
EXECUTIVE COMMITTEE MEETING
9:30 A.M., Thursday, February 24, 2022
Zoom Videoconference

Meeting Minutes

1) Open Meeting

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

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

2) Approve Meeting Minutes of January 27, 2022

Motion by Director Goncalves, seconded by Director Lucas to approve the meeting minutes of January 27, 2022; all in favor.

3) Financial Update

Keith Giguere reported that the current fund balance is \$16,239,000, of which \$10,199,000 is FAD. This month's FAD expenditures total is \$119,930. Our auditors, Sickler, Torchia, Allen and Churchill (STAC), will be on-site March 8-9. They plan to make their presentation at the March 24th Executive Committee meeting. The audit will be completed in time for submission of the required reports to the New York City Department of Environmental Protection (NYCDEP) and New York State Authorities and Budget Office (NYS ABO) at the end of March.

4) List of Reporting and Filing Due Dates

Linda Matera reported that we are currently up to date on all reporting and filing requirements. More of the ABO compliance requirements have been fulfilled. Monthly reminders will continue to be sent out until we receive all compliance submissions. Sabrina Charney-Hull will reach out to Supervisor Katz and Alternate Daley will contact Supervisor Schmitt to remind them these items are due.

5) Project Update

Kevin Fitzpatrick reported that a new group of approvals was recently submitted to the New York State Department of Environmental Conservation (NYSDEC), bringing the program total up to approximately 648 kilograms of phosphorus reduction. Within the next month or two we expect to submit for an additional 30 kilograms for catch basin insert projects as they get installed. As you may recall from the last Executive Committee meeting, we had a few installation agreements to be installed over the next

month or two. Scolpino Park (SE-EB-715) is in the tail end of construction in the town of Southeast and will be completed shortly. We will be going out to design on a few projects to keep moving ahead with the total. As discussed last summer, we brought up the idea of bio infiltration projects that could be addressed around lake communities within the watershed to try to take advantage of the very narrow easement areas that a lot of municipalities have where the municipal discharge goes right into the lakes. We highlighted a few of those to get out to bid on in the upcoming months. Currently, there are a lot of private property installations that we are trying to navigate and get through. We will continue to work with counsel to push those ahead. As you know, many times the property owners push back as hard as they can, but we will keep advancing them to get us to the total. Kevin pointed out that the Project Status Update sheet has a new layout for the presentation of the data. Cory Lapidus migrated all of the projects into Microsoft Access rather than Excel because it gives us a better grasp on the data. Over the years, we had 6 or 7 spreadsheets that started piling up. Using Access will help streamline some of the reporting and allow us to clean it up as we go along. Please let us know if there's any other information you would like to see added to the status table as we go along. Director Williams complimented Cory's work on the new format and said that while Access is a great program, it is not used very often. Excel has gotten very robust over the years. Kevin said that with ACCESS they can come up with a lot of the reports that they need and export them to Excel as needed.

6) O & M Program Update

Kevin reported that notices were recently sent out to municipalities to let them know whether they will be owing or receiving money from the 2021 O&M cycle. One of the most important reasons for switching over to Access was for the incorporation of the O&M database into one sheet. This allows us to get a good grasp and perform a better audit of all the individual projects to get an idea of what needs to be done, what hasn't been done, projects that are overdue for attention and to possibly look a little harder at why those bills are coming in as they are. This will be a yearlong process as we get into it but of course the highlight is getting those O&M bills accounted for and represented so we can get payments out to anyone that is receiving one in either May or June. Keith added that all the confirmation letters were sent out with invoices and requested that anyone who has a confirmation letter, sign it and send it back to our auditors so they can get the audit done.

7) Checks and vouchers

Monthly vouchers were signed. No action taken.

8) Other business

Director Williams informed members that he had the opportunity yesterday to have a Zoom meeting with representatives of 16 different stormwater coalitions and the New York State Department of Transportation (NYSDOT). The meeting was very informative with a lot of great technical expertise present. The consensus across the board is that the general permit requirements are excessive and are not going to affect stormwater quality in several different areas and that the whole permit is setting everyone up for failure because it places too many requirements on everybody. There are a lot of requirements in the permit regarding training and public education that we are going to have to meet. It also contains things such as not being able to pave roads anymore except in dry weather conditions. Dry weather conditions are defined as the non-growing periods of the year. You are not going to pave roads in the winter because that is absurd. Additionally, you are not going to be able to discharge the water coming out of the catch basins into any of the waters in the state of New York. It essentially means you're going to have to take it back to the yard and pump it into the ground. Truck washing was also discussed. The one issue action needs to be taken on today is getting an extension on the deadline because there wasn't

