



EAST OF HUDSON WATERSHED CORPORATION

EXECUTIVE COMMITTEE MEETING

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

TIME and DATE: 9:30 AM, Wednesday, November 7, 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); Chris Burdick (Town of Bedford); Vincent Tamagna as alternate for MaryEllen Odell (Putnam County); JoAnne Daley as alternate for James Schmitt (Town of Pawling); Rich Franzetti as alternate for Ken Schmitt (Town of Carmel)

Others in Attendance: Vincent Giorgio (NYCDEP); George Rodenhausen (Corporate Counsel); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes of September 27, 2018

Motion by Director Parsons, second by JoAnne Daley to approve the meeting minutes of September 27, 2018 with amendment to item #9b, changing levity to flexibility; all in favor.

3) Financial Update

Joanne Tavino reported that approximately \$100,000 has been earned in interest income year to date and roughly \$1.8 million has been spent. Checks for October totaled approximately \$450,000. The current fund balance is nearly \$7.8 million. One of the treasuries is coming due tomorrow in the amount of \$2 million at Ramirez of which \$1 million will be held back to meet the corporation's cash needs. Another \$1 million will be held back at M&T in January. Our holdings will be evened out at both brokerages so that there will be \$2 million in each brokerage firm by the end of January.

Director Parsons inquired if enough money was budgeted to cover administrative expenses for 2019. Joanne said that admin expenses were taken into consideration as well as the possibility of having to hire a planner to assist Kevin. Currently, there is \$2.5 million in Putnam QIP funds and over \$5 million in Westchester QIP funds.

4) Project Update

Kevin Fitzpatrick reported that an update has been provided to Bob Capowski at New York State Department of Environmental Conservation (NYSDEC) showing where we currently stand and where we are headed. Presently, we are at 436 kilograms and by year end expect to be somewhere around 505 kilograms with the completion of the Brewster Heights project (SE-POT-02) and the inclusion of two

reimbursement projects (Kent-MB-701 and S-MU-701). The Year 8 Work Plan was submitted to the NYSDEC. Once approved, our estimated total phosphorus reduction will be 942 kilograms. As everyone is aware, the ten year phosphorus requirement goal is 920 kilograms. The idea is that we are presenting more active projects that we're pursuing and identifying those which we are most eager to complete with the goal of 920 in sight. Once we reach Year 10, we should only be wrapping up construction projects, not going out to design. As of right now, we are projected to exceed our total and that's specifically with a heavy reliance on FAD projects because it's a key piece to acquiring the funding from New York City Department of Environmental Protection (NYCDEP). The budget had to contain \$7 million in projects within Boyds Corner, West Branch, Croton Falls and Cross River. The approval of the Year 8 Work Plan is pending. No questions or concerns are expected from Bob's perspective. We expect to have his approval by the end of this week or beginning of next. Director Burdick asked whether there are enough projects given how frequently we find they fall out, even those that have gotten approval from NYSDEC. Kevin confirmed that EOHWC is already projected to exceed the goal right now and in Year 9 he expects we are still going to have to project to exceed the goal because we will have some of those projects drop out. We must monitor how those projects are dropping out. More projects will be added as Years 6-10 proceed. These are mostly projects which Kevin identified through working with the towns with many also being pulled in from the Woodard and Curran list. The trouble with a lot of the projects from the Woodard and Curran list was just simply the heavy reliance on private property in which we weren't able to have conversations with the property owners. As we go forward, there will be cases where a town will reach out with a project on private property knowing the owners are willing to work with us. In those cases, we already have our foot in the door and can continue pushing forward. Director Williams said that over time more and more projects are identified and added to the list. Presently, he is looking at a few projects, so that list continually changes. We will continue to develop the list so we have the opportunity to eliminate the projects that we know we wouldn't want to proceed with because the cost of O&M is too high or the installation is too tricky.

The second submission that we are getting ready to make to NYSDEC is going to be tricky one, nevertheless, it's a proposal to get credit for a leaf collection program for the municipalities. Essentially, it's bagging and loading of leaves in certain areas in the watershed. It's a leaf pickup and street sweeping program that most towns are already doing. Director Burdick stated that it's actually mentioned in the town of Bedford's annual report. Kevin specified that the number one complaint he gets from highway departments is that they don't have the ability to add additional projects to maintain. We want to find something that is already being done that we might be able to get credit for where we expand on what's already being done. Kevin mentioned a presentation that he saw at a NYWEA Conference in September where Woodard and Curran actually presented on our projects. Back in June, Kevin shared a copy with everyone of that presentation which touched on the do's and don'ts of MS4 retrofit programs. They expanded on that and presented a piece that's being executed in EPA Region 1 in New England where they are pursuing phosphorus reduction credits in local municipalities for a leaf removal program. It's possible that the New England region is still pursuing what that credit is going to be, but in the Midwest, it's already been accepted for the municipalities to receive credit for the total maximum daily load (TMDL). It's only targeting certain areas of municipalities, so it's medium density residential and certain milestones that get hit within a program. It seemed restrictive upon first review, but when looking deeper, it was found that there's a region in every single municipality that this will fit. It's something that's being done or something that we can add or expand and we can get some credit out of it. We may be able to piggyback this idea on installation or something else to pursue more credit. Hypothetically, let's say we put in a hydrodynamic separator unit (HDS), filter chamber unit or catch basin insert typically those will be clogged up quite a bit by leaf debris that gets in them. If we can introduce this additional piece to a leaf removal program where we are treating the water quality itself and removing an enormous addition of phosphorus in the leaf debris reaching these units, we might be able to work something through with a little

