

EXECUTIVE COMMITTEE MEETING

9:30 A.M., Thursday, June 26, 2025

Meeting Minutes

1) Open Meeting

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

Others in Attendance: Neal Tomann (Putnam County); Millie Magraw (Westchester County); Christine Chale (Corporate Counsel, via ZOOM); Cassandra Britton (Corporate Counsel); Vincent Giorgio (NYCDEP); Kevin Fitzpatrick (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes of May 22, 2025

Motion by Director Calves, second by Director Goncalves to approve the meeting minutes of May 22, 2025; all in favor.

3) Financial Update

Linda Matera presented the financial update in Keith Giguere's absence. Total Cash for the month of May is \$13,477,000 of which \$2,809,000 is WQIP and \$10,688,000 is FAD. Keith will return to the office on Monday and can answer any questions at that time.

4) List of Reporting and Filing Dates

Linda Matera reported that the 2024 Project Accounting Report was completed and sent to the NYCDEP, ABO, and Putnam and Westchester Counties. Regarding the Financial Disclosures that were due on May 15, it is unclear if any EOH members are delinquent at this time because we are waiting for an update from Putnam County Ethics Board. The first round of O&M payments will be sent out today to towns that did O&M in 2024. The backup documents for the 2024 O&M have been compiled and will be sent to Westchester County.

5) Project Update

Kevin Fitzpatrick reported that the current phosphorus reduction remains at 755 kilograms. We will be commencing construction on Kent-MB-1000 around August 1. We are currently out to bid for construction on that project which will net us approximately 78 kilograms of phosphorus. Following that we will go to construction on the Waccabuc Country Club (L-CR-1001) in Lewisboro and likely Woodcrest Terrace (S-AM-1015) in Somers, and possibly Woodland Trail (Carmel-CF-703) in Carmel. We will have an active end of summer/beginning of fall season. The project at Hallocks Mill in Yorktown (Y-MU-40) will soon be closing. Since it's bio-infiltration, we need to make sure the plants take root. Once closed out, we will be able to submit for credit from the state.

Some private property owners have been reaching out to us looking for assistance with a lot of lakes.

As they reach out, Kevin informs the affected towns because if you have that lake in your municipality, you will be responsible for the maintenance. Any projects coming in now will count towards the Years 11-15 Workplan. We may potentially look to submit them at the end of the year. The new workplan that is submitted for 2026 will be due to the NYSDEC in October. Work on those projects will not be able to start until we have the funding in place. There is funding to do the preliminary work, but we don't have the design funds actively available right now.

Director Calves asked about the status of what we've already submitted. Kevin explained that the 460 kilogram requirement is a 5-year number. Each year we have to send in a workplan that we will be working on for that particular calendar year to advance towards that larger total. At present, he has not heard from NYSDEC regarding the 5-year workplan but he will continue to reach out to them for an answer. He did not expect any negative feedback on it as much as he expected an acknowledgement for submitting. Director Calves asked if the workplan has to be amended if new projects come in. Kevin explained that we do not have to go back and touch that document, but instead there is a running spreadsheet on it, so as new projects come in it will be amended with a date and a list of the new projects that have been included. This has been sufficient in years past. Director Calves inquired if there were a decent amount of FAD projects contained in that workplan. Kevin said there are a good number of FAD projects for sure, and he doesn't think we need to target those more than we already have. With now having the opportunity to carry over that funding into the next cycle, we may have to reevaluate where all the projects are and reassess to make sure we use up that funding source. In addition, we are going to have to look at how we are going to roll them out. Currently with the DEP, the goal is to have one project at a time. If we have the \$10 million contract first, we want to make sure we use that up. The second contract that we have will be for FAD, which means we have to push all the FAD projects into the back end. Kevin would like to talk to the DEP about having simultaneous contracts so projects don't have to be delayed just for the sake of flow. Director Calves asked if we submitted that letter to the DEP to request the roll over. Director Williams said it has already been done. Ultimately, the problem with moving forward with projects is not having the funding in place because we do not have the contracts yet. Kevin said that our hope is that the first contract will be filed and that funding will be available at the beginning of 2026. Presently, we are relying on the DEP to let us know when it will be available to us. In the meantime, if we continue to work towards framing up the existing WQIP money to address things, then at least we can look at design contracts to keep the ball rolling while we wait on the larger \$10 million contract. The next few months will be a balancing act as we look to get everything in.

