

Western Connecticut Council of Governments

October 18, 2018 – 12:30pm

**Location: Ridgefield Visiting Nurse Association
27 Governor Street, Ridgefield, CT 06877**

Call-in Information: 515-739-1034, Access Code: 500386#

Agenda

1. Meeting call to order: Hon. Jayme Stevenson, Chairman
2. Public participation:
3. Action Items:
 - a. Approval of September 27, 2018 Minutes Attachment 3a, pp. 1-2
 - b. Monthly Financial Report Attachment 3b, p. 3
 - c. Regional Services Requests for Proposal, see separate attachments
 - d. FFY 2018 DEMHS Region 5 Homeland Security Grant COG MOU Attachment 3d, pp. 4-11
 - e. US Army Corps of Engineers Coastal Storm Risk Management Feasibility Study Update Attachment 3e, pp. 12-23
 - f. CT DEEP Recreational Trails Grant Letters of Support
4. Featured Presentations:
 - a. Municipal ADA Assessments, presented by Marc Anthony Galluci
5. Information/Discussion Items:
 - a. Auditor's Letter – Full report can be found at Attachment 4a, pp 24-26
[FY 17-18 Annual Audit](#)
 - b. Tree Canopy Analysis Update
6. Next meeting: Thursday, November 15th
7. Adjournment

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Western Connecticut COUNCIL OF GOVERNMENTS



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INTERIM Council Minutes for the 09/27/2018 Regular Meeting

Held via teleconference

1 Riverside Rd, Sandy Hook, Connecticut 06482

*Chairman Jayme Stevenson - Vice Chairman Rudolph Marconi
Treasurer Lynne Vanderslice- Secretary Julia Pemberton*

MEMBERS ATTENDING

- Bethel..... First Selectman Matt Knickerbocker
- Bridgewater..... Absent
- Brookfield Absent
- Danbury Mayor Mark Boughton
- Darien First Selectman Jayme Stevenson
- Greenwich..... First Selectman Peter Tesei

- New Canaan..... First Selectman Kevin Moynihan
- New Fairfield Absent
- New Milford..... Mayor Peter Bass
- Newtown..... First Selectman Dan Rosenthal
- Norwalk..... Absent
- Redding..... First Selectman Julia Pemberton

- Ridgefield..... Absent
- Sherman..... Absent
- Stamford Mayor David Martin
- Weston..... First Selectman Chris Spaulding
- Westport..... First Selectman Jim Marpe
- Wilton..... First Selectman Lynne Vanderslice

OTHERS ATTENDING

WestCOG staff members in attendance were Patricia Payne, Kevin Mahoney, Nicole Sullivan, Kristin Hadjstylianos, Victoria Ricks, and Executive Director Francis Pickering. Also, in attendance were

Stamford Mayor's Chief of Staff Mike Pollard, Rick Schreiner Service Development Director for HARtransit, HARtransit Planner Alex Dasher, and Stamford Transportation Bureau Chief Jim Travers.

CALL TO ORDER

The meeting was called to order at 12:32pm by Chairman Jayme Stevenson.

PUBLIC PARTICIPATION

There was no public participation.

ACTION ITEMS

Approval of August 16th, 2018 Minutes: After review and on a motion made by Mayor Pete Bass and seconded by First Selectman Chris Spaulding the minutes of the 08/16/2018 meeting was unanimously approved.

Approval of LOTCIP Project Solicitation: Senior Project Manager Kevin Mahoney reviewed the framework for applying for, selecting and administering regional LOTCIP projects. On a motion made by First Selectman Matt Knickerbocker and seconded by First Selectman Julia Pemberton, the LOTCIP format was unanimously approved.

LOTCIP Project Adjustment: Senior Project Manager Kevin Mahoney led a review of a LOTCIP adjustment requested by Stamford to commit \$2,750,000 in LOTCIP funds to their Greenwich Avenue Project. On a motion made by First Selectman Julia Pemberton and seconded by Mayor Pete Bass, the LOTCIP adjustment was unanimously approved.

OTHER BUSINESS

There was a question asked about the allocation of LOTCIP funds that are still available for FY 17-19.

ADJOURNMENT

The next COG meeting will be held on Thursday, October 18th. On a motion made by First Selectman Matt Knickerbocker and seconded by First Selectman Lynn Vanderslice the meeting was unanimously adjourned at 12:42pm.

Western Connecticut Council of Governments
Monthly Financial Report - Operating Statement
September 2018

(Unaudited)

	Current Month Actual	Year to Date Actual	Annual Budget Approved	Projected at end FY 6/30/19
REVENUES				
State/Federal/Local Grants	\$ 109,052	\$ 385,537	\$ 1,982,101	\$ 1,862,000
Local Dues	\$ 25,000	\$ 75,000	\$ 300,000	\$ 300,000
Misc./Interest Income	\$ 60	\$ 143	\$ 800	\$ 600
TOTAL	\$ 134,112	\$ 460,680	\$ 2,282,901	\$ 2,162,600
EXPENSES				
DIRECT CONTRACT EXPENSE: (Reimbursable through contracts)				
Project Consultants	\$ 6,396	\$ 62,661	\$ 780,000	\$ 700,000
Other Direct Costs	\$ 6,837	\$ 10,291	\$ 44,370	\$ 44,000
PERSONNEL EXPENSE:				
Salaries (Direct & Indirect)	\$ 72,376	\$ 218,488	\$ 874,005	\$ 872,000
Pension	\$ 4,898	\$ 14,694	\$ 70,100	\$ 60,000
Payroll Taxes	\$ 5,790	\$ 18,059	\$ 74,576	\$ 72,500
Fringe Benefits	\$ 10,329	\$ 29,332	\$ 162,472	\$ 145,000
GENERAL OVERHEAD EXPENSE:				
Rent	\$ 8,226	\$ 32,687	\$ 101,498	\$ 101,498
Utilities	\$ 2,466	\$ 7,713	\$ 27,430	\$ 27,430
Audit/Payroll & Legal Services	\$ 3,659	\$ 15,096	\$ 33,050	\$ 33,050
Other Professional Services	\$ -	\$ 295	\$ 4,000	\$ 2,000
Service Agreements	\$ 507	\$ 1,196	\$ 7,549	\$ 7,549
Reproduction	\$ 39	\$ 39	\$ 500	\$ 300
Office Supplies	\$ 407	\$ 1,441	\$ 10,000	\$ 7,000
Conf/Travel/Mtg. Expense	\$ 30	\$ 895	\$ 2,800	\$ 2,800
Membership Dues/Subscriptions	\$ 768	\$ 2,303	\$ 9,213	\$ 9,000
Postage	\$ -	\$ 5	\$ 1,000	\$ 500
Commercial Liability Insurance	\$ 1,403	\$ 4,208	\$ 18,930	\$ 18,930
Lease (copier/postage machine)	\$ 991	\$ 2,522	\$ 6,713	\$ 6,713
Software Expense	\$ -	\$ 478	\$ -	\$ 500
Legal Notices	\$ -	\$ -	\$ 500	\$ 500
Misc.	\$ 241	\$ 820	\$ 8,500	\$ 8,500
Depreciation	\$ 1,000	\$ 3,000	\$ 12,000	\$ 12,000
Capital Expense	\$ -	\$ -	\$ 25,000	\$ 25,000
Due back to State*			\$ -	
TOTAL	\$ 126,363	\$ 426,223	\$ 2,274,206	\$ 2,156,770
SURPLUS/<DEFICIT>	\$ 7,749	\$ 34,457	\$ 8,695	\$ 5,830

