



EAST OF HUDSON WATERSHED CORPORATION

EXECUTIVE COMMITTEE MEETING

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

TIME and DATE: 9:30 AM, Thursday, February 25, 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); Bruce Walker (Putnam County); Chris Burdick (Town of Bedford); Rich Franzetti, alternate for Ken Schmitt (Town of Carmel); Dave Kelly (Town of Pawling)

Others in Attendance: Sabrina Charney-Hull (Town of New Castle); Christine Chale (Corporate Counsel); Vincent Giorgio (NYCDEP); Antonino Modica (NYCDEP) Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); John Belyea (EOHWC); Yvette Rivera (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes

Motion by Director Kelly, seconded by Director Lucas to approve the Executive Committee Meeting Minutes of January 28, 2016 as presented; all in favor.

3) Financial Update

Joanne Tavino reported there is a fund balance of \$13.6 million prior to today's check run of \$240,000. We are on schedule to end the 2016 program with a balance of \$6 million.

4) Purchases

a. EJC Documents

Kevin Fitzpatrick requested authorization to purchase a license for front end contract documents from EJC at a cost of approximately \$1,600. Director Williams asked about the duration of usage with regard to the license. An inquiry will be made by Kevin regarding the duration of usage and notification will be presented to the President and Corporate Counsel for approval upon their final review.

Motion by Director Lucas, seconded by Director Burdick to authorize the purchase of EJC contract documents not to exceed \$2,000 with final approval by Director Parsons and Chris Chale.

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

5) Project Update

Kevin reported that we will be submitting for 3.5 kilograms of removal credit for stormwater retrofit project L-CR-30, which recently concluded in Lewisboro. The additional 3.5 kilograms will bring the total up to approximately 337 kilograms.

Open construction projects are moving forward without serious issue. A few additional projects will be going out to construction in the spring. We will be going out to bid on Kent-MB-311B again on March 15th. The project will yield 11 kilograms of credit after receiving new authorization from the New York State Department of Environmental Conservation (NYSDEC) to apply a different method of channel stabilization.

Director Burdick mentioned that the Town of Bedford will be putting in a new recycling center and was required to put some new practices in place at the request of New York City Department of Environmental Protection (NYCDEP). Director Burdick requested that Kevin Fitzpatrick check with Kevin Winn to see if East of Hudson Watershed Corporation (EOHWC) can pick up phosphorus reduction credit from the new recycling center. Additionally mentioned was a project in connection with salt storage which will be going forward in the next few months. Kevin assured Director Burdick that he would reach out to Kevin Winn and Hahn Engineering to discuss both projects in greater detail.

6) Award RFP for Surveying Services

Motion by Director Parsons, seconded by Director Burdick to approve the award for surveying services to WSP USA Corporation in the amount of \$8,241.50 for NewC-NCR-33 A & B.

WHEREAS, the proposed stormwater retrofit projects known as NewC-NCR-33A and NewC-NCR-33B are proposed to be located within the Burden Preserve in the Town of New Castle, New York, and are included in the first five year MS4 regional plan approved by the NYS Department of Environmental Conservation; and

WHEREAS, the work consists of the survey of the proposed construction site to verify the location of all stormwater inlets to the site, the existing site conditions with respect to channel locations and cross-sections, perform a tree survey for the affected area as well as verify the locations of various points of interest on the site, etc.; and

WHEREAS, the project was publicly bid and three (3) bids were received and reviewed at the EOHWC offices on February 2, 2016; and

WHEREAS, the lowest bid received was in the amount of \$8,241.50 submitted by WSP USA Corporation and the highest bid received was in the amount of \$13,700.00 submitted by H2M Architects and Engineers; and

WHEREAS, East of Hudson Watershed Corporation contacted the references for WSP USA Corporation and contacted WSP USA Corporation directly and was assured that they can complete the project for the amount bid; and

WHEREAS, the EOHWC Engineering Staff has recommended that the corporation accept WSP as lowest responsible bidder for the project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors that it accepts WSP USA Corporation as lowest responsible bidder for the survey project for the SRP's NewC-NCR-33A and NewC-NCR-33B and authorizes the President or Vice President of the Corporation to execute the construction contract with WSP USA Corporation subject to the following conditions:

1. Submission of bonds and insurance by the contractor as required by the construction contract;
2. Review of the survey contract by the Corporation's Counsel.

Motion passed; all in favor.