bit of negotiation with the NYSDEC to get credit. Kevin conducted a few case studies to try to find a typical area and one that immediately came to mind was Wood's Bridge's Road in Katonah in the strip that enters into Katonah off of Route 100 because that fits the medium density residential areas. What could be observed was a 24 acre medium density residential area that could provide us 2 kilograms of phosphorus reduction for something that's already being done. As we shape it, we might really be able to assist ourselves with the Westchester County section non-FAD where we are not currently achieving any additional credits. It is definitely something the NYSDEC is interested in making sure we do. They don't want to see us just abandon half of a watershed because we don't have the funding for it. Kevin offered to forward it to anyone interested in reading it before it's sent in for comment. Director Williams asked how many towns are currently participating in a leaf removal program and what is being done with the leaves collected. Director Burdick and Director Lucas said they compost them. Rich Franzetti added that if we are going to think about this as a global effort that's going to get a sufficient amount of credits, we may want to consider a single-permitting composting facility where leaves are collected and we get the phosphorus credit. The question is how does the program get funded? Essentially, people will need to be hired to pick up the leaves and truck them to a composting facility. All those legacy costs may not be worth the amount of phosphorus we are going to get for leaves we're picking up. Kevin stated that it would require more research. Wisconsin received a 17% reduction in the total phosphorus level for leaf removal. If towns are already executing leaf cleanup in large areas, then this is an easy way to obtain additional credits. Director Parsons thanked Kevin for looking into the possibility of getting credit for leaf cleanup. George inquired if Bob Capowski was thinking of doing this under the current retrofit program or another aspect of TMDL compliance. Kevin responded that his argument or point would be to include it under the retrofit program; however, technically, the NYSDEC may not see it as a retrofit project. Director Burdick said that if the NYSDEC argues that it wouldn't fall under the retrofit program, enhancements may need to be made to make it work. Kevin will investigate what the options are, who is doing it already and to what extent can we get credit out of it. In the past, Bob and Ken expressed willingness to consider new ideas and adjustments. The final submittal will be made to NYSDEC soon.

Director Parsons inquired if Kevin received a response about Bio-Char. Kevin noted that since the last inquiry, an additional email was sent to the representatives from Bio-Char but they have not responded. A phone call to the representative will be made after the meeting to get an update which will be provided at the November 29th meeting.

George asked if we are still under the assumption that we first have to spend \$7 million in the FAD basins. Kevin explained that we have to budget for \$7 million worth of projects within Boyds Corner, West Branch, Croton and Cross River in order to receive the first \$15 million, which will come by September 2019. In order to get the final \$7 million, which is part of the FAD agreement, we have to have entered into contracts for \$7 million worth of projects in the FAD basins. The Running Project Status Table presented today does not contain all of the projects because the Year 8 Work Plan has not been approved yet. At the November 29th meeting, a larger list of projects will be provided that will meet the requirement. We want to make sure we succeed with as many of those installations as possible. 99% of the projects on the Year 8 Work Plan are located in Boyds Corner, West Branch, Croton and Cross River. The other 1% may be FAD-connected.

Kevin reported that the award of Solicitation 2018-05 for NS-MU-601 is being worked on with George. A recommendation will be presented at the November 29th Executive Committee meeting. Kevin identified that we are heavily invested in a firm that hasn't completed any project design yet. They currently hold 51% of EOHWC contracts. Director Lucas added that the town is still working on getting concurrence from all the landowners. They are interested in seeing the finished product.

George stated that he proposed a revised access agreement on the Eagle's Ridge project, which basically gives permission to work on the property, maintain the project in the future, and is intended to run with the land. The attorney for Eagle's Ridge appeared to be happy with it. They've had discussions with the Co-op Board and they seem to be fine with it as well. We are working on scheduling a meeting with them to go over the project in detail and make sure we have agreement from everybody on all sides. Individual sign-off's from each property owner will not be necessary. Director Parsons congratulated George on a job well-done, especially given the size of the project. Kevin pointed out that we may run into a situation in which they want to know what the final product is going to look like. Although we can't show them precisely what it will look like, we can provide a conceptual idea. It's tricky asking private property owners to buy into a project that isn't yet designed. Director Parsons suggested it might be helpful to get a sketch artist. Kevin offered to come up with a drawing through Auto Cad. Tony Hay will be invited to join us when we meet with them as he presented the initial idea at the start, so it's best to go as united team and figure out how best to get it done.