**Financial Notes of Interest* : (1) Negative revenue variances can be the result of fluctuations in the timing of consultant invoices on various projects, and do not indicate a 'lack' of or underbilling of revenue sources. Variances may fluctuate on the expense side as well due to changes in staffing and timing of expenses. (2) Surplus "total" amounts partially reflect we are invoicing our grants at a burden, fringe and overhead (BFO) rate that is too high, and at fiscal year end may owe money back to grantors at the conclusion of our annual audit. (See 'Due back to State')



MEMORANDUM OF UNDERSTANDING

AMONG

Naugatuck Valley Council of Governments (NVCOG)

AND

Western CT Council of Governments (WestCOG)

AND

Northwest Hills Council of Governments (NHCOG)

**REGARDING: FUNCTIONS AND RESPONSIBILITIES FOR DEMHS REGION 5 UNDER
FFY 2018 HOMELAND SECURITY REPT GRANT PROGRAM**

This Memorandum of Understanding (MOU) is made by and among the coordinating Councils of Government (COGs) for Region 5 which includes the Northwest Hills Council of Governments (NHCOG) and its partner COGs: the Naugatuck Valley Council of Governments (NVCOG) and the Western CT Council of Governments (WestCOG). The purpose of this MOU is to delineate the roles of the parties to facilitate and accomplish the goal of enhanced regional emergency planning within Region 5 of the Connecticut Department of Emergency Management and Homeland Security (DEMHS), through coordinated support of the activities of the Regional Emergency Planning Team (REPT).

WHEREAS, Connecticut is using a regional funding approach with the FFY 2018 Homeland Security Grant Funds to reinforce the regional collaborative priority contained in the National Response Plan, and to further the Connecticut Homeland Security Strategic Goal to improve critical incident management and response through the implementation and use of the National Incident Management System (NIMS) and a regional planning process; and

WHEREAS, DEMHS has facilitated the creation of a Regional Emergency Planning Team (REPT) within each DEMHS region, together with Regional Emergency Support Functions (RESFs) representing emergency support disciplines within the region; and

WHEREAS, the REPT and its RESFs will convene and gather the necessary information and data to determine the emergency management needs within the Region, to assist in the construction and updating of a Regional Emergency Support Plan, and to yield concrete recommendations for improvements to strengthen mutual aid systems as they relate to prevention, mitigation, preparedness, response, and recovery; and

WHEREAS, the Northwest Hills Council of Governments has accepted the role of the Coordinating COG, or principal agent, responsible, in concert with DEMHS, the REPT and the constituent municipal Chief Executive Officers, to support emergency preparedness planning throughout DEMHS Region 5 under the FFY 2018 grant; and

WHEREAS, the NVCOG and WestCOG have agreed to act as partner COGs to assist the NHCOC in performing the activities necessary to support the DEMHS Region 5 emergency preparedness planning process under the FFY 2018 grant;

NOW THEREFORE, the parties agree as follows:

1. **TERM:** This MOU shall be effective upon signature by the parties hereto, and shall remain in effect until the end of the FFY 2018 Homeland Security Grant period (10/1/18 through 4/30/21). This is an open ended agreement between NHCOC/NVCOG/WestCOG and extensions shall automatically mirror the extensions granted by DEMHS/FEMA.
2. **AUTHORITY:** This MOU is entered into by the parties under the authority granted to them under the Connecticut General Statutes.
3. **SCOPE:** This MOU defines the roles and responsibilities of the Coordinating COG with regard to specific tasks and deliverables set under the DEMHS Regional Collaboration Grant Guidance for the FFY2017 Homeland Security Grant Funds, as well as its subcontracting relationships with the partner COGs within Region 5, and their roles and responsibilities.
4. **FUNDING:** It is understood by the parties that the Coordinating RPO will receive **\$59,000** in FFY 2018 Homeland Security Grant Funds to act as fiscal fiduciary agent for the Region 5 FFY 2018 Homeland Security Grant Funds, and to perform the duties enumerated within this MOU and in the DEMHS FY2018 Regional Collaboration Grant Application Kit. From the **\$59,000** the Coordinating COG will allocate **\$ 24,000** in exchange for the performance of the partner COGs responsibilities listed below, and in the DEMHS FY 2018 Grant Application Kit.
5. **RESPONSIBILITIES OF COORDINATING COG:** The Coordinating COG shall be responsible for executing activities and deliverables required by the FY 2018 Regional Collaboration Program grant during the October 1, 2018 – April 30, 2021 performance period (or until grant is complete). These are summarized below:

GRANT PROGRAM PERIOD: OCTOBER 1, 2018 – APRIL 30, 2021

PROGRAM OVERSIGHT AGENT BUDGET

(PURCHASE ORDER)

<u>#</u>	<u>DELIVERABLE</u>	<u>DUE DATE</u>	<u>AMOUNT</u>
1.	Submittal of Oversight Agent Package and Grant Application	9/10/18	3,100
2.	Collection and Submission of MOA's to DEMHS	11/7/18	1,000
3.	Quarterly Progress & Financial Reports (Year 1 paid with 2017 HSG)	Quarterly	0
4.	CEO and EMD Communications and Fiduciary Updates at REPT meetings (Year 1 paid with 2017 HSG)	Quarterly	0
5.	Best Practices Presentation and Summary	4/2019	1,400
6.	Outreach, Data Collection and Report on 2019 Statewide Exercise (EPPI) Information	Fall 2019	1,200
7.	Annual Update Of Resource Typing	6/15/2020	2,000
8.	Quarterly Progress & Financial Reports (Includes Year 2 and 3)	Quarterly	2,400
9.	CEO and EMD Communications and Fiduciary Agent Updates at REPT meetings (Year 2 &3)	Quarterly	33,600
10.	HSGP Inventory Update	9/15/20	5,000
11.	Cyber Security Taskforce Establishment	6/6/19	1,250
12.	Cyber Security Taskforce Tasks	6/6/20	6,050
13.	HSGP Inventory Update	9/15/20	0
14.	Equipment Inventory	4/30/2020	1,000
15.	Custodial Inventory Forms		1,000
TOTAL AGENT PO:			59,000

