
EXECUTIVE COMMITTEE MEETING

9:30 A.M., Thursday, July 22, 2021

Meeting Minutes

1) Open Meeting

Voting Members in Attendance: Rich Williams (Town of Patterson); Warren Lucas (Town of North Salem) for himself and as alternate for Peter Parsons (Town of Lewisboro) and James Schmitt (Town of Pawling); Dan Ciarcia as alternate for Matthew Slater (Town of Yorktown); Rich Franzetti as alternate for Ken Schmitt (Town of Carmel); Vincent Tamagna as alternate for MaryEllen Odell (Putnam County)

Others in Attendance: Christine Chale (Corporate Counsel); Patrick Logan (Corporate Counsel); Vincent Giorgio (NYCDEP); Kevin Fitzpatrick (EOHWC); Keith Giguere (EOHWC); Linda Matera (EOHWC); Cory Lapidus (EOHWC)

2) Approve Meeting Minutes of June 24, 2021

Motion by Director Lucas, second by Alternate Tamagna to approve the meeting minutes of June 24, 2021; all in favor.

3) Financial Update

Keith Giguere invited questions about the financial update and reported that there is currently \$14,685,753 in total investments of which \$10,806,192 is FAD. A one year treasury matured this month and was reinvested for 2 years due to a better yield.

4) List of Reporting and Filing Due Dates

Director Lucas contacted Westchester supervisors that still have outstanding requirement items to fulfill and was assured they would be completed soon. Matthew Slater has completed his board member training, which was the final requirement on the list for him.

5) Project Update

Kevin Fitzpatrick reported that we are in the final stretch of getting permits for the project at Scolpino Park in Southeast (SE-EB-715) for the installation of porous pavement and a FocalPoint unit. Previously, turtles were encountered and a turtle management plan had to be put together. Once the New York State Department of Environmental Conservation (NYSDEC) has gone through the full comment period, we plan to go out to bid on the project in August/September and award it at the September Executive Committee meeting. We will go to construction immediately after because the pavement work shouldn't be done in the winter.

We have the final permits from the Town of New Castle (NewC-NCR-801) to move forward with the project at Courtmel Road which will likely be constructed in the fall. Due to the substantial amount of work to be done it is not expected to be closed out, including final plantings, until spring 2022.

Christine Chale and Patrick Logan have been working on various installation agreements that are currently out for final signature. There have been no objections to any of the projects. It's just a matter of getting pen to paper.

There has been an influx of potential projects brought to our attention recently. Private property owners have been reaching out to us to ask for help. Director Lucas asked what prompted the interest. Kevin said the redesign of the website has brought lots of interest. For example, at Lake Dutchess in Pawling there is a private property owner on a private road looking for assistance. Another one came through the Town of Lewisboro at Lake Katonah. They appear to be productive for us but we need to find a way to fit them into the program and get the value we need. This brings up the point of making sure we work them into any future plans the Corporation has. As of right now we have enough kilograms for the 10 year goal of 920. At this point it is strictly discussions with these private property owners letting them know we are interested but we have to see how it fits into our timeline. We will continue to pursue them and keep the board informed. Kevin offered to answer any specific project questions.

Director Williams forwarded Kevin an email stating that NYSDEC has agreed to change the language in the Metro North contracts. Kevin asked Vincent Giorgio if the New York City Department of Environmental Protection (NYCDEP) had any changes on the contract language. Vincent said he is still waiting for guidance. Christine indicated that the NYCDEP's feedback is needed before we can move ahead. Kevin informed members that he answered some preliminary questions from Mike Meyer and Vincent and promised to provide an update when word is received. It was agreed that it should be added as an item on the August Executive Committee agenda as recommended by Christine.

a. Carmel-CF-601/Change Order for Pipe Replacement

Kevin informed members that he requested an estimate from Wernert Construction for the additional pipe work. The estimate was in excess of \$30,000 with an additional inspection cost. Director Lucas asked how long the pipe is. Kevin indicated that a camera inspection of the pipe must be done to confirm the length that needs replacement. Director Williams pointed out the camera inspection is necessary to make sure the pipe isn't rusting out and in danger of collapse. Alternate Franzetti offered to lend the Town of Carmel's camera to scope out the pipe. He also pointed out that this is something that should have been caught by the design engineer in the beginning but unfortunately is being caught at the end. The town will be happy to work with East of Hudson Watershed Corporation to see how the issue can be addressed at this point. He will speak with his Highway Superintendent today to discuss sleeve insertion as an option. Director Williams brought up that this is going to bring up a bigger issue of whether the NYCDEP will approve it based upon whether we can replace aging infrastructure that is really the obligation of the town. Vincent Giorgio indicated that we must be careful not to turn it into an O&M program for the town. Director Williams