Director Parsons asked Vincent Giorgio if he was able to come up with a list of projects for EOHWC to execute on NYCDEP property as had been discussed in a previous meeting. Vincent stated that Matt Castro of the land use permit division was contacted by Trout Unlimited. He gave Matt Kevin's contact information. Kevin stated that he had not been contacted by Matt yet. Vincent said he would follow up with Matt.

5) Municipal Reimbursement: S-MU-701

Kevin reported that in accordance with our Project Selection Policy, the town of Somers is required to submit their bills for approval before we can issue payment. A list of items that were questioned which require justification was given to them. The phosphorus reduction is approximately 8.5 kilograms and the efficiency comes out to just about \$18,000 per kilogram. We are paying 25% of the overall cost. The \$151,378 not to be exceeded is 25% of the construction and engineering costs. The overall design cost from Woodard and Curran's seems excessive. Director Williams remarked that the project is an issue for two reasons: 1) We talked about getting away from engineers grabbing projects, doing the design and handing us the bill. They should be competitively bid out; 2) We had repeated conversations about trying to steer away from practices which have high O&M costs. In this particular case, they have to be vacuumed frequently. Director Burdick expanded on Director Williams' remarks that when you look at these projects, our focus of the last 2-3 years has been the efficiency of the project in terms of putting it in the ground but it doesn't extend to the O&M cost. Kevin agreed with Director Williams' points and voiced his concern that they reached 100% with this and loaded up a very large bill without our input. It was reiterated to them that this is not acceptable. To conclude, it would be best to move forward with the reimbursement and the project because the other side of it is we also need to encourage municipalities to get those grants and help us because we cannot execute projects in Westchester County right now. Part of the concern is that there are problems that need to be addressed around the lakes. The town of Somers identified Lake Shenorock as a major problem for them and they wanted to move forward with the project. This is our ability to help one of our member municipalities accomplish that goal. Director Parsons presented the resolution for approval. Rich Franzetti requested that the resolution be amended to include the percentage of the total cost. George suggested that we add the language, "based on the East of Hudson Watershed Corporation's 25% contribution of the total cost" to the second paragraph of the resolution. Director Parsons rescinded the original resolution proposed and chose to move forward with the resolution as amended by George.

Motion by Director Burdick, second by Director Parsons to approve the amended municipal reimbursement for S-MU-701 to the town of Somers, not to exceed \$151,378.

WHEREAS, Somers intends to commence construction of the stormwater retrofit project known as S-MU-701, which is included in the East of Hudson Watershed Corporation's Year 7 Regional Stormwater Retrofit Work Plan as approved by the New York State Department of Environmental Conservation; and

WHEREAS, the stormwater retrofit project includes the installation of multiple hydrodynamic separators and outfall stabilization adjacent to Lake Shenorock in the Town of Somers, intended to address stormwater pollutant loading from the contributing drainage area with an efficiency of approximately \$18,000/kg based on East of Hudson Watershed Corporation's 25% contribution to the total cost, with an estimated phosphorus reduction of 8.78 kg/year; and

WHEREAS, Somers has requested the EOHWC provide reimbursement of expenses incurred for work to be performed in connection with S-MU-701; and

RESOLVED, that the Executive Committee of the EOHWC hereby authorizes the reimbursement of expenses in an amount not to exceed \$151,378 for the purpose of reimbursing Somers for costs incurred for design and construction labor and materials in connection with S-MU-701 and authorizes the distribution of funds for the project referenced herein upon receipt of appropriate vouchers and documentation from Somers; and be it further

NOW, THEREFORE, the Executive Committee hereby approves the reimbursement agreement with Somers pursuant to which the Corporation shall reimburse the Town in an amount not to exceed \$151,378, and authorizes the President or Vice President of the Corporation to execute the same.

Motion passed; all in favor.

6) O & M Program Update

Kevin asked that supervisors continue to put pressure on their highway departments to complete O&M and submit their documentation before the January 15th deadline.

7) Checks and vouchers

Monthly checks and vouchers were signed. No action taken.

8) Other business

Director Burdick asked that EOHWC consider asking the Technical Committee to perform an annual review of the Project Selection Policy to determine if amendments are necessary. Director Parsons emphasized that careful attention be paid to making sure it isn't written in a way which stifles useful ideas and requested its circulation for comments.

Director Parsons inquired about the draft of the WQIP Fund Agreement for O&M from the legal department in the county. George stated that he is still waiting for a draft and has been in touch by email with Westchester County Attorney, Lynne Colavita. Their response to the last inquiry was it would be sent when it is available. Director Parsons will contact with the newly appointed individual in planning for an update.

Rich Franzetti notified the committee that the O&M agreement between Carmel and Putnam County was signed by Supervisor Ken Schmitt and is being given to Vincent Tamagna for MaryEllen Odell's signature and notarization.

9) Adjournment

Motion to adjourn by Director Parsons, second by Director Burdick; all in favor. Adjourned 10:32 AM.

DRAFT