



EAST OF HUDSON WATERSHED CORPORATION

EXECUTIVE COMMITTEE MEETING

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

TIME and DATE: 9:30 AM, Tuesday, October 27, 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), Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); John Belyea (EOHWC); Yvette Rivera (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes

a. September 22, 2016

Motion by Director Parsons, seconded by Director Lucas to approve the meeting minutes of September 22, 2016; all in favor.

b. October 18, 2016

Motion by Director Parsons, seconded by Bruce Walker to approve the meeting minutes of October 18, 2016; all in favor.

3) Financial Update

Joanne Tavino reported that approximately \$200,000 in expenditures will be added to the budget with checks written today in the amount of \$127,000 and roughly \$75,000 in change orders.

The board was notified that Joanne has moved forward with opening the investment brokerage accounts. The funds will be transferred in the amount of \$4 million each to the accounts at M & T Securities and Samuel Ramirez and Company. Both firms will provide proposals on treasuries being purchased. Both accounts will be monitored to be sure we are receiving competitive rates. Bob Fuhr of Ramirez and Company has offered to meet with board members to answer any questions.

4) Project Update

Kevin Fitzpatrick summarized that the 3 projects highlighted (NewC-NCR-33A, NewC-NCR-33B and SE-POT-02) are channel stabilization projects that are moving forward. Final signatures and easements for SE-POT-02 are currently being obtained and all New York City Department of Environmental Protection (NYC DEP) permits are still pending. The closeout documents for the Yorktown projects have been

received from Hahn Engineering and will be removed from the Running Project Status Table in time for the November 17th meeting. All other construction projects are moving along with no issues to report overall.

5) Change Orders

Kevin reported that two change orders being presented for PW-342A and PW-342B deal with a request for fencing around both practices located at the Pawling Fire District in the Town of Pawling to address the safety concerns of the residents and fire district.

a. PW-342A

Motion by Director Burdick, seconded by Director Parsons to approve change order for PW-342A to install a post and rail fence around the pond at the Pawling Fire District in the Town of Pawling in the amount of \$9,342, increasing the construction cost from \$52,380 to \$61,722.

WHEREAS, Svoboda Bulldozing and Trucking submitted change order request Number 1 dated 10-21-16 for an additional \$9,342 for PW-342A in project group 2015-06 of the first five year retrofit plan; and

WHEREAS, PW-342A is located on property of the Pawling Fire District in the Town of Pawling and includes the construction of a new pocket pond; and

WHEREAS, the proposed change order request is for Svoboda Bulldozing and Trucking to install a post and rail fence 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 \$52,380 to \$61,722 and would have an updated efficiency of approximately \$134,000/kg with an estimated phosphorus reduction of 0.54 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 Svoboda Bulldozing and Trucking dated 10-21-16 for an additional \$9,342 for PW-342A increasing the construction cost from \$52,380 to \$61,722.

Motion passed; all in favor. **(R-1027-01)**

b. PW-342B

Motion by Director Burdick, seconded by Director Parsons to approve change order from Svoboda Bulldozing and Trucking Corporation for PW-342BA to install a post and rail fence around the pond at the Pawling Fire District in the Town of Pawling in the amount of \$20,414, increasing the construction cost from \$93,180 to \$113,594.

WHEREAS, Svoboda Bulldozing and Trucking submitted change order request Number 2 dated 10-21-16 for an additional \$20,414 for PW-342B in project group 2015-06 of the first five year retrofit plan; and

WHEREAS, PW-34B is located on property of the Pawling Fire District in the Town of Pawling and includes the construction of a new pocket pond; and

WHEREAS, the proposed change order request is for Svoboda Bulldozing and Trucking to install a post and rail fence 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 \$93,180 to \$113,594 and would have an updated efficiency of approximately \$78,000/kg with an estimated phosphorus reduction of 1.68 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 Svoboda Bulldozing and Trucking dated 10-21-16 for an additional \$20,414 for PW-342B increasing the construction cost from \$93,180 to \$113,594.

Motion passed; all in favor. **(R-1027-02)**

c. NS-MU-11

Kevin reported that the pond installed in North Salem at the corner of Route 116 and 22 requires the development of a landscaping plan as deemed necessary by NYC DEP. The change order submitted from O'Brien and Gere in the amount of \$5,600 addresses both the landscaping plan and necessary construction oversight.

Motion by Director Burdick, seconded by Director Lucas to approve the change order submitted by O'Brien & Gere to address the development of a landscaping plan and construction oversight in the amount of \$5,600, increasing the design cost from \$37,485 to \$43,085.

