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EXECUTIVE COMMITTEE MEETING

9:30 A.M., Thursday, June 22, 2023

**Meeting Minutes**

**1) Open Meeting**

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

Others in Attendance: Janet Anderson (Town of Lewisboro); Millie Magraw (Westchester County); Christine Chale (Corporate Counsel); Cassandra Britton (Corporate Counsel); Vincent Giorgio (NYCDEP); Kevin Fitzpatrick (EOHWC); Keith Giguere (EOHWC); Linda Matera (EOHWC); Cory Lapidus (EOHWC); Sofia Harris (EOHWC)

**2) Approve Meeting Minutes of May 25, 2023**

Motion by Director Lucas seconded by Alternate Daley to approve the Executive Committee meeting minutes of May 25, 2023; all in favor.

**3) Financial Update**

Keith Giguere reported a total of \$14,250,000 in cash and investments of which \$9,857 is related to FAD. An investment is coming due in the middle of July. Judging by the current cash flows, it will be pulled back into cash rather than reinvesting because we will not get reimbursed from the U.S. Army Corps of Engineers (USACE) for 6 months to a year. It will be made up from our cash until it arrives. Director Lucas inquired about the amount of interest income received within the past 6-12 months. Keith said approximately \$125,000 has been earned since the beginning of the year.

**4) List of Reporting and Filing Due Dates**

Linda Matera reported that Keith and Vincent Giorgio met recently to discuss the final documents that need to be uploaded for the Annual Project Accounting Report. An extension was given until November 15 for filing of the CHAR 500, but we received notice from the auditor that it is currently in the process of being filed. Putnam County recently provided a list of board members who still need to complete their financial disclosure that was due May 15. A notice will be emailed to those that remain incomplete.

**5) Project Update**

Kevin Fitzpatrick reported that the project at Lewisboro Town Park (L-CR-803) was recently submitted to New York State Department of Environmental Conservation (NYSDEC) for credit. The next projects being submitted will be Keeler Lane in the Town of North Salem (NS-MU-601) and Courtmel Road in the Town of New Castle (NewC-NCR-801). Both projects combined will yield 54 kilograms of phosphorus reduction. Director Lucas announced that residents in North Salem are pleased with how it turned out.

The project at Longfellow Drive in the Town of Kent (Kent-MB-1000) is for channel stabilization and filter chambers and will net 78 kilograms. It's a project previously discussed in which we are requesting an easement on private property to address roughly a dozen heavily eroded channels that have ripped through the side of the property. In coordination with the Town of Kent, we will be working with a private developer. The Town of Kent is taking the initiative and has been working with the developer to address the outfalls that are coming from Longfellow Drive onto the developer's property. Those outfalls are the ones likely causing much of the erosion on the site. The Town of Kent recognized that anything we do is in vain if the problem above does not get addressed. As part of the town's MS4 Permit requirement, they will be addressing piping from the roadway down. It will be addressed in July and they will work with the individual property owners along Longfellow Drive. The next step will be to submit to the NYSDEC and NYCDEP to make sure we have all our permits in place. Due to the size of the project, it is going to require a NYCDEP SWPPP because we are diverting stormwater flows into a piped conveyance system. According to the developer, submittals are expected to be sent in mid-July. A new route was identified for the conveyance to go in a different direction within the parcel during negotiations with the developer. Originally, the plan was for the pipe system to go straight down the hill but that is going to hurt the developer's ability to do any future development with the parcel. It was decided that we would come up with a different length of pipe that can allow the developer to have a parcel they can work with and at the same time, it satisfies all that's needed for the retrofit. The pipe diversion and rerouting will increase the length of pipe and increase the construction cost, but it doesn't have a very significant impact on efficiency which will go from \$15,000 to about \$19,000 per kilogram. In the scope of the project, it's not a big change and it's a great way to meet the property owner in the middle to make sure they have something they can work with. The agreement is still under review by counsel and the property owner's attorney.

Construction contracts will be awarded in August for the John Simpson Road project in Putnam County (PC-MB-1000) as well as the Lake Katonah project in Lewisboro (L-MU-1017). USACE funding will be applied for, to assist with the Lewisboro project. Before the end of the year, we expect to go out to construction on the Woodcrest Terrace project in the Town of Somers (S-AM-1015) and possibly two additional projects. Many of these projects have required plantings that we will do our best to get in this calendar year but there's a chance they may have to wait until the 2024 spring planting season.

