

EAST OF HUDSON WATERSHED CORPORATION

EXECUTIVE COMMITTEE MEETING

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

TIME and DATE: 9:30 AM, Thursday, November 13, 2014

Meeting Minutes

1. Open Meeting

In Attendance: Michael Griffin (alternate for Bruce Walker), Warren Lucas, Peter Parsons, Chris Burdick, Rich Williams, Sabrina Charney-Hull, Sharon Dirac, Joanne Tavino, Kevin Fitzpatrick, Danielle Harris, Vincent Gregorio (NYCDEP), Nino Modica (NYCDEP)

Absent: David Kelly, Ken Schmitt, Bruce Barber, Walter Artus

2. Approve Executive Committee Meeting Minutes - October 23, 2014

Thereupon a motion by Director Burdick, seconded by Director Lucas, it was unanimously agreed to accept and approve the October 23, 2014 Executive Committee meeting minutes as presented and reviewed.

3. Status Report: 2013 Audit

Thereupon a motion by Director Burdick, seconded by Director Parsons, it was unanimously agreed that Director Griffin (President) was authorized by the Executive Committee to accept the audit as presented on November 12, 2014.

Ms. Tavino noted that the auditor will be at EOHWC in March of 2015 to complete the 2014 Audit.

Form 990, CHAR 500

Both forms are completed and ready for signature (and will be mailed with appropriate processing fees by close of business, Thursday, November 13, 2014). The next Form 990 and CHAR 500 tax filings for year ended 12/31/14 are not due until May 2015.

Thereupon a motion by Director Burdick, seconded by Director Lucas, it was unanimously agreed that Director Griffin (President) was authorized to sign the Form 990 and CHAR500 forms as completed by accounting firm R.S. Abrams.

4. Status Report: 2014 & 2015 Budgets

Ms. Tavino reported that budgets will be prepared and presented to the full Board at next quarterly meeting (November 18, 2014).



5. Status Report: Regulatory Agencies

Ms. Harris reported that a meeting was scheduled between EOHWC staff and NYCDEP on November 25, 2014. Mr. Fitzpatrick has made submission to NYSDEC for review and approval of EOHWC retrofit projects. Mr. Rodenhausen provided a report on the status of ABO Management Policies and Procedures (to be presented to full Board at quarterly meeting on November 18, 2014).

6. Project Status Update

Mr. Fitzpatrick provided an updated report including a summary of the status of phosphorous credits (completed projects and planned), RFPs and response to recent call for projects (distributed to municipalities).

7. Review/Approve Change Orders

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

WHEREAS, the East of Hudson Watershed Corporation (“EOHWC”) is implementing the stormwater retrofit projects identified as “L-CR-11A” (John Jay High and Middle School), which includes expansion of an existing micropool extended detention pond, “L-CR-11B” (John Jay High and Middle School), which is a pocket pond, and “L-CR-11C” (John Jay High and Middle School), which involves the stabilization of approximately 330 linear feet of an existing eroded drainage channel, all of which are located in the Town of Lewisboro, L-CR-11A, L-CR-11B and L-CR-11C being collectively referred to as “L-CR-11A-11C”; and

WHEREAS, L-CR-11A-11C are included in the EOHWC’s Regional Stormwater Retrofit Plan, as approved by the New York State Department of Environmental Conservation; and

WHEREAS, by Resolution #R-0626-01, which was adopted on June 26, 2014, the Executive Committee of the EOHWC authorized the construction contract to be awarded to ELQ Industries, Inc. to perform the construction work for L-CR-11A-11C (“construction contract”); and

WHEREAS, the construction contract was awarded in the amount of \$679,175 (“contract price”), which includes costs for all work other than unit price work in the amount of \$660,000 and costs for all unit price work in the amount of \$19,715; and

WHEREAS, ELQ Industries, Inc. has submitted Change Order No.2 to the EOHWC for approval, a copy of which is annexed hereto as Exhibit “A”; and

