

QUARTERLY MEETING OF DIRECTORS AND MEMBERS
LOCATION: Business Office: 2 Route 164, Suite 2, Patterson, NY 12563
TIME and DATE: 10:00 a.m., Tuesday, May 10, 2022

Meeting Minutes

1) Open of Meeting at 10:00 AM

Voting Members in Attendance: Richard Williams, Sr. (Town of Patterson) for himself and Tony Hay (Town of Southeast); Tony Goncalves (Town of Lewisboro); Warren Lucas (Town of North Salem); Rich Franzetti as alternate for Michael Cazzari (Town of Carmel); Michael Preziosi as alternate for Richard Becker (Town of Cortlandt); Jaqueline Annabi (Town of Putnam Valley); Vincent Tamagna as alternate for MaryEllen Odell (Putnam County); Sabrina Charney Hull as alternate for Lisa Katz (Town of New Castle); Robert Scorrano (Town of Somers); Matt Slater (Town of Yorktown); Ed Brancati as alternate for Gina Picinich (Town of Mount Kisco); Lauri Taylor (Village of Pawling); Jaime McGlasson (Town of Kent); Ellen Calves (Town of Bedford)

Others in Attendance: Christine Chale (Corporate Counsel); Todd Hirsch (Corporate Counsel); Vincent Giorgio (NYCDEP); Millie Magraw (Westchester County Planning); Kevin Fitzpatrick (EOHWC); Keith Giguere (EOHWC); Linda Matera (EOHWC); Cory Lapidus (EOHWC)

2) Pledge of Allegiance

3) Approve Meeting Minutes: January 4, 2022

a) January 4, 2022 Annual Board of Directors

Motion by Alternate Brancati, seconded by Director Lucas to approve the Annual Board of Directors Meeting Minutes of January 4, 2022; all in favor.

b) January 4, 2022 Quarterly Board of Directors

Motion by Alternate Brancati, seconded by Director Lucas to approve the Quarterly Board of Directors Meeting Minutes of January 4, 2022; all in favor.

4) Financial Update

Keith Giguere reported that the financials presented today are as of March 31 and are the same as those provided at the April Executive Committee meeting. The April financial statements were received this morning which was too late to update. There is currently \$10 million in investments available for use on FAD projects and a little over \$5 million of WQIP funds to be used for projects.

Director Lucas informed board members we are considering using a different bank for the Corporation. Currently, we are banking with M&T and have not been able to get them to set us up with online access. We are considering switching to Putnam County Savings Bank (PCSB). Their interest rate is considerably higher as well. Keith added that PCSB will provide us with a check

scanner, so we no longer must go to the branch. Director Williams said that the Town of Patterson switched over to PCSB and have been very happy with the service being provided by them. Director Lucas invited comments and asked that they be sent to Keith.

5) Audit–CHAR500 & FORM 990

Keith reported that the 2021 audit has been completed and there were no issues. The IRS Form 990 and CHAR 500 were provided in the handouts and will be filed once approved by the Board today. Motion by Director Williams, seconded by Director Lucas to accept and file the IRS FORM 990 and New York State CHAR500 as presented; all in favor.

6) List of Reporting and Filing Due Dates

Linda Matera reported that three members remain to complete the NYS ABO Board Member Training. All session dates are presently filled to capacity. Once new dates become available, those members will be notified. To date, the only submission we received for 2022 O&M town inspection documents is from the Town of Bedford. We are expecting 2 more checks for 2021 O&M payments from municipalities to EOHWC. An update from the Putnam County Ethics Board was received yesterday indicating that 3 members remain to complete the Putnam County Financial Disclosure by the May 15th deadline. A reminder email was sent to each of the three individuals on the list. Director Lucas offered to help by reaching out to elected officials in Westchester.

