
EXECUTIVE COMMITTEE MEETING

9:30 A.M., Thursday, April 20, 2023

Meeting Minutes

1. Open Meeting

Voting Members in Attendance: Richard Williams, Sr. (Town of Patterson); Robert Scorrano (Town of Somers); Warren Lucas (Town of North Salem); Tony Goncalves (Town of Lewisboro); Rich Franzetti as alternate for Michael Cazzari (Town of Carmel); JoAnne Daley as alternate for James Schmitt (Town of Pawling)

Others in Attendance: Vincent Giorgio (NYCDEP); Millie Magraw (Westchester County); Christine Chale (Corporate Counsel); Janet Andersen (Three Lakes Council); Kevin Fitzpatrick (EOHWC); Keith Giguere (EOHWC); Linda Matera (EOHWC); Cory Lapidus (EOHWC)

2. Approve Meeting Minutes of March 30, 2023

Motion by Director Scorrano, second by Director Lucas to approve the Executive Committee meeting minutes of March 30, 2023; all in favor.

3. Financial Update

Keith Giguere reported that an investment maturity took place last month. It was replaced with a bank CD that is earning 4.15% interest for 6 months.

4. Tax Returns – Draft Form 990 and CHAR 500

Keith reported that he received Form 990 and CHAR 500 from the auditor late yesterday afternoon. He was able to conduct a quick review to make sure the numbers transferred over correctly from the audit report. He noted that throughout both documents the letter “n” has dropped off of the word “Corporation” every place it appears. It was requested that RBT make that correction. Director Williams inquired if it is correct that we only paid two contractors more than \$100,000 in 2022. Keith said he will investigate it, however, very little was paid out to design firms and there wasn’t much in the way of construction. Director Williams also pointed out that when page 11 is flipped over, it goes back to page 8 again. Keith said it appears to be a collating issue and will address it with the auditor.

Motion by Director Lucas, seconded by Director Scorrano to file the Form 990 and CHAR 500 with specified corrections: all in favor.

5. List of Reporting and Filing Due Dates

Linda Matera presented the reporting and filing dates. Reminders were sent to Lisa Katz (New Castle), Michael Schiliro (North Castle), and Kevin Byrne (Putnam County) regarding compliance items. It was pointed out that the Annual Project Accounting Report is being worked on after a few links were

broken. Keith added that once he and Linda have the chance to compare and confirm totals, it will be submitted to the New York City Department of Environmental Protection (NYCDEP).

6. Project Update

Kevin Fitzpatrick reported that construction is wrapping up at Lewisboro Town Park (L-CR-803) and Keeler Lane in North Salem (NS-MU-601). With Lewisboro Town Park, it's just down to seeding grass. The project was a great success. Coyle Construction performed a really good job there. The project should be wrapped up and submitted to the state by mid-May, once we have evidence of grass growing. Construction on the Keeler Lane project is expected to begin by mid-May as well. Our agreement with one of the property owners is to make sure that the tree plantings are all done in time for her own spring season. She is interested in making sure we are out of there before her property is being used for other purposes. Director Lucas said that he was happy that the Town of North Salem received no phone calls or complaints about the installation of the project from any of the property owners. Kevin informed members that the construction on this project was done by Coyle Construction as well. Both projects will total approximately 35 kilograms of phosphorus reduction and will be submitted to the state for credit. Kevin invited specific project questions.

7. Award Construction/PR-CR-601

Kevin reported that the project at Cross Road in Pound Ridge (PR-CR-601) was for removal of impervious cover on an abandoned road. It was anticipated that the bids would come in considerably lower. Upon review by our staff and the Hudson Valley Engineering Associates (HVEA), we feel it's in the best interest of the Corporation to reject the bids submitted. We will review the project itself to see if there is any particular reason they came in so much higher and get in touch with the Town of Pound Ridge to see whether it's something they can use their highway staff to execute instead. The idea being that we can set up a municipal reimbursement with them to not exceed a specified value. It's just removal of impervious cover on a ½ acre and replacing it with landscape and soil. Director Williams recommended checking in with the contractors who submitted bids to see why they were so high. It's a FAD project worth executing at the right value.

Motion by Director Williams, seconded by Alternate Franzetti to reject all bids submitted for PR-CR-601 at Cross Road in the Town of Pound Ridge; all in favor.

