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EXECUTIVE COMMITTEE MEETING  
*11:00 A.M., Thursday, December 15, 2022*

**Meeting Minutes**

**1) Open Meeting**

Voting Members in Attendance: Richard Williams, Sr. (Town of Patterson); Warren Lucas (Town of North Salem) for himself and as alternate for 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); Michael Cazzari (Town of Carmel)

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

**2) Approve Meeting Minutes of November 17, 2022**

Motion by Director Lucas, second by Director Cazzari to approve the meeting minutes of November 17, 2022; all in favor.

**3) Financial Update**

Keith Giguere reported there is approximately \$9,845,000 in FAD funds that includes about \$4 million in a short-term investment, which is coming due next month. The pollution policy has renewed in the amount of \$52,000 for the next three-year term. Director Lucas asked if there have been any claims against the policy historically. Keith is in contact with the broker and will share it with Counsel as soon as it is provided and will include it as part of the attachments for the January quarterly meeting. Christine recommended the Board review the policy before it renews each year.

**4) Project Update**

Kevin Fitzpatrick reported that we will be breaking ground on two projects NS-MU-601 (Keeler Lane) and L-MU-803 (Lewisboro Town Park) in the next two weeks. Construction will be completed by Coyle Industries. They intend to work through the winter and expect to close out in the spring. Christine asked if an installation agreement was signed for NS-MU-601. Kevin said it has been and the project update sheet will reflect that for the January meeting. Following the previously mentioned projects will be the construction at Walter Panas High School (C-NC-1000) for the installation of catch basin inserts. We are trying to plan installation around their spring break in April. Director Lucas asked about the notes on the project update sheet that indicate installation is ongoing for Y-MU-602. Kevin said that with that project there was a series of catch basins that we could

immediately install and then there was a series where we were determining whether we wanted to make adjustments in the field and if it was worth the investment. After that is another round of catch basin inserts in Carmel at Marina Drive (Carmel-AM-1000) and Ridge Road (Carmel-GL815). Marina Drive is a series of many different private property owners, the Town of Carmel, Putnam County, and a commercial area at the southern tip of Lake Mahopac. In the case of both projects, we will make sure we have the proper documentation in place along with installation agreements and make sure that the engineer is comfortable moving forward with the proposals submitted.

Kevin informed members that at the request of the New York City Department of Environmental Protection (NYCDEP), and to follow up with the discussion from last month, we took a hard look at the running project list to see how we can trim it down to meet the goal of not exceeding by more than 10%. At this time we have reached that limit. 1,012 kilograms of reduction was the goal, and we are now around 1,008 for active projects that are being pursued. He stressed the importance of keeping in mind that the Project Update sheet is fluid. We find that we may get better value out of projects that we didn't expect as submittals are presented. While we will keep the 1,012 kilograms as a hard line, there may be some fluctuation. Kevin will continue to work with NYCDEP to make sure we are where we need to be and that they are comfortable with where we are. Vincent Giorgio pointed out that the current list is smaller and asked if Kevin issued stop work orders on certain projects. Kevin said that there were some projects where we didn't need to, however, there was a group where stop work orders were issued because we didn't feel they were going to move forward. There were others that were worked on internally that we were going to collaborate with municipalities to move forward which did not have any financial commitment, an engineer of record, and did not need stop-work orders. This allowed us to reach that number. Vincent asked Kevin to provide a list of the projects that were removed from the list.

Kevin explained that we will be breaking ground as soon as possible on the project at Courtmel Road in New Castle (NewC-NCR-801). The only issue preventing us from moving forward is the reimbursement agreement with the Army Corps of Engineers (ACOE). They recently changed their contract language and that required us to present a resolution for the President to sign the updated and revised ACOE agreement. Christine pointed out that it is not significantly different, but because it's ACOE and there have been changes, we should have a resolution approving the revised agreement.

Motion by Director Lucas, seconded by Director Cazzari to approve the execution of the revised agreement with US Army Corps of Engineers for stormwater retrofit project NewC-NCR-801 at Courtmel Road in the Town of New Castle.

