

EXECUTIVE COMMITTEE MEETING  
9:30 A.M., Thursday, September 23, 2021  
Zoom Videoconference

**Meeting Minutes**

**1) Open Meeting**

Voting Members in Attendance: Richard Williams, Sr. (Town of Patterson); Warren Lucas (Town of North Salem); JoAnne Daley as alternate for 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: Sabrina Charney-Hull (Town of New Castle); MaryAnn Carr (Town of Bedford); Vincent Giorgio (NYCDEP); Christine Chale (Corporate Counsel); Patrick Logan (Corporate Counsel); Kevin Fitzpatrick (EOHWC); Keith Giguere (EOHWC); Linda Matera (EOHWC); Cory Lapidus (EOHWC)

**2) Approve Meeting Minutes of August 26, 2021**

Motion by Director Lucas, seconded by Alternate Franzetti to approve the meeting minutes of August 26, 2021 with an amendment to agenda item #8, changing “In a conversation Kevin had with Vincent Giorgio, the NYCDEP rather see us put in a large concrete tank at the end of the line filled with filters and diversion structure at the piping that would ultimately increase the cost of the project in order to qualify for FAD funding.” to “Kevin indicated that Vincent Giorgio provided clarification regarding capital eligibility requirements. A large concrete tank would have to be installed at the end of the line filled with filters and a diversion structure at the piping in order to meet the threshold for FAD funding”; all in favor.

**3) Financial Update**

Keith Giguere reported that the fund balance is \$17.3 million of which \$10.5 is FAD. Checks for September total approximately \$59,000 of which roughly \$40,000 were project related. There are open contracts in the amount of \$638,000. Total FAD commitments are \$4.9 million. Investments that have matured that were rolled back into US Treasuries and bank CDs. Currently, those investments are paying about .02 percent interest. Questions and comments were invited.

**4) List of Reporting and Filing Due Dates**

Linda Matera reported that James Schmitt has completed his financial disclosure. There have been no other changes since the August Executive Committee meeting. Keith reported that all employees have completed their annual Sexual Harassment training. Director Williams will provide information on Workplace Violence training for employees.

**5) Project Update**

Kevin Fitzpatrick reported that the final phase of construction is underway at Leonard Park (MK-NC-

22) and construction is wrapping at Eleanor Drive (Carmel-CF-601). The filters for the catch basin insert project on private property at Mount Kisco Commons (MK-NC-602) are currently being manufactured and are expected to be installed in October. A few installation agreements are being finalized that will get us out to construction on a couple projects this fall. The Year 11 Workplan will need to be put together for discussion with the NYSDEC to look at projects moving forward. They have been made aware that we cannot execute any of those projects until we have funding to do so. A concise list of executable projects has been pulled together. Construction on PR-CR-701 is currently being completed. Once the USACOE funding agreement is in place for Courtmel Road in New Castle (NewC-NCR-801), we will go out to construction.

#### **a. Catch Basin Inserts**

Kevin reported that there are a number of catch basin insert projects from years 6 and 7 for execution. Per comments provided by NYCDEP, the concern is that they are looking at each individual basin as a capital improvement project rather than the entire parking lot. That change in viewpoint by the NYCDEP is going to change the funding source on quite a few projects. It is in the Corporation's best interest to push back on this and have a discussion with the NYCDEP as to whether or not it is something that has any scientific matter to it. We should be allowed to continue as originally planned and proposed more than 5 years ago. Their change of perspective came late in the game and there are quite a few projects out there right now that it might not affect which are using WQIP funds, however, we purposefully grabbed projects in the Croton Falls area and Carmel specifically so that we could get credit for and use FAD funding. There are approximately 6 projects in the FAD and FAD-connected areas that this would affect. One that would get impacted significantly is the Greenbriar Subdivision (S-CF-901) where we have localized individual catch basin insert filters installed within the residential system that we can change so that it qualifies for capital improvement funding. Chambers can be installed within a local road in the area but that will come at a cost. The project can be installed this fall as originally planned, or we can do a change order to have it qualify for FAD funding. The NYCDEP's recent decision changes that considerably. To estimate roughly, we are talking about \$250,000 in filters that would have been paid for with FAD funding but will now have to be paid with WQIP funds instead. Vincent said that the CRO-574 contract states \$35,000 to be recognized as a capital improvement project and that is what the East of Hudson Watershed Corporation is bound to because the contract was registered before the Comptroller made the change. Since the time the contract was signed, that amount has now increased to \$50,000. Director Lucas stated that this is not as much of a discussion with NYCDEP as much as it is with those in accounting. It needs to be explained to them that it's a capital improvement project in its entirety. Christine said that she would like to share a copy of the Comptroller's directive that they found that guides how they view these matters. There's a fairly lengthy description of the different types of services. It would be a good idea to have the engineer write a case about what the project is and how it works as system as opposed to an individual storm filter. Director Lucas suggested that an accountant may be needed that understands accounting law who can write it up appropriately. Vincent Giorgio suggested that memos of that nature should be filtered through the Bureau because if something like that shows up at the comptroller's office they are not going to have any context or understand what it's about. Director Williams said he believes this dovetails in with another issue that we have and that would be helpful to sit with the NYCDEP and amend the current contract. Vincent said that his understanding is that the current agreement runs through Year 10 only. Any work on the Year 11 Work Plan would not be viewed well when NYCDEP auditors start reviewing things. Water Quality Improvement Funds (WQIP) were initially transferred to the Corporation for Years 1-5 and there was a second right of objection process to be able to use those funds for Years 6-10. That may need to be done again if you want to roll the funds over for 11-15. To do anything with the WQIP funds, you would need to go through the counties to make any changes to those contracts. Director Lucas asked that Christine figure out a path to the right of objection. Director Williams said that right of objection will be an easy lift for the Corporation. The difficult lift is going to be

negotiating Years 11-15 with the NYCDEP. An initial conversation needs to be had with a group of members and Warren or Mike Meyer. Kevin said that we have this topic is an item on the Board of Directors' agenda as well.