8. SEQR Negative Declaration

a. PC-MB-1000, John Simpson Road

Kevin explained that the project at John Simpson Road is for installation of an infiltration basin on county property near the banks of the Middle Branch Reservoir and multiple channels being stabilized. It will count for approximately 8.6 kilograms of phosphorus reduction. The site is in a threatened species check zone, therefore tree clearing is not allowed from April through October because of bats. All construction and tree clearing will be planned around that time frame. We anticipate going to bid in the summer and award it for a November 1 construction start date. No other issues came up for permitting.

Motion by Alternate Franzetti, seconded by Alternate Daley to approve the SEQRA Negative Declaration for stormwater retrofit project PC-MB-1000.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project on lands owned by the County of Putnam in the Town of Southeast involving the stabilization

of two drainage channels and installation of an infiltration basin to provide treatment and pollutant removal prior to discharge into the Middle Branch Reservoir (the “Project”); and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated April 18, 2023 and all relevant environmental information related to the proposed project; and

WHEREAS, the Executive Committee of EOHWC has reviewed Part 2 and Part 3 of a Short Environmental Assessment Form and considered the potential impacts of the proposed project described therein;

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. Confirms the classification of 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-0420-03

b. C-NC-1000, Walter Panas High School

Kevin informed members that the project at Walter Panas High School in Cortlandt is for the installation of catch basin inserts in a parking lot with minor pavement work and catch basin work around the school district. It will net 3.7 kilograms of phosphorus reduction. Construction is planned for the summer. Director Lucas asked if the catch basin inserts from around Peach Lake can be used on this project. Kevin said he is trying to figure out where they can fit because they are a specific size and said that he will make sure that that investment is utilized.

Motion by Director Lucas, seconded by Director Scorrano to approve the SEQRA Negative Declaration for stormwater retrofit project C-NC-1000.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project on lands owned by the Central School District #1 in the Town of Cortlandt involving the installation of catch basin filter units within existing paved areas at the Walter Panas High School to treat stormwater runoff prior to discharge into the New Croton Reservoir (the “Project”); and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated April 18th, 2023 and all relevant environmental information related to the proposed project; and

WHEREAS, the Executive Committee of EOHWC has reviewed Part 2 and Part 3 of a Short Environmental Assessment Form and considered the potential impacts of the proposed project described therein;

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. Confirms the classification of 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-0420-04

c. Y-MU-40, Hallock’s Mill Road

Kevin explained that a coordinated review was done in December of 2022 and gave all interested parties a chance to respond. The 30-day window has passed and we just want to close the loop on the SEQRA review. This project is for the installation of bio-infiltration at Hallock's Mill Road in the Town of Yorktown. We plan to begin construction in the spring or summer. It had some wetlands involved. It has channel stabilization through the wetlands as part of the outfall from our system and at the time in December, we had no negative impact for the project and that remains the case. Christine Chale confirmed with Kevin that no comments were received from the involved agencies and 30 days have passed in each case. Kevin agreed. Christine said we can now proceed as we normally would to review the negative declaration and the EAF and adopt the negative declaration if it's appropriate, based on Kevin's presentation.

Motion by Director Lucas, seconded by Director Scorrano to approve the SEQRA Negative Declaration for stormwater retrofit project Y-MU-40.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project on lands owned by the Town of Yorktown in the Town of Yorktown involving the installation of a biofiltration unit along Route 202 to capture and treat stormwater runoff prior to discharge into Hallocks Mill Brook, a tributary to the Muscoot Reservoir (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; and

WHEREAS, a copy of the Short EAF was circulated to all involved and interested agencies not less than 30 days prior to the date hereof, and no comments were received; and

WHEREAS, the Executive Committee of EOHWC has reviewed Part 2 and Part 3 of a Short Environmental Assessment Form and considered the potential impacts of the proposed project described therein;

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. Confirms the classification of 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-0420-05

Motion to enter Attorney Client session by Director Williams, seconded by Director Lucas; all in favor.

Motion to come out of Attorney Client session proposed by Director Williams, seconded by Director Scorrano. No action taken during the Attorney Client session.

d. L-CR-804, Tarry-a-Bit Drive

Kevin said the project at Tarry-a-Bit Drive is for multiple channels to be stabilized on Three Lakes Council property off of Tarry-a-Bit Drive in Lewisboro. All environmental concerns in the area have been reviewed. There is a species of interest in the area, specifically the dragon fly, but there is no required remediation. The project will require a wetlands permit with the Town of Lewisboro for our consultation with their town engineer. Other than what's been mentioned, there is no negative impact to the area.