WHEREAS, EOHWC is considering undertaking a stormwater retrofit project involving the installation of filtration BMPs in the Town of New Castle (the "Town") right of way and the stabilization of two eroded channels on property owned by the New York City Department of Environmental Protection at Courtmel Road in the Town ("Project"); and

WHEREAS, the United States Department of the Army (the "Department") is authorized to provide design and construction assistance for publicly owned, non-Federal water-related

environmental infrastructure and resource protection and development projects in the New York City Watershed, including projects for water supply, storage, treatment, and distribution facilities, and surface water resource protection and development pursuant to Section 552 of the Water Resources Development Act of 1996, Public Law 104-303, as amended (hereinafter “Section 552”); and

WHEREAS, the EOHWC and Department wish to enter into an agreement under which the Department would provide design and construction assistance for the Project (the “Agreement”); and

WHEREAS, the estimated total costs of the Project would be approximately \$800,000, with the Department covering 75% thereof (up to \$600,000) and EOHWC covering 25% (estimated to be approximately \$200,000) using Water Quality Investment Program funds; and

WHEREAS, on August 26, 2021, by Resolution No. R-0826-01, the EOHWC Executive Committee approved a prior version of the Agreement; and

WHEREAS, on April 21, 2022, by Resolution R-0421-01, the EOHWC Executive Committee approved a revised version of the Agreement together with a related Installation Agreement between EOHWC and the Town of New Castle; and

WHEREAS, the Department has since presented the EOHWC with a further revised draft of said Agreement in substantially the form on file in the office of the EOHWC (the “Revised Agreement”); and

WHEREAS, the EOHWC has considered the proposed Revised Agreement and all other relevant information and believes that entering into the Revised Agreement is in the best interest of the Corporation; and

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

1. The execution and delivery of the Revised Agreement is hereby approved. The President of the EOHWC is hereby authorized to execute and deliver the Revised Agreement on behalf of the EOHWC, in substantially the form on file in the offices of the EOHWC, with such changes as may be approved by the party executing the same on behalf of the EOHWC.
2. 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.
3. The approval of the Installation Agreement, in substantially the form on file in the offices of the EOHWC, is ratified and confirmed.

Motion passed; all in favor.

R-1215-03

## **5) Environmental Review**

Kevin explained that we will be declaring ourselves lead agency and initiating a coordinated review for Kent-MB-1000 and Y-MU-40.

**a. Lead Agency Declaration**

**i. Kent-MB-1000 (Longfellow Drive)**

Kent-MB-1000 is for channel stabilization where we are going to team up with the private developer to fix up the property and the municipal outfalls. Director Williams asked if Cory had a short EAF on it. Kevin said one had been prepared.

Motion by Director Williams, seconded by Director Lucas to declare East of Hudson Watershed Corporation's intent to be lead agency on stormwater retrofit project Kent-MB-1000; all in favor.

**ii. Y-MU-40 (Hallock's Mill Road)**

The project at Hallocks Mill Road is for the installation of a bioinfiltration filter on municipal property. The intention is to apply for a reimbursement with ACOE. As part of the permit process, we need to have a SEQR Declaration ready. Permits will be necessary because we are in the vicinity of wetlands, therefore, we would like to begin the coordinated review with the necessary parties. Director Lucas pointed out that this is a project from the 2014 Workplan. Kevin explained that this project has gone through a couple of different iterations. It got off the ground in 2014, however, it was too close to the vicinity of a wastewater line. It's an old project we've dusted off and feel we can accomplish now, especially with the help of ACOE funding. 80% would be covered by them and 20% by EOHWC. EOHWC's funds will be used for the local match with ACOE. We spend 100% and are reimbursed 80% by ACOE. Director Lucas asked if this is the only project ACOE is providing help with. Kevin said that we've also asked them for assistance with L-MU-1017 and Y-MU-1001. We've put in a request for assistance with these projects but are not at a point where we need to take any action with ACOE yet.

Motion by Director Cazzari, seconded by Director Lucas to declare the East of Hudson Watershed Corporation lead agency for stormwater retrofit project Y-MU-40 located at Hallock's Mill Road; all in favor.

WHEREAS, EOHWC is proposing to undertake the installation of a stormwater retrofit project in the Town of Yorktown involving the installation of a biofiltration system and the stabilization of an eroded drainage channel; and

WHEREAS, the project will be installed on municipal property located along Saw Mill River Road (Route 202) near the intersection with Hallocks Mill Road, Yorktown Heights, New York 10598, tax parcel no. 37.10-2-68; and

WHEREAS, the Executive Committee has reviewed the short Environmental Assessment Form (EAF) dated December 6, 2022 and all relevant environmental information related to the proposed project; and

WHEREAS, the State Environmental Quality Review Act (SEQRA) requires that all proposed undertakings subject to environmental quality review be classified;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that:

1. Stormwater Retrofit Project Y-MU-40 is an Unlisted action under SEQRA for which a coordinated review will be conducted; and

2. The Director of Engineering is directed to circulate a notice to all involved and interested agencies declaring EOHWC's intention to serve as lead agency in the environmental review of the stormwater retrofit project together with a copy of the EAF and requesting their consent or lack of consent within thirty days.

Motion passed; all in favor.

