

MINUTES
of the
MEETING
of the
CROTON FACILITY MONITORING COMMITTEE

Tuesday
22 April 2014

Community Board #12 Town Hall
4101 White Plains Road
The Bronx, New York 10466

CALL TO ORDER AND ATTENDANCE

The Croton Facility Monitoring Committee (C.F.M.C.) met on Tuesday evening, 22 April 2014 at the Town Hall Headquarters of Community Board #12 (The Bronx) located at 4101 White Plains Road in the Borough of The Bronx.

The meeting was called to Order at 7:10 P.M. by the Chairman of Community Board #12 (The Bronx), Father Richard F. Gorman, who is likewise the Chairman of the Croton Facility Monitoring Committee (C.F.M.C.) for the 2014 calendar year. Present at the meeting were Father Richard F. Gorman; The Honorable Hector Aponte, Bronx Borough Commissioner of the New York City Department of Parks and Recreation (N.Y.C.D.P.R.); Mr. Robert Fanuzzi, Chairman of Community Board #8 (The Bronx); Mr. Wilhelm Rhonda, Representative of The Honorable Ruben Diaz, Jr., Borough President of The Bronx; Mr. Andrew Sandler, Representative of The Honorable Andrew Cohen, Council Member (Eleventh District – The Bronx); and Ms. Adeline Walker-Santiago, the Chairwoman of Community Board #7 (The Bronx). The Honorable Jeffrey Dinowitz, Member of Assembly (Eighty-first District – The Bronx) and Mr. Andrew Penzi of the New York City Department of Parks and Recreation (N.Y.C.D.P.R.) were likewise in attendance.

The Attendance List for the meeting is attached to these Minutes as an Appendix.

The New York City Department of Environmental Protection (N.Y.C.D.E.P.), citing its policy of attending only four (4) quarterly meetings of the C.F.M.C. chose not to participate in this gathering. Father Gorman, noting that six (6) of the seven (7) members of the Monitoring Committee were in attendance, declared a quorum present and the Committee duly called to order.

APPROVAL OF THE MINUTES OF 22 MARCH 2014

Father Gorman postponed a vote approving the Minutes of the meeting of 22 March 2014 since they had not been received in a timely manner by the members of the Monitoring Committee. Initially, the New York Department of Environmental Protection (N.Y.C.D.E.P.) had refused to release said Minutes. However, this decision was later reversed and the Minutes were forwarded to Father Gorman. The Minutes for 22 March 2014 will be voted upon for approval at a subsequent C.F.M.C. meeting.

TREE REPLACEMENT AT JEROME PARK RESERVOIR (J.P.R.)

N.Y.C.D.P.R. Bronx Borough Commissioner Hector Aponte and Mr. Andrew Penzi of his Staff addressed the subject of tree replacement at Jerome Park Reservoir (J.P.R.).

At issue in this regard are several important questions -- *viz.*, the exact number of trees to be replaced [anywhere from five hundred (500) to one thousand (1,000)]; the Municipal Agency(ies) responsible for the cost of replacing the trees; and the timetable -- *i.e.*, starting and concluding times -- for tree replacement.

Borough Commissioner Aponte reported that there have been, and continue to be, ongoing negotiations between N.Y.C.D.P.R. and N.Y.C.D.E.P, relative to the replacement value of the trees. Said talks are being conducted at an administrative level higher than that of Mr. Aponte. N.Y.C.D.P.R. anticipates a payment of eight hundred thousand

dollars (\$800,000.00) from N.Y.C.D.E.P. for the cost of tree replacement at J.P.R., a figure that N.Y.C.D.E.P. disputes.

In response to an inquiry by Father Gorman as to what would happen if N.Y.C.D.E.P. refuses to reimburse his Agency for the tree replacement at the Reservoir, Borough Commissioner Aponte asserted that N.Y.C.D.P.R. would eventually receive the funds from N.Y.C.D.E.P. The two (2) Agencies are not in agreement on the matter of which Department controls the various parcels of land from which the trees were removed. Once they concur on this point, Mr. Aponte is convinced that his Department will receive the monies owed to it. The Borough Commissioner added that he had delivered to N.Y.C.D.E.P. information establishing which parcels of land are under the control of each Agency, but that there had not yet been any response from the New York City Department of Environmental Protection (N.Y.C.D.E.P.).

