

EXECUTIVE COMMITTEE MEETING
9:30 A.M., Thursday, November 16, 2023

Meeting Minutes

1) Open Meeting

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

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

2) Approve Meeting Minutes of October 26, 2023

Motion by Director Lucas, seconded by Director Scorrano to approve the meeting minutes of October 26, 2023; all in favor.

3) Financial Update

Keith Giguere reported that there is \$13,634,000 in total cash and investments of which \$9,997,000 is FAD funds. During the time period of July 1, 2022 to June 30, 2023 there were FAD expenses totaling \$288,000 but we received interest income and market value on investments of \$293,000, which indicates that the FAD balance has increased over that period.

4) Reporting and Filing Date

Linda Matera reported that third quarter payroll taxes were filed October 27. The reimbursement check was received from Westchester County for 2022 O&M on November 8. The reimbursement checks to the Westchester municipalities will be released today. Director Williams asked about the 2023 workplan being on hold. Kevin Fitzpatrick said that it is on-hold because there are no new projects to be identified for the time period beyond Year 10. Director Lucas asked if the new permit had been released yet. Director Williams said it has not and he plans to reach out to Tom Snow to inquire about the status. Vincent Giorgio said his understanding is that no project beyond Year 10 may be completed whether they are FAD or WQIP until the release of the new permit.

5) Project Update

Kevin reported that construction was scheduled to begin on PC-MB-1000 once we got passed the tree cutting restriction as it relates to bats but the contractor found the site to be a bit too wet so they are going to wait for things to harden up a little bit before they break ground. That will be winter

construction assuming the weather cooperates and then it will be closed out in the spring.

The phosphorus reduction on the project at Northern Westchester Park (Y-MU-1001) has increased from 14 to approximately 19 kilograms. The town is on board with the project so we can work on the installation agreement. We plan to apply for Army Corps (ACOE) funding once the next round of funding becomes available. It may be necessary to temporarily put the project on hold until the funding becomes available because the WQIP funds are used for both Westchester projects and EOH admin expenses. Christine Chale asked to see the installation agreement so she can add the ACOE language. Director Lucas asked if we've applied for FEMA funding for projects. Cory said he looked into and found that none of our projects are eligible.

Director Lucas inquired about the note on the project update sheet about credit pending on the Keeler Lane project (NS-MU-601). Kevin said that final stabilization needs to be wrapped up at the site and then it can be submitted to NYSDEC for credit. Director Scorrano asked if the new design for Woodcrest Terrace (S-AM-1015) can be worked on yet. Kevin said that he and Cory are looking at how they can make adjustments for the property owner. The easement is fully on the neighbor's property but the ditch itself curves off into this particular owner's property so an easement is needed to get onto that property as well. Director Scorrano said that the issue from this problem not having been addressed is that it blows out onto the bottom of Route 118 by the reservoir. There have already been issues of slides on Route 118, so getting it done sooner than later is best.

Vincent Giorgio said that the Land Use Division asked about the planting plan at Eleanor Drive (Carmel-CR-601) in Carmel, an issue of a hanging tree at Courtmel Drive (NewC-NCR-801) in New Castle, and the updated construction schedule. Kevin said he was told a planting plan exists at Eleanor Drive, but he has not been given one. March is when the contractor would be looking at where they can purchase the plants and a time will be set up when Forestry might be able to visit the nursery for Eleanor Drive. The planting would begin once the weather permits. With relation to the hanging tree at Courtmel Drive, he was under the impression that the contractor removed it.

6) SEQRA/Kent-MB-1000

Kevin explained that Kent-MB-1000 involves stabilization of about a dozen different channels that are coming off of the Longfellow Road residential area in the Town of Kent. These are municipal outfalls which cross over into multiple residential properties and cut away the roadside as they come down into Lake Carmel. For our purposes, the project requires removing those channels, filling them back in with the native soil from the area, providing stormwater infrastructure to capture the runoff on the individual private property and reroute it down to Stump Brook Creek, which is tributary to Lake Carmel. In addition to that we have the installation of five Contech jellyfish units in the right of way on Longfellow Road. The project will provide a significant phosphorus reduction. The town will be taking it upon themselves to do anything that they deem necessary to take care of as part of their MS4 Permit, which goes from Longfellow Road through the private properties and any existing drainage pipes that come across individual lots. There are six crossings on individual property lines. Sometimes we are able to get two property owners along one pipe. Our installation agreement is with the town and the private property owner in the rear that is affected by all the channels. Christine said there is only one private easement, then there's the road that the town will be taking care of. It was pointed out that this project was redesigned. The path was originally going in a direction that was straight down, but the now it is pulling it around in a U-shape at the request of the developer, which caused it to affect more of the property. We asked the engineer to go back and redesign it to bring the project impact area down because it was going to affect more than 10 acres. On the updated design we are showing less than 10

