



EAST OF HUDSON WATERSHED CORPORATION

EXECUTIVE COMMITTEE MEETING

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

TIME and DATE: 9:30 AM, Thursday, January 28, 2016

Meeting Minutes

1) Open Meeting

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

Others in Attendance: Christine Chale (Corporate Counsel); Bruce Barber (Town of Yorktown); Vincent Giorgio (NYCDEP); Nino Modica (NYCDEP); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Yvette Rivera (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes

Motion by Director Lucas, seconded by Director Williams to approve the Executive Committee Meeting Minutes of December 17, 2015 as presented; all in favor.

3) Financial Update

Joanne Tavino reported that there were no significant changes on the Year to Date and Inception to Date Analysis. The current fund balance is \$13.8 million with today's checks in the amount of \$210,000. We are still on schedule for the 2016 ending balance of \$4.5 to \$5 million.

List of Reporting and Filing Due Dates

Joanne informed the Board that we are on schedule with reporting and filing due dates. The auditors were in the East of Hudson Watershed Corporation (EOHWC) offices for three days this week and have verified the December 31, 2014 balances from our previous auditor. They will return the second week of February for two days to test for 2015. We anticipate the audit being completed by March 31, 2016.

An email containing the link to complete the financial disclosure form was sent to all Board members and employees. The submission deadline is May 15, 2016. Most Board members have completed the Fiduciary Duty Form and Board member training.

Office Cleaning

Joanne informed the Board that Servpro provided an estimate for cleaning the air ducts and replacing the ill-fitting air filter that is currently in place. An estimate for cleaning the office space was also

provided but will have to be put off until the landlord, Larry Maxwell of Hudson Valley Trust, replaces the filter as he promised in a discussion a few weeks back. Chris Chale will follow up with Joanne to resolve the issue with Larry Maxwell. Bruce Walker offered to look into per diem rates through the cleaning staff he utilizes and will provide information to Joanne.

CBS Copier Proposal

Yvette Rivera presented the copier proposal for the Xerox 7835 from CBS/Xerox. The lease price per month will be \$285.12 with a savings per month of \$83.88 reflecting an annual savings of \$1,006.56. The lease price includes all toner, supplies, and maintenance with 6,400 black and white copies/prints per month and 1,800 color copies/prints per month. Overage cost per page will be \$.0141 per black and white copy, and \$.0916 per color copy. Joanne mentioned that CBS/Xerox will average out the number of copies over and under during the course of a three month period. The five year contract will state that CBS/Xerox agrees to allow EOHWC to return the copier without any penalties, if we do not receive funding.

Motion by Director Lucas, seconded by Director Williams to approve the Xerox 7835 lease with CBS/Xerox as presented in the proposal; all in favor.

4) Project Update

Kevin reported a majority of the projects are at stop for the winter. Y-MU-10 is currently continuing with construction. Another three jobs will be awarded construction contracts today. Depending on the weather, construction may be able to commence in February or March. We anticipate having a very active spring with 5 more projects in addition to those on the Project Update Status Table highlighted in green. We are in the permitting process with New York City Department of Environmental Protection (NYCDEP) and the Department of Transportation (DOT) for SE-POT-02 and are optimistic that no issues will be encountered. Once the easements are finalized, we will proceed with the project.

Director Lucas inquired where we currently stand with regard to kilogram totals. Kevin reported that the current kilogram total is 334. If everything submitted is approved, we will have 530 kilograms. Mike Meyer recently indicated in an email that anything above 459 must come from the other funding sources. Director Parsons pointed out that the work can only be paid for with WQIP money after amendments are signed and the MOA Right of Objection is completed. Vincent Giorgio indicated that Mike Meyer doesn't want us to lose sight of the fact that the agreements need to be amended.