Motion by Director Lucas, seconded by Alternate Daley to approve the SEQRA Negative Declaration for stormwater retrofit project L-CR-804.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project within the Long Pond Preserve in the Town of Lewisboro involving the stabilization of multiple heavily eroded channels on private property located along Tarry-a-bit Road and Lake Waccabuc to treat stormwater runoff prior to discharge into Lake Waccabuc (the “Project”); and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated April 12, 2023 and all relevant environmental information related to the proposed project; and

WHEREAS, the Executive Committee of EOHWC has reviewed Part 2 and Part 3 of a Short Environmental Assessment Form and considered the potential impacts of the proposed project described therein;

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. Confirms the classification of 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-0420-06

9. Approval of Installation Agreements

a. L-CR-804 Tarry-a-Bit Drive

Kevin explained that L-CR-804 is for the stabilization of three channels on the Three Lakes Council Long Pond Preserve. The most efficient route for this project is to go through the 5-foot piece that extends towards the northern end of Tarry-a-Bit Drive. Kevin informed members that there are two installation agreements with two property owners. Christine suggested revising the resolution to include both properties of Three Lakes Council and 10 Tarry-a-Bit Drive. Janet Anderson of Town of Lewisboro Planning Board asked if the negative declaration is being done at East of Hudson Watershed Corporation and if it will be a wetlands permit only that the Town of Lewisboro would need to provide. Kevin said yes. Director Williams asked if Kevin did a coordinated review. Kevin said he did not. Director Williams said that in that case, the Town will need to do a SEQRA review and the wetlands permit.

Motion by Director Lucas, seconded by Alternate Franzetti to approve the installation agreement for stormwater retrofit project L-CR-804 as amended by Counsel.

WHEREAS, EOHWC is assisting its member municipalities, of which the Town of Lewisboro (the “Municipality”) is one, in complying with the New York State Department of Environmental Conservation (“NYSDEC”) Municipal Separate Storm Sewer Systems General Permit No. GP-0-15-003 (“MS4 Permit”) by the design and installation of stormwater retrofit projects approved by NYSDEC; and

WHEREAS, EOHWC is considering undertaking a stormwater retrofit project involving the stabilization of three channels within the Long Pond Preserve in the Municipality (the “Project”) on certain property commonly known as Long Pond Preserve, identified as tax map numbers: 32.4-3-10, 32.4-3-11, and 32.4-3-12, Lewisboro, New York (the “Property”); and

WHEREAS, the EOHWC, Municipalities, and owner(s) of the Property, including Three Lakes Council and Ricardo Moreau and Katherine P. Moreau as Trustees of The Ricardo Moreau Revocable Trust and as Trustees of The Katherine P. Moreau Revocable Trust wish to enter into an agreement regarding the installation of the Project at the Property (the “Installation Agreement”) and EOHWC has received a draft of said Installation Agreement, a copy of which is on file with the office of EOHWC; and

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

WHEREAS, the EOHWC Executive Committee has determined under the State Environmental Quality Review Act (“SEQRA”) that the proposed action will not result in any significant adverse impacts on the environment;

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

1. The execution and delivery of the Installation Agreement with each property owner are hereby approved. The President of the EOHWC is hereby authorized to execute and deliver the Installation 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 affect the purposes of the foregoing resolution.

Motion passed; all in favor.

R-0420-01

b. PC-MB-1000, John Simpson Road

The project on John Simpson Road is on municipal property in Putnam County within the Town of Southeast. It’s for the installation of an infiltration basin with channel stabilization as well, near the banks of the Middle Branch Reservoir.

Motion by Alternate Franzetti, seconded by Director Goncalves to approve the installation agreement for stormwater retrofit project PC-MB-1000.

