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WJWW filtration plant proposal reaches Harrison Planning Board

Opponents gear up to stop its new location

By Dick Hubert

Thursday, February 2, 2023 2:23 AM

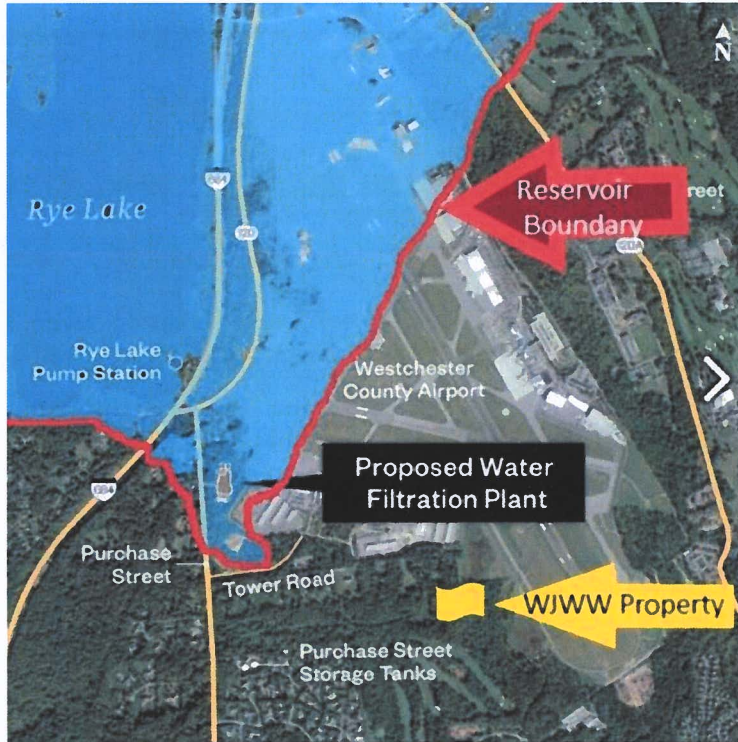
The fight for the water filtration plant that is court mandated to bring clean filtered drinking water to all water users in Port Chester and Rye Brook has gotten more extreme even as it moves forward.

The Town of Harrison Planning Board last Tuesday night, Jan. 24, was the latest scene of the clash between two bitterly opposed sides.

On the one hand, Westchester Joint Water Works (WJWW) with its current detailed plans to build the plant on Westchester County Airport (HPN) land adjoining Purchase Street.

On the other, the decades-long bitter opponents to the plant's very existence, billionaire Purchase resident and Purchase Street landowner Michael T. Tokarz's Purchase Environmental Protective Association (PEPA) and members of the Purchase Street-based Quaker Friends Meeting House.

At the Planning Board meeting, WJWW consulting engineer Eileen Feldman, P.E., Associate Vice President with Hazen & Sawyer, and WJWW General Counsel Lori Lee Dickson of McCarthy Fingar LLP, presented both the visual and legal requirements for the



This screenshot from the Purchase Environmental Protective Association website is their re-imagining of the boundaries of the Kensico Reservoir (Rye Lake). The previously proposed location which PEPA's Michael Tokarz fought bitterly for more than a decade is theoretically outside the reservoir's boundaries. Note that also inside the reservoir's boundaries, according to PEPA, is a significant portion of the HPN main runway and airport hangars.

1 2 3 4 5

Who is Michael T. Tokarz?

Michael T. Tokarz is one of Purchase's (and thus Harrison's) most influential private landholders, which includes his personal estate and that of his Sylvan Development Group.

To find out more about Tokarz, the longtime opponent of the locations for WJWW's court-mandated filtration plant, the Westmore News headed to Google and started searching with this question: what is Michael Tokarz's net worth?

One of the first answers that came up was from www.Benzinga.com, a website that has provided free and subscription services to investors since 2010.

Their reply to the question:

Michael Tokarz - Director, Mueller Water Products, Inc

As of January 4, 2023

What is Michael Tokarz's Net Worth?

The current estimated net worth of Mueller Water Products, Inc's Director, Michael Tokarz, is estimated to be about \$2.81B. Michael Tokarz owns about 376,499 units of Mueller Water Products, Inc common stock. In the last 14 years at Mueller Water Products, Inc, Michael Tokarz has sold an estimated value of \$145.59K worth.