#### **6) SEQRA Approval/L-MU-1017**

Kevin explained that the Lake Katonah project is for minor channel stabilization and installation of bioinfiltration cells along private property within an existing easement in the Town of Lewisboro. This project has about a 20-foot easement that goes down to Lake Katonah. It's representative of a project that is everywhere within the watershed. It has municipal drainage that outfalls directly onto a hillside that goes down into a local lake community. The project will not have a negative impact. The SEQRA Declaration is an unlisted action and will have no significant environmental impacts. Christine Chale said that for the purposes of the Board, Part III provided in the attachments goes through the analysis of why Kevin thinks there is not a negative impact, which includes that he is working within the existing easement area between the road and the lake. This is a different solution because it's not just a pipe any longer, but the erosion control will mitigate the potential impacts of extending that area according to the analysis. Kevin said that the pipe that is there presently failed and broke underground. Above ground is vegetation and a slight ditch that formed over the years, along with a lot of bamboo. Currently, the easement is vegetated with overgrown weeds and trees. The replacement will stabilize everything and filter the runoff as it comes off the drainage area is a series of gardens that will cascade down the hillside. Directors Lucas and Williams expressed concern about being able to remove the bamboo completely and the likelihood of it overwhelming the practice. Kevin explained that to execute the

project we will have to completely clear the easement area which contains the bamboo. Cory stated that the actual practice is a bioinfiltration cell that is not going to be supportive of the bamboo. Kevin said the requirement to do maintenance annually on all projects should ensure that no bamboo grows. Should it grow around the cells despite our efforts, then it is up to the town to make sure that it doesn't breach the cells. If not, then we will need to bring somebody in to do it. It's no different than any other project that requires landscaping.

Motion by Director Cazzari, seconded by Director Scorrano to approve the negative declaration for stormwater retrofit project L-MU-1017.

WHEREAS, EOHWC is considering undertaking a stormwater retrofit project involving the reestablishing a new drainage pipe for large flows while directing smaller stormwater flows to a tiered biofiltration system (the "Project") in Lewisboro between properties at 66 and 78 Upper Lake Shore Drive, Katonah, NY 10536 (collectively, the "Property"); and

WHEREAS, EOHWC as project sponsor has prepared and reviewed a Short Environmental Assessment Form and reviewed all available and relevant information concerning potential environmental impacts of the project;

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

1. The Lake Katonah retrofit project known as L-MU-1017 is classified as an unlisted action under the State Environmental Quality Review Act (SEQRA); and
2. That said stormwater retrofit project will not cause any potential significant adverse environmental impacts and that a draft environmental impact statement will not be prepared.

Motion passed; all in favor.

R-0622-01

## **7) Approval of Installation Agreements**

### **a. Y-MU-40**

Kevin explained that the project in Yorktown is for installation of a bioinfiltration cell as well as channel stabilization in the area of Ridge Street and Hallock's Mill near downtown Yorktown. It's on municipal property and USACE assistance will be pursued for funding. The installation agreement is slightly different than our standard version in that it includes designation of the non-federal sponsor as part of the language within their agreement. What that means for EOHWC versus the Town of Yorktown is we are represented as a non-federal sponsor of funding, but the town assumes the responsibilities for maintenance as the property owner. The project has already been brought to the Town of Yorktown for discussion and it will be presented at the next Town Board meeting in July to authorize the town supervisor to sign.

Motion by Director Cazzari, seconded by Director Lucas to approve the execution of the agreement with US Army Corps of Engineers and authorize execution of installation for stormwater retrofit project Y-MU-40.

WHEREAS, EOHWC is considering undertaking a stormwater retrofit project involving the installation of bio-infiltration system in the Town of Yorktown (the "Town") across from intersection of Ridge Street and Hallocks Mill Road, Yorktown Heights, NY 10598; and

WHEREAS, the Town is the owner of certain property identified as Tax Lot 37.10-2-68.

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 \$ 1,200,000, with the Department covering 75% thereof (up to \$900,000) and EOHWC covering 25% (estimated to be approximately \$300,000) using Water Quality Investment Program funds; and

WHEREAS, the EOHWC wishes to enter into an Installation Agreement with the Town with respect to portions of the Project on Town property and has reviewed a draft installation agreement in substantially the form on file in the office of the EOHWC (the “Installation Agreement”); and

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

WHEREAS, on December 15, 2022, by Resolution No. R-1215-01, the EOHWC Executive Committee reviewed all available evidence and resolved that the Project would not have an adverse impact on the environment and that a draft environmental impact statement would not be prepared.

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

1. The execution and delivery of the Agreement and the Installation Agreement are hereby approved subject to receipt by EOHWC of satisfactory evidence of title. The President of the EOHWC is hereby authorized to execute and deliver the Agreement and 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-0622-02

**b. L-MU-1017**

Kevin explained that the project in Lewisboro is for the installation of bioinfiltration cells with anticipation of using USACE funding.

Motion by Alternate Daley, seconded by Director Lucas to approve the execution of the agreement with US Army Corps of Engineers and authorize execution of installation for stormwater retrofit project L-MU-1017.