7) Open Meetings Law Videoconference Procedure discussion

Christine Chale informed members that the amendment to the Open Meetings Law to change the use of video conferencing after the end of the most recent emergency and the period during which we can continue to follow the current rules ends June 8th. After that date we won't be able to use the emergency rules for video conferencing any longer. Under the old rules before the emergency, you were required to provide a notice of every location where the meeting was going to be held remotely to allow the public to participate at those locations. If something broader is desired, we are required to hold a public hearing and authorize video conferencing under this new procedure that is authorized by the amendments to the Open Meetings Law. It allows us to hold meetings by video conference, not teleconference, and you may not turn off your screens. Under the new rules, if you are going to use video conference you must have 1 or more physical locations where the public could attend, meaning you can notice your meeting that a person can attend at the EOHWC location and potentially at 1 or more of the town halls, where the public would be allowed to attend, ADA accessible and so forth. If that option is chosen, then all of the members at those noticed physical locations would be counted towards a quorum. A Board member who is in an "extraordinary circumstance" could also participate by video conference and they need not allow the public to attend with them. The law does not provide an exhaustive list however, it includes disability, illness, caregiving responsibilities or any other significant or unexpected factor or event which precludes the member's physical location at the meeting. Some clarifying language was provided by the Committee on Open Government (COOG) at a conference and has been included in the meeting distribution materials. At a Bar Association conference that COOG attended we were able to ask a lot of questions for clarification. The messages that were provided were that the legislature is providing a strong presumption for in-person meetings and if you are planning to hold video conference meetings allowing extraordinary circumstance participation you must hold a hearing. The purpose of holding a hearing is to adopt rules like this and the issue of what constitutes another significant factor is something that you would address in the procedures that would be adopted. Shoshana Bewlay, Executive Director of COOG, believes that it can be broadly interpreted and that it should identify what your board considers to be an "extraordinary circumstance" to allow someone to attend from another location. In the absence of those rules, if somebody just gets on the phone for a Board meeting and they weren't noticed

correctly, meaning if in other words, the notice wasn't included in your notice of meeting that somebody was going to attend in this manner, then that person could listen just as the public could listen, but they are not permitted to participate in board deliberations or be counted as part of the quorum. Even if a board member qualifies for the "extraordinary circumstances" they would not be counted towards the quorum. They would have to be in a physical location where the public can attend in order to be counted toward the quorum. If you already have a quorum, then the person in the "extraordinary circumstance" may participate in the meeting if it was properly noticed that someone could participate in this manner. You can participate in an executive session because the same public attendance is not required for executive session. Persons who are not board members may attend remotely. Procedurally, the Board of Directors could delegate the Executive Committee to hold a hearing and they could thereafter authorize the use of video conferencing for expediency because the Board of Directors doesn't meet until the end of the summer. The Board should discuss and decide whether it wants to follow this kind of procedure. Director Lucas stated that he would not mind having his town hall open as a meeting location. Director Williams indicated that we would essentially need to set up 1 or more rooms to allow for video conference and we may not currently be set up that way. Alternate Brancati said if the various town/village hall locations are listed in the notice and we set up our laptops in our own town hall meeting rooms, rather than at another member's town hall and conference then everybody would count towards the quorum. Christine said that is the case so long as all board members can see one another on the screen. Alternate Brancati clarified that it could be a couple of locations and a number of members can choose to attend from EOHWC headquarters to participate or it can be everyone's town/village hall as long as we notice it that way and the public is able to attend from that location and participate. Christine confirmed it can be done that way, but at EOHWC you may need to have some kind of a video set up so that you can see everyone who is at the physical location. Alternate Charney-Hull said that Zoom is currently capable of doing that. If folks have laptops hooked up to screens, it projects whatever the room is to a computer. Further, if you are at EOHWC using your laptop with a camera, it should not be an issue. Christine said it is something we should test out first because she has been in hybrid situations and they don't always work that well unless you have a good microphone extender. Director Lucas added that he's been running meetings that way and they all have to go through the same computer or you just can't hear people that are sitting further away and end up with reverb. He further indicated that there is a value in doing it over Zoom because it saves us all travel time but was agreeable to proceed as board other members choose. Alternate Brancati asked if the camera needs to pick up all members of the public in the background as well. Christine said it does not need to pick up members of the public but is essential that board members see one another and the public is able to see members deliberate. Director Williams said the proposal is to send this back to the Executive Committee to get it going. If the motion passes, perhaps the Executive Committee should set up a couple of trial runs to see how this would work and then we could work on developing procedures. Christine added that each individual municipality is going to have to adopt a local law to authorize video conferencing if you are planning to do it as a town/village. EOHWC doesn't need to do it by local law, we do it by resolution and still must have a public hearing. The resolution was presented to authorize the EOHWC Executive Committee to proceed to hold a hearing and determine whether to authorize. The intention would be to publish a notice to have a hearing at the May Executive Committee meeting. Director Williams asked if we at least must have policies and procedures in draft form. Chris said we have a draft of policies and procedures for the board's consideration. Christine asked Linda to distribute the policies and procedures after the meeting and we can get input from the rest of the board. It was recommended that the notice of public hearing be advertised for 10 days as well as posting the Notice of Hearing and the policies and procedures to the website. Most of the things in the policies and procedures are intended to certify the statute but the description of what constitutes an excuse to participate by extraordinary means is intentionally broad in the procedures and you may decide that you do not like it; however, it's being presented for your consideration.