6. RESPONSIBILITIES OF PARTNER RPOs:

**DEMHS REGION 5 – 2018 HOMELAND SECURITY GRANT PROGRAM
RESPONSIBILITIES OF FIDUCIARY AND PARTNER RPOs**

FFY 2018 REPT / Regional Collaboration Agent Purchase Order Process						
Task #	Deliverables	Total Amount	WCOG	NVCOG	NHCO G	NHCOG Fiduciary
1	Development and submission of 2018 Fiduciary Agent/REPT Application and Spending Plan	3100	500	500	500	1600
2	Collection and Submission of Municipal MOAs	1000	200	200	200	400
3a	Quarterly Report for 01/31/2019*	0	0	0	0	0
3b	Quarterly Report for 04/30/2019*	0	0	0	0	0
3c	Quarterly Report for 07/31/2019*	0	0	0	0	0
3d	Quarterly Report for 10/31/2019*	0	0	0	0	0
4a	CEO and EMD Communications and Fiduciary Updates for 01/31/2019*	0	0	0	0	0
4b	CEO and EMD Communications and Fiduciary Updates for 04/30/2019*	0	0	0	0	0
4c	CEO and EMD Communications and Fiduciary Updates for 07/31/2019*	0	0	0	0	0
4d	CEO and EMD Communications and Fiduciary Updates for 10/31/2019*	0	0	0	0	0
5	REPT Best Practices Presentation and Summary	1,400	0	0	0	1,400
6	Outreach, data collection and reporting on participation in Statewide 2017 EPPI Exercise	1,200	200	200	200	600
7	Annual Update of Resource Typing Data	2000	500	500	500	500
8a	Quarterly Report for 01/31/2020*	0	0	0	0	0
8b	Quarterly Report for 04/30/2020	400	100	100	100	100
8c	Quarterly Report for 07/31/2020	400	100	100	100	100

8d	Quarterly Report for 10/31/2020	400	100	100	100	100
8e	Quarterly Report for 01/31/2021	400	100	100	100	100
8f	Quarterly Report for 04/31/2021	400	100	100	100	100
8g	Quarterly Report for 07/31/2021	400	100	100	100	100
9a	CEO and EMD Communications and Fiduciary Updates for 01/31/2020*	0	0	0	0	0
9b	CEO and EMD Communications and Fiduciary Updates for 04/30/2020	5600	1200	1200	1200	2000
9c	CEO and EMD Communications and Fiduciary Updates for 07/31/2020	5600	1200	1200	1200	2000
9d	CEO and EMD Communications and Fiduciary Updates for 10/31/2020	5600	1200	1200	1200	2000
9e	CEO and EMD Communications and Fiduciary Updates for 01/31/2021	5600	1200	1200	1200	2000
9f	CEO and EMD Communications and Fiduciary Updates for 04/30/2021	5600	1200	1200	1200	2000
9g	CEO and EMD Communications and Fiduciary Updates for 07/31/2021	5600	1200	1200	1200	2000
10	HSGP Inventory Update	5000	1000	1000	1000	2000
11	Cyber Security Task Force Establishment	1250	250	250	250	500
12	Cyber Security Task Force Tasks	6050	1350	1350	1350	2000
13	HSGP Update	0	0	0	0	0
14	Inventory Report	1000	0	0	0	1000
15	Custodial Ownership Forms	<u>1000</u>	<u>200</u>	<u>200</u>	<u>200</u>	<u>400</u>
	Total - 2018 HSG	\$59,000	\$12,000	\$12,000	\$12,000	\$23,000

* Deliverable funded by 2017 HSG for Region 5

In the event the REPT or REPT SC desires to assign planning activities different than those outlined in this MOU, the parties will agree to perform such activities to the degree that funding and staffing is available.

7. POINTS OF CONTACT:

Naugatuck Valley Council of Governments
49 Leavenworth Street – Suite 303

Waterbury, CT 06702-1403
203-757-0535
rdunne@nvcogct.org
Rick Dunne, Executive Director

Western CT Council of Governments
1 Riverside Road
Sandy Hook, CT 06482
203-316-5190
fpickering@westernctcog.org
Francis Pickering, Executive Director

Northwest Hills Council of Governments
59 Torrington Road, Suite A-1
Goshen, CT 06756
860-491-9884
rlynn@northwesthillscog.org
Richard M. Lynn Jr., Executive Director

8. **AMENDMENT OF THIS MOU:** The agreement may be modified only upon the mutual written consent of the parties and of DEMHS.

9. **COMMENCEMENT/EXPIRATION DATE:** This instrument is executed as of the date of last signature and is **effective through the completion of the FY 2018 DEMHS Regional Grant**, at which time it will expire unless extended. Termination of this agreement by any entity must be submitted in writing to the other two COGs 45 days prior to the termination date.

10. **DEFAULT AND TERMINATION OF CONTRACT:**

a. If, at any time during the term of the MOU, NVCOG or WestCOG, in the reasonable discretion of NHCOCG: (a) has failed materially to provide services required in accordance with this MOU; (b) abandons the work; (c) subcontracts, assigns, transfers, conveys or otherwise disposes of its obligations under the MOU other than as provided herein; or (d) repeatedly or materially fails to comply with any other term or condition contained in the MOU, NHCOCG shall have the right to terminate the MOU upon written notice to the subject RPO.

b. The above remedies are in addition to any other remedies NHCOCG may have under applicable law.

c. In the event of termination by NHCOCG, NHCOCG's payment obligation shall cease as of the final date on which services in accordance with this MOU are last performed by the subject COG.

11. **ASSIGNMENT:** No part of this Agreement nor any rights or obligations hereunder, shall be assigned or

subcontracted without the prior written approval of NHTCOG. This is intended to be a restriction on both the right and the power to assign, and any purported assignment not consented to by NHTCOG as herein required shall be void, shall confer no rights on the purported assignee and need not be recognized by NHTCOG. This Agreement shall be binding upon and inure to the benefit of NVCOG, WestCOG and NHTCOG and their respective permitted successors and assigns.

12. **SEVERABILITY:** The invalidity or unenforceability of any provision hereof shall in no way affect the validity or enforceability of any other provision.

13. **APPLICABLE LAW:** This MOU shall be governed, construed and enforced in accordance with the laws of the State of Connecticut, without regard to its conflicts of laws principles.

