
EXECUTIVE COMMITTEE MEETING

9:30 A.M., Thursday, March, 24, 2022

Meeting Minutes

1) Open Meeting

Voting Members in Attendance: Richard Williams, Sr. (Town of Patterson); Warren Lucas (Town of North Salem); Tony Goncalves (Town of Lewisboro); Matthew Slater (Town of Yorktown); Rich Franzetti as alternate for Michael Cazzari (Town of Carmel); Vincent Tamagna as alternate for MaryEllen Odell (Putnam County)

Others in Attendance: Christine Chale (Corporate Counsel); Vincent Giorgio (NYCDEP); Sabrina Charney-Hull (Town of New Castle); Kevin Fitzpatrick (EOHWC); Keith Giguere (EOHWC); Linda Matera (EOHWC); Cory Lapidus (EOHWC)

2) Approve Meeting Minutes of February 24, 2022

Motion by Alternate Franzetti, second by Director Lucas to approve the Executive Committee meeting minutes of February 24, 2022; all in favor.

3) Financial Update

Keith Giguere reported that total cash and investments for the month of February are \$16,051,000. Total FAD investments are \$10,195,000. We have an outstanding \$442,000 with FAD commitments. This month's expenses for the check run includes \$108,700 for Fabco for catch basin inserts in FAD basins, however, they are not currently eligible for reimbursement according to the New York City Department of Environmental Protection (NYCDEP) and will not be taken out of FAD funds.

4) List of Reporting and Filing Due Dates

Linda Matera reported we are currently up to do with all filing due dates. Regarding NYSABO compliance, we received a two more submissions from Director Schmitt and Director Katz. Reminders will be sent out all members who have not completed various items.

5) 2021 Audit Presentation/Sickler, Torchia, Allen and Churchill

Keith informed members that the audit is going well. There is one schedule still being worked on that is a FAD-related schedule which has to do with functional expenses where they allocate the expenses that aren't directly attributed to a FAD project. Sickler, Torchia, Allen and Churchill (STAC) offered to present the audit at a separate meeting that can be set up as early as Monday, Wednesday or Thursday of next week. Keith proposed that the presentation be tabled until Wednesday morning at 9:30am.

Director Williams asked if we are all set with the Audit Committee approving the audit. Christine said

that the Bylaws indicate that the Audit Committee is responsible for providing direct oversight and the Fiscal Policy states that Keith in collaboration with the Audit Committee reviews the completed audit report and notes any deviation in report format from the scope and proves clerical accuracy. Schedules should be verified, and any questioned costs should be reviewed and evaluated. It's part of the Audit Committee's charter to review those reports and then the reports should be presented to the full Board. Additionally, the Audit Committee should have a chance to review it before it's submitted with the PARIS filings. Counsel suggested that we apply for an extension in the event the paperwork isn't completed in time. Keith agreed that it was a good idea. Director Lucas said he emailed the information to Keith to file for an extension. Keith confirmed that he received the email.

6) Project Update

Kevin Fitzpatrick reported that we are preparing for an installation this month at Vail's Grove (NS-EB-901) in North Salem once Fabco has scheduled the installer. We will be closing out on two projects in Carmel at Arborview (Carmel-CF-901 & 902), and one at Mount Kisco Commons (MK-NC-602) for which we will be able to submit for approximately 30 kilograms to the New York State Department of Environmental Conservation (NYSDEC) for inclusion in the program which will bring us up approximately 680. We are also wrapping up construction at Scolpino Park (SE-EB-715) in Southeast, which should be ready for final payment in April check run and will give us approximately 5 additional kilograms. The project at Junior Lake (Y-MU-602) in Yorktown will be installed once Fabco has finished production. Supervisor Slater thanked Kevin. We will be going out to RFP for engineering on two projects in Lewisboro and some in Yorktown. Kevin will be reaching out to Dan Ciarcia and Supervisor Slater to go through the specifics. Kevin will also be reaching out to Supervisor Goncalves to set up a meeting to discuss the two projects in Lewisboro that Peter Parson s had moved forward with last year. One of them is in Muscoot and the other is in Cross River, so we will be able to get some FAD work done with those installations. Last year we talked about tier bio-infiltration for the skinny, long easement sections that we might have around lake communities. That is what we will be targeting in Lewisboro in this run.