R-1215-01

**b. Negative Declaration**

**i. Y-MU-1001 (N. Westchester Executive Park)**

The resolution being presented is to approve a negative declaration for the projects at Northern Westchester Executive Park in the Town of Yorktown to install subsurface infiltration along a town right-of-way. There is no necessary permitting process. It will not have an adverse impact on the environment. Christine called the Boards attention to Part III, which is narrative of the determination that is the statement of the negative declaration. Alternate Ciarcia asked if a circulation was done on this project and if the Yorktown Board was made aware of the project in the town as a formal referral. In doing a SEQR coordinated review, a package would go to the town clerk for the Boards consideration. For example, it will probably require a local town wetlands permit. Procedurally, the town might want to be lead agency. Kevin said the town was made aware and has given us Lead Agency authorization on all projects for Years 6-10. Christine asked if the authorizations were given individually by town. Kevin said that about 6 years ago, each town was given documents saying that we would take Lead Agency on all EOHWC matters to expedite the process. Christine asked if we are circulating to the town anyway. Kevin said that documents are given to the towns, but for this particular project, the local town board has not made an individual determination on it. Alternate Ciarcia said that procedurally he or Kevin should present to the board to keep them in the loop. Director Lucas pointed out that it may be a good idea to alert town boards about what we are doing. Alternate Franzetti pointed out that is what is being said when we receive the attachments in an email on a regular basis. Director Lucas asked if our board members are circulating it to their town boards. Alternate Franzetti said the supervisor or alternate is here so they can present it to their town board as necessary so they will be aware of things that are relevant to their town, which is part of the responsibility. When the meeting attachments are received, it should be presented to the town board if there is something relevant going on that impacts the town. Alternate Ciarcia said he would present it to the town board and requested any up-to-date plans as they progress. Kevin said he has full intent to go before the town board and outline exactly what's happening. Christine pointed out that it's approved when the installation agreement is signed.

Motion by Director Cazzari, seconded by Director Lucas to approve SEQRA Negative Declaration for stormwater retrofit project Y-MU-1001 located at Northern Westchester Executive Park; all in favor.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Yorktown involving the installation of infiltration chambers in the Town right-of-way along Strang Boulevard to treat stormwater runoff from the Northern Westchester Executive Park, located at 2651 Strang Boulevard, Yorktown Heights, NY 10598 (the "Project"); and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental

Assessment Form dated December 6, 2022 and all relevant environmental information related to the proposed project.

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it:

1. Classifies the Project as an unlisted action under SEQRA; and
2. Determines that the proposed action will not result in any significant adverse impacts on the environment and that a Draft Environmental Impact Statement will not be prepared.

Motion passed; all in favor.

R-1215-02

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

Kevin requested that the costs and backup are submitted to EOHWC on any O&M inspections done for this cycle. He pointed out the work that Cory did on putting together a very functional O&M map and database for the Corporation. He streamlined a lot of the reviews, inspections, and documentation. We now have the ability to do it entirely digitally and cut out a lot of paperwork. We've made some leaps and bounds in being able to share that documentation with the towns. Director Lucas asked if it was GIS layered. Cory said it's a whole GIS macro and uses a bunch of GIS layers. Director Lucas asked if it was easy enough for towns to get access to a layer for their GIS. Cory said that depends whether he can add an organization because the issue with adding outside people is you typically need to add extra licenses for viewers. Director Lucas said they go through the county for all of Westchester. Cory said he would research it to see if he could add North Salem as a user.

#### **7) Checks and vouchers**

Monthly vouchers were signed. No action taken.

#### **8) Other business**

Motion by Director Lucas, seconded by Director Cazzari to extend the Westchester Intermunicipal Agreement for Operations and Maintenance.

WHEREAS, the East of Hudson Watershed Corporation and the County of Westchester have entered into an intermunicipal agreement which currently expires December 31, 2022, providing for reimbursement of the costs of O&M for EOHWC communities within Westchester County from EOHWC WQIP funds;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that;

1. The President of the EOHWC is hereby authorized to execute the extended intermunicipal agreement providing for continued reimbursement for a period of up to 5 years from remaining available EOHWC WQIP funds.

Motion passed; all in favor.

R-1215-04

**9) Enter into Executive Session to discuss matters that may lead to litigation, motion proposed by Director Lucas, second Director Cazzari; all in favor.**

**10) Motion to come out of Executive Session by Director Cazzari, seconded by Director Lucas; all in favor. No action taken in Executive Session.**

**11) Adjournment - Motion to adjourn by Director Cazzari, seconded by Director Lucas; all in favor. Adjourned 11:54 AM.**

**DRAFT**