

**MINUTES OF THE MEETING OF THE  
NEW YORK CITY WATER BOARD  
JUNE 18, 2018**

A meeting of the New York City Water Board (the “Board”) was held on June 18, 2018 starting at approximately 8:30 a.m. at 255 Greenwich Street, 8th Floor, Room 8-S1S2, New York, New York 10007. The following members of the Board attended the meeting:

Alfonso Carney,

Evelyn Fernandez-Ketcham,

Adam Freed,

Jukay Hsu, and

Arlene Shaw<sup>1</sup>

constituting a quorum. Mr. Carney chaired the meeting, and Greg Ascierito served as acting Secretary of the meeting.

**Approval of the Minutes**

The first item on the agenda was approval of the minutes of the Board’s previous meeting held on June 1, 2018. There being no discussion, upon motion duly made and seconded, the minutes of the meeting held on June 1, 2018 were unanimously adopted.

**Appointment of Member and Chair of Governance Committee**

The next item on the agenda was the appointment of a member and the chair of the Board’s Governance Committee. Evelyn Fernandez-Ketcham was appointed as the third member of the Governance Committee joining Arlene Shaw and Jonathan Goldin, who was designated as Committee Chair. There being no discussion, upon motion duly made and seconded, the following resolution was unanimously approved by the Board.

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<sup>1</sup> Member Arlene Shaw joined the meeting during the presentation on restrictive covenants

## **RESOLUTION**

**WHEREAS**, pursuant to New York State Public Authorities Law, the New York City Water Board (the "Board") established a Governance Committee and adopted a Governance Committee Charter (the "Charter"); and,

**WHEREAS**, pursuant to Section II.a. of the Charter, the committee shall comprise three members appointed by the Chair of the Board, and there is currently one vacancy in the committee, and,

**WHEREAS**, pursuant to Section II.b. of the Charter, the Chair of the Board may designate one member of the committee as the Chair of the Governance Committee; it is therefore,

**RESOLVED**, that Evelyn Fernandez-Ketcham is hereby appointed a member of the Governance Committee, joining current members Jonathan Goldin and Arlene Shaw, and Jonathan Goldin is also hereby designated Chair of the Governance Committee.

### **Consent to Declaration of Restrictive Covenants**

The next item on the agenda was a presentation by Charles Laing, a Senior Project Manager in the Bureau of Water Supply for the New York City Department of Environment Protection ("DEP") on the proposed granting of restrictive covenants over certain lands owned by DEP in the Towns of North Castle, Greenburgh, and Mount Pleasant in the County of Westchester. Mr. Laing explained that the DEP was required to obtain permits from the United States Army Corps of Engineers (USACOE) to conduct work for two critical water supply projects: 1) the Ultraviolet Disinfection Facility and 2) the Kensico Shoreline Stabilization

project. Both permits, which authorized DEP to conduct work in federally regulated wetlands, also required that DEP mitigate the impacts associated with such work. The permits further required that DEP grant the restrictive covenants to ensure the future integrity of the wetlands. Mr. Laing noted that the granting of a restrictive declaration designed to protect the wetlands is consistent with DEP's mission to protect water quality and does not impair operations of these projects. Therefore, Mr. Laing requested that the Board consent to the authorization of a Declaration of Restrictive Covenants in order for DEP to be in compliance with the conditions of the two USACOE permits. There being no further discussion, upon motion duly made and seconded, the following resolution was unanimously adopted.

### **RESOLUTION**

**WHEREAS**, pursuant to the New York City Watershed Memorandum of Agreement dated January 21, 1997 (the "MOA"), the City of New York (the "City"), acting by and through the New York City Department of Environmental Protection ("DEP"), is engaged in programs within the New York City Watershed communities to ensure an adequate supply of clean and healthful drinking water to millions of New York City residents, as well as to several other regions in New York State; and

**WHEREAS** in furtherance of the above purpose, DEP is engaged in several projects, namely the construction of the Ultraviolet Disinfection Facility (UV Plant) and the Kensico Shoreline Stabilization which affected federally regulated wetlands requiring DEP to mitigate the impacts associated with such work; and

**WHEREAS**, the work related to the projects required a permit from the United States Army Corps of Engineers and a condition of the permit required DEP to enter into a Declaration

of Restrictive Covenants to the property to ensure that the wetlands continue to be maintained and function as planned; and

**WHEREAS**, the Declaration of Restrictive Covenants constitutes the granting of an interest in real property subject to the Agreement of Lease, dated July 1, 1985, as amended (as so amend, the “Lease”), between the City and the New York City Water Board (“Board”) with regards to the Water and Sewer System of the City (the “System”); and

**WHEREAS**, pursuant to Section 11.1(d) (ii) of the Lease, the City may, with the prior written consent of the Board, grant interests in property covered by the Lease, which, in the reasonable judgment of the Board, do not interfere with the operation and maintenance of the System and the collection of revenues from the System; and

**WHEREAS**, the granting of a property interest is authorized under Chapter 5 of the New York City Charter, Section 384: Disposal of property of the City; and

**WHEREAS**, it is the judgment of the Board that such transfer provides benefits to the City and will not interfere with the operation and maintenance of the System or the collection of revenues from the System, it is therefore

**RESOLVED**, that the Board hereby gives its consent to enter into a Declaration of Restrictive Covenants, in the form approved by the New York City Law Department; and be it further

**RESOLVED**, that the officers of the Board be, and each of them hereby is authorized and empowered, in the name and on behalf of the Board, to grant such consent and to take such other and further actions as the officers or any officer deems necessary or appropriate to effectuate the foregoing resolution.

## **Adjournment**

There being no further business to come before the Board, upon motion duly made and seconded, the meeting was duly adjourned.

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SECRETARY