NEW YORK CITY WATER BOARD
MEETING

AGENDA

Friday, October 12, 2018 - 9:30 A.M.

Location: 255 Greenwich Street
8th Floor Conference Room
New York, New York 10007

1. Roll Call

2. Resolution: Approval of Minutes of June 18, 2018 Meeting


4. Resolution: Approval of Investment Guidelines and Fiscal Year 2018 Report

5. Presentation: Dispositions of Department of Environmental Protection Property in Bedford and Brewster, New York

6. Resolution: Consent to the Donation to the Town of Bedford, New York of Real Property and Building Used in the Operation of the Community Center of Northern Westchester

7. Resolution: Consent to the Donation to either the Village of Brewster or the County of Putnam, New York of Three Separate Parcels of Real Property for Use in a Transit-Oriented Development

8. Presentation: Disposition of Department of Environmental Protection Property in Brooklyn, New York

9. Resolution: Consent to Disposition of 0.062 Acres of Block 2494, Lot 6, Borough of Brooklyn, New York
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

constituting a quorum. Mr. Carney chaired the meeting, and Greg Ascierto 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.

1 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
NEW YORK CITY WATER BOARD

October 12, 2018

RESOLUTION

WHEREAS, the New York City Water Board (the “Board”) and the New York City Municipal Water Finance Authority (the “Authority”) established a joint Audit Committee in light of their joint role in the financial operations of the water and wastewater system of the City of New York (the “System”); and

WHEREAS, pursuant to the joint Audit Committee Charter and the Board resolution of January 25, 2008 establishing the joint Audit Committee, the Board and the Authority each acting separately, after receiving a recommendation from the joint Audit Committee, shall annually approve the audited financial statements of the System; and

WHEREAS, on October 12, 2018, the Audit Committee met with the independent auditors and reviewed their report on the System’s audited financial statements for the fiscal years ended June 30, 2018 and June 30, 2017; and

WHEREAS, the Audit Committee believes the independent auditors’ report and the financial statements are reasonable and appropriate and has recommended that the Board and the Authority accept the independent auditors’ report and authorize the release of the financial statements; and

WHEREAS, the Board of Directors of the Authority are scheduled to meet and approve the independent auditors’ report and authorize the release of the financial statements on October 12, 2018 contingent on their approval by the Board; it is therefore
RESOLVED, that the Board hereby accepts the independent auditors’ report on the audited financial statements of the System for the fiscal years ended June 30, 2018 and June 30, 2017 and authorizes the release of such audited financial statements, provided that both the independent auditors’ report and the audited financial statements may be amended to reflect non-material changes acceptable to the Comptroller of the Authority.
WHEREAS, the New York City Water Board (the “Board”) adopted Investment Guidelines to establish policies for the investment of its funds on May 2, 1986 and subsequently amended the Investment Guidelines on October 24, 1990 and February 14, 1997; and

WHEREAS, pursuant to the Investment Guidelines, the Board is required annually to review and approve both the Investment Guidelines and an Investment Report; and

WHEREAS, the Board has reviewed the Investment Guidelines as contained in the Fiscal Year 2018 Investment Report and finds both the guidelines and report to be reasonable and appropriate; it is therefore

RESOLVED, that the Investment Guidelines and the Fiscal Year 2018 Investment Report, copies of which will be filed with the minutes of this meeting, are hereby approved.
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, the City and the Town of Bedford have been engaged in discussions to improve the quality of life and community services within the watershed communities; and

WHEREAS, the Town of Bedford has been operating the Community Center of Northern Westchester under a DEP Revocable Land Use Permit for over twenty (20) years and is now in need of expanding the facilities to address the growing demand; and

WHEREAS, the City is supportive and agreeable to donating the real property and the building thereon for this purpose, and the City has requested that the Board release its leasehold interest in the property to be donated; and

WHEREAS, the New York State General Municipal Law, Article 5, Section 72-h authorizes the transfer of real property to a municipality for no consideration; and

