others did a tour of the Wallkill and Ramapo Rivers. Dave added that there is no capability to predict flooding.

**D. Mid County Project** – Dave said the design manual is done and will be going for publication and will hopefully have a copy for the Board at the next meeting. The Mid County Study Group met last week. HDR had meetings already with Middletown, Walkkill, Wawayand and the OC DPW. They will be meeting with the two Goshens soon. The will also have a follow up meeting with DPW next week regarding the Route 6 construction, the jail and Milmar issues. HDR was hired to do the Feasibility Study and is or will be soon contracted with the Planning Dept. Dave said the grant should allow for all work up to the permitting process. The Mid County Group agreed to focus on a few key projects. Dave said there is a well at the jail but believes there are some issues with it, but did not know the specifics.

**E. Stream Biomonitoring** – Kelly said she is planning on setting up a meeting soon to discuss the strategy for work to be completed this year. She would like to see some investigative work as well as work with municipalities and see about changing sites up to maximize money we have allocated for this project. The board agreed they would like this project to go to the next step.

**V. Update on Research by David Gubits, Esq.**

Dave said Mr. Gubits spoke with Mitchell Morris of the Department of Audit Control at the State on February 8th for about a half-hour. Dave said they are currently researching the questions we asked. It is known that we can borrow money and loan that, but it is still unsure if the OCWA can lend funds out of the Water Fund since the original source of it was County taxation. Marcia noted that the County Executive was also going to look into this as well. Dave said there may also be an issue with the $1.5 million taken out of the Water Fund for the Open Space preservation. Marcia added that the OCWA never authorized this and need to make sure it is not on our books as part of the money that is allegedly owed to the County. Dave said at this point, the State is still looking into our questions – were wishy-washy - and may only give a verbal opinion but did not promise a date. He added that they may not ever give a written finding on this. Eenika added that they are doing audits of schools and BOCES schools now and are extremely busy.
Marcia told the Board that the next meeting was tentatively scheduled for April 28th, but had a prior commitment and could not attend. Marcia asked the Board if they would be willing to reschedule for the week prior: Wednesday, April 21st at either noon or at 4:00 pm. The Board was open to this suggestion but would need to check their calendars. Dave asked Eenika to poll the Board as to their availability on April 21.

VII. Comments from Board, Staff and Public

Russ said he had a client that knows they have a leak but are unable to find it. He said the leak detection project was perfect timing and wondered when the Board was going to put out the request for that project. Dave answered that he would like to get it out this week, but if not, very soon.

VIII. Executive Session

The Board agreed to discuss an employment matter of a particular person or corporation leading to the employment of such a person or group in Executive Session. A Motion was made by Dan Patenaude to go into executive session. The Motion was seconded by Jonah Mandelbaum. The Motion was approved unanimously at 1:30 pm.

A Motion was made to come out of Executive Session by Marcia Jacobowitz. The Motion was seconded by Jonah Mandelbaum and approved unanimously at 1:45 pm.

A motion was made by Dan Patenaude to hire Mary Beth Bianconi of Delaware Engineering and Russell Urban-Mead of The Chazen Companies as technical advisors to the OCWA and the Board with a not-to-exceed contract amount of $24,400 for each firm for the 2010 calendar year. The motion was seconded by Jonah Mandelbaum. Hearing no comments, the motion passed unanimously.

The Board asked Dave to request the Dutchess County Water Authority Director to come and speak with the Board about what they are doing and how they operate. Dave said after contracts are executed with these firms he is going to ask Mary Beth Bianconi to work with the Stone team on the Decentralized Wastewater Demonstration Project. Dan said it was critical to set a path schedule for this project. The Board agreed this project needs to get going.

IX. Adjournment

A motion to adjourn the meeting was made by Jonah Mandelbaum. The Motion was seconded by Dan Patenaude. The meeting was adjourned at 1:50 pm by unanimous vote.

Minutes Completed 3-31-10 by Eenika Cruz