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Elected Officials' Salaries 10 Years Ago and Now

Position	2013	2023
Mayor	\$17,500	\$21,000
Deputy Mayor	\$12,500	\$15,000
Police Chief	\$100,000	\$120,000
Police Captain	\$75,000	\$90,000
Police Sergeant	\$55,000	\$65,000
Police Officer	\$45,000	\$55,000
Police Dispatcher	\$35,000	\$45,000
Police Support	\$30,000	\$35,000
Police Trainee	\$25,000	\$30,000
Police Cadet	\$20,000	\$25,000
Police Intern	\$15,000	\$20,000

plant to a board whose responsibility is to make sure the plant design, construction, and landscaping – in short, the site plan – is in accord with Harrison Town Law.

Planning Board Chair Richard Stout silenced PEPA and Quaker Meeting House members in the audience when they tried to ask questions or make statements, saying this was not a public hearing and comments would only be accepted at a future public hearing that dealt with the site plan and not the location of the filtration plant.

He reminded them that the WJWW was the lead agency on the environmental review and not the Planning Board, and that the environmental review process was over.

Hence Tokarz's, PEPA's and the Quaker Meeting House's political campaign to persuade County Executive George Latimer, his administration, and the County Legislature to put a stop to the proposed land swap that would see the plant built on County Airport land in a different location than the County Airport location they had previously opposed more than a decade earlier.

Tokarz has stated in a letter to Latimer, with copies to a wide range of appointed and elected officials, that he has changed his mind from his opposition to the plant being built on HPN land near land owned by his Sylvan Development Corporation and is now willing to see it there as opposed to the plant's now planned location on another equally sized parcel of HPN land.

This land swap must be approved by both the Legislature and

What is Michael Tokarz's Past Insider Trading?

Michael Tokarz's largest purchase order was 200,000 units, worth over \$950K on September 18, 2009. Michael Tokarz's largest sale order was 9,546 units, worth over \$98.07K on December 13, 2018. In total, Michael Tokarz has made about 93 transactions over 14 years of their time at Mueller Water Products, Inc. Michael Tokarz usually trades in January, with the busiest year in 2021 and 2022. The most recent transaction was a sale order of 4,189 units, worth over \$47.52K on December 6, 2022.

Tokarz's biography on the Mueller Water site

"Michael T. Tokarz has been a member of our board of directors since April 2006. From 1985 until 2002, Mr. Tokarz served as a member of the limited liability company that serves as the general partner of Kohlberg Kravis Roberts & Co. L.P., a private equity company. He served as non-executive Chairman of the Board of Walter Energy, Inc. until July 2016, and until May 2017, he served as a director of CNO Financial Group, Inc. (formerly Consec, Inc.), an insurance provider, and as a director of Walter Investment Management Corp. From 2003 to 2020, Mr. Tokarz served as Chairman of the Board of MVC Capital, Inc., a registered investment company. Mr. Tokarz has served since 2002 as Chairman of the Board of Tokarz Group, LLC, an investment company, and since 2014 as one of the cofounders of Public Pension Capital, a private equity fund. In 2020, he assumed the role of vice chair of Shield T3, LLC, a COVID-19 testing company owned by the Board of Trustees of the University of Illinois. In 2007, he was honored by the Outstanding Directors Exchange as an Outstanding Director of the Year. Mr. Tokarz earned a Bachelor of Arts degree in economics with high distinction and a Master of Business Administration degree in finance from the University of Illinois."

Readers who peruse the Mueller website will find out that the firm, with a variety of brands, is deeply involved in the infrastructure needed by municipalities to control the distribution of water.

Tokarz's biography on his Tokarz Group website

Tokarz also runs The Tokarz Group, which has this description of its founder on its website.

"In 2002, Michael Tokarz decided to leverage his 30 years of experience as a senior investment professional to launch a different kind of private equity advisory firm.

