

Black Creek Watershed Coalition

Meeting Minutes

October 30, 2013

Location: Town of Chili Highway Department
200 Beaver Rd. Chili, NY

Attendance: Peter Lent, Oatka Creek Watershed Committee Chairman, Interested citizen, Dorothy Borgus, Town Of Chili Resident; Kevin Donovan, Village of Bergen; Peggy Grayson, Town of Stafford, GLOW SWMC; Brian Ostling, Town of Chili Highway Dept; Judy Spring, Genesee County SWCD; George Squires, Genesee County SWCD; Lyle Warren, Churchville Zoning Board of Appeals; Tucker Kautz, Monroe County SWCD; George Thomas, CEI; Julia Garver, Merzbach Law Office.

1. Introductions:

- Were made and meeting minutes of September 30, 2013 were discussed and approved.
- Changes were made to the order of the agenda

2. Watershed Planning Update

- The Oatka Creek Watershed Committee PAC meeting will be held next Wednesday, November 6 at Woodward Memorial Library on Wolcott St., LeRoy
- Genesee Finger Lakes Planning has the draft reports on their web site. There is no news on going forward but they should be finishing soon
- We should leave this item on the agenda for the next few months. A formal draft of the Plan will be made and notices will be sent for the public meeting

3. Upper Black Creek Watershed TMDL-Public Meeting Update

- The meeting was held this afternoon at Genesee County Park in E. Bethany
- Approximately 30 people attended
- Byron TMDL-the S. Byron sewer system needs a 79% reduction in phosphorus
 - Individual septic tanks go to a community mound leach system and then discharge to various creeks
 - S. Byron to Black Creek
 - Byron to Black Creek
 - N. Byron to Spring Creek and then to Black Creek
- DEC-Byron discharge is OK, monitored at Route 237
- Cockram Rd.-monitor Black Creek and Bigelow Creek. DEC wants improvement and monitoring-more biological than phosphorus
- S. Byron-79% reduction won't happen in mound system

- How it can be done is questionable
- Concern over reduction upstream in light of agricultural activity
- DEC would provide help. Possibly with EPF funding
 - Will be required on 3, 5 and 10 year time line
 - Will go after those with permits (SPDES)
- Farmers in attendance questioned what they should do. Suggestions-buffers and Trees to Tribs program
- DEC is working on a timeline to get regulations to EPA
- Black Creek is the first flowing stream in the state to have this imposed. It is experimental (new methodology) and will then apply to other streams in the state
- It is not a well defined process, methodology – no actual number
- The next step-Public comment period is open through November 15

4. By-Laws Changes and Application for 501 (c)(3)

- Lyle made changes (draft), used Oatka Creek Watershed Committee as a model and tried to keep it broad
- May want to add #3-Non point source pollution reduction and buffers? The consensus was not to
- Julia explained that there is an issue with timing. Changes to the law take place after January 1, 2014, so adjustments may need to be made
- The issue of titles of officers was discussed
- George's office address (GCSWCD) would be used on paperwork
- Question on Paragraph 3 Purposes-"To develop a plan ... who would implement? Towns? Would Genesee Finger Lakes Planning hand over the plan for BCWC and OCWC to implement?
- Dorothy questioned the timing and whether we should hold off until the plan is done. Lyle doesn't think so. Julia noted that we are not committed to accomplish everything listed in the application and suggested keeping it broad so that it doesn't have to be amended.
- George suggested that implementation be added to 3a
- Intermunicipal Agreements (IMAs)-Set to expire at the end of this year.
 - Will need to reaffirm with towns
 - Will need to do presentations to towns
 - Should we designate members?
- Julia-#10 Dissolution-assets should be distributed to an organization whose mission is similar, to another 501(c)(3) She also suggested adding a clause on indemnification
- Lyle asked that members send him any other suggestion

- Cost-about \$200. Lyle stated he would advance the fee. Time wise-Federal government would take about 15 months. Should our fiscal year run with the calendar year?

Next Meeting:

Tentative November 19, 2013 at 5:30 in Bergen, NY - Kevin will check on availability of the village office

Adjournment: Motion to adjourn meeting and all were in favor, meeting adjourned