acres, which is significant because they are staying below the Type 1 threshold. Kevin's assessment of the environmental impact is that there basically isn't any negative impact identified. All necessary permits from NYSDEP and NYSDEC have been applied for. Director Williams said while he agrees with the improvements on the private property, the plans he saw never had the jellyfish on it until recently. Director Williams asked Cory for the drainage analysis for the jellyfish. Kevin reminded members that these are Contech jellyfish units and not catch basin inserts. Director Williams asked what agreement we have with the Town of Kent to put these units in the roadway. Christine said that we will have the installation agreement with the town, which we already have a draft of but are waiting on Camarda to finalize because we need his comments and buy-in on all the aspects of those agreements before we can finalize ours. Kevin said that the Town of Kent is required to do the maintenance just like every other single retrofit we've done since the beginning of the program. Director Williams expressed concern that lay people involved in the maintenance of the projects don't necessarily understand the cost involved with maintaining the projects, so we need to be very careful when we are installing these practices. Kevin said that he met with many people involved with the Town of Kent and explained that it is necessary to use a vac truck to maintain the retrofits. They've already agreed to do the maintenance. We just have to get the installation agreement signed. Towns don't necessarily have to do the maintenance themselves. They can hire a contractor to do the maintenance for them. The O&M plan is attached to the installation agreement. Cory suggested an Exhibit E be added to the installation agreement detailing what is required in the upkeep of a project. Christine suggested that a presentation is done annually at a directors' meeting about why this is important. Refreshing the education is important because there is supervisor turnover. It could be beneficial to do a 15-minute presentation at the January Board meeting. Cory said we are continuing to improve our oversight so we can really get into every single O&M project to instruct them on what they have to do and what we expect. We're getting pictures back and feedback from the supervisors and highway people, so it seems to be working well. There is still the difficult issue with the initial rollout of them understanding the process. Director Williams said the highway superintendent who is responsible for the maintenance said they don't have the money to maintain this project. Paul Camarda, the property owner for this project, stepped up and wants to pay for the maintenance. He didn't want to write the check to the Town of Kent but to the East of Hudson Watershed Corporation. Director Williams believes doing that is a bit complicated because we don't have an agreement in place. Kevin said that he spoke with the town highway department and Paul, and they are all in agreement that it's not happening. We can evaluate the work that we've asked the town to do to see if there is anything that qualifies. For instance, they have to do some work with catch basins within the roadway in order to modify or replace them so that our jellyfish units can function. That is a retrofit expense, but any piping is the responsibility of the Town of Kent. Anything within the individual lots is the also the responsibility of the of town. We will re-address it come January/February once we see what the town's budget is and how they can fit it into their schedule. The right way to do this project is to replace the pipes, but we don't have to do that in order to accomplish the project. We can get the jellyfish in and find a way to connect them, but it still leaves the galvanized pipes that need to be replaced. In order to do the project correctly, those items need to be addressed. Director Lucas suggested the alternative of lining the pipes with a sleeve instead of replacing them. Kevin said that if they need to cross that path, they will re-evaluate at that time. Director Williams said there are two parts to this: the pipes crossing the private property need to get from the road down into Paul Camarda's property; then there's the road crossings where the jellyfish go in. He was surprised that the highway superintendent was considering tearing the roads up. Kevin said he was ready to start it but then used up the money for storm cleanup this year. He has asked to shift the project ahead to 2024. If we were presented with the scenario of not being able to fix those pipes, we would still have 65 kilograms of channel stabilization left. The DEC has asked us to always have water quality treatment in front of any channel stabilization in order to have the full treatment of a project. Christine said we are not at the point of breaking ground yet and we don't have

an installation agreement signed. Director Williams asked Kevin about the pre-treatment required by the DEC and the pipes coming across private property from Longfellow Drive. He indicated that it's discharging and we are going to capture all those pipes and do a couple of swales. We can easily modify those swales so that they have a water quality volume in them. Kevin said that in order to qualify, a water quantity bypass would have to be added.

Motion by Alternate Daley, seconded by Director Lucas to approve the SEQRA Negative Declaration for Kent-MB-1000.

WHEREAS, EOHWC is proposing to undertake the installation of a stormwater retrofit project in the Town of Kent involving the stabilization and rerouting of multiple municipal outfalls which have created heavily eroded channels; and

WHEREAS, the project will be located on both private and municipal property at multiple locations along Longfellow Drive and a vacant lot located between Ludington Court and Longfellow Drive; and

WHEREAS, to facilitate the installation of said stormwater retrofit project, the EOHWC is also considering the acquisition of a permanent drainage easement over of the said vacant lot located between Ludington Court and Longfellow Drive, which is privately owned; and

WHEREAS, the Executive Committee reviewed the short Environmental Assessment Form (EAF) Part 1 dated August 8, 2023 determined that Stormwater Retrofit Project Kent-MB-1000 is an unlisted action under SEQRA for which a coordinated review would be conducted; and

WHEREAS, the Director of Engineering circulated 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; and

WHEREAS, the Executive Committee has considered the criteria contained in 6 NYCRR Sec. 617.7 and thoroughly analyzed all identified relevant areas of environmental concern, and has reviewed a draft EAF Part 3 setting forth reasons supporting a determination that the proposed action will not have a significant adverse impact on the environment; and

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 Kent-MB-1000 will not cause any potential significant adverse environmental impacts and a draft environmental impact statement will not be prepared. The Executive Committee adopts the findings and conclusions relating to probable environmental effects contained with the attached EAF concluding that the project will not have an adverse impact on the environment. The President is authorized to execute the EAF Part 3.
2. The Director of Engineering is authorized to distribute a copy of this resolution and notice of determination of non-significance to all involved and interested agencies and any person that has requested a copy, and to make all other filings required by law.

