



# EAST OF HUDSON WATERSHED CORPORATION

## EXECUTIVE COMMITTEE MEETING

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

TIME and DATE: 9:30 AM, Thursday, April 27, 2017

### Meeting Minutes

#### **1) Open Meeting**

Voting Members in Attendance: Peter Parsons (Town of Lewisboro); Chris Burdick (Town of Bedford); Rich Williams (Town of Patterson); Bruce Walker as alternate for MaryEllen Odell (Putnam County); Warren Lucas (Town of North Salem); JoAnne Daley as alternate for 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), 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 March 23, 2017; all in favor.

#### **3) Financial Update**

Joanne Tavino reported that as of March 31, funds on hand were approximately \$10.7 million. Checks written today total roughly \$40,000. We are still on target to end the program with \$6.5 million balance. The treasuries were rolled over with Director Lucas' approval; \$2 million with Ramirez and Company and \$1 million with M & T Securities.

#### **4) Project Update**

Kevin Fitzpatrick reported that progress is being made towards open, private installation agreements for catch basin inserts with the help of George Rodenhausen. Utilizing the normal template was not as option as very specific language is required for a few private property projects.

There are currently four projects in total which are waiting to go to construction. The supplemental and general conditions for construction documents are being updated with George's help. The review will be completed and will go out to bid on two of the projects, both of which are in the Town of New Castle. The Brewster Heights project (SE-POT-02) is awaiting the last agreement that requires Terry Feehan's signature and is currently in the review phase with the New York City Department of Environmental Protection (NYC DEP). A catch basin insert element was added at the subdivision ahead of the channels to satisfy a water quality reduction requirement. Currently, the water flows over the road causing flooding. Installing the pipe will eliminate this issue. The idea of utilizing the catch basin inserts was approved by the NYC DEP. We are waiting for final approval of three NYC DEP permits; SWPPP, pipe-crossing, and the New York State Department of Transportation (NYS DOT). Once approval of the permits is received, we will progress to the construction phase. The closeout of a few year 1-5 projects has been delayed due to a very damp April. The projects will account for 45 kilograms of phosphorus reduction, which will bring

us over the 400 kilogram mark and are expected to be completed by late spring. We plan to go out to construction on four projects this year; SE-POT-02, NewC-NCR-33A, NewC-NCR-33B, and MK-NC-22.

Director Lucas provided an update on NS-EB-01 in the Town of North Salem notifying members that all the basins are in the ground and everything is connected. The filters will be installed this spring and expected completion is sometime in June. Kevin mentioned that the only other component required for completion is a letter from Hahn Engineering confirming that the project was done according to their plan and that of East of Hudson Watershed Corporation's as well.

A Special Executive Committee Meeting will be scheduled prior to the Board of Directors' meeting on May 9<sup>th</sup> to award surveying contracts and approve change orders. Director Lucas inquired as to anticipated expenses for projects this year. Joanne noted that Kevin suggested that \$350,000 be budgeted for design and \$650,000 for construction for Year 6 projects. Kevin added that mostly design will be addressed and construction will be limited to low-cost and simple projects. Additionally noted, a few extra projects will be added to the Year 6 project list in Patterson and Bedford. Any excess credits for years 1-5 will be carried over to 6-10. To avoid the possibility of future change orders, supervisors will be contacted for feedback on projects in Years 6-10.

## **5) Award Surveying and Design Contracts**

Kevin presented the survey contract to be awarded to WSP USA Corp. for Newc-NCR-601 in Solicitation 2017-06. The project is located on Sheather Road in the Town of New Castle and requires stabilizing a bank that is in danger of failing. The town is very eager for us to perform the work. Director Burdick inquired as to whether our policy is to award the contract based upon greatest value or best value. It was determined by corporate counsel that the resolution should be revised to reflect "best value" instead of "greatest value" as defined in the procurement policy.

Motion by Director Burdick, seconded by Rich Franzetti to award the surveying contract for the SRP, NewC-NCR-601 in Solicitation 2017-06, to the best value proposer, WSP USA Corporation, in the amount of \$5,906.86;

**WHEREAS**, the proposed stormwater retrofit project known as NewC-NCR-601 in project group 2017-06 is proposed to be located at Sheather Road in the Town of New Castle, New York, and are included in the Years 6-10 MS4 regional plan approved by the NYS Department of Environmental Conservation; and

**WHEREAS**, the work consists of providing a topographic survey of the proposed area to be stabilized, verify existing site conditions, locate various points of interest and perform a tree survey.