We are stuck in design on a few projects that are teetering on the installation level. Because of that it's going to be important for us to come to a conclusion on what language we want to include in our installation agreements. Kevin expects to work on that offline with Chris, Supervisor Williams, and anybody else that would like to join in the conversation. It's important that we lock down whatever language we want to include in the installation agreements on private property because there is a lot that can be sent out right now when we start looking at the list and we would like to wrap those up the best we can. If anyone recalls the conversation, it boils down to whether we want to include language regarding environmental concerns that may be found on site and who is going to bear the ownership of that. Of course, if it's on town property, the town is going to be responsible because they are the owner. The question comes down to what we do in the case of private property installation where we are going on the local property of a homeowner who has been kind enough to let us in there to do some work versus commercial property, which might hold a higher risk of environmental concerns. Pulling in members of the Technical Committee in addition to Supervisor Williams will be the best way to try to narrow down that language. Hopefully, at the April meeting we will have a finalized document for consideration for everyone and we can move forward with installations from there. Sabrina said she

would like to be involved in that because New Castle is still trying to solve their issue. Their legal department is currently working on their issue for the Courtmel Road (NewC-NCR-801) project. She is unsure of what the outcome will be so to have a larger discussion about that would be helpful. Kevin emphasized that in New Castle it's even more of a special case because we're working on DEP property. The NYCDEP is telling the Town of New Castle that they have to be responsible for the DEP's property. Sabrina asked if Vincent Giorgio could help with that issue. Kevin echoed Sabrina's request for any assistance Vincent could provide. Sabrina said that she would get a read from her counsel today, but she doesn't think it's going to be easy, and she would hate to see us not be able to implement this project. Kevin said we need to get a land use permit to fix up the property there on two heavily eroded channels. Vincent asked what the specifics of the issue are. Kevin said the U.S. Army Corps asked EOHWC to install language to make sure they are not responsible for any environmental cleanup that occurs on site. EOHWC doesn't hold any real estate in this so while we are providing the funding, the Town of New Castle would fall to the responsibility of filling that role with U.S. Army Corps. DEP owns the property, and the Town of New Castle is holding the land use permit so currently the DEP is making the town hold the requirement of any environmental hazard that gets found through the course of asking for that permit. Vincent said he would inquire, however, it may be a standard clause. Kevin said he spoke with Matt Castro about it and his response was that it's a standard clause everywhere on every project if you want the permit, you have to take the land underneath it. This kind of gets us stuck. Kevin very clearly understands the Town of New Castle's point of view here. We will look forward to the town's responses to it and we'll continue to engage the DEP Land Use Division to see whether logic can prevail. It would be a shame to miss out on U.S. Army Corps funding when they are ready to give it to us. Vincent concluded by saying that he would look into it but isn't sure he would be able to get a different answer.

Director Lucas inquired about Keeler Lane (NS-MU-601). Kevin said that we are still waiting for installation agreements with the property owners. Director Lucas asked if the Town of North Salem could assist in any way. Kevin said not at this time. Unfortunately, the representatives at Snow Hill Farm had a bit of bad luck starting off the winter so it got tabled for them. They have now put their attention back to it and expect to be able to move ahead and sign off on it. That will be the portion of the project on the hill that we can start immediately and just get it done. Laura has been great about moving this along. Kevin will touch base with her again and see how she left off with it. When they're ready to go, we will tackle that portion of the project. We will likely have to wait on the second part of the project at the top of the hill until after September because that property owner asked we not do anything during the gardening season. Director Lucas mentioned that he sent Kevin an email that shows a big drainage pipe coming out on his dentist's property that is pouring out brown dirt down into Lake Tonetta. He inquired if it was owned by homeowners or the municipality. Kevin said that there are no active projects at Lake Tonetta currently, but previously we were on town property with SE-POT-01, which was a Year 3 project that was installed around 2013/2014. When Kevin looked at the project Director Lucas is referring to, there is way too much water coming through that spot, however, it goes into wetlands in the rear so it's really tight to try to do something with it. Director Lucas asked if he should contact Supervisor Hay to take a look at it and figure out where it can be worked on. Kevin said speaking with Supervisor Hay would be the best place to start although that may be a county highway. We can work on some stuff at the top of the hill but then if we were to do any kind of project itself to get

some treatment on it, then we would be looking at private property. Cory started a 10% evaluation there just to look at what we might be able to do and what's coming down there, so we can take another look it and see what opportunities we have. Director Lucas said he will follow up with Supervisor Hay.

Kevin informed members that he has been asked to speak in June at the Lower Hudson Lakes Conference in Kent. It's a great opportunity to meet the local shareholders in lake communities as we continue to look to identify new projects. It will be a great opportunity as well to see if these individuals and smaller groups have had any septic or sewer studies done for their own lakes. Maybe not to that degree, but if they have any kind of reporting that he can ask them to share with us if they have it available. Many of these folks have engaged technologists to do studies on their lakes. If there are any kind of reports that suggest septic repair programs for those individuals might be beneficial, clearly they should get into the hopper for us as well as we look forward to the State contract that has recently been approved. We were able to receive that yesterday afternoon and Supervisor Williams was kind enough to jump on signing it immediately. We are just waiting for everything to be processed. We have confirmation that they have received the signed contract back so this will enable us to start planning ahead for the RFP for the \$300,000 contract that came down from the State of New York for wastewater analysis.