Council Member Cohen's Representative, Mr. Sandler, asked about the location of the trees that are at issue. The Borough Commissioner replied that some of them were along the jogging path but that he majority of them were on the berm of the Reservoir. The trees on the berm had to be removed, according to N.Y.C.D.E.P., as per the regulations of the New York State Department of Environmental Conservation (N.Y.S.D.E.C.). He added that N.Y.C.D.E.P. had committed to paying his Department for the replacement of these trees if N.Y.C.D.P.R. removed them. He further averred that N.Y.C.D.P.R. is required to plant a tree for every tree that has been removed.

Ms. Karen Argenti asked Borough Commissioner Aponte to identify the parcel(s) of land which N.Y.C.D.E.P. claims were not under its control. Mr. Aponte pinpointed a grassy area in the environs of the northern exit of Fort Independence Park between the stone wall and the sidewalk.

Father Gorman suggested that discussion on this topic be concluded and recommended that correspondence be directed to Mayor de Blasio along with the Commissioners of Environmental Protection and of

Parks and Recreation urging an immediate resolution of this dispute. There was general consensus that such a letter should be written.

FORT INDEPENDENCE PARK

Bronx Borough Commissioner Aponte made the following points with Respect to work in Fort Independence Park:

- **The planting of trees occurs in the Spring.**
- **The New York City Department of Parks and Recreation (N.Y.C.D.P.R.) plants as many trees as it has the money to plant. The Department has specified locales in which tree planting could/should be undertaken.**
- **Fort Independence Park will be open to the public this Summer. However, as a consequence of construction, certain portions of the Park may have to be closed due to safety and insurance liability concerns.**
- **The playground at Fort Independence Park will remain open this Summer, but it will not be possible to forgo any closures in the Park. As construction proceeds, closures may occur as a result of where work is being done and how the contractor must do the work.**
- **Change orders are costly both in terms of time delays and money. Mr. Aponte pointed to the fence in the Fort Independence Park Playground as an example of this.**

MAINTENANCE OF JEROME PARK RESERVOIR (J.P.R.)

Ms. Karen Argenti called for an agreement, a Memorandum of Understanding (M.O.U.), between N.Y.C.D.E.P., N.Y.C.D.P.R., and N.Y.C.D.O.T. in order to make certain that environs of Jerome Park Reservoir (J.P.R.) be properly maintained. Said M.O.U. should address care for the trees and grass, refuse collection, sidewalk maintenance, and snow removal and be modeled after The Jamaica Bay M.O.U. for Green Infrastructure. Borough Commissioner Aponte mentioned that his Agency will care for any areas in the locale of J.P.R. under the control of N.Y.C.D.P.R., but that N.Y.C.D.E.P. must do the same -- *e.g.*, N.Y.C.D.P.R. will see to the care of the jogging track, but will not maintain the sidewalks. N.Y.C.D.E.P.'s to meets its responsibilities

causes unsightly conditions as well as hazards to the public. Father Gorman noted that matters such as this were formerly addressed and resolved at District Service Cabinet (D.S.C.), but that the diminution of the powers of local government over the last two (2) Mayoral Administrations now prevented Community Boards from providing this sort of oversight. Mr. Gary Axelbank wondered if N.Y.C.D.E.P.'s negligence in this regard was a means keeping local residents away from the Reservoir. Father Gorman once more proposed writing to our City-wide Elected Officials and/or the Deputy Mayor for operations in order to bring about a reasonable resolution of this unacceptable state of affairs.

VAN CORTLANDT PARK PEDESTRIAN BRIDGE

Borough Commissioner Aponte reported that N.Y.C.D.P.R. was originally charged with making a feasibility study for a pedestrian bridge over the Major Deegan Expressway in Van Cortlandt Park. At some point for reasons as unidentifiable as they are inexplicable, the New York City Department of Environmental Protection (N.Y.C.D.E.P.) abrogated the lead role in this matter and conducted the feasibility study instead of N.Y.C.D.P.R. The N.Y.C.D.E.P.-sponsored study concluded that, while the construction of the pedestrian bridge was feasible, the funding of this undertaking was not. Council Member Andrew Cohen has commenced conversations with N.Y.C.D.E.P. relative to the construction of the pedestrian bridge in Van Cortlandt Park and his Representative, Mr. Sandler, reported that the Council Member is of the opinion that these conversations have been encouraging.

CONSTRUCTION OF AN ENTRANCE AT EAST 213TH STREET

Construction of an additional entrance to the site at East 213TH Street has commenced. The inconveniences and the hazards that it will impose upon pedestrians and motorists in the area have been highlighted by several sources, including members of Community Board #7 (The Bronx). Ms. Karen Argenti raised numerous objections to the construction of this entrance and asserted that the project required the legal alienation of parkland by the New York State Legislature. Ms. Argenti was joined in her opposition by Assembly

Member Jeffrey Dinowitz and Mr. Bob Bender, Chairman of the Parks Committee of Community Board #8 (The Bronx).

