
EXECUTIVE COMMITTEE MEETING
9:30 A.M., Thursday, December 19, 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); Tony Goncalves (Town of Lewisboro);

Others in Attendance: Warren Lucas (Town of North Salem); Millie Magraw (Westchester County); Christine Chale (Counsel) via Zoom; Cassandra Britton (Counsel) via Zoom; Vincent Giorgio (NYCDEP); Kevin Fitzpatrick (EOHWC); Keith Giguere (EOHWC) via Zoom; Linda Matera (EOHWC)

2) Approve Meeting Minutes of October 24, 2024

Motion by Director Calves, second by Alternate Daley to approve the meeting minutes of October 24, 2024; all in favor.

3) Financial Update

Keith Giguere reported that as of November 30th there is \$1,446,000 remaining in WQIP funds and \$10,457,000 in FAD funds. Outstanding commitments total \$745,000 of which \$407,000 is related to L-MU-1017 and Y-MU-40 is mostly retainage.

4) List of Reporting and Filing Dates

Linda Matera reported that since the October Board meeting, the 3rd quarter payroll was filed on October 17th and the 2025 budget was posted to ABO on October 31st. Director Lucas inquired about the highlighted items. Linda explained that we are waiting for funding from Westchester County to reimburse the Westchester municipalities for their 2023 O&M. Millie Magraw informed the committee that legislation for the O&M has now been written. There was a bit of a hiccup on Westchester County's end regarding the O&M because a staff member had been out, but they are hopeful that it will be ready to go soon.

5) Project Update

Kevin reported that Y-MU-40 bio-infiltration project in Yorktown is just about completed at this point. The contractor will return in April to do plantings, seedings and add the final touches. At this point, we may be able to submit for phosphorus reduction credit in the amount of 30 kilograms to New York State. The project itself has been awarded the ACEC Award for Excellence in Engineering in New York State. The American Council of Engineering Company in New York looks

at 110 different projects for which HVEA submitted this particular one and it was given a platinum award. HVEA will be recognized for it along with EOHWC at their gala in New York City. It's very promising because that project was something that has been around since Year 4 and was one of the projects from the original work plan. It just took some time to find the right technology that would work there, and this has been a great success. We are very close to the end of the project and are very proud of it.

The next project that will go out to bid is L-CR-1001 is for bio-infiltration at the Waccabuc Country Club. Kevin will be working with the Town of Lewisboro to move that forward. It unfortunately has a very quick timeline that requires us to be out of there by Memorial Day in order for the country club to enjoy the facilities without ongoing construction. Our goal is to be conscious of that timeline and if we feel as though we won't be able to make it, we will have to wait until after Labor Day, but the goal remains to get that out to bid quickly and wrap up any permitting that is necessary.

Kent-MB-1000 will be the next project, which we've been discussing for some time and is for large channel stabilization and filtration in the Town of Kent. Kevin met with the town supervisor to go through the next steps. It's been a long process and we've been negotiating the installation, easement and ongoing maintenance agreements. We will submit them to the Town of Kent's attorney for review. The next step after that will be permitting for the Town, New York City and New York State. Once we have everything in hand, it will be full speed ahead. It is anticipated that once everything is locked in with the Town of Kent, we will go out to bid for construction as soon as possible after that. The construction will take an extended period of time to complete because it is a large project.

After that we will begin to wrap up everything on the Project Update that is highlighted in yellow. Many of these projects are ready to go in the spring, but the few that were just pinpointed are the ones that stand out for immediate rollout. We are wrapping up edits for S-AM-1015 at Woodcrest Terrace in the Town of Somers. It will go out to bid in the winter. Unfortunately, we've had some hiccups with the engineer and one of the property owners. There is a shared channel that crosses over two properties, and we've been working with multiple owners to try to come to a conclusion. Kevin has pressed the engineer, and they are confident that they will have something ready by the end of this week. Kevin promised to keep Supervisor Scorrano and the property owners in the loop.