WHEREAS, Change Order No.2 seeks to decrease the contract price in the total amount of \$13,925, by removing the unit price cost for channel stabilization work that is categorized as “Add/Alt #1” in the amount of \$10,475 and removing the unit price cost for additional rip rap stabilization work in the amount of \$3,450; and

WHEREAS, by incorporating Change Order No. 2, the contract price will be changed from \$679,175 to the amount of \$665,250; and now therefore be it

RESOLVED, that the Executive Committee of the EOHWC hereby approves Change Order No. 2, which adjusts the contract price by decreasing the contract price in the amount of \$13,925, to remove the unit price cost for channel stabilization work that is categorized as “Add/Alt #1” in the amount of \$10,475 and to remove the unit price cost for additional rip rap stabilization work in the amount of \$3,450; and be it further

RESOLVED, that the Executive Committee of the EOHWC thereby authorizes the construction contract for L-CR-11A-11C to incorporate Change Order No. 2, which changes the contract price to an amount not to exceed \$665,250; and be it further

RESOLVED, that the Executive Committee of the EOHWC hereby authorizes the President of the Corporation to execute Change Order No. 2, as submitted by ELQ Industries, Inc. in connection with the construction contract for L-CR-11A-11C, in order to give effect to this Resolution, consistent with the terms hereof, all in a form satisfactory to the Corporation’s Staff Attorney.

8. Pending Payment Applications/Vouchers

a. Review Final Payments for Construction Contracts

Carmel – AM-112

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

WHEREAS, the East of Hudson Watershed Corporation (“EOHWC”) is implementing the stormwater retrofit project identified as “Carmel-AM-112” (Austin Road Elementary School), which includes a subsurface infiltration system located in the Town of Carmel; and

WHEREAS, Carmel-AM-112 is included in the EOHWC’s Regional Stormwater Retrofit Plan, as approved by the New York State Department of Environmental Conservation; and

WHEREAS, by Resolution #R-0620-02, which was adopted on June 20, 2013, the Executive Committee of the EOHWC authorized the construction contract to be awarded to Bibeau Construction Co Inc. to perform the construction work for Carmel-AM-112 (“construction contract”) in the amount of \$595,220 (“contract price”); and

WHEREAS, the EOHWC has previously approved Change Orders No.1 through No.3 which decreased the contract price in the amount of \$1,007.33 and adjusted the contract price to the amount of \$594,212.67; and

WHEREAS, Bibeau Construction Co Inc. has completed the construction work for Carmel- AM-112 and has submitted a request for final payment in the amount of \$14,855.37; and now therefore be it

RESOLVED, that the Executive Committee of the EOHWC hereby approves the request for final payment in the amount of \$14,855.37, as submitted by Bibeau Construction Co Inc., in connection with the construction contract for Carmel-AM-112 subject to review by the Corporation’s Staff Attorney of the appropriate releases from the contractor, including without limitation, lien releases and certification from the contractor that all subcontractors and material suppliers have been paid by the contractor.

Carmel-AM-116

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

WHEREAS, the East of Hudson Watershed Corporation (“EOHWC”) is implementing the stormwater retrofit project identified as “Carmel-AM-116” (Mahopac Middle School), which includes a subsurface infiltration system located in the Town of Carmel; and

WHEREAS, Carmel-AM-116 is included in the EOHWC’s Regional Stormwater Retrofit Plan, as approved by the New York State Department of Environmental Conservation; and

WHEREAS, by Resolution #R-0725-06, which was adopted on July 25, 2013, the Executive Committee of the EOHWC authorized the construction contract to be awarded to Bibeau Construction Co Inc. to perform the construction work for Carmel-AM-116 (“construction contract”) in the amount of \$309,000 (“contract price”); and