After serving as a General Partner with Kohlberg Kravis Roberts & Co. (KKR) for 17 years, he was ready to assemble an equally impressive team that would exhibit the kind of roll-up-your-sleeves involvement that would be both personally rewarding as well as financially successful. The team included Warren Holtsberg, founder of Motorola Ventures, the venture capital and private equity investment arm for Motorola, Inc., and Bruce Shewmaker, a co-founder of Merrill Lynch Venture Capital Inc. The Tokarz Group Advisers, LLC (TTGA) was up and running.

One of TTGA's first endeavors was to turn around MVC Capital, Inc. by redirecting its investment objectives from start-up IT companies to target traditional mezzanine and private equity investments under the leadership of Michael Tokarz, who became Chairman and Portfolio Manager of MVC Capital, Inc. in 2003.

TTGA became a registered investment advisor* with the Securities and Exchange Commission effective October 31, 2006, before the Fund formally externalized its management to TTGA on November 1, 2006. Since then, TTGA has continued to build an investment team with a top-tier private equity pedigree.

Throughout the same period, Michael Tokarz pursued private investments in small and mid-size businesses, as well."

Michael Tokarz and Paul Kutzy exchange verbal blows

Billionaire Purchase Street landowner and head of PEPA Michael Tokarz has usually stayed in the background of the battle to stop the building of the WJWW filtration plant. Occasionally, instead of having lawyers in his employ or employees of PEPA make his case, he has written carefully crafted letters to elected and appointed officials arguing for the plant's relocation.

But in January, with the launch of PEPA's petition to Stop the Swap on the website change.org, Tokarz took the rare step of making an unfiltered post attacking the plant.

Below is the exact wording of his post, with an equally angry response from Paul Kutzy, manager of the WJWW.

Tokarz on change.org

The WJWW is building on the WATERSHED, digging down two to three UNDERGROUND level's, WJWW tested digging down ONLY 18 INCHES DEEP in an ARCHAEOLOGICAL CEMETERY where slaves are interned [sic] WITHOUT HEADSTONES!! WJWW OWNS THERE [sic] OWN LAND as shown in the PETITION PHOTO! WJWW OWNS LAND ADJACENT TO THE AIRPORT LAND ON ONE END AND SYLVAN LAND ON THE OTHER SIDE. I AM THE OWNER OF SYLVAN AND OFFERED TO ALLOW THEIR TRUCKS TO RUN THROUGH MY SUBDIVISION, SYLVAN ROAD, AVOIDING THE WATER SHED AND THE ARCHAEOLOGICAL CEMETERY.

Michael Tokarz

Response from WJWW Manager Paul Kutzy

This statement by Michael Tokarz is without merit, insincere and irresponsible. The special interests who oppose the construction of the filtration plant on the current site are using scare tactics and spreading either misleading or misinformation in an effort to confuse and dupe the public.

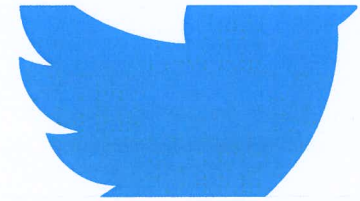
WJWW has been operating in full transparency and has been committed to providing the community with the facts, and to this end:

NEARLY HALF of Westchester County is on the "WATERSHED." I assume that Mr. Tokarz is referring to the New York City Watershed in Westchester County which serves as a water source to both Westchester County and NYC residents.

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The Port Chester School District could launch its new website "soon," according to Superintendent Dr. Aurelia Henriquez. The district has yet to receive a staging site draft, however



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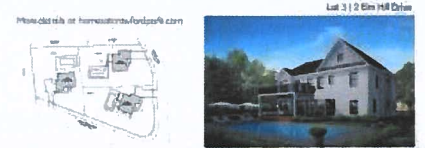
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the County administration.

WJWW Chair Thomas Murphy, Mamaroneck Village mayor, has previously told the Westmore News that this is a ploy by Tokarz to further delay the plant's construction.

Former Rye Town Councilman David Gelfarb is now involved

David Gelfarb, now a Harrison Planning Board (PB) member and formerly a Westchester County Legislator, Rye Town Councilman and Rye Brook resident, asked a series of questions of Dickson regarding the status of the legal issues with the County and New York City and New York State environmental officials.

