



# EAST OF HUDSON WATERSHED CORPORATION

## EXECUTIVE COMMITTEE MEETING

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

TIME and DATE: 9:30 AM, Thursday, December 17, 2015

### Meeting Minutes

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

Voting Members in Attendance: Michael Griffin (Town of Patterson); Warren Lucas (Town of North Salem) for himself and as alternate for Chris Burdick (Town of Bedford); Peter Parsons (Town of Lewisboro); Rich Franzetti for himself and as alternate for Ken Schmitt (Town of Carmel)

Others in Attendance: Rich Williams (Town of Patterson); George Rodenhausen (Corporate Counsel); Christine Chale (Corporate Counsel); Vincent Giorgio (NYCDEP); 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 Lucas to approve the Executive Committee Meeting Minutes of November 19, 2015 as presented; all in favor.

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

Joanne Tavino reported that there were no significant changes for December from the original budget. 2015 will end with approximately \$4.5-\$5 million balance. The checks being signed today will amount to approximately \$100,000.

#### **Health Insurance Update**

A notification was received from our health insurer of a rate increase of 6.2%. This will amount to an increase of \$1,000 for the corporation.

#### **Purchases**

A locked mailbox and post are being purchased in the amount of \$350 from Mailboxes.com to be installed outside the building by Charlie Arbore. Larry Maxwell of the Hudson Valley Trust offered to contribute \$50. The post office box will continue to be utilized temporarily while we await installation and regular delivery by the Brewster Post Office.

An inquiry into replacing the copier has been made with AVP. The current cost per month for copier and copies is approximately \$200. The model of interest has most of the same features with some additional upgrades including an in-line stapler and would increase the monthly cost to \$220 per month. Director Lucas suggested getting an additional quote from the Westchester County Bid and will provide the contact information. Director Parsons requested being copied on the contact information as well.

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

Kevin reported that we are going out to bid on 4 more projects to be awarded in January. We were notified that the Kent-MB-311 project was approved for an additional 10 kilograms. Pending approval for the new calculations on the SE-POT-02 project, our projected total for years 1-5 will be closer to 535 kilograms rather than 500 originally anticipated.

The information on projects to be completed in 2016 has been transferred over from the Running Project Status Table. The current total as of this date is 334 kilograms removed with an additional 3 or 4 projects that have been sent up to the New York State Department of Environmental Conservation (NYSDEC) for approval.

#### **Resolution Regarding Fencing for PW-342A and PW-342B**

Motion by Director Parsons, seconded by Director Lucas to deny the request for fencing for PW-342A and 342B.

WHEREAS, the Pawling Fire District has requested that the proposed stormwater retrofit projects (SRP's) at the Pawling Fire District firehouse on Route 292 in Pawling, New York, known as PW-342A & PW-342B, include the installation of protective fencing around the pocket ponds; and

WHEREAS, the requested fencing is not considered a necessary component of the SRP and would therefore not be considered eligible for funding under the Funding Agreement with NYCDEP or the similar funding agreements with Putnam and Westchester Counties;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors that the requested protective fencing will not be included by the Corporation as a cost of the SRP for the reason that it is not considered an eligible cost under the Corporation's funding agreements.

Motion passed, all in favor.

#### **5) Year 6 Work Plan**

Kevin reported that Woodard and Curran and the RFP team had a phone conversation with the NYSDEC on Friday, December 11<sup>th</sup> which involves their current Year 6 projects. Projects involving channel stabilization and other quick projects that can be completed in-house have been included. A formal list of the projects is expected shortly.

George Rodenhausen raised an issue regarding insurance for the projects being completed in-house by East of Hudson Watershed Corporation (EOHWC) engineering staff; the current insurance does not cover engineering services performed in-house, therefore an additional policy must be purchased. It was requested that Joanne obtain quotes. Additionally, George pointed out that as a corporation, we cannot perform engineering services. Regulatory provisions require an engineering firm to perform

engineering services. It was recommended that an inquiry with the Department of Education is made to determine what is required in order to comply to with the regulatory rules.

#### **6) Approve Negative Declaration for B-MU-35**

Motion by Rich Franzetti, seconded by Director Parsons to approve the negative declaration for B-MU-35.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Bedford, Westchester County, New York involving construction of a subsurface infiltration system to be installed at Broad Brook Road; and

WHEREAS, the Executive Committee has reviewed the Short Environmental Assessment Form dated 12/17/15 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 known as B-MU-35 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.