WHEREAS, Chapter 56 of the Laws of 2022 amended the Open Meetings Law to authorize the continued use of videoconferencing to conduct public meetings subject to certain conditions set forth therein; and

WHEREAS, pursuant to such law, the Board of Directors of EOHWC is authorized to permit use of videoconferencing subject to a public hearing;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of EOHWC as follows:

1. The Executive Committee of the EOHWC is authorized and directed to hold a public hearing on behalf of the Board of Directors regarding the proposed approval for the use of videoconferencing for meetings of the Board, Audit Committee, Governance Committee and Finance Committee, and Executive Committee. To the extent permitted by Chapter 56 of the laws of 2022 and the Executive Order 11, as amended, the Executive Committee may hold such hearing via videoconferencing at a regular meeting of the EOHWC or such other time and date as determined by the President in his discretion.
2. Following such public hearing, if it finds the same to be in the best interests of the EOHWC, the Executive Committee may authorize the use of videoconferencing to the extent permitted by law. In such a case the Executive Committee shall adopt and publish procedures for videoconferencing on the EOHWC website. The Board retains the authority to modify such authorization and such procedures from time to time in its discretion by resolution of the Board of Directors.

The officers, employees and agents of the EOHWC are hereby authorized and directed for and in the name and on behalf of the EOHWC to do all acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution.

On a motion by Director Lucas, seconded by Alternate Brancati, the “RESOLUTION AUTHORIZING PUBLIC HEARING REGARDING VIDEOCONFERENCING” was unanimously approved.

8) Project Update

Kevin Fitzpatrick reported that we currently have 665 kilograms. With the total active project total of 398 added there is a total of 1,063 kilograms removed if you account for all the projects that are actively out for design for construction. As everyone is aware, we only need to reach 920. Moving forward, we have a bunch of projects that are going out for installation over the next few months and a few more major ones that with a target installation of late summer/early fall.

a. Program Summary

Kevin presented the Program Summary and invited members to contact him with any specific questions on projects on the list.

b. Annual Report

Kevin reported that for the program as a whole, we have provided the Annual Report to New York State Department of Environmental Conservation (NYSDEC) and New York City Department of Environmental Protection (NYCDEP) for review and consideration. The program schedule is going to be updated and provided to the state so they can get an idea of

the construction period for all our projects. That is being provided so that they can get a snapshot of how we're going to get to that 920 kilogram requirement. We still have a large catalogue of projects available to us from the Years 6-10 workplan in addition to Years 1-5 that didn't get touched on. We have quite a collection of projects looking forward that we can incorporate, when and if we get the opportunity to tackle anything for Years 11-15 or 20. We encourage everybody in the program to continue bringing new projects to us. Cory and Kevin have been looking at rolling out some more green infrastructure for all municipalities' downtown areas. Any major roads that go through that could be used as more of a showpiece or add aesthetic value to the communities and would make a great impact. Not only will it provide phosphorus reduction but we can get the opportunity to hit on some grants that are available.

9) O&M Program Update

Kevin reported that we have not received many O&M submittals for work done this spring. Spring cleanup should be well underway. Members were encouraged to submit the inspection paperwork for the time and money spent on projects as soon as possible so they can be entered into the database. He and Cory will be doing inspections and knocking on some doors to make sure all projects are getting needed attention.

a. Status of Reimbursements to Municipalities

Linda Matera informed members that we are waiting for 2 more checks for 2021 O&M payments from municipalities to EOHWC. Once the last two checks are received from Yorktown and Lewisboro, an invoice will be submitted to Westchester County and EOHWC will be reimbursed in full for the Westchester municipalities. EOHWC will then reimburse the Westchester the municipalities in full.

10) CFA Grant and Shared Services

Director Williams informed members that the CFA process is about to open. It's a great opportunity for all of us to look at possibly submitting for a project for stormwater that we can partner with the East of Hudson Watershed Corporation and get some benefit while also benefiting our communities. He was contacted by Supervisor Annabi of Putnam Valley who was interested in the East of Hudson Watershed Corporation possibly putting in a grant application for some shared services. The Corporation has talked about doing this in the past and we've amended the charter so we can do it. We need to determine what we will submit the grant application for. We've talked about a couple of things in the past including inspections and addressing the educational component of the program. He spoke with Bruce Barber and Supervisor Annabi and they were looking at being a little more aggressive and considered buying equipment to take on some of the obligations for street sweeping and catch basin cleaning. Supervisor Annabi said that the grant she discussed with Supervisor Williams is the Local Government Efficiency Program that came down from the Department of State through email. There is \$4 million out there. It would benefit everyone if we could submit a group application. Director Lucas agreed and said that as a group of 19 municipalities we should be able to get something out of it. Director Williams said we must figure out what we are putting the grant application in for. Sabrina said that given the diversity of the municipalities, everybody has different equipment and different programs. It would probably be best to apply for education and outreach aspects and then we can try to focus on projects. Director Williams said that one of the obligations is mapping. We all had to meet that 100% of mapping infrastructure a while ago. He asked if there was anyone who has not completed the mapping portion of this. Director Lucas said that they are going back and doing it because it's more accurate now. All of the outflows are what we are focused on right now. Alternate Franzetti said they have their mapping, but it's a dated mapping that could

