



EAST OF HUDSON WATERSHED CORPORATION

EXECUTIVE COMMITTEE MEETING

LOCATION: Business Office: 2 Route 164, Patterson, NY 12563

TIME and DATE: 9:30 AM, Tuesday, December 22, 2016

Meeting Minutes

1) Open Meeting

Voting Members in Attendance: Peter Parsons (Town of Lewisboro); Chris Burdick (Town of Bedford); Rich Williams (Town of Patterson); Warren Lucas (Town of North Salem); Bruce Walker as alternate for MaryEllen Odell (Putnam County); Dave Kelly (Town of Pawling); Rich Franzetti as alternate for Ken Schmitt (Town of Carmel)

Others in Attendance: George Rodenhausen (Corporate Counsel); Vincent Giorgio (NYC DEP), Antonino Modica (NYC DEP); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); John Belyea (EOHWC); Yvette Rivera (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes

Motion by Director Parsons, seconded by Director Burdick to approve the meeting minutes of November 17, 2016; all in favor.

3) Financial Update

Joanne Tavino reported that the current fund balance with investments in treasuries is \$11 million after checks written today in the amount of \$436,000. The five-year program will end with approximately \$6.7 million that can be applied to years 6-10.

4) List of Reporting and Filing Due Dates

Kevin Fitzpatrick reported that the Annual Report will be submitted to New York State Department of Environmental Conservation (NYS DEC) in January. The completion and submission of O & M documentation from various towns continue to be a work in progress.

5) Insurance Policy

Joanne reported that Mike Vanderwerker at SKCG has obtained six different proposals for professional liability insurance. He is recommending a policy from Berkley that will increase our liability coverage from \$1 million to \$3 million per claim. It will be a 3-year policy with a \$25,000 deductible for liability. The cost will be approximately \$23,000 per year as opposed to \$26,000 paid last year. A more competitive premium price was given with prepayment of a 3-year policy. A deposit is being paid today in the amount of \$25,000 and a balance of approximately \$50,000 will be due by the end of January. We received a better price with the premium if the 3-year policy was prepaid.

Motion by Director Burdick, seconded by Director Lucas to approve renewal of a 3-year professional liability insurance policy with Berkley Insurance; all in favor.

6) Procurement Policy discussion

George Rodenhausen reported on behalf of Director Williams, Rich Franzetti and Kevin that the committee recommended changing the 2-step RFP process to a 1-step process, as well as several other clarifications. The RFP itself will provide more detail of how the scoring criteria will be weighted.

Motion by Director Parsons, seconded by Director Burdick:

WHEREAS, a subcommittee of the Executive Committee appointed by the President has, at the Executive Committee's request, drafted proposed amendments to the Corporation's Procurement Policy; and

WHEREAS, the proposed amendments would eliminate the two-step procurement procedure for engineering services agreements, update the Policy to be consistent with applicable laws and agreements and otherwise clarify procurement procedures and approvals; and

WHEREAS, the Board of Directors will be reviewing the Procurement Policy at its annual meeting on January 10, 2017, at which time it will consider whether amendments are appropriate;

NOW, THEREFORE, the Executive Committee of the East of Hudson Watershed Corporation hereby recommends that the Board of Directors approve the proposed amendments to the Procurement Policy annexed hereto. **(R-1222-01)**

Motion passed; all in favor.

7) Agenda Items for 2017 Annual Board of Directors Meeting

Kevin asked that Executive Committee members review agenda and add any important items. An inquiry was made by members into the possibility of combining the Annual Board of Directors Meeting scheduled for January 10, 2017 and the Quarterly Board of Directors Meeting scheduled for February 7, 2017. Counsel stated that both meetings can be combined and held on January 10, 2017 with the annual meeting scheduled for 10:00 AM and the quarterly meeting following at 10:30 AM. It was requested that videoconferencing be placed on the annual meeting agenda as an item for discussion.

8) Project Update

Kevin reported that construction is on hold for the winter and will resume in the spring. The current phosphorus reduction total is 380.4 kilograms. Many of the projects highlighted in green that are listed as complete will be removed from the list with checks being mailed today.

Recently, NewC-NCR-33a and NewC-NCR-33b were moved to public hearing, and the town of New Castle is enthusiastic to complete both projects.

The New York City Department of Environmental Protection is still evaluating the land use, pipe crossing, and SWPP permits for SE-POT-02. Once the finer details of staging on their property are worked out, Feehan will sign the easement.

9) Change Orders

a) MK-NC-21

Kevin described that the change order submitted by Con-Tech for the project in the town of Mount Kisco addresses rock excavation and stabilization of a hillside.

Motion by Director Williams, seconded by Director Kelly:

WHEREAS, Con-Tech Construction submitted change order request Number 1 dated 12-5-16 for an additional \$16,000 for MK-NC-21 in project group 2013-07 of the first five year retrofit plan; and

WHEREAS, MK-NC-21 is located in the Town of Mount Kisco and includes the construction of a pocket wetland; and

WHEREAS, the proposed change order request is for Con-Tech Construction to excavate and place excess stone for the stormwater practice requested by EOHWC as an addition to the original scope of work; and

WHEREAS, this change order, if approved, would increase the construction cost from \$91,485 to \$107,485 and would have an updated efficiency of approximately \$54,000/kg with an estimated phosphorus reduction of 2.66 kg/year.