WHEREAS, the EOHWC has previously approved Change Orders No.1 through No.3 which increased the contract price in the amount of \$22,217.71 and adjusted the contract price to the amount of \$331,217.71; and

WHEREAS, Bibeau Construction Co Inc. has completed the construction work for Carmel- AM-116 and has submitted a request for final payment in the amount of \$8,280.44; and now therefore be it

RESOLVED, that the Executive Committee of the EOHWC hereby approves the request for final payment in the amount of \$8,280.44, as submitted by Bibeau Construction Co Inc., in connection with the construction contract for Carmel-AM-116 subject to review by the Corporation’s Staff Attorney of the appropriate releases from the contractor, including without limitation, lien releases and certification from the contractor that all subcontractors and material suppliers have been paid by the contractor.

Pat-EB-09-01

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

WHEREAS, the East of Hudson Watershed Corporation (“EOHWC”) is implementing the stormwater retrofit project identified as “Pat-EB-09-01” (Big Elm Road), which involves the installation of a new pocket pond system located in the Town of Patterson; and

WHEREAS, Pat-EB-09-01 is included in the EOHWC’s Regional Stormwater Retrofit Plan, as approved by the New York State Department of Environmental Conservation; and

WHEREAS, by Resolution #R-0725-04, which was adopted on July 25, 2013, the Executive Committee of the EOHWC authorized the construction contract to be awarded to Linda Holding Corp. to perform the construction work for Pat-EB-09-01 (“construction contract”) in the amount of \$76,794.36 (“contract price”); and

WHEREAS, the EOHWC has previously approved Change Order No.1 which increased the contract price in the amount of \$24,727.81 and adjusted the contract price to the amount of \$101,520.77; and

WHEREAS, Linda Holding Corp. has completed the construction work for Pat-EB-09-01 and has submitted a request for final payment in the amount of \$10,038.12; and now therefore be it

RESOLVED, that the Executive Committee of the EOHWC hereby approves the request for final payment in the amount of \$10,038.12, as submitted by Linda Holding Corp., in connection with the construction contract for Pat-EB-09-01, subject to review by the Corporation's Staff Attorney of the appropriate releases from the contractor, including without limitation, lien releases and certification from the contractor that all subcontractors and material suppliers have been paid by the contractor.

Pat-MB-06

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

WHEREAS, the East of Hudson Watershed Corporation ("EOHWC") is implementing the stormwater retrofit project identified as "Pat-MB-06" (Fields Corner Road), which involves the installation of a channel stabilization located in the Town of Patterson; and

WHEREAS, Pat-MB-06 is included in the EOHWC's Regional Stormwater Retrofit Plan, as approved by the New York State Department of Environmental Conservation; and

WHEREAS, by Resolution #R-0725-05, which was adopted on July 25, 2013, the Executive Committee of the EOHWC authorized the construction contract to be awarded to Linda Holding Corp. to perform the construction work for Pat-MB-06 ("construction contract") in the amount of \$15,124.73 ("contract price"); and

WHEREAS, the EOHWC has previously approved Change Orders No.1 and No.2 which increased the contract price in the amount of \$23,712.16, and adjusted the contract price to the amount of \$38,836.89; and

WHEREAS, Linda Holding Corp. has completed the construction work for Pat-MB-06 and has submitted a request for final payment in the amount of \$1,941.84; and now therefore be it

RESOLVED, that the Executive Committee of the EOHWC hereby approves the request for final payment in the amount of \$1,941.84, as submitted by Linda Holding Corp., in connection with the construction contract for Pat-MB-06 subject to review by the Corporation's Staff Attorney of the appropriate releases from the contractor, including without limitation, lien releases and certification from the contractor that all subcontractors and material suppliers have been paid by the contractor.