Director Calves asked if the negotiations that are being conducted with our attorneys for the \$10 million is moving forward and if the FAD rollover is the same discussion. Director Williams said it is a different discussion. Christine Chale said they understand from the DEP attorneys that the \$10 million has been submitted for comptroller approval. That is the contract that is in their hands right now. Negotiations have concluded and they have submitted the contract for approval. This Board approved the contract for submission to them. In terms of the rollover, she asked Kevin and Director Williams if a formal request was sent. Director Williams said he would have to go back and check but right now but the conversation with Tom Snow at the DEC was that he was going to be addressing that. Director Calves asked if a formal request could be put in writing. Director Williams said it could be, if it hasn't already been done. Vincent Giorgio said that the \$10 million contract has been submitted for processing, but he doesn't believe that it is at the Comptroller's office yet. Once it gets to the comptroller's office, they have a 30-day window to turn it around. It has to wind its way through the different approvals. Director Calves asked if there is any way we can check in and know where in the process it currently is. Vincent said that there are multiple internal steps. In his understanding, the best estimate is by this fall or certainly by the beginning of next year. Director Goncalves asked if there is a mechanism to keep tabs on the status. Director Williams said that he is

keeping tabs on the process, however, in this situation it is sometimes difficult to follow the DEP's internal process. Vincent said that there are multiple approval steps and sometimes when it goes from his office to the city, it is difficult to get information, but the process is pretty well laid out.

Christine inquired about the status of the county contractual agreement because she hasn't seen anything lately and we need to make sure they are moving concurrently. Millie Magraw also inquired about where we stand with the letter agreement and Putnam County. Neal Tomann said there is a tentative agreement from Putnam County for the \$1.5 million but they will need sufficient backup before they can issue it. They require something showing where the money went and what it is being used for in the event they receive a FOIL of the transaction or exchange. He spoke with Kevin Fitzpatrick about some of the details yesterday. Kevin explained that he can very easily provide a packet showing the history of where the money came from, what has been done with it over the last 15 years or so, what we look to do with it over the next five years, and how that funding can support us. He will write up the letter, gather the information and pass it on to Director Williams to look it over and submit it to Putnam County. Neal indicated that he doesn't see any obstacles after that. Director Williams said he spoke with some of our legislators yesterday about where we are and they were in the dark. Vincent Giorgio wanted to ensure there is a commitment from the Putnam County associated with the money from the counties with this agreement and the DEP that puts guardrails on how the money can be spent and the transfer reporting requirement. Under the MOA and WQIP program, EOHWC would be required to submit annual accounting for the counties, and the counties will share that with the DEP. If Putnam County wants to continue that relationship, they need to sign on to this newly amended tri-party letter agreement. Westchester County said that they were amenable to do that, but he isn't aware that the DEP has heard from Putnam County as to whether they are interested in doing that. Neal Tomann presumed that Putnam County would be interested in signing on. Neal asked who it was sent to at Putnam County. Christine said that it has already been drafted and submitted to County Executive Byrne. Neal asked if it could be sent to him directly and he would get it signed off on. Vincent said the way it was explained to him internally is we can get a nod from the counties that they are okay with the draft language and then it can be circulated internally to see if the DEP is okay with the draft language. Millie said that Westchester has essentially signed off on the letter agreement already, so they've done their part at the moment. Once Putnam does theirs, the DEP will circulate it and then we can move forward with the three signatures. Millie added that the Westchester County rollover of funding will be in the same legislation. Director Williams said that the rolling over of the prior DEP funding is something separate.

6) Award Solicitation 2025-01/Kent-MB-1000 Construction Administration

Kevin presented a resolution for the award of construction administration services for Kent-MB-1000. The design was executed by the private property owner using Insite Engineering. They took it up to 100% design with construction-ready documents and it was stopped at that point. In order to take on the remainder of the contract and the actual execution of the construction contract, we went out to bid for construction administration services. Two bids were received, one from Insite Engineering for \$28,700, and the other from KC Engineering for \$368,264. We are recommending the award to Insite Engineering. Kevin believes that there may have been a misunderstanding in the requirements of the contract. Perhaps KC Engineering saw construction administration and thought that they would be responsible for daily inspections, whereas that is the responsibility of the construction contractor that we will hire. Both Kevin and the Review Committee feel as though Insite Engineering's proposal is the right value for this contract and they are comfortable moving forward with the recommendation to award it to Insite Engineering.

Motion by Director Cazzari, seconded by Director Calves to approve the award for construction

administration services for Kent-MB-1000 to Insite Engineering, Surveying and Landscape Architecture, PC in the amount of \$28,7000.