## **6) 401(k) Discussion**

Director Lucas explained that Keith has had some previous experience in 401(k) selection and has done research on plans available to small companies. It appears as though the Concierge Plan through Human Interest is the best option. The all-in cost to the Corporation is \$2,088 annually. There are a few options: non-elective 3% contribution to each employee; 1 for 1 match for 3% or an enhanced contribution in which there is a 1 for 1 match on the first 3% and 50% match on up to the next 4% for a maximum of 5%. Keith added that these are all discretionary on the Corporation's part. Director Lucas summarized that the cost to the Corporation based on current annual salaries of \$350,000 would be \$10,500 with a 3% match, \$14,000 with a 4% match and \$17,500 with a 5% match. The total cost, including plan fees, would range from about \$12,500 to \$19,500 annually depending on the match. The Human Interest plan offers the most flexibility of what you can invest your money in terms of funds. Director Lucas invited questions. It was requested that 401(k) be added as an agenda item on the October Board of Directors' meeting agenda. If everybody agrees, we can get it in place by January 1, 2022. We would have to sit down and discuss what the Corporation's contribution would be, if any at all. If the Corporation makes no contribution the cost would be \$2,088 to run the plan per year.

Motion by Director Lucas, seconded by Alternate Tamagna to move the 401(k) discussion of the Human Interest Concierge Plan with the enhanced contribution option to the October 12<sup>th</sup> Board of Directors' meeting; all in favor.

## **7) O & M Program Update**

Kevin explained that we need to make a decision on replacing the existing catch basin filters and the maintenance on those filters. Under the BPO that went out in Nassau County that we made our sole source determination upon for purchasing there is a maintenance line item included for \$280 an hour for maintenance. They are able to clean up and replace approximately 4 of them per hour. We need to know if we can utilize that BPO going forward for the Corporation or if that does not apply to us because we are not a municipality and if we need to go back out to bid and get our own price. Kevin will forward the BPO to Christine and Patrick. Christine mentioned that there is usually a term for each of those bids. Kevin stated that they renew annually and that the most recent one was June of 2021. Christine will discuss it further with Kevin. Kevin reminded everybody that once the filters are in place, it is much easier for the Corporation to take on that cost and include it in the program rather than have 19 different purchase orders in place for the municipalities that have them. Christine said that it will be helpful to know what the overall expected cost of the project would be per year for the Corporation. Kevin will discuss details with counsel and bring it to the October Executive Committee meeting.

## **8) October 12<sup>th</sup> Board of Directors Meeting Agenda**

Director Williams presented the October 12<sup>th</sup> Board of Directors' agenda and asked about item #10 regarding orientation for various new town supervisors. Kevin said the idea was that any new supervisors coming in are notified ahead of time that orientation with East of Hudson Watershed Corporation is something they must attend. Director Williams recommended that a few weeks after the election a letter is sent to the new supervisors about orientation requesting that they participate. Then a date can be scheduled and we can figure out what the agenda is going to be and who is going to do the training. Ideally, Director Williams, Director Lucas and Kevin should do the orientation.

Kevin said that the hope of placing this on the BOD agenda was to plant a seed of a bridge to the next supervisor. Director Williams concluded saying that something will be coordinated in December so the new supervisors are up to speed by January. Kevin added that he would like to leave it on the October BOD agenda just to make the current supervisors aware that there is going to be void that needs to be filled and that people need to step up to get more involved. Alternate Tamagna said that when he first came into the organization Kevin provided a good background of the purpose of the Corporation. It would be good to provide a quick history lesson on it and why it is important. Director Lucas said that the reality is that many people have become complacent because we are doing the work that their town should be doing.

#### **9) Checks and vouchers**

Monthly vouchers were signed. No action taken.

#### **10) Other business**

Director Williams said that all of the member municipalities were contacted regarding the sewer study. To date only five have provided information, which is not a very good response. Director Lucas said that he will reach out to the Westchester towns that have not submitted their information yet. Alternate Daley said that she is waiting for the updated map plan and report from the consultant firm. Kevin was notified that it will be available within a week and will be sent to him at that time.

**11) Adjournment - Motion to adjourn by Alternate Franzetti, seconded by Director Lucas; all in favor. Adjourned 10:21 AM.**

**PRESIDENT'S CERTIFICATE**

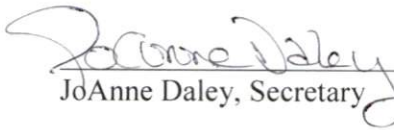
I certify that the foregoing is a true and correct copy of the September 23, 2021 meeting minutes approved by the Executive Committee.

  
Richard Williams, Sr., President

  
Date

**SECRETARY'S CERTIFICATE**

I certify that the foregoing is a true and correct copy of the September 23, 2021 meeting minutes approved by the Executive Committee.

  
JoAnne Daley, Secretary

  
Date