

WESTCHESTER JOINT WATER WORKS
Board of Trustees Meeting
Tuesday, April 9, 2024 at 4:45 p.m.

Present:

- Trustees: Sharon Torres (in-person), and Rich Dionisio (in-person)
- Lori Lee Dickson, General Counsel (in-person)
- Paul Kutzy, Manager (in-person)
- David Birdsall, Business Director (via videoconferencing)
- Zach Wasp, Assistant Civil Engineer (via videoconferencing)

Approval of Minutes

Trustee Dionisio made a motion to approve the minutes of the March 26, 2024 Board Meeting minutes. Trustee Torres seconded the motion, all in favor:

Trustee Elkind Eney	Not Present
Trustee Torres	“aye”
Trustee Dionisio	“aye”

Financial Reports and Approvals

David Birdsall, Business Director, reviewed bank balances and presented claims to the Board highlighting significant items, among them: Payroll Costs (Two Payroll Periods), Engineering Services (Hazen & Sawyer - filter plant project, H2M - park lane tank rehab & shaft 22 assessment, Woodard & Curran - winged foot tank and tech assistance), Distribution System Materials (Carmel Winwater - water main components, Capitol Supply - copper pipe, Concrete Express - kcrete fill material, Dakota Supply - gravel), Water Treatment Chemicals and Equipment/Services – (JCI - liquid chlorine, GP Jager - chlorine, Swan Analytical - turbidity analyzers), Technology Services – (Sourcepass - network management/support, Yale Software - billing system support, Cargas - financial system implementation), and Property & Liability Insurance Installments – (Arthur J Gallagher).

Approval of Claims: Trustee Dionisio made a motion to approve 86 claims totaling \$432,868. Trustee Torres seconded the motion, all in favor:

Trustee Elkind Eney	Not Present
Trustee Torres	“aye”
Trustee Dionisio	“aye”

General Administration:

- Tax Levy Transfer / VOM: Trustee Dionisio made a motion to approve a resolution for the Tax Levy Transfer to the Village of Mamaroneck in the total amount of \$110,708.65 (including transfer fees) representing Village of Mamaroneck water customer accounts over 30 or more days in arrears. Trustee Torres seconded the motion, all in favor:

Trustee Elkind Eney	Not Present
Trustee Torres	“aye”
Trustee Dionisio	“aye”

Old Business

- Rye Lake Filtration Plant:
 - Lori Lee Dickson, General Counsel, reported that, following a thorough and transparent analysis by members of the Westchester County Board of Legislators (WCBOL) and recommendations from the *Legislation, Public Works & Transportation*, and the *Parks & Environment Committees*, the WCBOL adopted 3 legislative items related to a land exchange between WJWW and the County, at their meeting on April 8th. The first item under consideration was the adoption of “SEQRA Findings” the necessary first step before any action could be taken. The SEQRA findings were approved by the legislators in a vote of 15-1, with one recusal. The second item under consideration was an “ACT” to authorize a contract with WJWW for the transfer of a County-owned 13.4-acre parcel to be apportioned from the County Airport property and the grant of an easement for a sewer main across Airport property for connection to the existing public sanitary sewer facilities, in exchange for the acquisition of an equal size and value 13.4-acre parcel adjacent to the Airport from WJWW. This second item was also approved by a vote of 15-1, with one recusal. The third item under consideration was a companion “Resolution”, which resulted from a recommendation by the 3 legislative committees in response to public comments received during the review process. This final Resolution affirmed the County’s commitment against expansion of airport operations by resolving to keep the parcel to be acquired from WJWW as undeveloped. This third, and final, resolution was approved by the legislators in a unanimous vote of 16-0, with one recusal. The contract may now be finalized and sent to the County Executive for execution.
- Project, System Maintenance and Operational Updates:
 - No new updates were reported at this time.

Manager’s Report

No Manager’s Report was needed at this time.

New Business

Lori Lee Dickson, General Counsel added one item as new business which concerns an Appeal under the Freedom of Information Law. She serves as WJWW Public Records Appeal Officer by virtue of her position. She stated that WJWW received an “appeal” of a denial for access to records issued by Mr. Birdsall, who serves as the WJWW Public Records Officer. The appeal concerns access to litigation records determined by Mr. Birdsall to be exempt from FOIL as privileged under the law. Since Ms. Dickson served as special counsel in the litigation and defended WJWW, she stated that she will recuse herself from acting as Public Records Appeal Officer in this matter. She indicated that the Appeal was made by the plaintiff in the litigation and advised the Board of the need to consider appointing an acting Public Records Appeal Officer for the matter.

At 5:03 p.m., Trustee Dionisio made a motion to enter into Executive Session to obtain legal advice and discuss matters related to litigation. Trustee Torres seconded the motion, all in favor:

Trustee Elkind Eney	Not Present
Trustee Torres	“aye”
Trustee Dionisio	“aye”

At 5:09 p.m., Trustee Dionisio made a motion to return to the regular meeting. Trustee Torres seconded the motion, all in favor:

Trustee Elkind Eney	Not Present
Trustee Torres	“aye”
Trustee Dionisio	“aye”

Following review and discussion in Executive Session and upon return to the regular Board meeting, the Trustees moved on the following items:

Trustee Dionisio made a motion to appoint WJWW Chair Jaine Elkind Eney as Acting Public Records Appeals Officer for WJWW for the purpose of processing an appeal in connection with a particular FOIL response appeal. Trustee Torres seconded the motion, all in favor:

Trustee Elkind Eney	Not Present
Trustee Torres	“aye”
Trustee Dionisio	“aye”

Executive Session

No additional items were identified for Executive Session.

Date of Next Meeting

The next Board of Trustees meeting is scheduled for Tuesday, April 30, at 5:00 p.m.

With no further business to discuss, Trustee Dionisio made a motion to adjourn the meeting. Trustee Torres seconded the motion:

Trustee Elkind Eney	Not Present
Trustee Torres	“aye”
Trustee Dionisio	“aye”

The meeting adjourned at 5:13 p.m.