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it approves the change order request from Con-Tech Construction dated 12-5-16 for an additional \$16,000 for MK-NC-21 increasing the construction cost from \$91,485 to \$107,485. **(R-1222-02)**

Motion passed; all in favor.

b) B-MU-41

Kevin mentioned that site conditions proved different than the design. A storm at the site was witnessed and it was obvious that the stormwater was not reaching the project the way it was intended to. Site conditions with the grading of the road requires additional work be completed so that all stormwater can move into the project site and limit any serious erosion. We have asked the contractor to provide us with a roadside swale and headwalls to collect stormwater that passes into an existing conveyance system, which is currently in place in the town of Bedford.

Motion by Director Parsons, seconded by Director Walker:

WHEREAS, United Septic submitted change order request dated 12-5-16 for an additional \$15,500 for B-MU-41 in project group 2015-07 of the first five year retrofit plan; and

WHEREAS, B-MU-41 is located on property of the Succabone and Bisbee Road in the Town of Bedford and includes the construction of a stormwater conveyance and a subsurface infiltration system; and

WHEREAS, the proposed change order request is for United Septic to install additional maintenance access, additional drainage conveyance, and regrade Succabone Rd for the stormwater practice requested by EOHWC as an addition to the original scope of work; and

WHEREAS, this change order, if approved, would increase the construction cost from \$326,200 to \$341,700 and would have an updated efficiency of approximately \$74,000/kg with an estimated phosphorus reduction of 5.26 kg/year.

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it approves the change order request from United Septic dated 12-5-16 for an additional \$15,500 for B-MU-41 increasing the construction cost from \$326,200 to \$341,700. **(R-1222-03)**

Motion passed; all in favor.

c) Kent-MB-311B

Kevin explained that change order #2 is for a reduction of \$17,217.92. This change order reduces the amount of the previous change order, in the amount of approximately \$21,000, submitted by Legacy Supply, LLC. We are required to pay taxes on materials and not on services for capital improvement projects.

Motion by Director Kelly, seconded by Director Parsons:

WHEREAS, Legacy Supply, LLC submitted change order request Number 2 dated 12-9-16 for a reduction of \$17,217.92 for Kent-MB-311B in project group 2013-03 of the first five year retrofit plan; and

WHEREAS, Kent-MB-311B is located on property of the Patterson Crossing in the Town of Patterson and includes the construction of a channel stabilization and a micropool extended detention pond; and

WHEREAS, the proposed change order request is for Legacy Supply, LLC to adjust the contract price which was increased per Change Order #1, reflect the payment of sales tax on Kent-MB-311B; and

WHEREAS, this change order, if approved, would decrease the construction cost from \$259,241.67 to \$242,023.75 with an updated efficiency of \$28,000/kg with an estimated phosphorus reduction of 11.7 kg/yr;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it approves the change order request from Legacy Supply, LLC dated 12-9-16 decreasing the cost by \$17,217.92 for Kent-MB-311B reducing the construction cost from \$259,241.67 to \$242,023.75. **(R-1222-04)**

Motion passed; all in favor.

10) Year 6 Work Plan

Kevin reported that he is prepared to send the Year 6 Work Plan to NYS DEC and expects approval in late January. The expectation is that we will begin awarding projects in February. Kevin noted that the list timeline depends upon the type of project. 14 of 21 projects are located on private property. A majority of those included will be channel stabilization and located in the FAD Basin. The combined phosphorus reduction total is 260 kilograms. The NYC DEP will be contacted for approval when a project is on their property. Kevin and John have started meeting with individual towns to discuss projects. Private property owners have been contacted and expressed a willingness to cooperate. Director Parsons will reach out to Westchester County regarding the status of the request for authorization to use the WQIP funds beyond the \$3 million already authorized.

11) O & M discussion

John Belyea provided an Analysis Table containing O & M costs. A dollar figure for each individual town will be presented at the Board of Directors Meeting in January. Director Williams added that O & M is obligation of every municipality under the MS4 Permit and that it may be necessary to get NYS DEC involved to get towns to fulfill their obligation. Director Burdick requested the inclusion of the O & M table as a handout at future meetings.

12) Sign checks and vouchers

Monthly checks and vouchers were signed. No action taken.

13) Other business

Joanne requested a motion to approve the use of Sickler, Torchia, Allen and Churchill for the 2016 audit.

Motion by Director Parsons, seconded by Director Walker to approve the continued use of the auditor Sickler, Torchia, Allen and Churchill to conduct the 2016 audit; all in favor.

14) Executive Session

Motion by Director Parsons, seconded by Director Burdick to enter executive session to discuss terms of employment of a particular person or persons; all in favor.

Motion to come out of executive session proposed by Director Parsons, seconded by Director Burdick; all in favor.

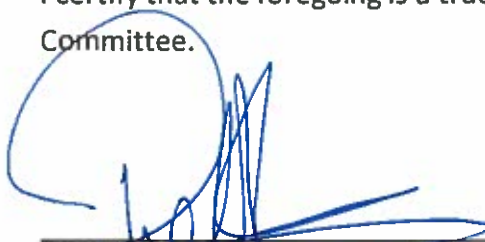
Director Lucas will continue to research employee benefits for dental and vision and report back to Board of Directors in January for recommendation.

15) Adjournment

Motion by adjourn by Director Parsons, seconded by Director Burdick; all in favor. Adjourned 10:32 AM.

PRESIDENT'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the minutes approved by the Executive Committee.



Peter Parsons, President



Date

SECRETARY'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the minutes approved by the Executive Committee.



David Kelly, Secretary

1/26/17

Date