6) 11-15 Work Plan Update

Kevin explained that he has come up with a list of projects that we could move forward with that will exceed the new permit requirement, which is 460 kilograms. The list may need to be refined and possibly reworked to solidify it a bit better. He has asked the NYSDEC for an extension on behalf of the towns just to have a better document, rather than just submitting a document that checks a box. If they say no, then we have something to submit. If they say yes, then we have a better document that allows us to have a better control of projects moving forward to try to eliminate a situation where we are just submitting something that is a requirement rather than an actionable plan that will help us with budgeting in the future and negotiating a contract with private property owners. Director Williams said that in talking with the NYSDEC, he doesn't think they are going to be flexible on the deadline, so he recommended that the Workplan be ready for submission no later than December 31st. Kevin mentioned that he did reach out to Tom Snow in an email to see if there is any flexibility with the submission but hasn't heard back yet. Director Williams and Director Lucas said that they both have been speaking with Christina Chiapetta, who seems to be the lead on the MS4 Permit and are not sure there will be much flexibility. Kevin said he is hopeful that if he points out that EOHWC

represents 19 different municipalities there may be greater flexibility.

7) Funding Agreement Update

Christine Chale explained that we've been through several rounds of drafts and are still waiting for a final edited version. At this point, we are probably not ready to have the Executive Committee approve the document for approval by the Board of Directors. Once we get the final document, you can decide whether to submit it to the Board. She made everyone aware of the new general permit and reiterated that the member municipalities are required to do these retrofits. It references the TMDL that goes back to 2009. She attached it so everybody knows the source of those numbers. As discussed, we are developing a Year 11-15 retrofit plan, and compliance with that is a condition of the permit. The DEC entered into a grant contract with NYC for a number of projects. One of them was the DEC reimbursing \$10 million to NYC for EOHWC stormwater retrofits, so the DEP is going to be getting this money from the DEC as a reimbursement. As many of you know, a lot of the state contracts are reimbursement based. So, the DEP is proposing an agreement with EOHWC. It will be sort of a third funding agreement to provide installments to pay eligible costs. The eligible costs description has changed, partly governed by the fact that the money is coming from the DEP, so the DEP constraint is that they will only fund projects that are completed projects. We must remember that if we start down the road with a project, including design costs and we pay for them, then later abandon the project because we can't get a property owner to cooperate with us, we are not going to be able to fund that project with this money. This means it leaves you relying on the WQIP funds, not only for your administrative costs, but also for these types of costs that you may be incurring. In addition, the administrative cost description has been tightened down by the DEP so that we have a fairly broad description of general administrative costs, which are not eligible, which means those costs have to be funded somewhere. They have agreed to an initial installment of \$1,500,000, but then we must submit a budget and then every semi-annual period we have to true-up and justify the budget. If we have any unspent funds, we can hold them if they are in a signed contract and committed. They are going to want to know what is in the budget for the next 6 months and how much you have in your hands, then they will give you the difference. The concern is that in trying to work through this with DEP, EOHWC is unlike a municipality and can't go out and borrow money. We must have a situation where we can make the cash flow work. The WQIP funds only go so far. It is going to require very careful budgeting and monitoring by our staff. There will have to be very careful attention to project planning, by engineering in particular. This is supposed to cover the 5-year period. If we have unused funds, they go back to DEP. There are also more detailed contract and payroll documentation requirements with these reconciliation statements. In addition to that, detailed accounting for proceeds for both retrofit funds and the WQIP funds are required along with semi-annual reports, project reporting and audits. Additionally, there is a recapture provision if the funds are spent on ineligible costs and EOHWC will have to pay DEP back. As in the past, insurance policies are required but the dollar amounts are being increased. We had a lot of discussions about that. They did provide some adjustment to one of our concerns with the owner protective policy. There are some policy requirements which most likely are not being carried by our smaller contractors. They did reduce some of the limits, but we remain concerned that we are going to have trouble finding contractors for some of the smaller projects, because the bigger contractors won't be bothered, and the smaller contractors won't have the necessary insurance. The use of the remaining WQIP funds on hand, in order to pull them into 11-15 require an updated Corporation Agreement. We need to talk about the status of that Corporation Agreement approval, and we need an updated Letter Agreement with DEP to go along with that. The Executive Committee should discuss the status. If additional WQIP funds are going to be made available by the counties, we will also need to