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, E.B.S.E. LLC is the owner of certain parcels of real property in the Town of Kent (the “Town”) known as Tax Grid Nos. 22-2-16, 22.42-1-20, and 22.58-2-58 and more particularly described in a Deed from Lou Pozza and Anthony Perna dated October 17, 2022 and recorded in the Putnam County Clerk’s office on October 27, 2022 in Liber 2295 of Deeds at Page 206, Instrument No. 9452-2022 (“Property”); and

WHEREAS, the work consists of providing design and construction administration services for the stabilization of eroded channels with an estimated phosphorus reduction of 78.5 kilograms per year; and

WHEREAS, a Request for Proposals was advertised and two (2) proposals were received at the East of Hudson Watershed Corporation offices on May 29, 2025; and

WHEREAS, the Review Committee of the EOHWC has reviewed the proposal according to the requirements set forth in the EOHWC Procurement Policy and found the proposal of best value has been submitted by Insite Engineering, Surveying and Landscape Architecture, P.C. in the amount of \$28,700; and

WHEREAS, the EOHWC Review Committee has recommended that the corporation accept Insite Engineering, Surveying and Landscape Architecture, P.C. as best value proposer for the project and proceed with contract pending the submission of all necessary documents per the EOHWC Procurement Policy; and

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors that it accepts Insite Engineering, Surveying and Landscape Architecture, P.C. as best value proposer for construction administration for Kent-MB-1000, and authorizes the President or Vice President of the Corporation to execute the construction administration contract with Insite Engineering, Surveying and Landscape Architecture, P.C.

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

R-0626-01

7) Carmel-CF-703/Approve Installation Agreement

Kevin presented the resolution to authorize the President to execute the installation agreement for Carmel-CF-703. The project is located in the FAD and is for stream and bank stabilization at the Woodland Trails Condominiums in the Town of Carmel. It has been reviewed by EOH Counsel and the condo HOA. All parties there are ready for execution. The project will be submitted to the Town of Carmel for comments as well and then we will look to execute this project as soon as we can.

Motion by Alternate Daley, seconded by Director Cazzari to authorize execution of the installation agreement for Carmel-CF-703 at Woodland Trail in the Town of Carmel.

WHEREAS, EOHWC is considering undertaking a stormwater retrofit project involving the installation of streambank stabilization along Michael's Brook on private property in the Town of Carmel, NY (the "Project") located at 44.14-1-49, commonly known as Woodland Trail Condominium (the "Property"); and

WHEREAS, Woodland Trail Condominium (the "Owner") is the owner of certain property shown on Map No. 1679 dated November 2, 1978 more specifically described in the form of Installation Agreement; and

WHEREAS, pursuant to Section 5, Paragraph (a) of the condominium declaration dated October 5, 1978 and recorded at Liber 756 Page 171 (the "Declaration") "the property and business of the Condominium shall be managed by its Board of Managers, which may exercise all such power of the Condominium and do all such lawful acts and things as are not by statute or by the Declaration or by these by-laws, directed or required to be exercised or done by the Home owners personally"; and

WHEREAS, East of the Hudson Watershed, and the Board of Managers of Woodland Trail Condominium wish to enter into an agreement regarding the installation of a storm water retrofit project at the property shown on Map No. 1679 dated November 2, 1978 more specifically described in the form of Installation Agreement, a copy of which is on file with the Secretary; and

WHEREAS, the EOHWC has considered the 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, on June 20, 2024, by Resolution No. R-0620-02, 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 Installation Agreement 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 effect the purposes of the foregoing resolution.

6) O & M Program Update

Kevin reminded members that while their highway departments all are busy addressing permitting requirements, they have to make sure that O&M is being done on the EOHWC projects. He is in the process of conducting inspections and he will let the municipalities know if he finds anything that needs to be addressed.

7) Checks and vouchers

Monthly vouchers were signed. No action was taken.

8) Other business

Vincent mentioned that the contract requires that a project accounting is provided annually for DEP Contract CRO-574. A letter was sent back in December detailing certain deficiencies with regard to the account. They have not yet seen all of what was requested. In the meantime, the 2024 accounting came through in March from Keith and there are still some outstanding items on that. He will send a list after the meeting of what continues to be outstanding. He was asked to get a commitment on a timeline when they can expect to receive the remaining documents. Director Williams asked that Vincent send him the list of what is currently outstanding.

11) Adjournment - Motion to adjourn by Director Goncalves, seconded by Director Cazzari; all in favor. Adjourned 9:59 AM.