14. **ENTIRE MOU:** This MOU and all Exhibits attached hereto contain the entire understanding of the parties and supersede and replace any and all previous understandings, written or oral, regarding the subject matter of this MOU. This MOU may not be changed, except in an amendment signed by all parties.

15. **CONSTRUCTION:** Section headings herein are for convenience only and shall not affect the construction thereof.

16. **COUNTERPARTS; FACSIMILE SIGNATURES:** This MOU may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same instrument. Facsimile signatures shall be treated as original signatures.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.

Naugatuck Valley Council of Governments (NVCOG)
Rick Dunne, Executive Director

Date:

Western CT Council of Governments (WestCOG)
Francis Pickering, Executive Director

Date:

Northwest Hills Council of Governments (NHTCOG)

Richard M. Lynn Jr., Executive Director

Date:

Western Connecticut

COUNCIL OF GOVERNMENTS



TO: WestCOG Council Representatives
FROM: WestCOG Staff
DATE: October 15, 2018
RE: **US Army Corps of Engineers Coastal Storm Risk Management Feasibility Study**

In September, New York District of the US Army Corps of Engineers (Corps) announced several updates for their Coastal Storm Risk Management Feasibility Study (Study). The Study seeks to minimize storm risk in the New York/New Jersey Harbor and propose alternatives that could impact the Long Island Sound in the WestCOG region. The Corps will accept public comments for this study through November 5, 2018. An additional public scoping meeting was held in White Plains on October 3. At this meeting the Corps announced an updated schedule for the Study:

- **January 2019**—The Corps will issue an Interim Report. This report will summarize the status of their work and analyses. It will also respond to all scoping comments received by the new 11/5 deadline. The Corps will accept comments on this report.
- **Spring 2020**—The Corps will publish a Draft Environmental Impact Statement (EIS) and Feasibility Study. A requirement of the National Environmental Policy Act, the EIS will describe the effects of the proposed alternatives on the environment. This report will narrow the alternatives down to one or two.

Save the Sound, who presented on this subject at the August 2018 WestCOG meeting, has requested WestCOG sign on to the attached letter laying out concerns with the Study. COG members can motion to sign on to the letter included in this attachment.

October 10, 2018

Via U.S. Mail and Electronic Mail

Bryce W. Wisemiller, Project Manager
Programs and Project Management Division, Civil Works Programs Branch
U.S. Army Corps of Engineers, New York District
26 Federal Plaza, Room 2127
New York, NY 10279-0090
Bryce.W.Wisemiller@usace.army.mil

Nancy J. Brighton, Watershed Section Chief
Planning Division, Environmental Analysis Branch
U.S. Army Corps of Engineers, New York District
26 Federal Plaza, New York, Room 2151
New York, NY 10279-0090
Nancy.J.Brighton@usace.army.mil

RE: Scoping Comments on the New York New Jersey Harbor and Tributaries Coastal Storm Risk Management Feasibility Study

Dear Mr. Wisemiller and Ms. Brighton,

We are submitting these comments on behalf of our respective organizations and members, institutions, and businesses located, residing, or operating on Long Island Sound. We urge the United States Army Corps of Engineers (“Army Corps”) to undertake a more thorough economic and environmental analysis of the proposed alternatives, and to consider likely impacts throughout the entire affected area, including Long Island Sound. We recognize the urgent need for robust measures to protect coastal communities from strengthening storm surges and sea level rise under the reality of our changing climate. We support the stated project need and purpose of the New York – New Jersey Harbor and Tributaries Coastal Storm Risk Management Feasibility Study (“the Study”),¹ to “manage the risk of coastal storm damage in the New York and New Jersey Harbor and tributaries study area, while contributing to the resilience of communities, critical infrastructure, and the environment.”² However, the level of analysis and assessment of the proposed alternatives completed to date is insufficient to arrive at tentative selected plan(s).

¹ U.S. Army Corps of Engineers, New York/New Jersey Harbor & Tributaries Focus Area Feasibility Study, <http://www.nan.usace.army.mil/Missions/Civil-Works/Projects-in-New-York/New-York-New-Jersey-Harbor-Tributaries-Focus-Area-Feasibility-Study/> (last visited Aug. 21, 2018) [hereinafter Project Webpage].

² New York – New Jersey Harbor and Tributaries Coastal Storm Risk Management Feasibility Study, PowerPoint Presentation 3 (Oct. 2017), available at <http://www.nan.usace.army.mil/Portals/37/docs/civilworks/projects/nj/coast/NYNJHATS/NJHatPres.pdf?ver=2017-10-16-141621-747> [hereinafter Study Summary PowerPoint].

We recognize that the Army Corps is bound by the “3x3x3 rule” for all feasibility studies, requiring their completion within 3 years, for a budget not to exceed \$3 million. However, for projects with the scale and complexity of this study, an exemption from that requirement can be granted. As per this established protocol, we formally ask the Army Corps to submit and endorse an exemption request to the 3x3x3 rule for the Study and extend the alternatives analysis and assessment process to include an Environmental Impact Assessment (EIS) and complete cost-benefit analysis for each alternative. We also request that all the communities that will be impacted by the proposed alternatives, including the communities on the coast of Long Island Sound, be included in the public comment process with public meetings held in communities that will be on the outside of proposed in-water storm barriers.

The issues, described further below, that must be assessed in detail in the Environmental Impact Statement and prior to the elimination of any alternatives include, but are not limited to:

- Potential deflection and induced flooding into Long Island Sound coastal communities, potential resulting harm, and necessary mitigation measures to protect these communities from even further flooding.
- Impacts on tidal flushing, as related to pollutants and sedimentation, both inside and outside of barriers.
- Impacts to fish migration, and threatened and endangered species.
- Impacts on boat and ship traffic due to increased congestion and increased velocity.
- Impacts to other coastal resiliency measures, due to location of construction and changes to waterbody channelization and flow.
- Impacts to and conflicts with existing ocean and coastal infrastructure.
- Potential disturbance of polluted sediments.
- The potential for natural and nature-based measures at the core of these alternatives, rather than merely supplementary.
- Criteria relied upon to determine location of storm barriers, including demographics of surrounding communities.

All environmental, human, and economic impacts throughout the entire affected area, including Long Island Sound and its coastal communities, must be considered. The EIS must not be limited to the artificial study area boundaries.

I. The National Environmental Policy Act Requires Meaningful Participation from the Affected Public and Robust Environmental Analysis.