WHEREAS, O'Brien and Gere Engineers, Inc. submitted change order request Number 4 dated 9-2-16 for an additional \$5,600 for NS-MU-11 in project group 2012-02 of the first five year retrofit plan; and

WHEREAS, NS-MU-11 is located on Routes 22 and 116 in the Town of North Salem and includes construction of an extended detention pond; and

WHEREAS, the proposed change order request is for O'Brien and Gere Engineers, Inc. to provide the development of a landscaping plan and construction submittal review 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 design cost from \$37,485 to \$43,085 and would have an updated efficiency of approximately \$31,200/kg with an estimated Phosphorus reduction of 5.8 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 O'Brien and Gere Engineers, Inc. dated 9-2-16 for an additional \$5600 for NS-MU-11 increasing the design cost from \$37,485 to \$43,085.

Motion passed; all in favor. **(R-1027-03)**

6) Negative Declarations

a. SE-POT-02

Motion by Director Burdick, seconded by Director Kelly to approve the SEQRA Negative Declaration for SE-POT-02.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Southeast involving construction of multiple channel stabilization to be installed at Brewster Heights; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 10/27/16 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.

Motion passed; all in favor. **(R-1027-04)**

b. Kent-PA-31

Motion by Director Burdick, seconded by Director Parsons to approve the SEQRA Negative Declaration for Kent-PA-31.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Kent involving construction of pocket pond to be installed at 301 Route 52, Kent, NY 10512; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 10/27/16 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.

Motion passed; all in favor. **(R-1027-05)**

7) Funding Request for Society Hill Project

Director Parsons presented a draft letter he prepared in response to Society Hill's request for funding, which denies funding after review with counsel and determining East of Hudson Watershed Corporation cannot participate in the proposal. Director Parsons then asked for a motion to sign it.

Motion by Director Burdick, seconded by Director Kelly to approve the draft letter dated October 27, 2016 in reply to the Deputy County Executive and to provide authority to the President to sign it.

(Vote: Aye: 6 Nae:0 Abstain:1)

Motion passed.

8) List of Reporting and Filing Due Dates

Joanne reported that the only change from the last meeting was the posting of the 2017 Budget was posted to the PARIS ABO site.

9) Update to List of Qualified Professionals for Years 6-10

Motion by Bruce Walker, seconded by Director Parsons to table proposing a list of qualified professionals for years 6-10, to appoint a committee to review the Procurement Policy RFQ and RFP procedures and to make a recommendation back to the Executive Committee; all in favor. President Parsons appointed Rich Williams, Rich Franzetti, George Rodenhausen and Kevin Fitzpatrick to such committee to make a recommendation back to the Executive Committee at its next meeting.

10) Award Construction Contract for Kent-PA-31

Kevin reported that Svoboda Bulldozing and Trucking Corporation has been recommended by Insite Engineering as the lowest responsible bidder for the Kent-PA-31 project in the amount \$109,100. The project will yield a 3.96 kilogram phosphorus reduction with an efficiency of approximately \$39,000.

Motion by Director Burdick, seconded by Director Lucas to approve the construction contract for Kent-PA-31 as recommended by Insite Engineering, Surveying and Landscape Architecture, P.C. to Svoboda Bulldozing and Trucking Corporation as the lowest responsible bidder in the amount of \$109,100.

WHEREAS, the proposed stormwater retrofit project known as Kent-PA-31 is proposed to be located at 301 Route 52, Kent, New York, 10512 in the Town of Kent, 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 pocket pond, all in accordance with plans prepared by Insite Engineering, Surveying and Landscape Architecture, P.C.; and

WHEREAS, the project was publicly bid and seven (7) bids were received and publicly read aloud at the EOHWC offices on October 21, 2016; and

WHEREAS, the lowest bid received was in the amount of \$109,100 submitted by Svoboda Bulldozing & Trucking and the highest bid received was in the amount of \$196,000 submitted by TJR Excavating Cons; and

WHEREAS, the phosphorus removal of 3.96 kilograms for this project has an efficiency of approximately \$39,000 Kg P-removed; and

WHEREAS, Insite Engineering, Surveying and Landscape Architecture, P.C., contacted the references for Svoboda Bulldozing & Trucking and contacted Svoboda Bulldozing & Trucking directly and was assured that they can complete the project for the amount bid; and

WHEREAS, Insite Engineering, Surveying and Landscape Architecture, P.C., has recommended that the EOHWC accept Svoboda Bulldozing & Trucking as lowest responsible bidder for the project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on October 27, 2016, the Executive Committee reviewed all available evidence and resolved that the project known as Kent-PA-31 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 Svoboda Bulldozing & Trucking as lowest responsible bidder in the amount of \$109,100 for the project known as Kent-PA-31 and authorizes the President or Vice President of the Corporation to execute the construction contract with Svoboda Bulldozing & Trucking 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.
4. Execution of an easement and maintenance agreement to be in place for the future of the project between the Town and the Corporation by the Town Board and by the Corporation's President or Vice President.