WHEREAS, EOHWC is assisting its member municipalities, of which County of Putnam (the “Municipality”) is one, in complying with the New York State Department of Environmental Conservation (“NYSDEC”) Municipal Separate Storm Sewer Systems General Permit No. GP-0-15-003 (“MS4 Permit”) by the design and installation of stormwater retrofit projects approved by NYSDEC; and

WHEREAS, EOHWC is considering undertaking a stormwater retrofit project on lands owned by the County of Putnam in the Town of Southeast involving the stabilization of two drainage channels and installation of an infiltration basin to provide treatment and pollutant removal prior to discharge into the Middle Branch Reservoir (the “Project”) near the intersection of John Simpson Road and Route 6 on certain property identified as tax map number SBL 45.1-7.2 (the “Property”); and

WHEREAS, the EOHWC and Municipality wish to enter into an agreement regarding the installation of the Project at the Property (the “Installation Agreement”) and EOHWC has received a draft of said Installation Agreement, a copy of which is on file with the office of EOHWC; and

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

WHEREAS, the EOHWC Executive Committee has determined under the State Environmental Quality Review Act (“SEQRA”) that the proposed action will not result in any significant adverse impacts on the environment;

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

1. The execution and delivery of the Installation Agreement is hereby approved. The President of the EOHWC is hereby authorized to execute and deliver the Installation 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

Motion passed; all in favor.

R-0420-02

10. Approve Purchase Orders

a. L-CR-805

This project is located at Salem Hill Road in the Town of Lewisboro in the Cross River FAD basin. It’s for the installation of catch basin filters along Salem Hill Road. The quote from Fabco in the amount of \$18,915.00 is being presented for approval. The area has been studied, evaluated, and thoroughly flushed out to be comfortable with our recommendation to move forward with the Fabco inserts. Director Williams asked if a resolution has been prepared. Kevin said that in the past, approvals for Fabco were done by motion only and not a resolution. Christine said that being that it is being approved by motion, it should be noted that the installation portion is subject to prevailing wage.

Motion by Director Williams, seconded by Director Lucas to approve Fabco Industries Quote #911-QC for an amount not to exceed \$18,915.00 for L-CR-805 with a provision that the installation labor be subject to prevailing wage; all in favor.

b. Carmel-AM-1000

This project is for a commercial area around Lake Mahopac, which includes portions of East Lake Boulevard, four private properties, and Marina Drive. All together these areas are 100% impervious cover, which flows directly into Lake Mahopac. The project calls for a reduction of about 4.7 kilograms. The quote received from Fabco is for \$47,044. We have some installation agreements in

place and there are others we are still working on with the Town of Carmel. We plan to begin construction this summer once all installation agreements have been signed.

Motion by Alternate Franzetti, seconded by Director Scorrano to approve Fabco Industries Quote #910-QB for an amount not to exceed \$47,044 for Carmel-AM-1000 with a provision that the installation labor be subject to prevailing wage; all in favor.

11. Approve Change Order/Carmel-GL-915-Lake Gleneida

Kevin explained that this project originally called for multiple bio-infiltration cells along NYCDEP and NYSDOT property bordering Lake Gleneida. Upon investigation of the site utilities, property lines and water elevation, the engineer and our staff determined that one of these locations should be abandoned and the retrofit moved further uphill from the proposed spot. With the new location, we can still get tremendous phosphorus reduction by moving up hill. Although we are losing some value, it still gives us the opportunity to install a different practice and go from 60% reduction to 100%, so it's nearly a wash moving it uphill. Unfortunately, in doing so we need to address additional survey and design work that would go into relocating the retrofit to a new spot. The engineer of record, Insite Engineering, has proposed a change order of \$14,000 to relocate that project uphill. We have since met with the town to discuss relocation. There are items to still work through to determine exactly what retrofit we can utilize. In order to get to that point, we have to get some engineering evaluation and survey work done. Cory Lapidus said the efficiency rate should come in somewhere under \$70,000 per kilogram.

Motion by Alternate Franzetti, seconded by Director Lucas to approve change order #1 submitted by Insite Engineering, Surveying & Landscape Architecture, P.C. in the amount of \$14,000, increasing the engineering costs from \$57,000 to \$71,000.

WHEREAS, pursuant to a request for proposals dated April 13, 2022, and as authorized by the Executive Committee of the Board of Directors on June 23, 2022, EOHWC entered into an Agreement for Professional Services ("Agreement") with Insite Engineering, Surveying & Landscape Architecture, P.C. ("Insite"); and

WHEREAS, the Scope of Services of said Agreement consists of a stormwater retrofit project that includes the design and construction administration services for the installation of multiple bioinfiltration systems along state and NYCDEP owned property in the Town of Carmel (the "Project"); and

WHEREAS, Insite submitted a change order request dated April 13, 2023, which would alter the scope of the Project to relocate a portion of the proposed retrofit design to a new location, up slope from the original location; and

WHEREAS, the relocation would remove the project from NYCDEP property and place it within the Town ROW and private property within the tributary drainage area, providing alternative retrofit options including subsurface infiltration and/or a stormwater filtration chamber design; and

WHEREAS, this modified scope involves services, including surveying, and design work, that are an addition to the original Scope of Services; and

WHEREAS, this change order, if approved, would increase the engineering costs by \$14,000, from a total of \$57,000 to a total of \$71,000 to complete the Project.