The National Environmental Policy Act (NEPA) recognizes the importance of involving members of the public in decision making processes for projects that will impact the environment: “The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore,

and enhance the environment.”³ Scoping is a critical stage in the NEPA process. It sets the stage for comprehensive analyses throughout the rest of the project development, as it is the “early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.”⁴ “[P]ublic scrutiny [is] essential” to this process.”⁵ As the Army Corps materials for the Study state: “Local communities and stakeholders have valuable local knowledge and expertise and the scoping process is intended to help gather that for inclusion in the analysis.”⁶

Under NEPA, the agency must consider all potential environmental impacts, not limited to those within the study area or determined by the Study’s funding. The study area spans over 2,150 square miles, extending: northward up the Hudson River from New York Harbor, throughout the river’s tidal and estuarine environments, to Troy, New York; westward up the Passaic River to the Dundee Dam and up the Hackensack River to the Oradell Reservoir; and eastward into the Western Long Island Sound. However, the study area stops at the Connecticut border and the City of Glen Cove on Long Island (located directly south of the Connecticut border).

The impacts of this proposed project will not stop at this artificial study area boundary, rather with proposed barriers at the western end of Long Island Sound (the “Throgs Neck barrier”) and the mouth of the Hutchinson River (the “Pelham Barrier”), impacts will extend into Long Island Sound and along the Westchester County, Connecticut, and Long Island coastlines.⁷ Impacts must be considered throughout the entire geographic range within which they may occur. However, materials provided for the scoping process indicate that any environmental analyses will be limited to the study area, as were all the public meetings.⁸

The conclusions drawn for the New York-New Jersey Harbor cannot be applied to Long Island Sound. Long Island Sound will experience unique impacts due to its geography, orientation, tidal patterns, and strength of storm surge. Therefore, specific analyses must be conducted for Long Island Sound and all other affected areas.

³ 40 C.F.R. § 1500.1(c).

⁴ 40 C.F.R. § 1501.7.

⁵ 40 C.F.R. § 1500.1(b).

⁶ U.S. Army Corps of Engineers, New York – New Jersey Harbor and Tributaries Coastal Storm Risk Management Feasibility Study, National Environmental Policy Act (NEPA) Scoping Meeting, <http://www.nan.usace.army.mil/Portals/37/docs/civilworks/projects/ny/coast/NYNJHAT/NYNJHAT%20NEPA%20Scoping%20PresentationNEW.pdf?ver=2018-08-08-150005-403> [hereinafter Scoping Meeting Presentation].

⁷ “Moreover, since the hydrological changes due to East River tide gates would extend as far as New Jersey and Connecticut, those states as well as villages on Long Island Sound and the Hudson River would have an opportunity to review these consequences” Douglas Hill, Robert E. Wilson & Malcolm J. Bowman, East River Tide Gates Operational Feasibility and Trade-offs 4 (Apr. 2004).

⁸ See, e.g., Public Information Meeting: New York and New Jersey Harbor and Tributaries Focus Area Feasibility Study Coastal Storm Risk Management, Scoping Meeting Posters 7 (July 9-11, 2018), available at http://www.nan.usace.army.mil/Portals/37/docs/civilworks/projects/ny/coast/NYNJHAT/NYNJHATS_All_NEPA_Scoping_Posters.pdf?ver=2018-07-06-104831-627 [hereinafter Scoping Meeting Posters] (“The Corps of Engineers is currently assessing the existing conditions in the *study area*.”) (emphasis added).

The Council on Environmental Quality's implementing regulations for NEPA require that agencies "insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken."⁹ The Army Corps has not provided sufficient information on the project alternatives to meet this standard. To date it has only provided an online Fact Sheet,¹⁰ a PowerPoint presentation given at the scoping meetings available online,¹¹ a PowerPoint presentation of posters from the scoping meetings available online,¹² and a PowerPoint presentation summarizing the Study, which is largely repeated in the scoping presentations.¹³ The PowerPoint slides include only low-quality, "zoomed out" maps of the entire project area, such that specific details cannot be discerned. The maps are also missing critical information, such as other post-Hurricane Sandy resilience projects planned and underway. These omissions render the maps misleading, as the cumulative impacts of those plans with the proposed project alternatives are not represented. It is unclear if the cost-benefit analysis currently underway will include the other ongoing and planned resiliency projects.

Finally, the Army Corps stated that they expects to narrow down the alternatives to one or two by this fall (potentially within a month of the conclusion of the scoping comment period) with the issuance of the Draft Feasibility Report and Environmental Impact Statement. Thus, before the public can meaningfully participate in the NEPA process, the majority of the alternatives will be eliminated from consideration. This could result in the elimination of the alternative that best meets the project needs, while minimizing environmental impacts – yet, that conclusion cannot be properly made because of the accelerated timeframe and incomplete scoping process. This flies in the face of the purpose of NEPA – to conduct fully-informed decision making, including considerations of the environment and concerns of the public. The Army Corps has framed this process as a tiered NEPA analysis, yet the published materials do not show that any second tier focused analysis will be conducted.¹⁴ This lack of clarity further inhibits meaningful public participation in the process.

II. Long Island Sound and Its Coastal Communities Will Likely Experience Unique Harmful Impacts Which Must Be Identified and Addressed.

The construction of in-water storm barriers across Western Long Island Sound near Throgs Neck (Alternatives 2 and 3A) and at the mouth of the Hutchinson River (Alternatives 3A, 3B, and 4) poses serious threats to the health of Long Island Sound and the safety of multiple coastal communities. Some of these impacts will also occur elsewhere as a result of the other proposed

⁹ 40 C.F.R. § 1500.1(b).

¹⁰ U.S. Army Corps of Engineers, FACT SHEET - New York/New Jersey Harbor & Tributaries Focus Area Feasibility Study, <http://www.nan.usace.army.mil/Media/Fact-Sheets/Fact-Sheet-Article-View/Article/644997/fact-sheet-new-yorknew-jersey-harbor-tributaries-focus-area-feasibility-study/> (last visited Sept. 13, 2018) [hereinafter Fact Sheet].

¹¹ Scoping Meeting Presentation, *supra* note 6.

¹² Scoping Meeting Posters, *supra* note 8.

¹³ Study Summary PowerPoint, *supra* note 2.

¹⁴ *See, e.g.*, Scoping Meeting Posters, *supra* note 8, at 5.

in-water storm barriers, but we are focusing our comments on Long Island Sound communities in this section.