5) Approve Negative Declarations

MK-NC-20

Motion by Director Parsons, seconded by Richard Franzetti to approve the negative declaration for MK-NC-20.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Mount Kisco involving construction of a channel stabilization to be installed in Leonard Park adjacent to the grounds of the CVS, located at 10 South Bedford Road in the Town of Mount Kisco, with a small portion of the project proposed to be installed on CVS property; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 1/28/16 and all relevant environmental information related to the proposed project;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it:

1. Classifies the project as an unlisted action under SEQRA; and
 2. Determines that the proposed action will not result in any significant adverse impacts on the environment and that a Draft Environmental Impact Statement will not be prepared.
- (R-0128-01)**

Motion passed; all in favor.

MK-NC-21

Motion by Director Parsons, seconded by Richard Franzetti to approve the negative declaration for MK-NC-21.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Mount Kisco involving construction of a pocket wetland to be installed adjacent to the grounds of the Mount Kisco Medical Group Satellite Offices, located at 34 South Bedford Road in the Town of Mount Kisco, with a small portion of the project proposed to be installed on the Medical Group property; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 1/28/16 and all relevant environmental information related to the proposed project;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it:

1. Classifies the project as an unlisted action under SEQRA; and
 2. Determines that the proposed action will not result in any significant adverse impacts on the environment and that a Draft Environmental Impact Statement will not be prepared.
- (R-0128-02)**

Motion passed; all in favor.

MK-NC-22

Motion by Director Parsons, seconded by Richard Franzetti to approve the negative declaration for MK-NC-22.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Mount Kisco involving construction of bioretention areas, surface sand filters and dry swales to be installed on the grounds of the Leonard Park, located at 98 Wallace Street in the Town of Mount Kisco; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 1/28/16 and all relevant environmental information related to the proposed project;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it:

1. Classifies the project as an unlisted action under SEQRA; and
2. Determines that the proposed action will not result in any significant adverse impacts on the environment and that a Draft Environmental Impact Statement will not be prepared.

(R0128-03)

Motion passed; all in favor.

6) Award Construction Contracts

Rich Franzetti suggested that the resolutions be amended to reflect the phosphorus removal totals.

MK-NC-20

Motion by Director Lucas, seconded by Director Williams to award the construction contract to Con Tech Construction Technology, Inc. for MK-NC-20 in the amount of \$53,168.50 with the amendment to the resolution as indicated.

WHEREAS, the proposed stormwater retrofit project known as MK-NC-20 is proposed to be located at the CVS/ 10 South Bedford Road in the Town of Mount Kisco, New York, and is included in the first five year MS4 regional plan approved by the NYS Department of Environmental Conservation; and

WHEREAS, the work consists of installation of a stabilized channel, including earthwork, catch basins, a control structure, drainage pipes, preparing, restoring and cleaning the project area, all in accordance with plans prepared by Rennia Engineering Design, PLLC; and

WHEREAS, the project was publicly bid and eleven (11) bids were received and publicly read aloud at the EOHWC offices on January 21, 2016; and

WHEREAS, the lowest bid received was in the amount of \$53,168.50 submitted by Con-Tech Construction Technology, Inc. and the highest bid received was in the amount of \$105,000.00 submitted by Sun Up Enterprises, Inc.; and

WHEREAS, the Phosphorus removal of 6.3 kilograms for this project has an efficiency of approximately \$11,000/Kg P-removed; and

WHEREAS, Renna Engineering Design, PLLC contacted the references for Con-Tech Construction Technology, Inc. and contacted Con-Tech Construction Technology, Inc. directly and was assured that they can complete the project for the amount bid; and

WHEREAS, the project known as MK-NC-20 will be awarded with and completed in conjunction with MK-NC-21 and MK-NC-22 awarded projects with a total amount of \$594,939.40 for all three (3) projects; and

WHEREAS, Renna Engineering Design, PLLC has recommended that the EOHWC accept Con-Tech Construction Technology, Inc. as lowest responsible bidder for the project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on January 28, 2016, the Executive Committee reviewed all available evidence and resolved that the project known as MK-NC-20 would not have an adverse impact on the environment and that a draft environmental impact statement would not be prepared;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors that it accepts Con-Tech Construction Technology, Inc. as lowest responsible bidder for the project known as MK-NC-20 and authorizes the President or Vice President of the Corporation to execute the construction contract with Con-Tech Construction Technology, Inc. subject to the following conditions:

1. Submission of bonds and insurance by the contractor as required by the construction contract;
2. Approval and execution of the installation agreement between the Town and the Corporation by the Town Board and by the Corporation's President or Vice President; and
3. Review of the construction contract and installation agreement by the Corporation's Counsel. **(R-0128-04)**

Motion passed; all in favor.

