



# EAST OF HUDSON WATERSHED CORPORATION

## MONTHLY EXECUTIVE COMMITTEE MEETING

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

TIME and DATE: 9:30 AM, Thursday, July 24, 2014

### Minutes

#### 1. Meeting Opening @ 9:40 a.m.

In Attendance: Michael Griffin (Proxy for Ken Schmitt), Warren Lucas (Proxy for Peter Parsons), Chris Burdick, Bruce Walker, Rich Williams, Sabrina Charney-Hull, Rahul Verma, Sharon Dirac, Joanne Tavino, Kevin Fitzpatrick, Danielle Harris, George Rodenhause, Vincent Gregorio (DEP), Nino Modica (DEP)  
Absent: David Kelly, Bruce Barber, Walter Artus

#### 2. Award Construction Contracts

##### Carmel-AM-111A

After a discussion on increased costs associated with the project, the Executive Committee agreed not to award the construction contract for Carmel-AM-111A.

##### Carmel-CF-102A & 102B

Before awarding the construction contract for this project, the Committee completed the negative declaration (SEQRA) resolution.

Thereupon a motion of Director Lucas, seconded by Director Burdick, it was unanimously agreed:

**WHEREAS**, the East of Hudson Watershed Corporation (“EOHWC”) has proposed to enter into an installation agreement with the Town of Carmel for the purpose of constructing a stormwater retrofit projects known as Carmel-CF-102A & 102B; and

**WHEREAS**, the EOHWC Executive Director has determined pursuant to the authority vested in him by the EOHWC SEQRA Policy adopted by the Board of Directors August 6, 2013, that the proposed stormwater retrofit project constitutes an Unlisted Action under SEQRA; and

**WHEREAS**, the Executive Committee has reviewed the Short Environmental Assessment Form prepared for this stormwater retrofit project and reviewed all other available information; and

**WHEREAS**, this is a coordinated review in which the municipality has consented to EOHWC acting as lead agency and making the significance determination;

**BE IT RESOLVED**, by the Executive Committee of the Board of Directors of EOHWC that the proposed installation agreement with the Town of Carmel and the construction of a stormwater retrofit project known as Carmel-CF-102A & 102B pursuant thereto is not likely to have an adverse impact on the environment and that a draft environmental impact statement will not be prepared. **(R#-0724-01)**

Thereupon a motion of Director Lucas, seconded by Director Burdick, it was agreed by majority:

**WHEREAS**, the East of Hudson Watershed Corporation (EOHWC) wishes to retain the services of Con-Tech Construction Technology, Inc. for the 39 Seminary Hill Road Stormwater Retrofit Project (Carmel-CF-102A&102B) as submitted to the EOHWC and upon the recommendation from Woodard & Curran Engineering PA PC (Woodard & Curran);

**BE IT RESOLVED** that the Executive Committee of the EOHWC hereby authorizes Con-Tech Construction Technology, Inc for construction of the 39 Seminary Hill Road Stormwater Retrofit Project (Carmel-CF-102A&B), based upon recommendation of Woodard & Curran or the amount of \$179, 550.00 (One Hundred Seventy Nine Thousand Five Hundred Fifty Dollars &00 /100) and not to exceed set amount. **(R#-0724-02)**

### **Carmel CF-113 A, B, & C**

After review of total cost for the project, and cost per kilogram of phosphorous reduction; the Executive Committee did not award projects Carmel-CF-113A, B & C.

### **3. Municipal Reimbursements Requests (Bedford & Southeast)**

#### **BEDFORD (B-MU-21 & M-MU-22):**

Thereupon a motion by Director Lucas, seconded by Director Burdick, it was unanimously agreed,

**WHEREAS**, the Town of Bedford (“Bedford”), a member of the East of Hudson Watershed Corporation’s (“EOHWC”), began implementing the stormwater retrofit projects identified as “B-MU-21” (Beavers Dam), prior to the formation of the EOHWC; and

**WHEREAS**, B-MU-21 is included in the EOHWC’s Regional Stormwater Retrofit Plan, approved by the New York State Department of Environmental Conservation; and

**WHEREAS**, Bedford has paid for a portion of the costs for B-MU-21 with funds Bedford received under a grant from the New York State Department of Environmental Conservation; and

**WHEREAS**, the EOHWC has committed to reimburse Bedford for certain eligible and reasonable costs that are directly attributable to the implementation of “B-MU-21” and the stormwater retrofit projects identified as “B-MU-22” (Narrows), under the Reimbursement Agreement dated July 19, 2013; and

**WHEREAS**, the EOHWC has committed to reimburse Bedford in an amount not exceed \$775,000 for a portion of the costs incurred for engineering and construction related services performed in connection with B-MU-21; and