- a. *Sea barriers will likely result in induced flooding in “outside the barrier communities” from the deflection of storm surge and other adverse impacts on quality of life.*

The very purpose of storm surge barriers is to deflect the force of the storm surge to prevent it from reaching areas within its protections. Logically, that deflected storm surge will then move into areas outside the barrier, resulting in increased flooding for neighboring “outside” coastal communities. As Catherine Seavitt Nordenson, Associate Professor of landscape architecture at CCNY’s Spitzer School of Architecture, explained in reference to storm barriers: “If you mitigate to protect Lower Manhattan, you increase the impact in other areas. Everyone outside of the surge protection zone would be in jeopardy because the water doesn’t get reduced, it just goes somewhere else.”¹⁵ These communities will, therefore, not only be faced with the sea level rise and increased storm surge that the Study aims to protect against because they are not inside the barriers, but they will also face additional flooding that results from these structures.

A 2004 report titled “Hydrologic Feasibility of Storm Surge Barriers to Protect the Metropolitan New York – New Jersey Region,” authored by Malcolm J. Bowman, et al., considered the “additional rise in water level outside [a] barrier” located at Throgs Neck.¹⁶ The study used simulations that relied on data from Hurricane Floyd, which was only the strength of a tropical storm when it struck this region, and the December 2002 nor’easter.¹⁷ The report found that if a barrier at this location is closed during storms of the aforementioned scale, “peak water levels on the outside [of] the barrier [will be raised] an additional 0.28 meters,” or one foot.¹⁸ Resulting additional sea level rise reaches as far east as Stamford, Connecticut, and Oyster Bay, New York, with the effect decreasing eastward throughout Long Island Sound.¹⁹ A 2013 analysis, published by the American Society of Civil Engineers, expands upon this 2004 Bowman et al. report.²⁰ This analysis concluded that a barrier located at Throgs Neck, when faced with a Category 4 hurricane, would result in a sea level rise of an additional two feet outside of the barrier.²¹ An additional foot or two of sea level rise during a storm event could result in an exponential increase in flooding and resulting damage and risk to human safety and well-being.

¹⁵ “Storm Surge Barriers for Manhattan Could Worsen Effects on Nearby Areas: Other Options Proposed,” Science Daily, Nov. 19, 2012, <https://www.sciencedaily.com/releases/2012/11/121119163504.htm>. See also PlaNYC, A Stronger, More Resilient New York 49 (2013), available at <https://www.nycedc.com/resource/stronger-more-resilient-new-york>

¹⁶ Malcom J. Bowman et al., Hydrologic Feasibility of Storm Surge Barriers to Protect the Metropolitan New York – New Jersey Region, Summary Report 12-15 (Nov. 2004). See also Hill et al., East River Tide Gates Operational Feasibility and Trade-offs, *supra* note 7, at 6.

¹⁷ Bowman et al., *supra* note 16, at 6.

¹⁸ *Id.* at 15.

¹⁹ *Id.* at 14.

²⁰ Michael J. Abrahams, *East River Storm Surge Barrier*, in Storm Surge Barriers to Protect New York City 182 (Douglas Hill, Malcolm J. Bowman & Jagtar S. Khinda eds., 2013).

²¹ *Id.* at 184.

The deflection of storm surge will not only flood nearby communities, but it will also increase the erosion and scour of coastlines – potentially undermining other shoreline natural measures put in place to protect against sea level rise and storm surge. The entire hydrology of Long Island Sound, and the study area, will be altered, with changing velocity and circulation – even with the barriers open.²²

The potential deflection and its impacts on “outside” communities must be studied in careful detail. Consideration should be given to the demographics of communities that will be subjected to deflection, especially those immediately adjacent to the barriers that will likely also suffer a reduction in quality of life brought about by a potential decline in property values, and disruptions from the construction and operation of the barriers. If in-water storm barriers are constructed, there must be corresponding measures taken to protect against, or compensate for, the negative side effects in “outside” communities. These measures should be included as part of each alternative that has in-water storm barriers and factored into the cost-benefit analysis.

b. Sea barriers in Western Long Island Sound will restrict tidal flushing and alter patterns of exchange between fresh and salt water, and sedimentation.

Barriers in Western Long Island Sound will alter the hydrology of the Sound both when open and closed, impacting the tidal flushing of pollutants and sediment, and altering the exchange of fresh and salt water. These impacts are not unique to the proposed Throgs Neck barrier in the Western Sound, and will also occur as a result of the other proposed barriers. However, the impacts must be considered at each specific structure, as well as the compounded impacts from multiple barriers throughout the region choking the network of water bodies. In-water barriers will change the tidal circulation and velocity as water is channeled through the openings. The study conducted to examine the feasibility of storm barriers in Boston harbor (“the Boston barrier analysis”) concluded that the water levels inside and outside of the proposed barriers would remain the same – “[t]he volume of water entering or exiting the harbor over a tidal cycle is the same with or without the barrier (with gates open) in place.”²³ Therefore, the same volume of water that moves with each tidal cycle would consequently be traveling through narrower channels and at a greater velocity when the barrier is in place.²⁴ “[F]low fields will be modified. Tidal velocities at the storm surge barriers will increase while the barriers are opened and the same volume of water that now makes up the tidal prism is forced through a smaller cross-sectional area.”²⁵

Tidal exchange and circulation is critical for the flushing of pollutants and sediment distribution. Yet, alterations to tidal currents and velocity will impact how pollutants and sediment are

²² See, e.g., Feasibility of Harbor-wide Barrier Systems: Preliminary Analysis for Boston Harbor 48-71 (May 2018), available at <https://www.greenribboncommission.org/wp-content/uploads/2018/05/Feasibility-of-Harbor-wide-Barriers-Report.pdf> [hereinafter Boston Harbor Barrier Analysis].

²³ *Id.* at 55-57.

²⁴ See, e.g., *id.* at 59 figs.5.9, 5.10, 5.11.

²⁵ Abrahams, *supra* note 20, at 126.

distributed both inside and outside of the barriers.²⁶ While the velocity may increase where water is moving through the gates, there may also be areas where water becomes stagnant, such as the areas immediately adjacent to the barriers. In these areas of stagnation, sediment and pollution may aggregate. The Boston barrier analysis conducted particle tracking simulations and found large areas of stagnation along the barriers.²⁷ Similar analyses must be conducted for the proposed barriers in Western Long Island Sound, and throughout the study area to determine possible impacts of stagnation and localized aggregation of pollution and sediment, and subsequent harm to humans and the environment. The analysis must include consideration of the communities that are adjacent to the expected areas of stagnation. Subjecting communities to highly concentrated pollution poses environmental justice concerns. Further, the aggregation of sediment may impact the necessary maintenance required for the operation of the barriers.

Researchers reviewing the New Bedford, Massachusetts storm barrier found that sediment buildup behind the barrier was increasing and water exchange was reduced.²⁸ They referenced a model that indicated that water residency had increased by 30 percent and that the barrier altered circulation gyre patterns which actually recycled wastes back into the harbor with incoming tide.²⁹ The fact that gyres formed by structures can recirculate contaminated inner barrier waters and potentially flush these waters back inside coupled with overall longer residence time behind barriers leads one to think that contamination would increase behind the barriers. This is especially likely with contaminants attached to sediment particles that can precipitate out behind the barriers due to slower flushing velocities.

