



EAST OF HUDSON WATERSHED CORPORATION

EXECUTIVE COMMITTEE MEETING

LOCATION: Business Office: 2 Route 164, Patterson, NY 12563

TIME and DATE: 9:30 AM, Tuesday, January 25, 2018

Meeting Minutes

1) Open Meeting

Voting Members in Attendance: Peter Parsons (Town of Lewisboro); Rich Williams (Town of Patterson); Warren Lucas (Town of North Salem); JoAnne Daley as alternate for James Schmitt (Town of Pawling); Chris Burdick (Town of Bedford); Vincent Tamagna as alternate for MaryEllen Odell (Putnam County); Rich Franzetti as alternate for Ken Schmitt (Town of Carmel)

Others in Attendance: Patrick Palmer (NYSDOH); Jim Hyde (NYSDOH); Joe Cermele (Kellard Sessions); Sabrina Charney-Hull (Town of New Castle); Michael Quinn (Town of Yorktown); George Rodenhausen (Corporate Counsel); Vincent Giorgio (NYCDEP); Antonino Modica (NYCDEP); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Yvette Rivera (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes of November 16, 2017

Motion by Director Parson, seconded by Director Lucas to approve the meeting minutes of November 16, 2017; all in favor.

3) Discussion/Building near Patterson Town Hall

Discussion postponed until the Executive Committee Meeting scheduled for February 22nd.

4) Financial Update

a. Year-to-Date and Inception-to-Date

Joanne Tavino reported that checks this month were written in the amount of \$411,000. Currently, there is a \$9.1 million fund balance with \$8 million invested in treasuries. Treasury investments will be scaled back as the construction season begins. The audit is scheduled to commence at the EOHWC offices on February 7th. All outstanding 2017 O & M submissions must be received by that date.

5) Municipal Reimbursements

a. NS-EB-01

Kevin informed members that the Town of North Salem executed a project around Peach Lake which included portions of the Town of Southeast. Due to some additional costs presented to East of Hudson Watershed Corporation (EOHWC) this past week, it will be necessary to amend the current reimbursement agreement presented by the Town of North Salem. Director Lucas stated the work has been completed. The total phosphorus credit is 10.9 kilograms with the cost being approximately \$800,000. The town

received a grant in the amount of \$450,000 and EOHWC agreed to pay the balance of \$347,000. The Town of North Salem is requesting \$363,000 to cover additional costs. Specifically, the project included 8 different sites that required surveys, permissions and other work. One of the sites decided they no longer wished to proceed with the project after the money was spent so another site needed to be located. The same process had to be undertaken with regard to design and surveys on the new site. The build was a bit less than the contract bid was for because there was less rock than had been anticipated. The cost per kilogram worked out to roughly \$33,000. Kevin agreed to work with Director Lucas and George Rodenhause to amend the existing reimbursement agreement. The amended agreement will be presented at the February Executive Committee meeting.

b. Putnam County

Kevin explained that the Putnam County reimbursement refers to EOHWC efforts to recuperate the finances from the Putnam County Golf Course. Numerous conversations were had with the New York State Department of Environmental Conservation (NYSDEC) regarding the status of the grant. Vincent Tamagna indicated that Putnam County is still waiting for the grant reimbursement to come from NYSDEC. Each time an inquiry is made, they are told to expect the reimbursement in two weeks. A letter will be provided from Putnam County for the auditor stating that they are in the process of tracking the money down.

6) Project Update

Kevin reported that there is a clearer trajectory with the FAD funding and more clarity in what intended for execute. Many new projects have come in that have not yet been added to the Project Status Update. For Years 6 & 7, active projects will amount to 275 kilograms. All 30% designs and reviews are being pushed ahead. The Brewster Heights project (SE-POT-02) is expected to begin construction this spring. Contract documents are waiting to be finalized by Nathan Jacobson. It is anticipated that the construction will take a long time to complete. Specifically, there are two very large channels to stabilize. The only issue that may delay construction is the Indiana bats that roost in the trees. George recommended working with NYSDEC to identify the trees that contain the bats and then cutting down the ones which they are not occupying at that point. The remaining trees could be cut down once the bats have moved on.

7) O & M Program Update

Kevin reported that the 2016 O & M is nearly complete. Joanne added that three checks are expected from Lewisboro, Pound Ridge and Somers. Further, Kevin noted that there are still a few outstanding submissions left for 2017 O & M. An effort will again be made to reach out to the highway departments who have not responded before the audit begins. Director Parsons requested that supervisors be kept informed of the impending O & M deadline in order to help move things along. George inquired about the status of SE-POT-02. Kevin informed counsel that he anticipates construction to be awarded at the February Executive Committee meeting. In addition, select design contracts will be awarded.

