



EAST OF HUDSON WATERSHED CORPORATION

EXECUTIVE COMMITTEE MEETING

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

TIME and DATE: 9:30 AM, Thursday, March 23, 2017

Meeting Minutes

1) Open Meeting

Voting Members in Attendance: Chris Burdick (Town of Bedford); Rich Williams (Town of Patterson) for himself and as alternate for Bruce Walker (Putnam County); Warren Lucas (Town of North Salem) for himself and as alternate for both Peter Parsons (Town of Lewisboro) and 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), Antonino Modica (NYC DEP); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); John Belyea (EOHWC); Yvette Rivera (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes

Motion by Director Burdick, seconded by Rich Franzetti to approve the meeting minutes of February 23, 2017; all in favor.

3) Fabco Industries Catch Basin Insert Discussion

Bill Stoker of Energy Smart Solutions presented Fabco Industries' water quality insert (WQI). The product treats the water at the source with a decentralized green infrastructure approach, rather than developing extra infrastructure to get to a centralized treatment location. Permit holders can improve their stormwater treatment through targeted deployment of WQIs. It is an excellent retrofit solution that is cost effective and flexible, and provides maintenance and inspection advantages as well. It is important to note that when a catch basin insert is purchased for installation, measurements are taken and foundry numbers are written down. Each unit has a layered make-up and different configurations because it is a targeted product. They are designed specifically for the location at which they will be installed. There is no extra cost associated with the design work. Woodard and Curran went through the process of evaluating several solutions and trying to get some of them approved. This product is one that was approved by New York State Department of Environmental Conservation (NYS DEC). There are different ways the inserts can be installed. There are also different shapes and sizes available. If you have larger units, you can use more than two cartridges. A standard street foundry number type catch basin would typically be sized for two cartridges. There is a bypass built into the units as well as an internal shelf that keeps floatables from going out of the bypass, but will allow liquid to go through. The cartridges have been approved for 50% phosphorus removal, as compared to a hydrodynamic separator (HDS) which is only 10%. Kevin Fitzpatrick mentioned that Putnam Valley has reported that they are experiencing improved water quality at the outfall after the installation of the Fabco insert. Director Lucas asked about required maintenance to keep the unit working efficiently. Bill explained that it involves switching out one cartridge and replacing it with another. The box sits 30" to 40" down below the grate. It fills up at different rates, depending on its location. Director Burdick asked how this compares with similar DEC approved systems and if it is

comparable in terms of maintenance. Bill responded that there are other companies that make inserts with baskets and nets; however, there aren't other companies that make inserts with cartridge applications. Kevin added that there aren't any comparable products that are approved for our program.

4) 2016 Final Project Accounting Report-DEP

Joanne Tavino reported that the 2016 Final Project Accounting Report due to the New York City Department of Environmental Protection (NYC DEP) and other authorities will be sent this week to Westchester and Putnam Counties, as well as New York State Authorities Budget Office (NYS ABO). It has been tied into the audit and is due by March 31st. Director Lucas noted that both he and Jon Powers reviewed the audit and he thanked Joanne for her work. A motion was requested to release the report to the proper authorities. Motion by Director Lucas, seconded by Director Burdick to release the 2016 Final Project Accounting Report to required authorities as noted, all in favor.

5) 2016 Audit – Form 990 and CHAR 500

Joanne Tavino reported that the Form 990 and CHAR 500 have been completed and reviewed and the audited financial statements are due to NYS ABO by March 31st. Both the Audit and Finance Committees have been copied. A motion was requested to present the audit at the quarterly Board of Directors Meeting on May 9th which will then allow for the Form 990 and CHAR 500 to be released in order to meet the May 15th filing deadline. Motion by Director Burdick, seconded by Rich Franzetti to present the Form 990 and CHAR 500 at the Board of Directors meeting on May 9, 2017; all in favor.

6) List of Reporting and Filing Due Dates

Joanne reported that most of the items that are due March 31st and April 1st have to do with the audit, which was just approved and can now be released. It was additionally noted that the Procurement Report was posted on the PARIS website and is certified. Kevin reported that the Annual Work Plan will be completed and released at the end of April for review and will be discussed at the May 9th quarterly meeting.

7) Financial Update

Joanne reported that as of February 28th, there was \$10.8 million on hand that included treasury investments as well as cash. Checks today were drawn in the amount of \$48,000. The estimate for ending the 5-year program remains at \$6.5 million. On March 31st, \$2 million in treasuries will mature and can be reinvested. A cash flow was done and there is sufficient cash to cover expenditures. The next treasury for \$1 million will mature at our other financial institution on April 27th. At that point, it will be determined if reinvesting is an option depending on whether we are into construction in the springtime. The finance committee has been copied and an update is sent every month. A motion was requested to reinvest the \$2 million in treasuries. Motion by Director Lucas, seconded by Director Williams to reinvest \$2 million in treasuries on March 31, 2017; all in favor.

8) Project Update

Kevin reported that March was a little bit damper than we would have liked, so construction has not completely started up again for Years 1-5 projects. There were a few projects that got started but had to be shut down because of the snow. It is optimistically anticipated that open construction projects will be

closed out over the next two months. A majority of the projects highlighted in green will likely be in the final inspection phase by the April 27th Executive Committee Meeting and others will just be getting started. The total number of kilograms completed to date for Years 1-5 is 380. The projects in the bottom chart highlighted in yellow are all in introductory and preliminary phases and are estimated to reach 250 kilograms of phosphorus reduction. That number could potentially be reduced when we approach private property owners. We have four surveys today which we will look to award to continue moving forward on projects. Some of these projects are going to use the Fabco product, but have not been totally worked into the program yet. The best application for the product is private property, commercial lots, and impervious cover. If we can manage undertaking 100% impervious areas, then we can reach 1.2 kilograms that Bill spoke of. With forested or residential areas, that number starts dropping. The properties along the Route 117 corridor from Mt. Kisco to Bedford should be considered for the catch basin insert. The only issues could be the maintenance, easement and access. Director Lucas suggested the possibility of installation in both municipal and MTA lots.

