

EXECUTIVE COMMITTEE MEETING

9:30 A.M., Thursday, July 21, 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); 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 Michael Cazzari (Town of Carmel);

Others in Attendance: Christine Chale (Corporate Counsel); Todd Hirsch (Corporate Counsel); Millie Magraw (Westchester County); Michael Meyer (NYCDEP); Kevin Fitzpatrick (EOHWC); Keith Giguere (EOHWC); Cory Lapidus (EOHWC)

**2) Approve Meeting Minutes of June 23, 2022**

Motion by Director Williams, second by Director Goncalves to approve the Executive Committee meeting minutes of June 23, 2022 with changes as detailed by Director Williams; all in favor.

**3) Financial Update**

Keith Giguere reported that there is currently \$15,379,000 in cash and investments of which \$9,874,000 is FAD related. Expenses for July total \$35,626. Questions were invited.

**4) Project Update**

NS MU 601 and NewC-NCR 801: Kevin Fitzpatrick reported that NS-MU-601 located at Keeler Lane in New Castle and NewC-NCR-801 located at Courtmel Road in New Castle will be awarded construction in September and October. Both projects are expected to be in the range of \$1 million. We will be working with Army Corps of Engineers on the Courtmel Road project. The agreement is currently being worked on. We are waiting to hear if they have any comments on the specifications. Construction can only begin once the agreement is signed by their commanding officer.

Catch Basin Inserts: Since the last Executive Committee meeting Kevin and Cory have been looking at all open projects involving catch basin inserts that are using the Fabco filters. Some adjustments have been made, whether it was eliminating a basin that was uphill from a driveway, or getting additional feedback from the towns for basins they felt were particularly troubling such as something that might fill up with sediment more frequently than anticipated. A couple of minor adjustments were made to some projects, but no large sweeping corrections were required on any of the projects based off of any liability that we would be on the hook for.

S-CF-901: A bit of a redesign is anticipated for S-CF-901 at Greenbriar Subdivision in the Town of

Somers. During a thorough review, each individual basin was looked at for all the filters that were going to be installed there. There are likely better retrofits that we could do there. We are going to meet with the Greenbriar Homeowners' Association to see if we can change to filtration devices within the roadways. By doing this we would increase our phosphorus reduction total, decrease O&M requirement for the stormwater retrofit, and would open up the opportunity to use FAD funding at those locations. Currently, we cannot use FAD funding for any projects involving catch basin inserts. Since this project is in Croton Falls reservoir, it is in our best interest to make sure we use FAD funding.

Carmel-AM-1000: There are a few other catch basin insert projects that we are going to get ready to install, one of which is on Marina Drive in Carmel. We are currently in the process of locking in the six installation agreements. The entire project is almost 100% impervious. It's a commercial area near the southern tip of Lake Mahopac that has a lot of catch basins.

Catch Basin Inserts: Christine inquired if the projects Kevin discussed earlier in which changes were being made are in the design or construction. Kevin said they are in the design phase. Christine asked if the design engineer has been asked to look at and sign off on the changes as well. Kevin said that they haven't yet because he wanted to make sure that it was going to make sense internally first before we authorize the engineer to do any redesigns. We want to be clear on any potential change order request. We feel as though we can minimize any potential increase in cost for the project. Before the engineer does anything, we want to talk to the Homeowners' Association to make sure they are on board with what we are proposing. Christine indicated that she wants to make sure that before these projects go forward, the design engineers are asked to sign off on the evaluation of this issue as well. Kevin confirmed that the design engineers will sign off on the evaluation before moving forward.

Y-MU-602: Director Williams inquired about the installation of the project Y-MU-602 at Junior Lake in Yorktown. Kevin said that it went out to bid for construction and all the bids came back extremely high. There may be some components of the project that the town may be able to do themselves. There is sort of a gray area where there may be things the town can do on their own as part of their infrastructure or perhaps, it may be something we need to do for a retrofit. Kevin said he is going to discuss with the engineer whether the project should be rebid. We believe the construction bids should have come in 50% lower than they did. A conclusion will be reached once we discuss it with the Town of Yorktown and the engineer. Director Williams asked if we are going to take action to reject the bids. Kevin agreed that formal action should be taken to reject the submitted bids. Christine asked if the bid tabulation was provided as part of the attachments. Kevin said it was not provided but will be included in the August Executive Committee meeting handouts. Alternate Ciarcia asked if Kevin had a conversation with anyone at the Highway Department yet. Kevin said he wants to make sure the Highway Department didn't have any intention of doing work in that area anyway because we can always just delay and piggyback their work, but he will reach out and discuss it with them. Alternate Ciarcia requested that Kevin provide the drawing of what the problematic catch basins are and he will have a conversation with his Highway Superintendent.