PC-1

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

WHEREAS, the East of Hudson Watershed Corporation ("EOHWC") is implementing the stormwater retrofit project identified as "PC-1" (Putnam National Golf Course), which is a subsurface infiltration project located in the Town of Carmel; and

WHEREAS, PC-1 is included in the EOHWC's Regional Stormwater Retrofit Plan, as approved by the New York State Department of Environmental Conservation; and

WHEREAS, by Resolution #R-0806-02, which was adopted on August 6, 2013, the Board of Directors of the EOHWC authorized the construction contract to be awarded to Ben Ciccone, Inc. to perform the construction work for PC-1 (“construction contract”) in the amount of \$1,255,000 (“contract price”); and

WHEREAS, the EOHWC has previously approved Change Orders No.1 - No. 7 which increased the contract price in the amount of \$69,461.91, and adjusted the contract price to the amount of \$1,324,461.91; and

WHEREAS, Ben Ciccone, Inc. has completed the construction work for PC-1 and has submitted a request for final payment in the amount of \$81,366.63; and now therefore be it

RESOLVED, that the Executive Committee of the EOHWC hereby approves the request for final payment in the amount of \$81,366.63, as submitted by Ben Ciccone, Inc. in connection with the construction contract for PC-1 subject to review by the Corporation’s Staff Attorney of the appropriate releases from the contractor, including without limitation, lien releases and certification from the contractor that all subcontractors and material suppliers have been paid by the contractor.

VB-DI-31 & VB-DI-32

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

WHEREAS, the East of Hudson Watershed Corporation (“EOHWC”) is implementing the stormwater retrofit projects identified as “VB-DI-31” (Tonetta Brook) that includes rehabilitation of an existing stormwater collection and conveyance system and installation of a new wet extended detention pond and “VB-DI-32” (Wells Brook) that includes the installation of a new wet extended detention pond, which are located in the Village of Brewster; and

WHEREAS, VB-DI-31 and VB-DI-32 are included in the EOHWC’s Regional Stormwater Retrofit Plan, as approved by the New York State Department of Environmental Conservation; and

WHEREAS, by Resolution #R-0725-01, which was adopted on July 25, 2013, the Board of Directors of the EOHWC authorized the construction contract to be awarded to Brennan Construction Co. to perform the construction work for VB-DI-31 and VB-DI-32 (“construction contract”) in the amount of \$4,582,042.50; and

WHEREAS, the EOHWC has previously approved Change Orders No.1 & No. 2 which increased the contract price in the amount of \$254,846, and adjusted the contract price to the amount of \$4,836,388.50; and

WHEREAS, Brennan Construction Co. has completed the construction work for VB-DI-31 and VB-DI-32 and has submitted a request for final payment in the amount of \$241,844.42; and now therefore be it

RESOLVED, that the Executive Committee of the EOHWC hereby approves the request for final payment in the amount of \$241,844.42, as submitted by Brennan Construction Co. in connection with the construction contract for VB-DI-31 and VB-DI-32 subject to review by the Corporation’s Staff Attorney of the appropriate releases from the contractor, including without limitation, lien releases and certification from the contractor that all subcontractors and material suppliers have been paid by the contractor.

b. Review Municipal Reimbursements to the Town of Southeast

Thereupon a motion by Director Griffin, seconded by Director Burdick, it was unanimously agreed to table the discussion and review of municipal reimbursements to the Town of Southeast.

9. Discussion: New Hire – Engineer

Thereupon a motion by Chris Burdick, seconded by Peter Parsons, it was unanimously agreed that the East of Hudson Watershed Corporation will advertise for a position of full-time Engineer.

10. Other Business

Further discussion took place on the status of Year 5 projects (i.e. to be completed and/or constructed in 2015).

George Rodenhausen discussed National Resources Defense Council (NRDC) litigation (follow-up on NRDC suit against NYSDEC with regard to MSR permit).

11. Review vouchers & Sign Checks

Vouchers were reviewed and checks were signed for distribution

12. Adjournment

Thereupon a motion of Director Burdick, seconded by Director Parsons, the meeting was adjourned at 11:45 am.