

APPENDIX A

TOWN BOARD RESOLUTIONS

RESOLUTION 5:20 - # 13 OF 2009

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the draft Stormwater Annual Report prepared by the Town's consultant; and

BE IT FURTHER RESOLVED, that said report has been filed in the Town Clerk's Office for review by any interested party; and

BE IT FURTHER RESOLVED, that the public review period ends at 4:00 p.m. on May 21, 2009 when all written or oral comments are to be submitted; and

BE IT FURTHER RESOLVED, that the Town Board does direct its consultant to review the comments and prepare for filing the final report which is due June 1, 2009.

Dated: May 20, 2009

Moved: Councilman Baisley

Seconded: Councilman Cifone

Aye 6 Nays 0

TDM:mlp
t-5/18/09
m-5/20/09
G:\mllegal\tr\2009\may\stormwaterreport2.doc

	AYE	NAY
Councilman Baisley	<u> X </u>	<u> </u>
Councilman Seminara - ABSENT	<u> </u>	<u> </u>
Councilman Conte	<u> X </u>	<u> </u>
Councilman Cifone	<u> X </u>	<u> </u>
Councilman Krakower	<u> X </u>	<u> </u>
Councilman Tancredi	<u> X </u>	<u> </u>
Supervisor Myers	<u> X </u>	<u> </u>

APPENDIX B
RESPONSE TO PUBLIC COMMENTS

Town of Poughkeepsie Stormwater Management Program 2008-2009 Annual Report

Response to Comments on the 2008-2009 Draft Report

The 2008-2009 draft annual report on the municipal stormwater management program was available for public review and comment between May 7 and May 21, 2009. Written comments on the draft annual report were received from Doreen Tignanelli by letter dated May 21, 2009 (see Appendix C). The following is a summary of each comment with a response.

Preface Comment: The online report was in a non-searchable pdf format that was not convenient for review. A searchable pdf should be provided to encourage public involvement.

Response: The report format is a new one required and provided by NYS DEC. The Town can look into posting a searchable pdf format in the future.

Comment 1: Water Quality Trends – Town usage/citation of the Vassar Environmental Research Institute (VERI) Casperkill study, within the reporting period.

Response: Citation of this report is consistent with a goal of MCM#2, Public Involvement, to gather input from stakeholders, such as watershed data, and the report was completed during the reporting year and released in Feb., 2009. Although this study was not produced by the MS4, some of the report's key purposes are to promote awareness of the creek conditions, to document current water quality data and to establish a baseline for further monitoring. The report acknowledges that the support of the Town of Poughkeepsie Town Board and the Town were instrumental in obtaining partial funding of the project through a state institute grant.

Comment 2a: Under Minimum Control Measure (MCM) #1, Public Education and Outreach, Q:#3 The number of construction site operators trained was left blank.

Response: As described on MCC Page 3, the Town coordinates with the Dutchess County Soil and Water Conservation District (DCSWCD) for purposes of training. This information was not available from DCSWCD until after the draft was produced. According to the DCSWCD, two sessions were hosted during the reporting period, which were intended for contractors and site operators. During these sessions a total of 63 people attended (see Appendix D). The form has been updated accordingly.

Comment 2b: The policy(ies) related to the usage of the current list-serve was questioned. Stakeholder contact over the course of the reporting period was unclear.

Response: The availability of agencies/contact persons on the list as it existed during the reporting period through March 9, 2009, was twenty (20). It is the intent of the program to notify stakeholders of the opportunity to provide comment. For the 2007-08 annual report, public notice and opportunity for comment was advertised but use of the stakeholder list may have been overlooked. For the draft 2008-09 annual report, the stakeholder list was expanded from reporting year activities to include 36 interested individuals/agencies, and notification and opportunity to comment was performed via email notification

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Response to Comments on the 2008-2009 Draft Report

on May 7, 2009. The list was also recently used to spread the word with regard to upcoming public events scheduled in July 2009 that are related to watershed protection and Creek cleanup programs. The notification process will be reviewed and modified where necessary to ensure implementation.

Comment 2c: Public events/presentations was indicated with a number of 150 attendees.