probably use a little TLC on his end but he doesn't have the ability to do it. Director Lucas asked why Director Williams was inquiring about mapping. Director Williams said it's just one other element of the program that he knows a lot of other stormwater coalitions are really focused on, especially with the latest permit. There are areas in our state where they didn't have this requirement before. Director Lucas said they just bought new iPad and Verizon connectivity so they can do it from the iPad with the available apps. Director Williams said that we could look at getting tablets for the inspections and specific software programs. We can all do uniform inspections throughout the watershed. Alternate Brancati said that with everybody's mapping at different stages, maybe the grant application can be to consolidate everybody's mapping into one shared database that we're all working from. He referred back to a point Kevin raised earlier that there is a lot of money for green infrastructure that they are having a hard time getting out the door. Maybe we need to look at planning or trying to come up with a few projects and follow up with it the following year. Director Lucas asked Kevin how he would handle the education component. Kevin said EOHWC is in a prime position to extend the projects within existing school districts. To utilize the program, we can incorporate it within their science programs. Many schools now have engineering, science and environmental clubs as well so we could start reaching out to those folks and incorporate projects we already have on their property. We can expand existing projects into new projects we want to install on those sites. Every municipality has libraries that really have not been utilized in the past for our project sites. We can work on educational programs through the library to expand this. This is a large group so if they looked at this and determined that this is a good way to move forward, \$1.1 million would go very far. Director Lucas said that if it's something we are going to apply for, he has to believe the New York State Department of Environmental Conservation (NYSDEC) would look very favorably at it. Kevin said that signage was talked about in the past for all of our retrofit project sites. It could have a huge impact and not be that expensive for the program. We have a lot of retrofits that are in parks. They are sites that sometimes have between 5-10 retrofits already there that we can start reaching out to the community with. Kevin thinks targeting the education and monitoring the inspection portion of the MS4 requirement can go really far if we can come up with a really strong application. Director Lucas asked who is going to put the list together. Alternate Tamagna added that Tilly Foster Farm is going to be building a satellite for Cornell Cooperative Extension and maybe we can take them in as a partner and they can help with all of the other parks. They are doing a lot of different things right now at satellite sites for education. We could approach them to help. We could even reach out to the Soil and Water Conservation District people in Putnam, Westchester and Dutchess. Alternate Taylor said she was thinking that it would be helpful if we got the funding to hire someone for East of Hudson to put out messages that can go on our website and possibly even a brochure that could be posted to the website under the East of Hudson Watershed Corporation's name so that we're all putting out the same message to everyone regarding phosphorus removal and stormwater so the average homeowner or anybody would be getting the information from across all of our municipalities. Sabrina agreed with Lauri and said if we can create a program that we can post on our websites that reflect East of Hudson and the stormwater requirements, it would help us satisfy the obligation. She also agreed with Kevin's point of monitoring and inspecting projects as well as signage at retrofits. Kevin said there's an easy piece of the monitoring inspections that could immediately be implemented because our inspections can't stop at the retrofit. Our inspections have to be the drainage area that's coming down to the retrofit that we can point out to the municipalities that there's something going wrong at the top because there's way too much sediment at the bottom, therefore things must be done a little differently at the top. That's part of the stormwater retrofit program already that we can start rolling out to get a little extra fire power, but then we expand it to the other elements that concern the MS4s. Director Williams said from today's discussion he thinks Kevin and Cory have a good plan laid out. He and Director Lucas will have further conversations with them about submitting a grant application. Vincent Giorgio intervened and said the current funding agreement does not permit staff to work on these types of things.

Director Williams agreed and said there may be some chargeback to all the municipalities. Typically, with these grant applications there's a match so we are all going to have to come up with that share of the match as well. If we can get substantial funding out of the state to do this, it will be well worth the investment on the part of all our communities. Sabrina inquired if it was possible for a non-EOHWC employee to do a quick summary of what the individual municipal contribution would be with a summary of what it would cover that we can approach our board to get approval for this. Director Williams said once we get into the grant application and understand what we are going to be asking for as far as financing and what the match is going to be, it will be very easy for him to put it into a spreadsheet as he's done in the past and send it to everyone so they know what the contribution will be.

11) Other business

No other business was brought forward.

12) Adjournment – Motion to adjourn by Director Lucas, seconded by Alternate Brancati; all in favor. Adjourned: 10:54 AM.