**WHEREAS**, a Request for Proposals was advertised and five (5) proposals were received and reviewed at the East of Hudson Watershed Corporation offices on April 14, 2017; and

**WHEREAS**, the proposal of best value was submitted by WSP USA Corporation in the amount of \$5,906.86; and

**WHEREAS**, East of Hudson Watershed Corporation contacted the references for WSP USA Corporation and contacted WSP USA Corporation directly and was assured that they can complete the project for the amount proposed; and

**WHEREAS**, the EOHWC Engineering Staff has recommended that the corporation accept WSP USA Corporation as best value proposer for the project and proceed with contracts pending the submission of all necessary documents per the EOHWC Procurement Policy; and

**NOW THEREFORE IT IS HEREBY RESOLVED**, by the Executive Committee of the Board of Directors that it accepts WSP USA Corporation as best value proposer for the survey project for the SRP NewC-NCR-601 and authorizes the President or Vice President of the Corporation to execute the survey contract with WSP USA Corporation subject to the following conditions:

1. Submission of insurance by the contractor as required by the survey contract;
2. Review of the survey contract by the Corporation's Counsel.

Motion passed; all in favor. **(R-0427-01)**

#### **6) May 9<sup>th</sup> Board of Directors Agenda**

The Board of Directors' draft agenda was approved as presented to the Executive Committee.

#### **7) O & M Program Update**

Kevin discussed that the intention of the original O & M policy was to formulate a schedule of values that the directors would approve and then it would go to each town and allow them to bill us according to that schedule of values. The approach taken was that when every town went out to perform their maintenance, they would be able to notify us of the schedule of values that they were going to utilize. We've discovered that there are many equipment and tool inconsistencies across the board. What is a wire trimmer in one town, is a weed whacker in another town; and what costs one price in one town, costs a different price in another. Because of these inconsistencies, there are going to be a lot of blanks. One idea that could possibly be of value is to look at the two municipalities that provided a fairly good package of numbers that would be representative. The Town of Bedford had a printout of every rate and every idea that could be utilized. Putnam County also had a very similar item. In order to provide that schedule of values as a complete document, it may be necessary to pick some example municipalities. Director Parsons requested permission from Director Burdick and Bruce Walker to circulate their documentation as examples. Permission was granted by both Director Burdick and Bruce Walker. Director Burdick added that Kevin Winn used the protocols that were required by the Federal Emergency Management Agency (FEMA). Director Williams recommended looking at the terms within FEMA in order to provide clarification where there may be equipment inconsistencies. It was determined that the FEMA protocols will be utilized.

Feedback was requested from Kevin on the topic of repairs on some of the projects. A particular project that has come up is BOCES in Somers (S-MU-30). It was a private installation on school property and as part of our agreement with them, we agreed to plant screening along Pine Bridge Road. Originally, there were 140 small evergreen trees planted, 130 of which failed. They were replanted by the contractor and approximately another 30 failed. Director Williams suggested that they be replaced with a more salt-resistant variety, such as junipers. When we entered into the agreement with BOCES, it was clear that East of Hudson Watershed Corporation (EOHWC) would take on the responsibility of maintaining the trees, not the town. Many emails and phone calls were received from BOCES regarding the replacement and it appears appropriate to do so. Once installed, an entity should be hired to prevent a reoccurrence. Director Parsons suggested that it would be appropriate for corporate counsel to get involved. Director Williams noted that all projects in Patterson were assessed a cost for the maintenance and inquired if the Town of Somers was assessed a cost for maintenance. Kevin informed members that the Town of Somers refused

because the project was private property. The cost was assessed for what it would take to do the channels, but not the screening. Director Williams expressed concern with who the cost is getting assessed to. For example, although the Village of Brewster is not going to do the maintenance, the county has stepped in to address it. That doesn't relieve the Village of Brewster an obligation of a contribution toward the overall maintenance of their projects. Kevin mentioned that he met with both BOCES and the Town on site and they are eager for us to come up with a solution. Director Burdick agreed with Director Parsons in that corporate counsel should have a closer look at it. Bruce Walker mentioned that BOCES has an agricultural program and suggested that they could possibly maintain the trees. Kevin asked how the committee would like to proceed with the BOCES issue as a response is expected this afternoon. Rick Morrissey has handed over the responsibility of decision making to his highway department. Seeing how the highway department isn't going to address the issue, we are obligated to do it and it will become a charge against Somers O & M. Director Parsons suggested that we make Rick aware that his O & M account will be billed if his highway department will not address the problem. Director Burdick agreed. Additionally, noted by Kevin was that the policy requires that the town either uses its manpower or hires a contractor.

### **8) Checks and Vouchers**

Monthly checks and vouchers were signed. No action taken.

### **9) Other Business**

Director Burdick inquired about the status of funding from Westchester County. Director Parsons agreed to look into the status with Tracy Corbitt and will copy the Westchester County Legislator, Francis Corcoran.

Joanne reminded members that financial disclosures are due by May 15, 2017.

### **10) Adjournment**

Motion to adjourn by Director Parsons, seconded by Rich Franzetti; all in favor. Adjourned at 10:23 AM.