Response: This amount was an approximation as no official sign-in sheets were available. This included meetings held on March 27, 2008 (Casperkill Watershed Alliance), Planning Board meetings where stormwater aspects for upcoming projects were reviewed with the Planning Board and the Town Board meeting where the findings of the VERI Casperkill study were presented. In addition, an unquantified but significant number of individuals participated in monthly development plan public hearings and reviews that included discussion of stormwater management design, and in several Dutchess County Soil & Water Conservation District sponsored events (See Appendix D).

Comment 3: Public Education and Outreach, MCM 1, #4 Evaluating and Measuring Progress

Response: In terms of the availability of brochures and posting to the website, it is noted that the posting occurred outside of the dates of the reporting period. However, the same brochures were available for review at various locations around Town Hall throughout the reporting period. As noted on MMI page 2 of 4, these locations include the main town meeting room lobby, Town Planning Department, Building Department and Tax Receiving Department. Since the new annual report format suggests use of websites to aid the reviewer, these brochures were posted to the Town website with an address to allow the reviewer to access the information.

Comment 4: Public Involvement/Participation, MCM 2, #1, Number of community meetings, etc.

Response: This amount was an approximation as no official sign-in sheets were available. This presentation held at the July 17, 2008, Planning Board meeting included an overview of the Hudsonia report on bio-diversity. The content of the report was posted on the Town website for most of the reporting year and includes information about aquatic resources, streams, creeks, wetlands and has references to watershed protection techniques. While it may be true that the actual presentation did not cover storm water topics per se, the report does enhance awareness among the general public to become attuned to stormwater and watershed protection issues.

Additional community meetings/opportunity for public participation and input on the Town Stormwater Management Plan was provided at two Town Board meetings in May, 2008 regarding the 2007-08 Draft Annual Report and by the associated public comment period.

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Additional unquantifiable input is provided by regular public comment on stormwater issues and practices received at monthly Planning Board meetings and public hearings on development plan reviews.

Comment 5: Public Involvement/Participation, MCM 2; #6, Use of List-Serve

Response: See Response to comment 2a above with regard to stakeholders list.

Comment 6: Illicit Discharge and Elimination, MCM 3; #3a. For inspection targeting, it is unclear why "Sites Not Targeted" was not reported as "None." The town should implement a targeted program to identify and correct sources of potential illicit discharges.

Response: "Sites Not Targeted" was reported under "Other" because the Town used unlisted mechanisms, such as a rotating schedule of outfall inspections, regular and random site inspections and responses to complaints. For the 2008-09 reporting year, the Town targeted the Fallkill and Casperkill watersheds and conducted 66 and 12 outfall inspections, respectively. These mechanisms resulted in detection of two illicit discharges during the reporting period.

The Town Engineer was given authority in May 2005 to take enforcement actions including the issuance of Orders to Abate, and the levy of fines to eliminate sources of illicit discharges as they are identified either via outfall inspection or public reporting. A failure to abate a violation after written notice by the Town may result in additional court ordered fines and imprisonment. Also, other departments are an integral part of the Town's IDDE program. The Town sewer department inspects the installation of new sewer laterals to ensure proper connection. The zoning department performs inspections to eliminate improper solid waste disposal as identified either via site inspection or public reporting. In addition to regulation the town has participated in educational activities addressing sources of pollution including direct distribution of pamphlets to homeowners and distribution of pamphlets to area businesses.

Comment 7: Illicit Discharge and Elimination, MCM 3; 9, 10 and 11.

Response: In adopting the current IDDE law, the Town used the NYS Model Ordinance and adjusted it to suit particular needs and/or comments. The Town is working toward obtaining an official certification that the current law is deemed equivalent to the original state model ordinance. This is viewed as a procedural matter and will be accomplished in the current reporting period.

Comment 8: Illicit Discharge and Elimination, MCM 3, Evaluating Measures and Progress

Response to Comments on the 2008-2009 Draft Report

Response: As mentioned on MCM 3 Page 4 of 4, a concerted effort to increase the number of inspections to meet the target goal of 20% per annum will be implemented. Also, other departments are an integral part of the Town's IDDE program.

Comment 9: Construction Site and Post-Construction Control, MCM 4. The frequency and adequacy of construction compliance inspections is questionable.

