

EXECUTIVE COMMITTEE MEETING
9:30 A.M., Thursday, February 22, 2024

Meeting Minutes

1) Open Meeting

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

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

2) Approve Meeting Minutes of January 25, 2024

Motion by Director Scorrano, second by Director Calves to approve the meeting minutes of January 25, 2024; all in favor.

3) Financial Update

Keith Giguere reported that the 2023 O&M receivables/payables have been booked. The CPAs did their on-site visit on Tuesday and basically completed what they needed to do. Over the next two weeks they will be finishing up and producing the financials, and then they will go through a review process. The Audit Committee will then be invited for a meeting so the financials can be reviewed before the next Executive Committee meeting on March 21.

4) List of Reporting and Filing Dates

Linda Matera reported that the 2023 Annual Retrofit Report was sent to New York State Department of Environmental Conservation (NYSDEC). It will also be sent to New York City Department of Environmental Protection (NYCDEP), and Westchester and Putnam Counties. Board member compliance items are trickling in slowly. The link to the Financial Disclosure from Putnam County was emailed to members. The 2023 O&M invoices and credit notices were mailed to municipalities on February 22.

5) Project Update

Kevin Fitzpatrick reported that the total phosphorus reduction as of today has increased to 712. We will be submitting to the state for L-CR-805 for catch basin inserts on Salem Hill Road. By May, we are planning to close out two additional projects in Westchester (NS-MU-601 & C-NC-1000), which will bring the total to 747. We are currently out to rebid on a project in Lewisboro (L-MU-1017) that

we plan to award in April. In late spring, we will be going out to bid on Carmel-CF-703, which is a FAD project for stabilization, and S-AM-1015, which is not a FAD project and is for channel stabilization with some filtration within the tributary. The construction of all projects for years 1-10 is expected to conclude in spring of 2025. Two projects that we are expecting to begin later this year are Kent-MB-1000 that will account for 75 kilograms, and L-CR-1001 at the Waccabuc Country Club, which will be fall construction. Both projects will trickle in at the end.

We need to get an official notice from the NYSDEC and NYCDEP to account for any overage over the 920 kilogram requirement. Currently, we are on target for 960 kilograms but haven't received an official letter from either entity giving us the ok to exceed or use years 1-10 funding, or how it will be accounted for when we go past the original number.

Director Williams said the bigger issue is that we need to amend the agreement that limits us to spending the current funds we have for years 1-10. Vincent Giorgio's understanding is that agreement will sunset when years 1-10 have been completed. The funds will have to be returned and then the \$10 million from the new agreement will kick in. Director Williams explained that we need to come up with an estimate of how much we expect to return. Vincent pointed out that exceeding the original phosphorus number would not be ok because the contract we have in place now is for Years 1-10. Director Williams noted that years 11-15 contract is currently being reviewed. Vincent said that when he met with Director Williams a few weeks ago it was discussed that EOHWC would provide a letter. Director Williams said that the NYCDEP should be receiving that letter shortly.

6) O & M Program Update

Kevin reported that notices went out to the towns as to whether they should expect to pay or to receive a payment for 2023 O&M. The auditors will follow up with each individual town in the next 10 days to make sure the documentation was received and reviewed. There has been a \$20,000 increase over last year's maintenance bills, which was fully expected. Overall, there was a big step forward with all the individual municipalities making sure things got addressed and cleaned up. For the May Board of Directors' meeting an updated O&M manual will be prepared to try to get everyone working closer to the same figures and costs. There's still a little too much variation from town to town and we want to consolidate those numbers and get them right. We want to provide a little clearer instruction for each one. What we found in the past year when we met with individual towns is whoever is doing the maintenance typically, whether it's the DPW or Highway, they receptive to us being on site and guiding them step by step. We will look to continue doing that, but it just lends to the fact that these folks seem like they can do with a little bit of more robust manual handed to them for the future. The total spent across all towns for O&M for 2023 was just shy of \$200,000. This is a good time to make all Westchester municipalities aware that 2024 will be the last year reimbursements will be received under the current agreement. We will confirm with Westchester municipalities to make sure the numbers we have line up. It's important that it's communicated in May so budgets can be addressed accordingly. Director Goncalves asked if there would be a new agreement with Westchester County. Kevin said that is a conversation that has to be had with Westchester County, but that does not affect Putnam or Dutchess Counties. Alternate Daley recommended that if written procedures are developed for O&M under the new permit, everybody should make sure it is included in their stormwater management procurement manual.

7) Checks and vouchers

Monthly vouchers were signed. No action was taken.

8) Other business

Kevin suggested that the Procurement Policy and how we get design contracts awarded within the Corporation is a topic of discussion for the May Board of Directors' meeting. The last few design contracts we went out on brought in 2 or 3 design engineers that submit to EOHWC. Many of the larger firms dropped out entirely because they can't compete with the smaller firms, who likely have less experience. Although it has been a while since we've gone out to design contracts, it is not expected that we will see anything different for Year 11 and into the future. We can't continue with just three design firms submitting to us on a regular basis. Christine Chale said one of the things that can be considered would be to figure out a multiple of projects that you expect to award in a given time frame. Select a firm to do them, and then request task estimates when you are ready to move forward with that particular project based on hourly rates that you have in the awarded contract. She will look at the DEP approval process, but that is a potential route. Kevin said while he is happy to look at doing it that way, that is where we were in years 3-4 when we awarded much larger project sets and had task lists. In that period of history of the Corporation, there were multiple reasons why we got away from using that approach. He expressed that he is open to revisiting it and seeing whether we might get better results but asked that we brainstorm to find some ways to get better exposure to other firms. Even though we're getting great efficiency and kilogram reduction from these smaller projects, we're also dealing with a very limited pool of engineers. Kevin will reach out to the Technical Committee over the next month to see if there are any alternatives that are worth bringing to the Board in May so we can start preparing for the future as it relates to the Procurement Policy. Additionally, the design manual will be updated to try to guide firms to the retrofits that we find are more efficient and stronger going forward. He reminded members that the design manual refers back to the Procurement Policy.

Director Williams requested a current accounting of what is left of the \$30 million and \$38 million held by Putnam and Westchester Counties. Vincent agreed to share what he has.

9) Motion by Director Williams, seconded by Director Cazzari to enter into attorney/client session; all in favor.

10) Motion to come out of attorney/client session by Director Williams, seconded by Director Cazzari; all in favor. No action taken.

11) Adjournment - Motion to adjourn by Director Scorrano, seconded by Director Lucas; all in favor. Adjourned 10:30 AM.

PRESIDENT'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the February 22, 2024 meeting minutes approved by the Executive Committee.



Richard Williams, Sr., President

3/28/24
Date

SECRETARY'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the February 22, 2024 meeting minutes approved by the Executive Committee.


JoAnne Daley, Secretary

3-28-2024
Date