##### **5) August 9, 2022 Board of Directors' Draft Agenda**

Director Williams asked if anyone had anything to add to the Board of Directors' draft agenda. He asked Kevin where he stands with bringing the New York State Department of Transportation (DOT)

into the Corporation. Kevin said he spoke with them last week. They are interested in seeing whether we can help them get to the finish line for phosphorus reduction. He asked them to provide us with a list of projects they've already completed and those they plan to do in the future. They are very much on-board and eager to see whether we can help them. Kevin pointed out that they may just need a fresh pair of eyes to look at what they have, and we might be able to tweak their work a bit. It's a great opportunity for us. Kevin informed them that if we can come up with a work plan for them, some kind of agreement would need to be put in place to fund and finance the Corporation so that he and Cory can come up with a work plan that's successful. They were agreeable to that arrangement. They are aware that it would be discussed at today's meeting and will be discussed at the upcoming Board of Directors' meeting in order to move forward. They expressed interest in meeting again next week. It has not been scheduled yet, but it would be a great opportunity for some of our Board members to join us in that meeting. Director Lucas inquired as to who Kevin was meeting with at DOT and if anyone from New York State Department of Environmental Conservation (DEC) was in on the meetings. Kevin said that folks from the DEC were not in attendance, but Bob Capowski did set up the meeting for us. He met with Terry Smith and Ellen Kubek from the DOT last Friday. Director Williams indicated that this is more along the lines of the Corporation contracting with the DOT than it is that they want to join the Corporation. Kevin said that they have 90 kgs left to accomplish and they have projects that amount to approximately 70-80 kgs. Just from driving around the watershed and having grown up in the area, it's easy to find something from a state road which can help the municipalities and the DOT. We can get to 90 kilograms relatively easy just thinking about how many roads line the reservoirs. The first step though would be entering into some kind of an agreement where they give us a certain amount of dollars to come up with a work plan. We then finish it off for them and the maintenance is theirs to handle. Our purpose is just to help them facilitate the requirement. In the future, should the new permit ever arrive, they will have another 220 kgs to achieve and we may be able to help them again. It's a great opportunity to fix up some of the state roads that are running through the EOHWC member municipalities.

Motion by Director Lucas, seconded by Alternate Daley to approve the August 9 Board of Directors' agenda as written; all in favor.

## **7) Checks and vouchers**

Monthly vouchers were signed. No action taken.

## **8) Other business**

Director Lucas discussed the flood issue at Vails Grove Cooperative NS-EB-901 and the fact that there really is no way that catch basin insert filters can be installed that we can argue that they are not slowing the amount of water going into the catch basin. It obviously would run faster without them than with them. While Kevin is on top of this now, we need to be very careful and not use them very often, unless it's in a very simple parking lot, but around homes they are not a great technology for certain situations because there is too much liability. Kevin said he agrees and disagrees with Director Lucas because depending on the basin, we can very easily show that the overflows within them are not the limiting factor of stormwater flows, but the grates themselves. Director Lucas said he is more concerned about how the insurance company will perceive it. The residents at Vails Grove are aware of what happened on Route 121 and realize it caused a lot of problems and that the water blew past our catch basins. Kevin said he is hopeful that the insurance company will do the right thing and direct the residents to the DOT because it was their infrastructure that failed. We will continue the evaluations and choose wisely going forward. Director Williams said that Alternate Ciarcia hit the nail on the head at last month's meeting when he talked about a 1- 2 year smaller storm that the catch basins are designed to

handle, but they are not designed to hand a 100 year storm. We need to figure out where that water is going to go in 100-year storm so it doesn't cause a problem. It's the key to moving forward with all of this. Alternate Ciarcia said that even if there was a pre-existing problem before we installed the inserts, we're going to get called in because of the inserts. Director Lucas said that you just can't argue that they are not constricting water flow. It can be just 1%, but it is still restricting the water. When resident's homes get damaged, they are going to look for everybody that's responsible and unfortunately, the Corporation and municipalities are on the hook. Sooner or later the municipalities are going to get sued also because they are part of the Corporation too.

**8) Adjournment - Motion to adjourn by Director Lucas, seconded by Director Goncalves; all in favor. Adjourned 9:55 AM.**

**PRESIDENT'S CERTIFICATE**

I certify that the foregoing is a true and correct copy of the July 21, 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 July 21, 2022 meeting minutes approved by the Executive Committee.

  
JoAnne Daley, Secretary

8-26-2022  
Date