Response: Continued and improved enforcement is expected as the experience and lessons learned during development of the enforcement program (prior to January 2008) are a planning tool for what to anticipate during continued regulation of the industry. The example site is an anomaly as the site owner approached the Town for a minor land contour permit but then proceeded to clear and do grading work beyond the limits and prior to officially receiving a permit. Once it was recognized as a violation, a stop work order was issued with an order to remedy that included immediate stabilization and restoration of the site. This site is subject to on-going enforcement and the current conditions are due to poor vegetation establishment and some minor erosion.

Comment 10: Post-Construction Stormwater Management, MCM 5; #3. LID techniques should be required to prevent flooding and protect property and water quality.

Response: Technical standards for the design of practices intended to control stormwater are established by the state and are contained within the NYSDEC Stormwater Design Manual. LID principles and concepts are currently being integrated by the NYSDEC into those standards with a revision due out this year. In review of projects and SWPPPs, the Town as MS4 will utilize the NYSDEC Stormwater Design Manual as a guidance document.

While LID techniques are not explicitly required by Town Code, development plan review standards have been used to evaluate and mitigate flood and stormwater effects. Several plans reviewed and approved during the reporting year included LID techniques such as rain gardens, bioretention areas, curbless roads, and porous pavement.

Comment 11: Stormwater Management for Municipal Operations, MCM 6; #3. The amount of personnel trained in stormwater management seems low.

Response: The Town will continue to work with the DCSWCD, the local MS4 committee, the Town Planning Board and CAC, and other agencies and interested individuals to coordinate and participate in local seminars as they become available.

APPENDIX C
PUBLIC COMMENTS

May 21, 2009

Supervisor Patricia Myers
One Overocker Road
Poughkeepsie NY 12603

Subject: Public Comment Draft Stormwater Mgmt Program Annual Report

I would like to offer the following public comment on the Town's Draft Stormwater Management Program Annual Report for the period ending March 9, 2009. As required by NYSDEC SPDES General Permit for Stormwater Discharges from MS4s, a summary of comments and intended responses must be included in the annual report and the final report must be made available for public inspection.

While not a comment regarding the content of the report, I would like to state that the online report did not provide the most efficient, convenient format for review as it was not searchable. If the town seeks to encourage public involvement in the review of the annual stormwater management report, a PDF that is searchable should be provided.

1) Water Quality Trends, asks if this MS4/coalition produced any report documenting water quality trends and "yes" is circled. The web address given is for "Health of the Casperkill" report produced by the Vassar Environmental Research Institute. The report documents water quality trends for the Casperkill Watershed only. The water quality report was not produced by the Town as an individual MS4 or coalition of MS4s. Additionally, while posting of report is a positive step that can be noted as public education, it should be noted in the 2009-2010 SWMP Annual report not the current one as the Casperkill document was not posted to the town web address stated until approximately April 25, 2009 which was after the reporting period ended March 9, 2009 .

2) Minimum Control Measure 1, Public Education and Outreach, #3, regarding strategies used to achieve education and outreach goals during the reporting period:

a) Construction site operators trained was circled but number trained box was left blank. If training was held, an accurate accounting should be provided.

b) List-Serve was circled with number in list given as 20. However, it is not clear what outreach was conducted via list-serve. While the Town's Stormwater Contact informed me several years ago that I had been added to the town's list of individuals interested in stormwater issues, at no time in the reporting period ending March 2009 was I contacted via list-serve. The only information I received was an email on May 7, 2009 from the Town Stormwater Contact after the reporting period ended stating that the Poughkeepsie Town Board accepted for review and comment the 2008-09 Draft Stormwater Management Program Annual Report.

c) Public Events/Presentations was circled with number of attendees given as 150. It is not clear what events/presentations were held.

3) Minimum Control Measure 1, Public Education and Outreach, #4

Evaluating/Measuring Progress MCM 1 states brochures have been posted to the town's website. While posting of brochures on the web is a positive step that should be noted in the 2009-2010 SWMP annual report not the current one as brochures were not posted to the web address given until approximately April 25, 2009 which was after the reporting period ended March 9, 2009.