**WHEREAS**, Bedford has submitted a request for reimbursement of expenses in the amount of \$429,006.49, which represents costs for engineering work and construction work performed;

**BE IT RESOLVED** that the Executive Committee of the EOHWC hereby approves the reimbursement of expenses in an amount not to exceed \$429,006.49 for work performed in connection with B-MU-21 and authorizes payments to be made (according to appropriate fund sources to be added by EOHWC accounting staff after meeting). **(R#0724-03)**

Thereupon a motion by Director Lucas, seconded by Director Burdick, it was unanimously agreed,

**WHEREAS**, the Town of Bedford (“Bedford”), a member of the East of Hudson Watershed Corporation’s (“EOHWC”), began implementing the stormwater retrofit projects identified as “B-MU-22” (Narrows), prior to the formation of the EOHWC; and

**WHEREAS**, B-MU-22 is included in the EOHWC’s Regional Stormwater Retrofit Plan, approved by the New York State Department of Environmental Conservation; and

**WHEREAS**, Bedford has paid for a portion of the costs for B-MU-22 with funds Bedford received under a grant from the New York State Department of Environmental Conservation; and

**WHEREAS**, the EOHWC has committed to reimburse Bedford for certain eligible and reasonable costs that are directly attributable to the implementation of the stormwater retrofit projects identified as B-MU-21 and B-MU-22, under the Reimbursement Agreement dated July 19, 2013; and

**WHEREAS**, the EOHWC has committed to reimburse Bedford in an amount not exceed \$160,000 for a portion of the costs incurred for engineering and construction related services performed in connection with B-MU-22; and

**WHEREAS**, Bedford has submitted a request for reimbursement of expenses in the amount of \$ 77,925.55, which represents costs for engineering work and construction work performed;

**NOW THEREFORE BE IT RESOLVED** that the Executive Committee of the EOHWC hereby approves the reimbursement of expenses in an amount not to exceed \$77,925.55 for work performed in connection with B-MU-22 and authorizes payment for construction services performed, and payment shall be made in the amount of \$ 77,925.55 from the NYCDEP Funding Agreement WSP Funds. **(R#0724-04)**

**SOUTHEAST (Various Projects):**

There upon a motion by Director Griffin, seconded by Director Lucas, it was unanimously agreed to postpone discussion of reimbursement requests for Southeast until the next Committee meeting on August 7, 2014.

**4. Project Status & Temporarily Stopped Projects**

Mr. Verma noted that table distributed was an update of the table reviewed at last week’s meeting (i.e. projects on temporary stop). The report provided today includes the additional information and detail requested.

## **5. O&M Costs Summary**

Kevin Fitzpatrick described the revised O&M cost summary table. Director Griffin suggested, and members of the Committee agreed, that further refinement is not required and the summary table provides the information needed for review of O&M costs.

## **6. Review Draft Amendments: EOHWC By-laws**

George Rodenhausen discussed the proposed changes in the by-laws. He noted that the major amendments are required by the Not-for-Profit Revitalization Act of 2013 (“NPRA”), which became effective July 1<sup>st</sup> this year. A special meeting of Members will take place on August 12<sup>th</sup> to review and/or approve the amendments. Director Griffin requested that Committee members (and staff) review the document, submit changes to George Rodenhausen by the 29<sup>th</sup> of July and he will have a revised draft (based on these comments) ready by August 4<sup>th</sup> for review at the next Executive Committee meeting on 8/7/14.

## **7. Review Employment Status – Joanne Tavino**

A discussion took place on change of status for Joanne Tavino’s status as an Independent Contractor. Director Griffin noted that discussion needs to take place regarding salary and benefits; corporate counsel will draft an employment agreement. Resolution should be presented to full Board at August meeting.

## **8. Employee Review Schedule - Update**

Director Griffin noted that he will work on this.

## **9. Review Unit Price contract for VB-DI-31/32**

Mr. Verma distributed a table on unit pricing for VB-DI-31&32 (Brennan Construction, contractor; JRFA, Engineer), created after this month’s voucher submittal to EOHWC (with payment application for amount exceeding original contract). The Committee agreed that the increase would be represented as a change order, and will require the appropriate back up to process payment. EOHWC will need to have copies of material tickets, which should be attached to payment applications as part of engineer’s authorization process (for this and all unit pricing contracts). During discussion, a general consensus was reached among Committee members that lump-sum contracts are preferred, a better methodology than unit pricing contracts.

## **10. Audit Invoices & Sign Checks**

Checks and vouchers were signed. Ms. Tavino noted that she would need to produce an expense check for Mr. Verma which was not completed prior to the meeting. Authorization to process was granted; appropriate signatures will be secured before distribution.

## **11. Adjournment**

Thereupon a motion of Director Griffin, seconded by Director Lucas, the meeting was adjourned at 1:15 p.m.