WHEREAS, pursuant to Section 11.1(d) (i) of the Lease, the City may, with the prior written consent of the Board, transfer property covered by the Lease which does not materially adversely affect the revenues of
the Systems or impair the ability of the Board to make any payments required under the Lease; and

WHEREAS, by letter dated October 11, 2018, the Board has received certification from William Pfrang, P.E., Vice President of AECOM USA, Inc., Consulting Engineer, that it has evaluated the above property disposition and has confirmed that such transfer has no impact on the operations of the Systems, the collection of revenues of the Systems, or the ability of the Board to make any payments required under the Lease; therefore be it

RESOLVED, that the Board hereby gives its consent for the City to donate to the Town of Bedford the proposed real property and building thereon by a conveyance deed 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.
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, the City of New York is a partner in the watershed communities and contribute to the overall well-being of the community; and

WHEREAS, the City is engaged in multiples projects with the Village of Brewster and Putnam County that will be memorialized in an Inter-governmental Agreement (IGA), providing for the interests of both parties; and

WHEREAS, the City is agreeable to donating the three parcels of property identified in the Memorandum to the Board, dated October 12, 2018, subject to satisfaction of the conditions of the IGA, and the City has requested that the Board conditionally release its leasehold interest in the property to be donated; and

WHEREAS, the New York State General Municipal Law, Article 5, Section 72-h authorizes the transfer of real property to a municipality for no consideration; and

WHEREAS, pursuant to Section 11.1(d) (i) of the Lease, the City may, with the prior written consent of the Board, transfer property covered
by the Lease which does not materially adversely affect the revenues of the Systems or impair the ability of the Board to make any payments required under the Lease; and

WHEREAS, by letter dated October 11, 2018, the Board has received certification from William Pfrang, P.E., Vice President of AECOM USA, Inc., Consulting Engineer, that it has evaluated the above property disposition and has confirmed that such transfer has no impact on the operations of the Systems, the collection of revenues of the Systems, or the ability of the Board to make any payments required under the Lease; therefore be it

RESOLVED, that the Board gives its conditional consent to the City to donate the proposed real property to the Village of Brewster or the County of Putnam subject to satisfaction of the conditions specified in the IGA between the parties; and be it further

RESOLVED, that the Board hereby gives its consent for the City to donate the proposed real property by a conveyance deed 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.
NEW YORK CITY WATER BOARD

October 12, 2018

RESOLUTION

WHEREAS, the water and wastewater systems (the “Systems”) of the City of New York (the “City”) have been leased by the City to the New York City Water Board (the “Board”) pursuant to an Agreement of Lease, dated as of July 1, 1985 and as amended by Amendment No. 1 dated as of November 1, 1985, between the City and the Board (the “Lease”); and

WHEREAS, the City, through the New York City Department of Environmental Protection (“DEP”) operates and maintains the Systems; and

WHEREAS, pursuant to Section 11.1(d)(i) of the Lease, the City may, with the prior written consent of the Board, transfer property covered by the Lease which does not materially adversely affect the revenues of the Systems or impair the ability of the Board to make any payments required under the Lease; and

WHEREAS, the City has requested that the Board give consent to the disposition of an unused 0.062 acre parcel that comprises a portion of Brooklyn Block 2494, Lot 6, which lies in the bed of a street that is mapped, but unbuilt, so that such property may be relinquished to the City’s Department of Transportation for street construction; and

WHEREAS, by letter dated September 25, 2018, the Board has received certification from William Pfrang, P.E., Vice President of AECOM USA, Inc., Consulting Engineer, that it has evaluated the above property disposition and has confirmed that such transfer has no impact on the operations of the Systems, the collection of revenues of the Systems, or the ability of the Board to make any payments required under the Lease; and

WHEREAS, the Board has determined that releasing its leasehold interest in the 0.062 acre parcel that comprises a portion of Brooklyn Block 2494, Lot 6, which lies in the bed of a mapped street to the City is reasonable and appropriate; it is therefore,

RESOLVED, that, pursuant to Section 11.1(d)(i) of the Lease, the Board hereby consents to the property disposition as described herein; 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.