"The County and WJWW are circulating a draft of a contract," said Dickson. "That contract will indicate that the closing cannot occur until after all discretionary approvals have been obtained in order for the plant to proceed as proposed. What we're looking to do is to commence the review process, but we are hoping the Planning Board can commence their internal technical review."

She added: "You have a complete environmental impact statement ... in front of you. It contains a deeply detailed alternatives chapter. You've been provided all the information. You've been a partner in the entire process. We are just hoping at this point that the approval review can start. Of course, it would be at the expense of WJWW."

Gelfarb: "What are you doing about zoning variances?"

Dickson: "It would be premature at this point to ask for variances."

Gelfarb: "You need to have a vote from the executive branch ...(and) the County Legislature as well (for the land swap). How long will (it take to get) to the next stage?"

Dickson: "We anticipate no longer than June to receive authorization to execute that contract of sale. Everything must be in place."

At this point, Chairman Stout said his board would not take any action "until the ink is dry on the contract of sale."

The campaign to "Stop the Swap"

While the Quaker Meeting House and PEPA team at the meeting caucused afterwards to plan their next steps vis à vis the Harrison Planning Board, their public campaign to persuade lawmakers not to approve the land sale reached a crescendo as Tokarz posted an inflammatory post on a www.change.org petition to stop the sale, accusing the WJWW of attempting to build on land "where slaves are interned [sic]."

This prompted WJWW Manager Paul Kutzy to issue a statement denouncing Tokarz's post as "without merit, insincere and irresponsible. The special interests who oppose the construction of the filtration plant on the current site are using scare tactics and spreading either misleading or misinformation in an effort to confuse and dupe the public." (See adjoining box for the full dialogue.)

The efforts described by Kutzy are taking the physical presence of political yard signs (see accompanying photos) scattered around public and private land throughout the Town of Harrison and in other locations, such as the front yard of a Port Chester resident.

Additionally, Tokarz via his PEPA team has published a map that shows the proposed WJWW filtration plant "underwater" within the boundaries of the Kensico Reservoir, boundaries that in their map show a stretch of the main runway at HPN also "underwater." (See adjoining PEPA map.)

The campaign has resulted in elected officials at the local and county level avoiding comment on the urgent legal and health need for the filtration plant. Most recently, WJWW Board Chair Murphy has yet to be successful in establishing direct phone communication with Rye Brook's Mayor Jason Klein, whose day job is with the County Department of Parks, Recreation and Conservation.

Absent in this whole controversy are the voices of those residents of Rye Brook, Port Chester and other locations served by water from the WJWW. At this point their sole elected vocal spokesman is Murphy.

His work, and that of Kutzy and his team, is spurred not only by their desire to build the plant, but by state court fines for the so far non-construction now well above \$69 million, not including prospective federal fines for similar failure.

An Archaeological Survey was performed more than three years ago and NO evidence was gathered through the State-recommended and reviewed investigations to indicate burial grounds on the proposed project site.

Please go to [this site](#) for all the facts.

More than three years ago, WJWW coordinated with the New York State Historic Preservation Office (SHPO) and an in-depth SHPO Phase 1 Archaeological Survey was conducted in accordance with the standards of the New York Archaeological Council. The Archeological Survey included 111 shovel test pits among other extensive investigations such as research on the OPRHP's online Cultural Resources Information System (CRIS) to identify the location of recorded archaeological sites and previous cultural resources surveys in and near the proposed development area; a review of historic maps, documents, and other resources to develop a land use history and historic context for the property, and Geographic Information System (GIS) archaeological site mapping. After reviewing the Survey, OPRHP concluded that "it is the opinion of Office of Parks Recreation and Historic Preservation (OPRHP) that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project." Further, the OPRHP stated that "it is the opinion of the New York SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking."

WJWW's Rye Lake Filtration Plant is required to provide drinking water that complies with standards for the protection of public health, to the up to 100,000 residents and other consumers in Westchester County that WJWW serves.

Murphy has said to the Westmore News in the past: "The County Legislature is comprised of very responsible people who will do what's best for the community at large. That's what we're all elected to do. This is about the greater good."

The question continues to be: whose "greater good" has the most influence with the County Executive and his team and the County Legislature--Tokarz, or the public?

E-mail requests to Tokarz for an interview about his role in opposing the plant have gone unanswered.

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