Kevin recently spoke with Assemblyman Chris Burdick and he emphasized how important it might be for us to get that study done in a timely manner, even to the point to getting something filed with the Environmental Protection Agency (EPA). For the survey that is due in October, Director Lucas circulated that to members about two weeks ago. It's a survey that the federal government has released to help identify and address any water quality concerns that might be in place for everybody involved. If we can have a solid report from an engineer to provide as part of our response, it will be sure to make our request a little more valid. Assemblyman Chris Burdick echoed that point and asked Kevin to send his regards to everyone at today's meeting. We should begin to look into how quickly we can get the response to the RFP back. Director Lucas asked what the next step is in the process. Director Williams said an RFP will need to be prepared and included with the scope, which is already prepared, and then it could be sent out. Kevin said that the boiler plate RFP document was updated and review by counsel and is ready to go. We just have to attach the already prepared scope of work. He doesn't know that we are going to have to veer very far from that document as it currently is. We might be able to just do a couple of little tweaks. Director Williams asked that Kevin drop the scope of work into the document and circulate it to everybody. Chris Chale said that we will need to include the references to MWBE and SDVO goals. It was recommended that a copy of the whole grant contract be included because there are specific requirements in it.

7) O & M Program Update

Kevin reported we are waiting for 2021 O&M checks to come in so we can process payments for those receiving a reimbursement for work completed.

8) Checks and vouchers

Monthly vouchers were signed. No action taken.

9) Other business

Director Williams informed members that many people put in a lot of good comments during the comment period for draft MS4 Permit. We talked a little bit about Alternate Franzetti's comments. Comments also came in from North Salem, Patterson, Lewisboro, and Bedford, who did an excellent job with their comments. The original permit had an effective date of April 27. Part of the permit conditions were that at the end of the year we would have to submit a list of projects we were going to do. It's doubtful that they are going to make any changes. They will likely adopt the permit, maybe with a few minor tweaks, however, most of it will become effective in April. We will have to decide what we plan to do individually and as a group, and whether we will try to comply, or if we need to discuss other alternatives. We will have to talk about coming up with another list of projects. Sabrina asked if there is any way to do an intervention because she is dealing with a new town board who is not familiar with how this works. New Castle did a full DPW staff analysis which they didn't even circulate as part of the comment. They just did an overall letter to say they were unhappy about everything, but in looking at the cost, it is going to cause a huge expense. To Supervisor Williams point about how we can approach certain things together, as opposed to individually, we need more conversation about the actual implementation. Director Lucas said there were a lot of questions asked that they must answer. Supervisor Williams said that they are not going to answer questions because of what they said from the very beginning when they released it that they weren't going to be addressing any comments that they felt they had addressed in the 2017 Draft Permit. That sent a message to everyone that they are just going to push this draft forward. Sabrina suggested that we speak with Assemblyman Burdick to try to come to a table where we can really talk about what changes need to be made in order to fully implement the permit that they're looking at promulgating. Director Lucas said he circulated a letter to everyone that Assemblyman Burdick sent to the NYSDEC Commissioner, Basil Seggos. Supervisor Williams said that Assemblyman Burdick has been a great supporter of this organization and continues to be. I don't know if he is going to be the answer in this. He would be leaning more on Chris Chale. Vincent Giorgio pointed out that it is his understanding that negotiating the MS4 permit is more of a EOHWC coalition issue. Director Williams said that the MS4 Permit affects the Corporation but asked Vincent if he would be more comfortable if they adjourned the meeting and went into a coalition meeting. Vincent said yes. Sabrina suggested the meeting be adjourned so the discussion could be continued in a coalition meeting. Vincent emphasized that when counsel is consulted to do coalition-related services, certain expenses shouldn't be paid with DEP or WQIP funds through EOHWC. Director Williams and Sabrina agreed. Director Williams mentioned that he wanted to have a five-minute conversation about the permit and the next steps because again, we are going to have to come up with a list of projects under the requirements of the permit. Vincent said he understands and usually tries not to interject but once the conversation moves towards talking to counsel, he has a responsibility to point it out. Director Williams asked if any members were interested in setting up a coalition meeting to discuss the permit only. All members wished to engage in further discussion regarding the Draft MS4 Permit. Director Williams will reach out to Alternate Daly to set up a time and date for a coalition meeting.

10) Adjournment - Motion to adjourn by Alternate Tamagna, seconded by Alternate Franzetti; all in favor. Adjourned 10:01 AM.

PRESIDENT'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the March 24, 2022 meeting minutes approved by the Executive Committee.



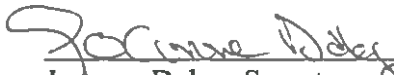
Richard Williams, Sr., President

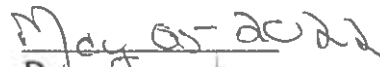


Date

SECRETARY'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the March 24, 2022 meeting minutes approved by the Executive Committee.


JoAnne Daley, Secretary


Date