Motion passed; all in favor. **(R-1027-06)**

11) Municipal Reimbursement

a. Y-MU-10

Kevin presented the municipal reimbursement agreement for the Town of Yorktown's installation of fencing around the pond at the North County Trail. The lowest bid was submitted by Precision Fence of Peekskill in the amount of \$28,000. The fence has been recommended to address public safety concerns.

Motion by Director Parsons, seconded by Director Burdick to approve the municipal reimbursement agreement with the Town of Yorktown for Y-MU-10 in the amount of \$28,000 for the installation of fence around the pond at the North County Trail by Precision Fence of Peekskill.

WHEREAS, EOHWC has completed construction of a Stormwater Retrofit Project in the Town of Yorktown known as Y-MU-10 and has determined that for reasons of public safety a protective fence must be installed around the Project; and

WHEREAS, the Municipality has competitively bid the fence installation, has evaluated all bidders and recommended Precision Fence of Peekskill, NY as the lowest responsible bidder with a bid of \$28,000; and

WHEREAS, the Executive Committee has determined that it is in the best interests of the Corporation to reimburse the Municipality for the installation of the fence, rather than to install the fencing itself;

NOW, THEREFORE, the Executive Committee of the East of Hudson Watershed Corporation hereby:

1. Approves a reimbursement agreement with the Town of Yorktown substantially in the form and substance of the attached agreement to reimburse Yorktown in an amount not to exceed \$28,000 for installation of the protective fencing around stormwater retrofit project Y-MU-10; and
2. Authorizes the President or Vice President of the Corporation to execute said agreement, subject to review and approval by the Corporation's legal counsel.

Motion passed; all in favor. **(R-1027-07)**

12) Year 6 Work Plan

Kevin reported that projects being considered for incorporation into the next cycle for the upcoming year are being analyzed. Kevin indicated that once projects have narrowed down, a submission will be made to the New York State Department of Environmental Conservation (NYS DEC) in December.

13) O & M discussion

Kevin reported that conversations were had with each town regarding O & M and all are aware of the approaching November 18th deadline. Putnam County was acknowledged for stepping up and taking on a large part of the O & M. They have made much progress with the Village of Brewster and will be working with us to accomplish projects in Carmel.

14) Sign checks and vouchers

Monthly checks and vouchers were signed. No action taken.

15) Other business

Joanne pointed out that as of December 31, 2016 we will no longer have the insurance policy to cover the projects. It was previously discussed that Director Lucas and Counsel would research coverage options.

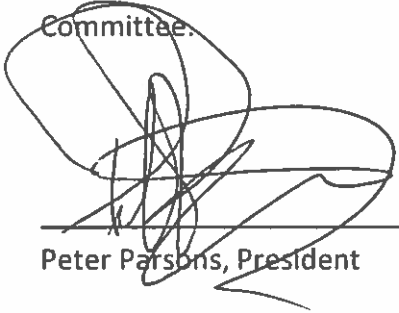
Director Lucas reported that the insurance representative feels that East of Hudson Watershed Corporation has adequate coverage to meet the requirements of any design professionals, contractors and employees of EOHWC and should be afforded coverage under the policies. Additionally, Joanne reminded the committee that our building lease runs out January 31, 2017. Director Parsons requested that Director Lucas, George and Joanne negotiate the terms of the lease renewal with Larry Maxwell and present it at the November 17th meeting.

16) Adjournment

Motion by adjourn by Director Parsons, seconded by Director Burdick; all in favor. Adjourned 10:31 AM.

PRESIDENT'S CERTIFICATE

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

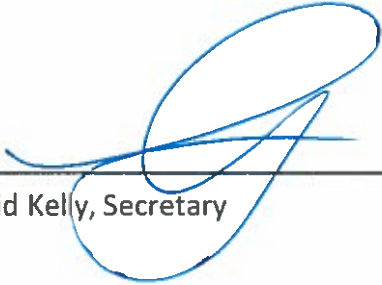


Peter Parsons, President

11/17/2016
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

11/17/16
Date