MK-NC-21

Motion by Director Lucas, seconded by Director Williams to award the construction contract to Con Tech Construction Technology, Inc. for MK-NC-21 in the amount of \$91,485.90 with the amendment to the resolution as indicated.

WHEREAS, the proposed stormwater retrofit project known as MK-NC-21 is proposed to be located at the Mount Kisco Medical Group Satellite Offices, 34 Bedford Road, in the Town of Mount Kisco, New York, and is included in the first five year MS4 regional plan approved by the NYS Department of Environmental Conservation; and

WHEREAS, the work consists of installation of pocket wetland that includes earthwork, catch basins, a control structure, a hydrodynamic particle separator, drainage pipes, wetland plantings, preparing, restoring and cleaning the project area, all in accordance with plans prepared Renna Engineering Design, PLLC; and

WHEREAS, the project was publicly bid and eleven (11) bids were received and publicly read aloud at the EOHWC offices on January 21, 2016; and

WHEREAS, the lowest bid received was in the amount of \$91,485.90 submitted by Con-Tech Construction Technology, Inc. and the highest bid received was in the amount of \$275,485.00 submitted by Sun Up Enterprises, Inc.; and

WHEREAS, the Phosphorus removal of 2.66 kilograms for this project has an efficiency of approximately \$46,000/Kg P-removed; and

WHEREAS, Renna Engineering Design, PLLC contacted the references for Con-Tech Construction Technology, Inc. and contacted Con-Tech Construction Technology, Inc. directly and was assured that they can complete the project for the amount bid; and

WHEREAS, the project known as MK-NC-21 will be awarded with and completed in conjunction with MK-NC-20 and MK-NC-22 awarded projects with a total amount of \$594,939.40 for all three (3) projects; and

WHEREAS, Renna Engineering Design, PLLC has recommended that the EOHWC accept Con-Tech Construction Technology, Inc. as lowest responsible bidder for the project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on January 28, 2016, the Executive Committee reviewed all available evidence and resolved that the project known as MK-NC-21 would not have an adverse impact on the environment and that a draft environmental impact statement would not be prepared;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors that it accepts Con-Tech Construction Technology, Inc. as lowest responsible bidder for the project known as MK-NC-21 and authorizes the President or Vice President of the Corporation to execute the construction contract with Con-Tech Construction Technology, Inc. subject to the following conditions:

1. Submission of bonds and insurance by the contractor as required by the construction contract;
2. Approval and execution of the installation agreement between the Town and the Corporation by the Town Board and by the Corporation's President or Vice President; and
3. Review of the construction contract and installation agreement by the Corporation's Counsel. **(R-0128-05)**

Motion passed; all in favor.

MK-NC-22

Motion by Director Lucas, seconded by Director Williams to award the construction contract to Con Tech Construction Technology, Inc. for MK-NC-22 in the amount of \$450,285.00 with the amendment to the resolution as indicated.