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board

of Directors of the East of Hudson Watershed Corporation that the change order request from Insite Engineering, Surveying & Landscape Architecture, P.C. dated April 13, 2023 for an additional \$14,000 for Carmel-GL-915 is approved.

Motion passed; all in favor. (with Director Williams recused)

R-0420-07

12. Update on Woodard and Curran Wastewater Study

Woodard and Curran is undertaking the wastewater study and have proceeded meeting with as many towns as they have been able to. Director Lucas said he spoke with Ken Kohlbrenner and was told that he contacted the towns and hasn't gotten many responses. Kevin said that was the general update he provided to him as well and recommended that we have a meeting with them before the May Board of Directors meeting to get to an understanding of what's been done and the list of exactly who they've spoken with and what actions we need the town supervisors to take in the Board of Directors meeting. Some towns have engaged them in conversation and then stopped providing information and responding to them. Kevin would like to make sure that what we communicate at the Board of Directors meeting provides a very clear message to all town supervisors and Woodard and Curran of exactly what we need and expect moving forward. A lot of things have changed with each municipality since we engaged Woodard and Curran in this contract. Director Lucas added that some towns' plans have changed because of the housing compact so some of that information needs to be updated. Kevin said that Woodard and Curran is chasing a moving target, so having that meeting prior to the Board of Directors is going to help us narrow in and lock them down on a path that we need them to take to provide the study. Director Lucas asked if they had any idea when they will be done. Kevin said that they do not because they are still in the data collection phase. They can provide a report and concentrate on the study, but they still felt maybe there's a little more information they want from everyone. Director Lucas asked Janet Andersen if she provided Woodard and Curran with everything needed for Lewisboro. Janet said she gave him a bunch of information and let him know where the DEC has published CSLAP (Citizens Statewide Lake Assessment Program) information about a lot of lakes that have done studies. She also offered to volunteer to search for anything else he might want, but he has not come back with anything yet. She thinks he went after some of the CSLAP data on lakes around the area. Director Williams said we should get a list from Ken of who he spoke with at the towns and when. Kevin said that the direction he'd given Ken and his team was that at the May Board meeting, he expected to give a comprehensive presentation of where we are, and he is aware of that. Director Williams suggested that Kevin get the list of who Ken spoke with and then a meeting will be set up before the May Board of Directors meeting.

13. Summer Intern Recommendation

Kevin said they've conducted a few interviews and it's his plan to have a recommendation for the Board of Directors meeting to hire an intern for the summer. We are waiting for a response from our chosen candidate, and we'll provide an update to the Executive Committee prior to the Board meeting.

14. O&M Program Update

Kevin reported that emails have gone out to all towns requesting that submittals be made for the spring to keep O&M inspections on everybody's mind and to assist us with all documentation we need to collect data ahead of the December deadline. The second piece being that all payments to the Corporation on behalf of the O&M program is due at the end of the month. We will engage with Westchester County once all payments have been received to make sure all Westchester municipalities

are made whole through the agreement that is in place.

15. May 9, 2023 Board of Directors Agenda

Director Williams presented the May 9 Board of Directors' agenda and asked if there were any additions or comments. Kevin said we will need to add the wastewater update to the agenda. It was decided that the meeting date will be changed to May 11 due to conflicts for directors.

Motion by Director Williams, seconded by Director Scorrano to advance the Board of Directors meeting agenda and change the date to May 11, 2023; all in favor.

16. Checks and vouchers

Monthly vouchers were signed. No action taken.

17. Other business

No other business.

18. Adjournment - Motion to adjourn by Alternate Daley, seconded by Director Scorrano; all in favor. Adjourned 10:50 AM.

PRESIDENT'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the April 20, 2023 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 April 20, 2023 meeting minutes approved by the Executive Committee.

JoAnne Daley
JoAnne Daley, Secretary

May 25, 2023
Date