Borough Commissioner Aponte stated that ultimately there would be three (3) entrances to the site: (1) an entrance for the Chandler Picnic Area and Ball Fields; (2) an entrance exclusively for the utilization of N.Y.C.D.E.P.; and (3) an entrance for the Mosholu Golf Course House Parking Lot. Ms. Argenti strongly argued that the entrance at East 213TH Street was not in the original plans for the site of the Croton Water Filtration Facility and that the construction of the contested entrance should, *ergo*, not already be underway. She called for having the contract for the project delayed by the Comptroller of the City of New York, protesting that it was yet another means of shoveling more taxpayer dollars to contractors. Mr. Aponte countered that delaying the construction would not be useful and proposed requesting N.Y.C.D.E.P. to make a presentation on the matter.

CORRESPONDENCE TO MAYOR DE BLASIO

Correspondence to Mayor de Blasio concerning the operation of the Croton Facility Monitoring Committee (C.F.M.C.) and the relationship of the C.F.M.C. with the New York City Department of Environmental Protection (N.Y.C.D.E.P.) was discussed. A letter on this topic was proposed by Mr. Gary Axelbank. Council Member Cohen's Representative, Mr. Sandler, and others put forward changes in the language of the body of the letter.

Mr. Axelbank used this moment in the meeting to object to the work that N.Y.C.D.E.P. recently announced had to be undertaken at Jerome Park Reservoir (J.P.R.). Mr. Axelbank opined that this repair work had never been brought to anyone's attention heretofore and that it was nowhere included in the ENVIRONMENTAL IMPACT STUDY (E.I.S.) for this Croton Project. He questioned whether or not N.Y.C.D.E.P. knew from the get-go that this work was necessary and, if such was the case, why the Agency failed to disclose it previously. He expressed his total frustration with the lack of public access to J.P.R., adding that the alleged public security concerns raised by N.Y.C.D.E.P. were

of recent origin, a disingenuous ploy to prevent the public from enjoying the Reservoir, and totally without merit.

Mr. Fanuzzi said that the Croton Facility Monitoring Committee representatives who participated in the Department of Environmental Protection tour of Jerome Park Reservoir on December 12, 2013 were indeed informed about the upcoming construction required at Jerome Park Reservoir by Deputy Commissioner James Roberts. He said the additional projects at Jerome Park Reservoir were discussed subsequently at the December 2013 meeting of the Croton Facility Monitoring Committee, but that the specific details of the work had not yet been delineated by the Department of Environmental Protection.

NEXT C.F.M.C. MEETING

Father Gorman proposed that the next meeting of the Croton Facility Monitoring Committee convened on Tuesday evening, 27 May 2014 at 7:30 P.M. The meeting location will be determined and disseminated at a later date. Father Gorman noted that the New York City Department of Environmental Protection (N.Y.C.D.E.P.), if it adheres to its policy of quarterly meetings, may refuse to participate in this gathering as it did with respect to this evening's meeting. He is inviting N.Y.C.D.E.P. to come next month and to make its presentation on *"WATER FOR THE FUTURE."* He likewise advised that a meeting of the C.F.M.C. be convened at some point later this year in order to discuss all issues, including repair work and public access, relative to the Jerome Park Reservoir (J.P.R.). He suggested that all public officials -- whether Federal, New York State or Municipal -- who represent any area touching upon and/or adjacent to J.P.R., along with our City-wide Public Officials, be asked to attend this meeting.

Mention was made to check the N.Y.C.D.E.P. website in order to see information about work being done in the Delaware Water System.

Father Gorman conveyed his special appreciation and the gratitude of all present to N.Y.C.D.P.R. Bronx Borough Commissioner Hector Aponte and Mr. Andrew Penzi of his Staff for their attendance at and

**participation in this evening's meeting. Their cooperation was
thankfully noted with esteem and respect.**

ADJOURNMENT

**With no further discussion required or requested and the business of
the meeting having been concluded, Father Gorman adjourned the
meeting at 9:20 P.M.**

Croton Filtration Monitoring Committee

MEETING

Tuesday
22 April 2014
7:00 P.M.

Community Board #12 Town Hall
 4101 White Plains Road
 The Bronx, New York 10466

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