4) Minimum Control Measure 2, Public Involvement/Participation, #1

asks what opportunities were provided for public participation in implementation, development, evaluation and improvement of the Stormwater Management Plan during the reporting period. Community meeting is circled and number of attendees given as 50. That meeting was identified as the Hudsonia presentation of the Town's Biodiversity Report to the Planning Board on July 17, 2008. There was no mention whatsoever about stormwater management in that presentation. I verified this by listening to the audio of the thirty minute presentation on the town's website

(http://townofpoughkeepsie.com/board_agendas_minutes/board_agendas_minutes.htm). I also verified with Hudsonia presenter that there were no slides dealing with stormwater issues such as flood attenuation. Furthermore, there was no opportunity for public participation as the Planning Board did not allow the public to ask questions or offer input. It should also be noted that the number of attendees listed was 50. As a frequent attendee of Planning Board Meetings, meetings are often sparsely attended. If there are controversial agenda items that draw the public, the public usually leaves after that agenda item is over. That is exactly what happened in this case as the Hudson Valley Health and Wellness Center was #3 on the agenda that night. The Hudsonia presentation was agenda item #6 and sparsely attended as noted the next day in an email I received from Hudsonia presenter that said "There was a great turnout for the public hearing on the health and fitness center, but unfortunately most people left before our talk (some had expressed interest, but ended up leaving because the items before us took a while)". Claiming this presentation as a community meeting on stormwater management with 50 attendees was disingenuous, to say the least. I am not aware of any opportunities available to the public to participate in the implementation, development, evaluation and improvement of the Stormwater Management Plan during the reporting period ending March 9, 2009. The Town must increase its outreach to the public to meet public involvement requirements.

5) Minimum Control Measure 2, Public Involvement/Participation, #6,

Evaluating/Measuring Progress MCM 2, states that the public contact maintains a current list of interested parties that have expressed an interest in stormwater issues and the list is used to promote public involvement. This same claim is also made in the narrative of this report as well as 2008 SWMP Draft report narrative on public involvement. Again, as stated above, while the Town's

Stormwater Contact informed me several years ago that I had been added to the town's list of individuals interested in stormwater issues, at no time during the reporting period ending March 2009 was I contacted regarding stormwater activities. Furthermore, in April of 2009 I filed a FOIL request for this list of stakeholders and a current list could not be produced. The list I did finally receive did not even have my name on it nor did it have names of groups identified as stakeholders in prior years reports. It is not clear how the report can state that a current list was used to promote public involvement and awareness of planned activities if the Town Stormwater Contact could not produce a current list.

6) Minimum Control Measure 3, Illicit Discharge and Elimination, #3a, refers to sites targeted for inspection during this reporting period and "Other" is circled. Explanation for "Other" states "sites not targeted". If no sites were targeted, it is not clear why "None" wasn't circled instead. It is troubling to read that in the entire year's reporting period, not one of the 26 types of sites listed (carwashes, restaurants, etc.) were targeted for inspection. A schedule of sites targeted for inspection in 2009-2010 reporting period should be prepared.

7) Minimum Control Measure 3, Illicit Discharge and Elimination, #9 to 11, it is stated in #9 that an IDDE law has been adopted but #10 states that it has not been certified by an attorney to be equivalent to the NYS Model IDDE law. It is not clear why the Town would adopt a law that is not equivalent to the model law. Furthermore, this conflicts with the prior year report that states "NYS Model IDDE Law in its entirety" was used. #11 states the number of relevant staff receiving IDDE training to be 10%, a low number that indicates a schedule for additional training during reporting period 2009-2010 is needed.

8) Minimum Control Measure 3, Evaluating/Measuring Progress MCM 3, states that only 13% of outfalls were inspected, well below the target of 20%. It is not clear why the target was missed but a schedule should be put in place to ensure that shortfall will be made up in 2009-2010 reporting period.

9) Minimum Control Measure 4, Construction Site Stormwater Runoff Control, this continues to be a problem on sites throughout the town as noted in prior year report comments. While it is stated that 100% of sites were inspected more than once, observation of many of these sites indicates problems with E&S controls such as improperly maintained silt fencing and lack of soil stabilization. One example is the recently cleared forested site next to the former Raia self-storage building on Route 9. Little or no grass is growing on the site and gullies are forming. There is a drainage ditch parallel to Route 9 that runs into the Casperkill Creek providing a direct path for mud to run into the creek. Check dams in the drainage ditch would at least allow the sediment to settle before reaching the creek. As stated in previous years comments, self-inspections reports often state that E&S controls are in working order when casual observation proves otherwise.