WHEREAS, EOHWC is considering undertaking a stormwater retrofit project involving the reestablishing a new drainage pipe for large flows while directing smaller stormwater flows to a tiered biofiltration system (the "Project") in Lewisboro between properties at 66 and 78 Upper Lake Shore Drive, Katonah, NY 10536 (collectively, the "Property"); and

WHEREAS, David Adam Neuburger and Cheryl Rushton Neuburger are the owners of certain property known as 66 Upper Lake Shore Drive, Katonah, NY 10536 Tax Lot 41.6-1-26-553000; and

WHEREAS, Gregory N. Andrew and Tina Andrew are the owners of certain property known as 78 Upper Lake Shore Drive, Katonah, NY 10536 Tax Lot Sec. 41.6-1-25-553000; and

WHEREAS, the EOHWC, Municipality, and the Owners of the Property wish to enter into two separate agreements regarding the installation of the Project at the Property, one agreement for 66 Upper Lake Shore Drive and one agreement for 78 Upper Lake Shore Drive (the "Installation Agreements") and EOHWC has received drafts of said Installation Agreements, copies of which are on file with the office of EOHWC; 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 \$ 350,000, with the Department covering 75% thereof (up to \$262,500) and the EOHWC covering the remainder 25% (estimated to be approximately \$87,500) using Water Quality Investment Program funds; and

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

WHEREAS, on June 22, 2023, by Resolution No. R-0622-01, the EOHWC Executive Committee reviewed all available evidence and resolved that the Project would not have an adverse impact on the environment and that a draft environmental impact statement would not be prepared.

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

1. The execution and delivery of the Agreement and the Installation Agreements are hereby approved. The President of the EOHWC is hereby authorized to execute and deliver the Agreement and Installation Agreements 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-0622-03

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

Kevin introduced Sofia Harrison. Sofia is the EOHWC summer intern who has been working with Cory directly to start addressing all the O&M needs in the area. She's been working on learning the NYSDEC Stormwater Manual and what's required for inspections and documenting information for all the retrofits. While that evaluation is currently going on, we encourage towns to make sure their retrofits are in good shape. If any O&M inspections have been done, we urge towns to submit them so we can begin documenting them appropriately. Linda added that submissions were recently received from Bedford and Carmel. Additionally, members were informed that the first round of 2022 O&M reimbursement checks will be mailed today.

### **9) Personnel Policy-Telecommuting**

Kevin discussed that the organization currently does not have a telecommuting policy. It may be something we want to consider for the Corporation to attract new talent as the organization grows. Christine indicated that a policy should be in place for the purposes of supervision and to understand when and how it's being permitted. Mille Magraw explained that Westchester County allows each person to telecommute one day per week and it must be the same day each week. For those that live an hour away and have a doctor's appointment near where they live and can't get an appointment on their work-from-home day, it makes sense in those circumstances that the day can be switched. At the end of the day before the work from home day, your supervisor must be notified of what it is you plan to do. If you are unable to do those things because you were busy putting out fires, then you must write up a brief synopsis of what was accomplished. Director Scorrano recommended looking at different telecommunication policies to craft a version for EOHWC. Director Williams requested that 3-5 versions are created and presented to the committee in July.

### **10) Checks and vouchers Detail & Summary**

Monthly vouchers were signed. No action taken.

### **11) Other business**

Alternate Daley informed members that the Dutchess County MS4 Committee met with Natalie Brown from NYSDEC. She said that the permit should be out soon, and it will be the final version. There will not be another round of comments. They will be pulling back some of the conditions.

### **12) Motion by Director Williams, seconded by Director Lucas to enter into Executive Session to discuss the terms of employment of a particular person or persons; all in favor.**

### **13) Motion to by Director Williams, seconded by Director Lucas to come out of Executive Session;**

**all in favor.**

**14) Motion by Director Lucas, seconded by Director Cazzari to recommend a salary increase of \$11,123 for Cory Lapidus to the Board of Directors at the August meeting; all in favor.**

**15) Adjournment - Motion to adjourn by Director Scorrano, seconded by Director Cazzari; all in favor. Adjourned 10:45 AM.**

**PRESIDENT'S CERTIFICATE**

I certify that the foregoing is a true and correct copy of the June 22, 2023 meeting minutes approved by the Executive Committee.

*Richard Williams*

Richard Williams, Sr., President

*7/20/23*

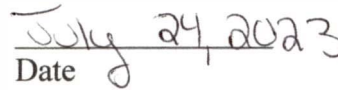
Date



**SECRETARY'S CERTIFICATE**

I certify that the foregoing is a true and correct copy of the June 22, 2023 meeting minutes approved by the Executive Committee.

  
JoAnne Daley, Secretary

  
Date