Motion passed; all in favor.

R-1116-01

7) Checks and vouchers

Monthly vouchers were signed. No action taken.

8) Other business

Cory explained that he was tasked with looking into videoconferencing as an option and getting all the pricing together for what we would need in terms of camera, speakers, microphones, either a TV or projector and any sound materials needed to make the meeting room downstairs an actual usable space for an online meeting. The cost would be somewhere in the area of \$5,000 for all the equipment. It will depend on how many people will be coming to an in-person meeting. For a small group about the size of the Executive Committee the cost of camera/microphone equipment would be around \$1,000. If we are talking about a group of 14 or so people, the cost will be closer to \$4,000. The cost for a project/TV setup would be about \$750. The fabric and sound panels to stop the echo in the meeting room downstairs will be approximately a few hundred additional dollars. Christine said the purpose of this discussion was really about whether to acquire equipment to make it possible for members to attend meetings if board members were at their town hall office and the public is allowed to attend at their town hall office, and if the meeting is noticed in that way. Members must be on video and able to see and hear one another. It would need to be noticed on the EOH website as well. This discussion is about whether members think it is a useful thing to do to allow people to attend from their town hall offices. Keith said that the expense associated with the equipment can be considered a capital investment and can be amortized over a 5-year period and that wouldn't impact our budget. Cory will send out a survey to the full board explaining all of the requirements necessary should they choose to participate remotely.

Kevin said we are waiting on documents back from everybody regarding the sewer study. The only towns that did not receive them are those who are present today because there was going to be an opportunity to speak to you about it in person. There is one spot down in New Castle that was included in the study that Sabrina may be aware of. A chart was presented to the towns and feedback was requested. We are seeking to find out if each town agrees with the way it has been presented by Woodard and Curran. The deadline is early December for responses. Director Lucas requested that the same documents sent to other members of the Board are sent to all members of the Executive Committee as well. Kevin asked New York State for an extension on the grant but has not heard back. We can review all the data we receive and revisit how long the extension is needed for at the December meeting.

Vincent Giorgio said the new funding agreement is taking a bit longer than he thought it would. There's some concern internally about making sure it comports with the NYSDEC agreement. The latest he heard is that maybe by the beginning of the year we will have something. It also has to be reviewed by NYSDEC so it's unclear if they are going to see it before EOH and that may add extra time. The scope is somewhat similar to what EOH is used to, except it removes the FAD restriction. Because the NYCDEP is going to need to get reimbursed by NYSDEC, some of the wording is going to be a little different. It's going to be more of like a quarterly thing. The model has always been a large upfront payment. That likely is not how it will be this time. It will be a smaller upfront payment and then a quarterly reconciliation and billing. Christine said that is a big discussion item because she can't write a contract if the cash isn't available, and it is going to slow us down if we can't plan. Vincent said that is a conversation that needs to be had when the agreement is received. The NYCDEP has an underlying agreement with NYSDEC, and the city has to make sure that it gets reimbursed for whatever it provides to EOH. NYCDEP is funding the money and then is going back to NYSDEC to get reimbursed. The model where a large sum of money is given up front is not something the city is doing with its partners anymore. We are getting into more of a quarterly reconciliation and billing model. Christine said the other partners may have other resources they can borrow from that we don't. His understanding is that quarterly reconciliation is not a flexible point. Director Williams said we can't have a five-year phosphorus reduction requirement that is going to take us 15 years to get the funding for. Vincent said

he is giving a heads up of what to expect when it comes.

8) Adjournment - Motion to adjourn by Director Scorrano, seconded by Director Goncalves; all in favor. Adjourned 10:50 AM.

PRESIDENT'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the November 16, 2023 meeting minutes approved by the Executive Committee.

Richard Williams Sr.

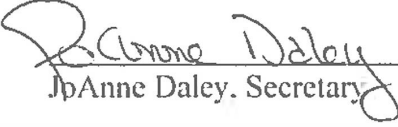
Richard Williams, Sr., President

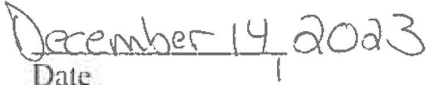
12/14/23

Date

SECRETARY'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the November 16, 2023 meeting minutes approved by the Executive Committee.


JoAnne Daley, Secretary


Date