10) Minimum Control Measure 5, Post-Construction Stormwater

Management, #3, refers to Low Impact Development principles. As indicated in prior year report comments, not enough progress has been made regarding incorporation of LID techniques as part of Planning Board review. In light of increased flooding incidences, LID techniques should be required as a means of flood prevention to protect property as well as water quality.

11) Minimum Control Measure 6, Stormwater Management for Municipal Operations, #3, shows percentage of municipal employees in relevant positions receiving stormwater management training as 10%. Again, this is a low number that indicates a schedule for additional training during reporting period 2009-2010 is needed.

Sincerely,

Doreen A. Tignanelli
29 Colburn Drive
Poughkeepsie NY 12603

cc: Eric Hollman
Neil Wilson
Town Board Members

(sent electronically)

APPENDIX D

**INFORMATION FROM DUTCHESS COUNTY
SOIL & WATER CONSERVATION DISTRICT (DCSWCD)**

Municipal Employee Trainings

- 5/28/08 – Millbrook / 50 attendees / Beekman, Pawling, Lagrange and NYSDOT
- 6/2008 – CPESC Review Class / 44 attendees
- 7/8/08 - NYS Nursery Landscape Assoc. Reg II Summer Training
- 8/18/08 – 8/24/08 / DC Fair / General Public Education
- 10/15/08 – Beacon / Stormwater Conference / 188 attendees
- 1/15/09 – Poughkeepsie / 13 attendees
- 2/27/09 – 3/2/09 – Adams Fairacre Farms Spring Show / General Public Education

APPENDIX E

CORRESPONDENCE WITH THE CITY OF POUGHKEEPSIE

ENGINEERING DEPARTMENT

Town of Poughkeepsie

MICHAEL J. MORRIS, P. E.
Town Engineer
DONALD A. BEER
Associate Town Engineer
RUSSELL D. KING
Assistant Town Engineer

ONE OVEROCKER ROAD
POUGHKEEPSIE, NY 12603
TEL # (845) 485-3638
FAX # (845) 485-4159

April 10, 2008

Richard DuPilka, P.E.,
City Engineer
62 Civic Center Plaza
P.O. Box 300
Poughkeepsie, NY 12602

COPY

Phase 2 Drainage

Dear Mr. DuPilka:

During our annual inspection of outfalls in the Town in accordance with Phase 2 Drainage Regulations, we received notice of a septic problem which may be emanating from the City of Poughkeepsie.

There is a small stream which crosses Park Avenue from the City about 700 feet down from College Avenue. We first received reports of a septic odor coming from this stream and have since received test data from Vassar College that appears to indicate a possible septic problem.

In accordance with the regulations we are passing this information on to the City of possible contaminants and requesting that you investigate further into the source of this possible illicit discharge.

Thank you for your attention to this matter. If you have any questions, please call me at (845) 485-3635.

Very truly yours,

Russell D. King
Assistant Town Engineer

Todd Tancredi
Councilman – Ward 6

RDK/jag

Attachments: 2

cc: Gwen Johnson, 7th Ward Councilwoman, City of Poughkeepsie w/attachments

Drainage/2008/parkave

ENGINEERING DEPARTMENT
Town of Poughkeepsie

PETER D. SETARO, P. E.
Town Engineer
DONALD A. BEER
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TEL # (845) 485-3638
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November 24, 2008

Richard DuPilka, P.E., City Engineer
62 Civic Center Plaza
P.O. Box 300
Poughkeepsie, NY 12602

COPY

Re: Phase 2 Drainage Inspections

Dear Mr. DuPilka:

During our reinspection of outfalls in the Town, in accordance with the Phase 2 Drainage Regulations, we again noticed a possible grease buildup where the small stream crosses Fallkill Avenue.

We followed the stream back to the Morgan Lake outfall where we noticed a substantial buildup of suds (picture attached). Maybe some testing might be in order. Please advise.

Sincerely,

Russell D. King
Assistant Town Engineer

RDK/jag

Attachment: 1

cc: Patricia Myers, Supervisor w/attachment
Jim Wojtowicz, Comptroller w/attachment

Drainage/2008/FallkillAve