recommended coming up with a plan and figuring out what the costs are going to be and making sure it's approved by the NYCDEP before we move ahead with anything. Director Lucas asked Vincent Giorgio how long he estimated approval could take. Vincent was unsure. Kevin said the pipe outfalls into our project that is on NYCDEP property on which we stabilized the channel. Director Lucas asked if EOHWC would have a problem if the pipe collapses. Kevin indicated that either way, EOHWC gets credit for the banks stabilized. Alternate Franzetti said that the concern is that the water will bypass the retrofit and possibly undermine it. Director Williams mentioned that he looked at the project and doesn't see any way that the water will bypass the project. The pipe comes out and from there we have stabilized the channel with rocks between 2 and 4 feet in size. The water isn't going to go anywhere else except into the rocks. Director Lucas asked for an estimate of the length of pipe and mentioned that the pipes normally last only 10 years. Alternate Franzetti indicated the pipe is somewhere around 200 feet but indicated that they are not interested in having the entire length replaced. Director Lucas asked why we were looking at this pipe now. Kevin indicated that the Town of Carmel brought it up and asked us to have a conversation about it. Director Williams suggested we start by getting the camera and looking at the pipe first before going any further. Alternate Franzetti said his concern is that by the time the camera inspection is done the project will be finished up and it will be too late to address it. He maintained that the design engineer should have noted that the pipe was in bad condition when they went out there initially and that is why it is being addressed at the end. Kevin emphasized that it is the responsibility of the town to go out and inspect their infrastructure and to tell us what it looks like. Director Lucas explained that when he had pipe that needed to be replaced, his highway department addressed it before EOHWC came in to do the project. Director Williams said that he didn't disagree with Alternate Franzetti that the failing pipe should have been caught by the design engineer at the beginning of the project, however, he is not sure that it will make a difference at the end of the day when it comes to whether or not the NYCDEP will approve it. They may have required that the town replace it before we installed the project. The Town of Carmel will loan their camera and Kevin will make arrangements for the inspection. We can then address it at a special Executive Committee meeting immediately before the Board of Directors' meeting on August 10 so we can get Wernert Construction off the site as soon as possible. Christine indicated that no motion is required because only an estimate was provided and not an actual change order.

5) O & M Program Update

Kevin requested that the costs and backup are submitted to EOHWC on any O&M inspections done for this cycle. Each municipality was asked to submit inspection reports quarterly. To date, only the Town of Carmel has submitted. Kevin encouraged towns to submit anything they have from spring inspections as soon as possible.

6) August Board of Directors Meeting Agenda

Director Williams presented the August 10 Board of Directors' agenda and asked if there were any additions or comments.

7) Checks and vouchers

Monthly vouchers were signed. No action taken.

8) Other business

Christine asked if Director Williams wanted to pursue the possibility of utilizing videoconferencing for future meetings. In order to do so the location of the alternate sites would need to be identified and the public would need to be able to attend at those alternate sites which would potentially include Town or Village Halls. Members of the New York State Senate and Assembly have proposed legislation that would change the regulations under the Open Meetings Law (“OML”) regarding videoconferencing, but no amendments were adopted. The requirement under the OML is that everyone needs to be able to see one another. The EOHWC could have remote meetings if certain procedures are followed. Director Williams added that the current OML was adopted when technology was considerably different. Zoom can be used to meet the requirements of the OML. Alternate Charney-Hull asked if we wanted to embrace the technology and provide the information in the public notice. In New Castle the board members have to be present and must post where they are located. It was questioned as to whether EOHWC members have the technology and capability to manage all participants. Alternate Tamagna suggested that whatever method we choose should be consistent. Director Williams suggested everyone attends EOHWC meetings in person due to the lack of capability and expense associated with updating the technology. Members agreed.

8) Adjournment - Motion to adjourn by Alternate Tamagna, seconded by Director Lucas; all in favor. Adjourned 10:07 AM.

PRESIDENT'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the July 22, 2021 meeting minutes approved by the Executive Committee.



Richard Williams, Sr., President



Date

SECRETARY'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the July 22, 2021 meeting minutes approved by the Executive Committee.



JoAnne Daley, Secretary

August 26, 2021
Date