7) Future projects discussion

Most recently, authorization was received by the DEC to begin a culvert replacement program, which basically allows the channel stabilization method to be applied to culvert replacements. If the culverts are undersized, as is the case for many across the watershed, they're likely failing. As a general practice, the towns will have to go out and repair them. We've been authorized to apply the channel stabilization method to get phosphorus reduction in these areas. Essentially it's a practice all of the towns may be doing or need to do that can now be incorporated into the program. Sabrina Charney-Hull requested that information identifying the details regarding the culvert replacement program be circulated to each highway department and town supervisor. Kevin agreed to put together a package containing detailed information as requested by Sabrina to be distributed next week to each highway department and town supervisor explaining the specific details.

8) O & M Update

A suggestion was made to reword the last column of the O & M Resolution checklist to clarify whether or not each town will be taking responsibility for O & M or outsourcing it. Director Parsons suggested Kevin speak with each town to determine by whom each project will be maintained and how they plan to address the O & M. Some may require being subcontracted out to schools. Chris Chale suggested removing the last column titled, "Accepted O & M Responsibility", from the checklist to avoid confusion and add it to Kevin's O & M spreadsheet instead. Kevin will identify with each town which projects they are going to do and which they plan to outsource.

Director Williams stated that he has met with the Village of Brewster's attorney and that they are continuing to work towards the adoption of the O & M resolution.

9) Approve Work Change Directives and Change Order

Three work change directives were submitted for Y-MU-10 by Legacy Supply, LLC. Work Change Directives #1 and #2 do not present a cost increase. Work Change Directive #3 increases the project by \$6,600.

a. Y-MU-10 Work Change Directive #1

Motion by Director Williams, seconded by Director Lucas to approve Work Change Directive #1 for Y-MU-10 submitted by Legacy Supply LLC with no increase in project cost for the relocation of the proposed control structure and the necessary site work to complete conveyance of the water quantity storms; all in favor

b. Y-MU-10 Work Change Directive #2

Motion by Director Williams, seconded by Director Lucas to approve Work Change Directive #1 for Y-MU-10 submitted by Legacy Supply LLC with no increase in project cost for the reconstruction of a catch basin which is tributary the stormwater practice; all in favor.

c. Y-MU-10 Work Change Directive #3

Motion by Director Williams, seconded by Director Burdick to approve Work Change Directive #3 for Y-MU-10 submitted by Legacy Supply, LLC for the removal of concrete and debris from the site in the amount of \$6,600 for Y-MU-10.

WHEREAS, Legacy Supply, LLC submitted work change directive request Number 3 dated January 27, 2016 for an additional \$6,600 for Y-MU-10 in project group 2012-02-2 of the first five year retrofit plan, which change directive was recommended for approval by consulting design engineer Hahn Engineering; and

WHEREAS, Y-MU-10 is located at Railroad Avenue in the Town of Yorktown and includes the construction of a pocket pond and a conveyance swale; and

WHEREAS, the proposed change directive request is for Legacy Supply, LLC, to remove and dispose of unforeseen concrete and debris from the site; and

WHEREAS, this change directive, if approved, would increase the construction cost from \$209,969 to \$216,569 and would have an updated efficiency of approximately \$67,000/kg with an estimated phosphorus reduction of 4.3 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 ratifies and approves the change directive request from Legacy Supply, LLC dated January 27, 2016 for an additional \$6,600 for Y-MU-10 increasing the construction cost from \$209,969 to \$216,569.

Motion passed; all in favor.

d. Patterson-PA-15B Change Order

A change order was submitted by Coyle Industries Inc. to address the extension of a dry swale to meet an existing pipe elevation and to relocate an existing rain garden on the site that the school wishes to keep functioning.

Motion by Director Williams, seconded by Bruce Walker to approve change order submitted by Coyle Construction Industries in the amount of \$7,612.85 for Patterson-PA-15B.

WHEREAS, Insite Engineering, Surveying, and Landscape Architecture, P.C. submitted change order request Number 1 dated February 10, 2016 for an additional \$7,612.85 for Patterson-PA-15B in project group 2015-05 of the first five year retrofit plan; and

WHEREAS, Patterson-PA-15B is located on property of the Matthew Patterson Elementary School in the Town of Patterson and includes the construction of a dry swale with a relocation and connection of an existing school owned rain garden area; and

WHEREAS, the proposed change order request is for Coyle Industries Inc., to provide necessary construction changes 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 \$33,400.00 to \$41,012.85 and would have an updated efficiency of approximately \$33,000/kg with an estimated phosphorus reduction of 2.38 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 Coyle Industries Inc., dated February 10, 2016 for an additional \$7,612.85 for Patterson-PA-15B increasing the construction cost from \$33,400.00 to \$41,012.85.