enough time to conduct an adequate review of the permit. Members of the stormwater coalitions at the meeting are looking to submit a letter to NYSDEC requesting to push the date back for comments to April 15. Approval was requested by Director Williams from the Board to send a letter on behalf of the Corporation to delay the comments deadline. Director Lucas pointed out that the permit mentions that anywhere water geese congregate we would have to minimize all the runoff from the excrement. Director Williams said they are requiring municipalities to do street sweeping twice a year even though studies out there indicate that street sweeping isn't really going to reduce a lot of the pollutants that we are concerned with. When NYSDOT saw the permit requirements they reached out to their vendors to find out what would be involved in purchasing enough street sweepers because they do not have enough. They were told by their vendors that there's presently a lack of street sweepers and they would not be able to get the amount needed to comply with the permit within the term of the permit.

Kevin said he had the chance to look at that section of the permit that has to do with the Corporation making the submissions. He is not sure if NYSDEC is going to change their perspective on it themselves, however, people he has been dealing with have been very cooperative when it comes to these items. They've asked us to address projects as they are available and not give them a pile of things at the end of the year for review. We are still looking forward to the requirements of the additional document that has been alluded to for phosphorus reduction for all. Director Williams said we should keep in the back of our minds that if this permit gets implemented, it's not only enforceable by the NYSDEC, but by anybody who files a challenge. So, we should still be pushing back on those permit requirements that affect the Corporation even though the NYSDEC has been very reasonable with us. We have a great working relationship with Tom Snow and some of the others. The fact that it's in the permit is even more of a reason that we need to submit comments. Director Lucas said it would be nice to have some of the other municipalities do that on an individual basis and is not sure how to get them to understand how it will impact them. The issue with geese excrement is a small part but it's still going to cost money to do. The last time we went through this a few years ago, the average cost per municipality was \$500,000 a year and we all did it independently and arrived at the numbers with slightly different methodologies. The range was \$350,000-\$750,000. For North Salem, it was \$519,000 because of hiring additional people. The stormwater requirements alone are going to take up a lot more time. Director Williams prepared a spreadsheet similar to the one prepared last time. It's estimated to cost the Town of Patterson about \$275,000 a year to comply with this permit. Sabrina asked Director Williams if he could share the spreadsheet. Alternate Franzetti will review the draft general permit and have comments prepared by early next week. Clarification was requested by Alternate Franzetti on an earlier comment from Director Williams about anyone being able to file a challenge and whether it can be done individually to municipalities or just the Corporation. Director Williams explained that if an organization like The Riverkeeper does not feel that we are meeting the permit requirements, they can take us to court under the permit and they can do it to an individual municipality or the Corporation. The way the permit is written is that a lot of these documents must be completely open and available to the public. There was some concern about the mapping and some of the other documents we are doing that will have to be up on our website. Sabrina said the last time we went through this, letters were submitted and we managed to detain them, but here we are again. This time it seems like they are listening to the environmental contingent who are pushing for this. She questioned how we make inroads. Director Williams said he thinks the first step is going to be submitting comments because they are going to be the basis of any action we take moving forward. If they implement the permit, then we need to consider if we want to push back legally. Director Williams indicated that if we are going to go down that road then it's probably not the Corporation that is going to do it, but the individual municipalities or the coalition. Director Lucas said that we may need to get everybody to submit something to our legislators and to the NYSDEC showing how much it will cost us and how much it equates to in taxes. If Director Williams numbers are true, then it will be a 5% tax increase for North Salem. Director Williams recommended that member