Proponents of these storm barriers claim that Long Island Sound will benefit from the operation of a storm barrier near Throgs Neck, as it might prevent pollution from flowing from the East River to the Sound.³⁰ However, proponents also note that these gates will be open the vast majority of the time – therefore, pollution will still flow to some degree from the East River into Long Island Sound. More importantly, storm barriers are not the appropriate or most effective avenue to clean up Long Island Sound. There are known, direct methods that can reduce the various inputs of pollutants that must continue to be the focus of any efforts to improve water quality in the Sound, in particular those detailed in the Long Island Sound Study Comprehensive Conservation and Management Plan.

In-water storm barriers will alter the freshwater/saltwater interchange, altering the degree and reach of the saltwater wedge into estuarine/riverine environments. Changing this dynamic will alter estuary function especially the autotrophic/heterotrophic community dominance which relates directly to nitrogen mitigation capabilities with freshwater dominance decreasing the rate of denitrification services in the estuary. The larval fish and shellfish community also depend on

²⁶ See e.g., Boston Harbor Barrier Analysis, *supra* note 22, at 63-64 figs. 5.13, 5.14, 5.15.

²⁷ *Id.* at 65.

²⁸ John Winkelman, New England District, Army Corps of Engineers, Pers. Comm. (Dec. 15, 2006).

²⁹ *Id.*

³⁰ Robert D. Yaro & Malcolm J. Bowman, Protecting the NY-NJ Metropolitan Region from the Next Disastrous Storm Surge 13 (Mar. 9, 2017).

this interchange of salt and freshwater to complete their life cycles including food production, larval distribution and settlement.

The impacts of restricting tidal exchange must be considered both immediately surrounding the barrier and throughout the entire affected region. The needed analyses include: particle tracking, tidal velocities, areas of stagnation, shifts in salt wedges, impacts to sedimentation and scour, and other impacts to water circulation and tidal flushing. These impacts must be contextualized within the ecology and human communities of the water bodies.

III. The Environmental and Human Impacts of In-Water Storm Barriers in Estuaries Must Be More Fully Evaluated and Understood.

There are many potential environmental and human impacts that could result from the construction of in-water storm barriers that must be considered in full and in conjunction with necessary and feasible mitigation measures. Many of these impacts are explained in greater detail in comments submitted by other institutions, organizations, and members of the public, including The Nature Conservancy, Riverkeeper, Inc. and Scenic Hudson. Some of these impacts are briefly mentioned below:

The barriers may impact aquatic species, including both state and federally listed endangered and threatened species. These species may be impacted by changes to water circulation and tidal exchange, or because of the narrow chokepoints created by the barrier gates. Artificial structures that hold fish at choke points due to physical blockage or velocity barriers, even temporarily, can result in predators keying in on the fish at unnaturally high levels. Examples of this occurring include Caspian terns on the lower Columbia River or sea lions in Washington State at a fish passage holding lock.

There are many existing and planned resiliency projects underway, as are referenced in Alternative 1. Changes in channelization, flow, and velocity may impact these projects and their design. Similarly, the construction of massive structures like in-water storm barriers may conflict or interact with other existing infrastructure, such as pipelines, or disturb polluted sediments. The analyses must not be done in a vacuum, but rather in consideration of the other climate change adaptation projects conducted by other parties, existing infrastructure, and potential sources of pollution.

Overall, there is little information available on the environmental effects of barrier construction beyond down-current erosion. According to PlaNYC, “[t]he possible hydrodynamic and environmental impacts (on fish migration, siltation, river flow, and water quality) of harborwide barriers are likely to be substantial, are not yet known, and would require extensive study, potentially derailing or requiring substantial redesign of the project.”³¹ The Army Corps

³¹ PlaNYC, A Stronger, More Resilient New York, *supra* note 15, at 49.

conducted an investigation of review of New England Hurricane Barriers in 2007 and 2016.³² This analysis did not, however, fully explore the environmental impacts of these storm barriers. Overall, the current information on existing long-term projects is incredibly sparse. Well thought out long term monitoring programs at existing barrier sites would have been invaluable to scoping this current proposal – but we do not have this information available.

IV. The Functionality of In-Water Storm Barriers Is Limited, As They Only Address Storm Surge (Not Sea Level Rise) and Have A Limited Life Span.

Storm barriers are not a “silver bullet” solution to climate change impacts that coastal communities will continue to face. Project proponents admit that storm barriers are inherently part of a “bifurcated system.” Storm barriers will only address storm surge – they will do nothing to prevent the impacts of sea level rise. The sea level will equalize on either side of the storm barriers when they are open.³³ The stated purpose of the Study includes mitigating both the impacts of storm surge and sea level rise, and the alternatives include both storm barriers and “conceptual shoreline based measures.” Very little detail has been disseminated with regard to the conceptual measures, yet in reality they will be critical as the only defense proposed in the Study to protect against sea level rise. Shoreline measures and natural/nature-based measures must be at the heart of any project, not an afterthought.

Not only will the expensive and massive storm barriers do nothing to protect against sea level rise, but they will also lose effectiveness as the sea level continues to rise over time. With higher sea levels, the storm barriers will have to be closed for smaller and smaller storms. In time, they would have to be closed so frequently that they could no longer be effective. The Boston barrier analysis concluded that “[i]n the early years of operation the frequency of closure of a barrier would be no more than a few times per year. Because of rising sea levels, and assuming the system was designed to be closed each time the water level is above the level of protection provided by shore-based measures, after 50-60 years the frequency of closure would have increased so much that the barrier could no longer function as designed.”³⁴ The Boston Harbor barriers functionality ranged between only 20 years to 60 years after construction, depending on date of construction and other shoreline projects installed.³⁵ Certain projections showed that by 2070, the gates would be closed 50 to 100 times per year.³⁶ The more often the gates are closed, the more intense the associated environmental, social, and economic impacts of closed barriers, described above, will be. This enormous investment, targeting only one coastal impact, has a shockingly short lifespan.

³² Andrew Morang, Hurricane Barriers in New England and New Jersey: History and Status after Five Decades, 32 J. Coastal Res. 2016, available at <http://www.jcronline.org/doi/pdf/10.2112/JCOASTRES-D-14-00074.1>; Andrew Morang, Hurricane Barriers in New England and New Jersey: History and Status after Four Decades (2007).

³³ Boston Harbor Barrier Analysis, *supra* note 22, at 55-57.