WHEREAS, the proposed stormwater retrofit project known as MK-NC-22 is proposed to be located within Leonard Park in the Town of Mount Kisco, New York, and is included in the first five year MS4 regional plan approved by the NYS Department of Environmental Conservation; and

WHEREAS, the work consists of installation of dry swales, bioretention areas and surface sand filters that include earthwork, catch basins, control structures, drainage pipes, preparing, restoring and cleaning the project area, all in accordance with plans prepared by Rennia Engineering Design, PLLC; and

WHEREAS, the project was publicly bid and eleven (11) bids were received and publicly read aloud at the EOHWC offices on January 21, 2016; and

WHEREAS, the lowest bid received was in the amount of \$450,285.00 submitted by Con-Tech Construction Technology, Inc. and the highest bid received was in the amount of \$1,221,955.00 submitted by Sun Up Enterprises, Inc.; and

WHEREAS, the Phosphorus removal of 8.5 kilograms for this project has an efficiency of approximately \$56,000/Kg P-removed; and

WHEREAS, Rennia Engineering Design, PLLC contacted the references for Con-Tech Construction Technology, Inc. and contacted Con-Tech Construction Technology, Inc. directly and was assured that they can complete the project for the amount bid; and

WHEREAS, the project known as MK-NC-22 will be awarded with and completed in conjunction with MK-NC-20 and MK-NC-21 awarded projects with a total amount of \$594,939.40 for all three (3) projects; and

WHEREAS, Rennia Engineering Design, PLLC has recommended that the EOHWC accept Con-Tech Construction Technology, Inc. as lowest responsible bidder for the project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on January 28, 2016, the Executive Committee reviewed all available evidence and resolved that the project known as MK-NC-22 would not have an adverse impact on the environment and that a draft environmental impact statement would not be prepared;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors that it accepts Con-Tech Construction Technology, Inc. as lowest responsible bidder for the project known as MK-NC-22 and authorizes the President or Vice President of the Corporation to execute the construction contract with Con-Tech Construction Technology, Inc. subject to the following conditions:

1. Submission of bonds and insurance by the contractor as required by the construction contract;
2. Approval and execution of the installation agreement between the Town and the Corporation by the Town Board and by the Corporation's President or Vice President; and
3. Review of the construction contract and installation agreement by the Corporation's Counsel. **(R-0128-06)**

Motion passed; all in favor.

7) Future Work Plan

Kevin discussed that the information has been circulated to Woodard and Curran and they are planning to give a presentation to the Board of Directors at a coalition meeting directly following the Board meeting on February 9. It was specified by Kevin that Director Williams raised the question of whether the EOHWC staff can be involved in the process to solidify the "yes" or "no" answers. Kevin requested clarification on whether the information should go through him or a specific member of the coalition. Director Kelly asked that the information be sent to him and he will take responsibility for its distribution.

8) Putnam and Westchester Funding for Years 6-10

Bruce Walker indicated that the Putnam County funding for years 6-10 has gone through the legislature. Chris Chale stated that the agreement was sent within the last month and inquired when it can be expected from Putnam County. Bruce will check with Jennifer and provide an update of the agreement's status.

9) O & M Policy Discussion

Director Parsons inquired if any additional adopted O & M resolutions have been received since the last update. Currently, we are awaiting 6 more resolutions from the Putnam County, Town of Carmel, Town of Cortlandt, Village of Brewster, Town of Pawling, and Town of Putnam Valley. Adoption of the remaining resolutions is expected at February Town Board meetings. Rich Franzetti is awaiting an amended installation agreement from Kevin for projects on school property in the Town of Carmel.

10) Sign checks and vouchers

Monthly checks and vouchers were signed. No action taken.

11) Other business

Director Williams inquired if Kevin had the opportunity to look at the projects on Big Elm Road. Kevin advised that it would be best to have the Patterson Highway Department do the work and EOHWC would reimburse the Town of Patterson. An estimate was requested by Kevin.

12) Executive Session

Motion by Director Parsons, second by Bruce Walker to enter into Executive Session to discuss matters leading to the employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or persons; all in favor. Motion by Director Kelly, seconded by Richard Franzetti to come out of Executive Session; all in favor. Director Parsons stated that no action was taken in Executive Session and that staff recommendations will be deferred until the February 9, 2016 Board of Directors' Meeting.

**13) Adjournment – Motion to adjourn by Lee Roberts, seconded by Director Lucas; all in favor.
Adjourned 11:45am.**