municipalities plug their numbers into his spreadsheet to see how it affects each town individually. Sabrina thanked Director Williams and said that she is working with a new town board. They don't have the history or the understanding, therefore, anything to help move it along in the process to get a letter out is crucial. Director Lucas asked if this affected any of the towns that are not in the watershed. Director Williams said that it affects every town that is designated an MS4. Sabrina said it affects most of the towns in Westchester and Alternate Daley said it affects 13 of the towns in Dutchess County. Alternate Tamagna indicated it may be a good idea to get the County Executives to send a letter as well. Director Lucas asked Mike Meyer if the NYCDEP's position on this is that they are 100% behind it or are they just quiet about it and if it gives them a lot of extra work also. Mike said that New York City is an MS4, not only in the watershed, but in the city too. They are also going through the permit itself and figuring out how it affects the five boroughs as well as upstate. There are definitely elements of the permit that NYCDEP has reservations on, but they are still going through it. Director Williams said that the coalitions he met with stretch from Western New York to Long Island. He will share some of their concerns about the permit. Director Lucas asked Mike Meyer if the NYCDEP would consider asking for an extension on the comment deadline to April 15th. Mike said he will present the request to their attorneys who are going through the permit. Director Williams mentioned that a 90-day comment submission period was always given in the past but was not extended with this draft permit. Mike said that for the NYCDEP element in the watershed it's hard to get a clear sense of the impact with a corresponding TMDL implementation plan and makes it hard to review the permit without that. Director Lucas stated that Tom Snow told him it was in draft about a month ago and they were reviewing the final draft, so it's unclear why they wouldn't put it out at the same time. Director Lucas said maybe it makes sense to request the extension based upon the fact that we don't have the other piece that gives us any of the goals so we're not even sure what we are supposed to be doing on some of this. It would be helpful to have that document and have time to review it. What we should suggest is we need a little more time to review the documents that we haven't quite seen yet. Director Lucas will let all the supervisors know and ask them to get on a call. Sabrina emphasized the importance of having more communication with other towns. The interim timeframes for reporting and deadlines of mapping and other things are expected on more than a yearly basis. In addition to the Annual Report, they want two interim reports. It is very paper heavy and there is no way to know what they expect those reports to look like. There are a lot of miscellaneous questions, not to mention the actual physical improvements they are looking for us to make. Each town should bring their DPW Commissioner to a meeting and we should go through it. If this is sent to the New Castle Town Board without an explanation, they are not going to know what it is. The bizarre part is that they are looking for two interim reports, but the June interim report is a report that must be done at the same time we are doing the annual report. Sabrina said that their annual report form leaves a lot to be desired. It should be amended to make it more meaningful for what they're looking for. We have a responsibility to educate our municipalities about this because they don't have a clue what it is. Not to mention, there are many new supervisors who need to be brought up to speed, and each municipality is a little bit differently situated. For instance, New Castle has two street sweepers, but what is the likelihood that we are running them when the NYSDEC expects us to. Sabrina indicated that although she currently gets a total of how much is collected for the annual report every year, there's much more education and discussion that must happen internally in each municipality if we are going to get a handle on what's really being asked for and whether it's something that is feasible. Alternate Tamagna pointed out that there is not a lot of time to coordinate this with the deadline being a week from Monday so if Supervisor Williams writes a letter immediately, we can possibly get some attention. If we get that letter and then have the County Executives of Westchester, Putnam, and Dutchess request time to talk through it, then maybe that is something we can do in the short, compressed time that we have. Director Williams said he will send his letter out next week and will copy Alternate Tamagna on it as was requested so he can have County Executive Odell do something similar. Alternate Tamagna said one of the things they were thinking, since he is now also the District Director of the Soil and Water

Conservation Districts, is MS4 training needed for certification. Most highway departments did it about three years ago so it's time to do it again. Perhaps we should expand it and make it certification training as well as an education about where everything is located. It can be done as a joint effort with EOHWC, Westchester County, and Putnam Soil and Water Conservation District. Director Williams said that at the Zoom meeting yesterday he learned from a number of people from Soil and Water Districts that most of them have been working with NYSDEC to develop the training modules that are going to be required out of this. Alternate Tamagna said he is going to bring Ulster County down to do the training. What should be understood is what MS4 is today, what the heightened restrictions are and what they do for everyone. Director Williams said that to touch on the training, you must have a stormwater manager running the program. Then you must have NYSDEC endorsed training. All personnel and inspectors must be trained when they are out on the streets. It goes so far to imply that people picking up garbage must be trained. Sabrina added that what comes to mind when she reads that, is her entire DPW needs to be trained according to NYSDEC. Director Williams pointed out that it becomes a problem if you change personnel or somebody leaves and you hire somebody new, they must be trained, and it must be before they can do their job. One of the things we need to push back on is, if they are going to require this training, it must be free to municipalities, it must be online and it must be continuous so anybody can go online and get the training they need so we're not sitting idle with an employee who can't do anything for two months because they haven't been trained. He will email everyone the spreadsheet he prepared, the list of coalition members he met with and their concerns, and the contact person to request the deadline extension. Director Lucas said that he will send the spreadsheet out to all the supervisors and try to arrange a meeting for the beginning of next week to make them all aware of the implications.

Motion by Alternate Franzetti, seconded by Director Lucas to authorize the President of the Corporation to submit a letter on behalf of the East of Hudson Watershed Corporation requesting an extension of the General Permit comments deadline to April 15, 2022; all in favor.

9) Adjournment - Motion to adjourn by Alternate Franzetti, seconded by Director Lucas; all in favor. Adjourned 10:13 AM.