³⁴ *Id.* at 71.

³⁵ *Id.* at 68.

³⁶ *Id.*

Finally, the Army Corps has stated that the states would be liable for the cost of maintenance of these storm barriers. Maintenance costs would include the removal of built-up sediments that would prevent the functioning of the gates, as well as other mechanical maintenance and upkeep. This cost to the states could be considerable, and would reduce resources available to continue to invest in other climate change adaptation measures that will be necessary to assist where the storm barriers fail to protect coastlines.

V. Recommendation: Focus on Shoreline-Based Measures That Address Both Sea Level Rise and Storm Surge

The environmental and human harm that the proposed in-water storm barriers would cause cannot be justified by their limited effectiveness, short life span, and massive price tag. While urgent and aggressive action is needed to cope with the effects of climate change on our coastal region, Alternatives 2, 3A, 3B, and 4 are not the best course of action. Further, this urgency does not override the need to properly conducted meaningful public participation and environmental analyses.

Of the alternatives presented, Alternative 5, which consists of shoreline (“Perimeter Only”) solutions, is the only alternative we support exploring. We urge the Army Corps to include natural and nature-based features with the shoreline measures in Alternative 5. Nonstructural approaches such as flood-proofing, raising structures, and planned retreat should also be pursued and reflected in the Army Corps plans, along with all other post-Hurricane Sandy resilience projects planned and underway. This multilayered approach, combined with a public engagement process that includes all the impacted communities, will result in a more flexible and affordable resiliency plan that does not externalize the serious costs and impact of protecting the NY/NJ Harbor and Tributaries on its neighbors or on the waterbodies which are its lifeblood.

Thank you for your consideration of these comments.

Respectfully Submitted,

Tracy Brown, Director, Save the Sound

Adrienne Esposito, Executive Director, Citizens Campaign for the Environment

Dr. Sarah C. Crosby, Marine Ecologist, Resident of Greenwich, CT

Mystic Aquarium

Carol DiPaolo, Programs Director and Water-Monitoring Coordinator, Coalition to Save

David Spader, Secretary, Board of Directors, Kuder Island Colony, Inc.

Jack Brewer, Founder of Brewer Yacht Yards, Co-Founder of Safe Harbor Marinas

Douglas Manor Environmental Association

Ana Paula Tavares, Executive Director, Audubon New York

Kathryn Heintz, Executive Director, NYC Audubon

Anne Swaim, Executive Director, Saw Mill River Audubon

Sandra Morrissey, President, Bronx River – Sound Shore Audubon Society

[additional sign-ons]

CC: U.S. Senator NY, Charles Schumer
U.S. Senator NY, Kirsten Gillibrand
U.S. Senator CT, Richard Blumenthal
U.S. Senator CT, Christopher Murphy
U.S. Representative NY District 1, Lee Zeldin
U.S. Representative NY District 3, Thomas Suozzi
U.S. Representative NY District 4, Kathleen Rice
U.S. Representative NY District 5, Gregory Meeks
U.S. Representative NY District 6, Grace Meng
U.S. Representative NY District 7, Nydia Velázquez
U.S. Representative NY District 8, Hakeem Jeffries
U.S. Representative NY District 9, Yvette Clarke
U.S. Representative NY District 10, Jerrold Nadler
U.S. Representative NY District 11, Daniel Donovan, Jr.
U.S. Representative NY District 12, Carolyn Maloney
U.S. Representative NY District 13, Adriano Espaillat
U.S. Representative NY District 14, Joseph Crowley
U.S. Representative NY District 15, José Serrano
U.S. Representative NY District 16, Eliot Engel
U.S. Representative NY District 17, Nita Lowey
U.S. Representative NY District 18, Sean Maloney
U.S. Representative NY District 19, John Faso
U.S. Representative NY District 20, Paul Tonko
U.S. Representative NY District 21, Elise Stefanik
U.S. Representative CT District 4, James Himes
U.S. Environmental Protection Agency, Long Island Sound, Director, Mark Tedesco
NY Department of Environmental Conservation, Commissioner, Basil Seggos
CT Department of Energy & Environmental Protection, Commissioner, Rob Klee
NJ Department of Environmental Protection, Commissioner, Catherine McCabe
New York City, NY, Mayor, Bill de Blasio



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Certified Public Accountants

To the Board of Directors of the
Western Connecticut Council of Governments

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of Western Connecticut Council of Governments for the year ended June 30, 2018 and have issued a report dated August 20, 2018. Professional standards require that we advise you of the following matters relating to our audit.

Our Responsibility in Relation to the Financial Statement Audit

As communicated in our engagement letter dated April 4, 2018, our responsibility, as described by professional standards, is to form and express an opinion(s) about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of Western Connecticut Council of Governments solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

We have provided our findings regarding significant control deficiencies over financial reporting, material weakness and material noncompliance, and other matters noted during our audit in a separate letter to you dated August 20, 2018.

Compliance with All Ethics Requirements Regarding Independence

The engagement team, others in our firm, as appropriate, our firm, and our network firms have complied with all relevant ethical requirements regarding independence.

Qualitative Aspects of the Entity's Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by Western Connecticut Council of Governments is included in Note 1 to the financial statements. There have been no initial selection of accounting policies and no changes in significant accounting policies or their application during the year ended June 30, 2018. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments.

The most sensitive accounting estimates affecting the financial statements are:

Management's estimate of the estimated useful lives of fixed assets is based on the number of years of service of each asset. We evaluated the key factors and assumptions used to develop the useful lives in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of pension expense and accrued pension is based on the annual salary of eligible employees expected to be employed by the Agency at the end of the Pension Plan Year. We evaluated the key factors and assumptions used to calculate the pension expense and accrued pension in determining that it is reasonable in relation to the financial statements taken as a whole.

Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The financial statement disclosures are neutral, consistent, and clear.

Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole and each applicable opinion unit. The following material misstatements that we identified as a result of our audit procedures were brought to the attention of, and corrected,

by management: adjustments to accounts receivable, prepaids, accounts payable, deferred revenue, and accrued expenses.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to Western Connecticut Council of Governments' s financial statements or the auditor's report. No such disagreements arose during the course of the audit.

Representations Requested from Management

We have requested certain written representations from management, which are included in the attached letter dated August 20, 2018.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Matters, Findings, or Issues

In the normal course of our professional association with Western Connecticut Council of Governments, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as Western Connecticut Council of Governments' auditors.

This information is intended solely for the use of the Board of Directors and management of Western Connecticut Council of Governments and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

Henry, Raymond & Thompson, LLC

Henry, Raymond & Thompson, LLC
South Windsor, Connecticut
August 20, 2018