have them covered in a Corporation Agreement and included in a Letter Agreement. Christine stressed the need to talk about the status of those so we can move these things forward. Vincent Giorgio clarified that if a project gets started and is not completed it has to be paid for with WQIP funds and that this is the same requirement we've been operating under for the last 12 years, which is required by both the DEP and DEC. Christine added that it would be very beneficial if we can move the WQIP and Corporation agreements processes forward because the concern is that the DEP has told us that even when they give us this updated version, they have to submit their document to their legal counsel's office for review. Once they get approval and our Board approves it, they must submit it through their internal processes, which include their Comptroller Registration Process which can take months. Christine asked Vinny if the funding agreement process would be held up at some point for the WQIP processes going through the counties, or if we can continue to try to move those in parallel. Vincent said he thinks they can be moved in parallel. Christine reiterated that if the funding is not released, we don't have a way to move the projects forward and are not in compliance with the permit requirements. She noted that to date, she has not received the edited document from the DEP's law department. Vinny said they are still trying to get answers on the prevailing wage issues and the other items discussed during the last meeting. Director Williams suggested that the current document be moved to the full board for discussion in January. At that time, they could consider approving it with conditions. Motion by Director Williams, seconded by Director Goncalves to move the NYCDEP funding agreement to the full Board for discussion and consideration to approve it with conditions; all in favor.

Director Williams asked Christine if she feels any further discussion is needed on the funding agreements with Westchester and Putnam. Christine said there is no need for further discussion today but that they should be on the agenda for the Board meeting.

8) O & M Program Update

Kevin reported that we will be passing on all finalized vouchers to Westchester County for inclusion in their process for approval to the Westchester municipalities for 2023 O&M. That approval will likely include any of the leftover funding that we had in place from the original agreement that was somewhere in the ballpark of \$750,000. The amount that is left over is from the first agreement and is not going to cover the cost of all maintenance requirements for Westchester municipalities. He made member municipalities aware that it will be more like 90% rather than 100%. In previous years, it was covered 100%. There is just not enough money left over. We are working with Millie to wrap that up. The next deadline for 2024 O&M is January 3. Everyone was notified when we approved the new O&M manual back in May of this year. If submissions aren't received, you will have to wait a full calendar year to be reimbursed, and that is not negotiable. The only full submission we have received to date is from the Town of Lewisboro. Director Scorrano asked what needs to be submitted. Kevin said it is the full maintenance and inspection reports for the retrofits in each town and any costs that the town itself took on. Previously, Steve Woelfle had to get a lot of different entities pulled in. He is very familiar with what we need but may need to be reminded about the January 3rd submission deadline.

9) Checks and vouchers

Monthly vouchers were signed. No action taken.

10) Other business

Director Scorrano said that at the last Board meeting we requested that Somers release the remaining money that was in the account. There is interest in the amount of \$18,999.53 that accrued on the account that the county would like back as well. A resolution is needed in order to send the interest back to the county. Christine asked if the previous resolution covered the interest. Director Scorrano said it only covered the amount that remained without interest. Director Williams asked if it would be better to amend the former resolution. Christine said it would be better to amend it because it already contains all the findings. Both Director Scorrano and Millie requested that a signed copy of the amended resolution be shared with them. Motion by Director Williams, seconded by Director Scorrano to amend the Westchester WQIP resolution previously presented to include accrued interest; all in favor.

11) Motion by Director Williams, seconded by Director Goncalves to enter into Executive Session to discuss the hiring, firing or promotion of a particular employee or employees; all in favor.

12) Motion to come out of Executive session by Director Williams, seconded by Director Goncalves; all in favor. No action taken.

13) Motion by Director Williams, seconded by Director Calves to make a positive recommendation to the Board of Directors to increase salaries for 2025 to 4%; all in favor.

14) Motion by Director Williams, seconded by Director Scorrano to approve a bonus of \$1,250 for IT work in 2024; all in favor.

15) Motion by Director Williams, seconded by Director Scorrano to recommend to the full Board that Linda Matera receive a stipend for 2025 in the amount of \$5,000 for additional IT work; all in favor.

16) Adjournment - Motion to adjourn by Director Calves, seconded by Director Scorrano; all in favor. Adjourned 10:25 AM.

PRESIDENT'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the December 19, 2024 meeting minutes approved by the Executive Committee.



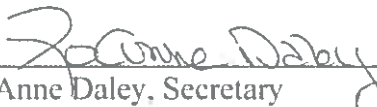
Richard Williams, Sr., President




Date

SECRETARY'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the December 19, 2024 meeting minutes approved by the Executive Committee.



JoAnne Daley, Secretary



Date