Motion passed; all in favor.

10) Change Order process discussion

Joanne expressed concern with the process by which change orders and work change directives are handled and suggested that more oversight may be necessary. Chris Chale pointed out that in the absence of an Executive Director, the Board should consider giving permission to authorize change orders and work change directives that occur in the construction field so as to expedite time-sensitive changes that may be necessary subject to a specified maximum. Director Kelly suggested implementing the use of a fiscal impact statement to track the accounting on change orders for auditing purposes. It will be made available to Joanne at the next Executive Committee meeting scheduled for March 25th. Discussion ensued and it was decided that the Director of Engineering will be given the ability to authorize change orders and work change directives up to an amount of \$10,000 within the field for construction activities only with the design engineer's concurrence and notification provided to the Executive Committee within 24 hours.

Motion by Director Williams, seconded by Rich Franzetti to authorize the Director of Engineering to approve change orders and work change directives within the field for construction activities only, up to an amount of \$10,000 with the concurrence of the design engineer and with notice to the Executive Committee within 24 hours.

11) L-CR-30 voucher request

Motion by Director Kelly, seconded by Rich Franzetti to authorize an installation agreement reimbursement increase to the Town of Lewisboro for L-CR-30 by the amount of \$2,066.15 for a total of \$44,066.15 authorized for engineering fees and a total reimbursement not to exceed \$280,429.15 pursuant to the Agreement.

WHEREAS, EOHWC entered into an Agreement for Reimbursement of Stormwater Retrofit Expenses with Town of Lewisboro, dated April 7, 2015, regarding project number L-CR-30 (the “Agreement”); and

WHEREAS, Section 3(F) of the Agreement provides that, unless otherwise agreed by the Executive Committee of the Board of Directors, the total reimbursement amount for engineering fees shall not exceed \$42,000 and the total reimbursement shall not exceed \$278,363; and

WHEREAS, the Town of Lewisboro incurred certain eligible expenses for survey and permit fees exceeding the approved reimbursement amount;

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

1. The Executive Committee hereby approves an increase in the authorized reimbursement amount under the Agreement by the amount of \$2,066.15, for a total of \$44,066.15 authorized for engineering fees and a total reimbursement not to exceed \$280,429.15 pursuant to the Agreement.

Motion passed; all in favor.

12) Sign checks and vouchers

Monthly checks and vouchers were signed. No action taken.

13) Other business

None

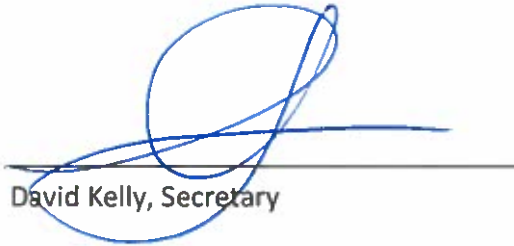
14) Executive Session

Motion by Director Parsons, seconded by Director Burdick to enter into Executive Session at 11:01 am; all in favor. Motion by Director Parsons, seconded by Director Burdick to come out of Executive Session at 11:07am; all in favor. No decision were made and no actions were taken in Executive Session.

14) Adjournment – Motion to adjourn by Director Parsons, seconded by Director Burdick; all in favor. Adjourned 11:08am.

SECRETARY'S CERTIFICATE

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

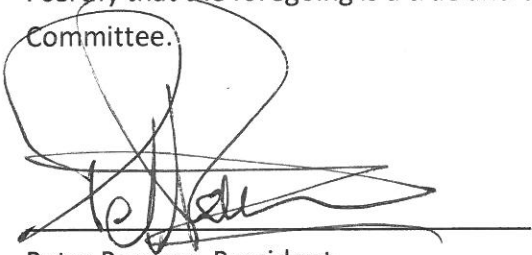


David Kelly, Secretary

3/28/16
Date

PRESIDENT'S CERTIFICATE

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

A handwritten signature in black ink, appearing to read 'Peter Parsons', is written over a horizontal line. The signature is somewhat stylized and overlaps the line.

Peter Parsons, President

4/1/16

Date