8) Checks and vouchers

Monthly checks and vouchers were signed. No action taken.

9) Other business

No other business was brought forward.

10) FAD Agreement

a. Introduction of Patrick Palmer – DOH Chief, NYC Watershed Section

Patrick Palmer and Jim Hyde of the New York State Department of Health were introduced. Patrick informed committee members that he has taken over for Dr. Pamela Young as Chief of the New York City Watershed and invited FAD-related questions. Director Lucas pointed out the designated areas on the FAD map as they relate to EOHWC. Director Burdick thanked Patrick for his work on the FAD and emphasized that had it been delayed further, it could have postponed the New York City Department of Environmental Protection (NYCDEP) a full year because of their cycle. Director Lucas noted that we expect to see the money sometime in July or August of 2019. Patrick inquired if EOHWC had the opportunity to meet with the WIG last month to discuss the information he provided as comments on the draft FAD. Director Williams highlighted that at the conclusion of the meeting, the WIG acknowledged that his assumptions were wrong about the cost of what he was proposing to do and yet basically implied he was going to do it anyway. George mentioned the engineers on the projects the WIG was referring to were able to say that the costs were all wrong and that it could cost the towns more than they originally thought. Patrick stated that the DOH didn't feel that the amount of information at the time that the WIG provided it really gave them enough time to evaluate his proposals. In addition, with the upcoming expert panel that is going to evaluate the city's watershed protections plan, it was suggested that those experts would be better served to evaluate some of the stormwater information that he was providing. There might be some good ideas in there in terms of best practices to use or new practices that might provide more phosphorus removal or that are allowed by NYSDEC or NYCDEP that are not the best to use. There could be some updates that the NYSDEC and NYCDEP are both on board with looking at if there are new technologies coming out. In response to a question from Director Parsons with regard to when the panel would come into existence, Patrick indicated possibly the end of January or beginning of February with the National Academies. There will likely be a couple of months of background meetings and then an evaluation of potential candidates for the expert panel. The panel will most likely be formed by late summer/early fall. In a sense, it's a re-evaluation of all the city's watershed protection programs. A similar evaluation was done 20 years ago by the National Research Council of what the city had in place, what programs were effective, and what programs might be lacking had the science changed in terms of what they were trying to do. This council will evaluate the city's programs on everything from stormwater, septic, land acquisition, modeling, and watershed water quality plans to see if they are doing the right things or what the most current science would negate. The total review timeframe is approximately 18 months. Director Parsons remarked that while there is a role for academics in the panel, it would be beneficial to move forward with some of the practical experience of the two watersheds involved. Furthermore, Kevin sees what is happening on a day to day basis and may be able to make a real contribution to the panel. Sabrina Charney-Hull inquired if the stakeholders previously mentioned included anyone representing the 19 municipalities that were involved in that stakeholders' discussion. It was stressed that in order to have the opportunity to press the TMDL issue, it was important to be able to have a dialogue outside of the standard public hearing. Even within our 19 municipalities, there are differences between Westchester and Putnam counties in regards to how these retrofit programs are playing out, particularly given local governments and capabilities. That is something that is often forgotten about

when policy is written and towns are forced to implement it. Jim indicated that a big part of this is stakeholder and public comments. There are stormwater practices that are used in other states that are not currently allowed in New York State that are more effective. Sabrina mentioned that we are not currently obtaining full credit for channel stabilization. Jim further recommended that during the expert panel is the time to ask for full credit for channel stabilization and methods of that nature. Sabrina added that a meaningful opportunity to have the dialogue and discussion is necessary so that there is an understanding of the input that our residents or other folks may make at the public hearings. Jim advised member municipalities not to discount the expert panel because it is composed of national people who will allow practices that are most cost-effective that are not currently allowed in New York State. The benefit is you then you have someone outside the NYSDEC recommending that they should be doing this the way it's done in other states. There are practices being used there that are much more cost-effective. Director Lucas questioned if there is a way for us to have input on the panel. Patrick indicated that the National Academy does accept nominations of experts for the national panel. Consideration should be given to nominate someone that you feel would serve the interest of EOHWC. Director Williams asked what the qualifications are for the expert panel. Patrick said that they are looking for a wide range of people with a background in engineering, some type of water quality science research, or possibly public policy. Director Parsons suggested Rich Franzetti as a possible consideration for the expert panel because of his wide range of experience. Rich specified that although he currently works in government, he has engineering experience on both the national and international level. He also agreed that stakeholders need to be part of the panel.

11) Adjournment

Motion to adjourn by Director Parsons, seconded by Vincent Tamagna to adjourn; all in favor. Adjourned 10:42 AM.