#### **7) Award Construction Contract for B-MU-35**

Motion by Director Lucas, seconded by Director Parsons to award the construction contract to Avanti Construction for B-MU-35 in the amount of \$372,088.00.

WHEREAS, the proposed stormwater retrofit project known as B-MU-35 is proposed to be located at Broad Brook Road in the Town of Bedford, 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 subsurface infiltration chambers, including earthwork, catch basins, a control structure, a hydrodynamic particle separator, drainage pipes, a conveyance swale, and preparing, restoring and cleaning the project area, all in accordance with plans prepared by Dvirka & Bartilucci Engineers and Architects, P.C.; and

WHEREAS, the project was publicly bid and nine (9) bids were received and publicly read aloud at the EOHWC offices on November 12, 2015; and

WHEREAS, the lowest bid received was in the amount of \$372,088.00 submitted by Avanti Construction and the highest bid received was in the amount of \$1,017,970.00 submitted by Montesano Brothers Inc.; and

WHEREAS, the Phosphorus removal efficiency of the project is approximately \$53,000/ Kg P-removed; and

WHEREAS, Dvirka & Bartilucci Engineers and Architects, P.C. contacted the references for Avanti Construction and contacted Avanti Construction directly and was assured that they can complete the project for the amount bid; and

WHEREAS, Dvirka & Bartilucci Engineers and Architects, P.C. has recommended that the EOHWC accept Avanti Construction as lowest responsible bidder for the project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on December 17, 2015, the Executive Committee reviewed all available evidence and resolved that the project known as B-MU-35 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 Avanti Construction as lowest responsible bidder for the project known as B-MU-35 and authorizes the President or Vice President of the Corporation to execute the construction contract with Avanti Construction 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.

Motion passed, all in favor.

## **8) Finalize O & M Policy**

Kevin reported that eight O & M Resolutions have been received to date. George suggested sending a reminder letter to the towns that have not yet submitted an O & M Resolution. Rich Franzetti brought up the issue of accessing private and school property projects on the Town of Carmel list. He assured the board that the Town of Carmel will sign a resolution once the list of projects discussed is corrected.

## **9) Pollution Policy discussion**

Joanne discussed that the pollution policy mainly covers professional services and errors and omissions with a small portion actually covering pollution. It makes sense to maintain the policy as it currently is because it would be just as expensive to obtain a policy without pollution coverage. The cost has been reduced greatly from previous years. Christine Chale recommended re-evaluating coverage the next time a full-insurance rebid comes up.

## **10) Sign checks and vouchers**

Monthly checks and vouchers were signed. No action taken.

## **11) Other business**

Joanne reported that Mike Meyer inquired about the Putnam County funds due EOHWC. Additionally, he mentioned that the performance review he is required to complete cannot be done until the funds are received and emphasized the issue should be resolved by year end. Vincent Giorgio added that reimbursement should not depend on whether or not the grant money is received. The expectation is that the funds will be reimbursed by Putnam County.

George mentioned that in a recent discussion with Mike Meyer, he requested that the funding agreement be amended. George will continue to work with Mike to resolve pending issues.

Director Parsons provided a Westchester County update. There will be no action on the Westchester Legislature with regard to the Woodard and Curran money until January. The list of projects provided by Kevin for years 6-10 will be resubmitted. Northern Westchester supervisors unanimously agreed that the O & M cost should come out of the EOHWC funds.

## **12) Executive Session**

Motion by Director Parsons, second by Director Lucas to enter into Executive Session to discuss performance reviews and compensation of employees; all in favor. Motion by Director Parsons, seconded by Director Lucas to come out of Executive Session; all in favor. Director Griffin stated no actions were taken in executive session.

Motion by Director Parsons, seconded by Director Lucas to recommend to the full board at the January 12, 2016 Annual Meeting: an increase in the salary of Kevin Fitzpatrick to \$110,000 per year effective January 1, 2016 with a review in 6 months with the intention of a salary increase to \$120,000 per year pending the outcome of the review; an increase in the salary of John Belyea to \$100,000 per year to take effect January 1, 2016 with a review in 6 months with the intention of a salary increase to \$110,000 per year pending the outcome of the review: a reduction in the salary of Joanne Tavino to \$80,000 and hours reduced to 30 per week effective January 18, 2016; an increase in the hourly pay rate to \$25 per hour with no increase in weekly hours for Linda Matera and Yvette Rivera effective January 1, 2016; all in favor.

**13) Adjournment – Motion to adjourn by Director Griffin, seconded by Director Burdick; all in favor.  
Adjourned 11:35am.**