9) Change Order for Kent-MB-311B

Kevin reported that the change order for Kent-MB-311B addresses easy access for the public to get into the maintenance road and the project site. Originally, a simple wire gate with a lock was installed, which is insufficient because garbage is being dumped into the project site. We would like to utilize the remaining unused \$3,000-line item that was originally designated for rock excavation, to install a larger gate.

Director Burdick requested clarification on the policy in terms of fencing. Kevin responded that once it becomes a safety issue, our policy has been to provide fencing, as is appropriate in this case. Motion by Rich Franzetti, seconded by Director Williams to approve change order for Kent-MB-311B to utilize the remaining \$3,000 originally designated for rock excavation to install a safety gate;

WHEREAS, Legacy Supply, LLC submitted change order request Number 3 dated 2-27-17 for Kent-MB-311B in project group 2013-03 of the first five year retrofit plan; and

WHEREAS, Kent-MB-311B is located on property of the Patterson Crossing in the Town of Patterson and includes the construction of a channel stabilization and a micropool extended detention pond; and

WHEREAS, the proposed change order request is for Legacy Supply, LLC to eliminate rock excavation from the contract and add a new safety gate; and

WHEREAS, this change order, if approved, would have no effect on the current construction cost of \$242,023.75, no change to project efficiency of \$28,000/kg and the estimated phosphorus reduction of 11.7 kg/yr;

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 Legacy Supply, LLC dated 2-27-17 having to impact on the construction cost of \$242,023.75.

Motion passed; all in favor. **(R-0323-03)**

10) Award Surveying Contracts

Kevin explained that bids received for solicitations on 2017-01 and 2017-02 were open to all local surveyors and contracts were awarded to the lowest responsible bidders on each. We received excellent recommendations from references provided by both of the surveying companies being awarded contracts today. It was noted that each of the two solicitations contains two projects; Solicitation 2017-01 (B-MU-602 and Carmel-GL-615) and Solicitation 2017-02 (Kent-MB-601 and Pat-EB-602).

a. B-MU-602

Motion by Director Burdick, seconded by Rich Franzetti to award surveying contract for B-MU-602 to TEC Land Surveying, P.C. in the amount of \$7,970.00;

WHEREAS, the proposed stormwater retrofit projects known as B-MU-602 in project group 2017-01 is proposed to be located at Sunnyfield Farm in the Town of Bedford, New York, and are included in the Years 6-10 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 six (6) bids were received and reviewed at the EOHWC offices on March 10, 2017; and

WHEREAS, the lowest bid received was in the amount of \$7,970.00 submitted by TEC Land Surveying and the highest bid received was in the amount of \$20,379.46 submitted by KC Engineering and Surveying for the whole of Solicitation of 2017-01; and

WHEREAS, East of Hudson Watershed Corporation contacted the references for TEC Land Surveying and contacted TEC Land Surveying 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 TEC Land Surveying 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 TEC Land Surveying as lowest responsible bidder for the survey project for the SRP B-MU-602 and authorizes the President or Vice President of the

Corporation to execute the construction contract with TEC Land Surveying 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. **(R-0323-01)**

b. Carmel-GL-615

Rich Franzetti pointed out that this project covers both Carmel-GL-615 and Carmel-GL-616. Kevin indicated that both projects will be reflected in Carmel-GL-615 and will appear as such on the Running Project Status Table going forward.

Motion by Director Burdick, seconded by Director Lucas to award the surveying contract for Carmel-GL-615 to TEC Land Surveying, PC in the amount of \$5,380.00;

WHEREAS, the proposed stormwater retrofit projects known as Carmel-GL-615 in project group 2017-01 is proposed to be located at Willow Road West in the Town of Carmel, New York, and are included in the Years 6-10 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 six (6) bids were received and reviewed at the EOHWC offices on March 10, 2017; and

WHEREAS, the lowest bid received was in the amount of \$5,380.00 submitted by TEC Land Surveying and the highest bid received was in the amount of \$20,379.46 submitted by KC Engineering and Surveying for the whole of Solicitation 2017-01; and

WHEREAS, East of Hudson Watershed Corporation contacted the references for TEC Land Surveying and contacted TEC Land Surveying 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 TEC Land Surveying 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 TEC Land Surveying as lowest responsible bidder for the survey project for the SRP Carmel-GL-615 and authorizes the President or Vice President of the Corporation to execute the construction contract with TEC Land Surveying 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. **(R-0323-02)**

c. Kent-MB-601

Motion by Director Burdick, seconded by Rich Franzetti to award surveying services for Kent-MB-601 to Tectonic Engineering and Land Surveying, PC in the amount of \$8,900.00;

WHEREAS, the proposed stormwater retrofit projects known as Kent-MB-601 in project group 2017-02 is proposed to be located at Montrose Drive in the Town of Kent, New York, and are included in the Years 6-10 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 March 17, 2017; and

WHEREAS, the lowest bid received was in the amount of \$8,900.00 submitted by Tectonic Engineering and Surveying Consultants, P.C. and the highest bid received was in the amount of \$15,146.48 submitted by WSP USA Corporation for the whole of Solicitation of 2017-02; and

WHEREAS, East of Hudson Watershed Corporation contacted the references for Tectonic Engineering and Surveying Consultants, P.C. and contacted Tectonic Engineering and Surveying Consultants, P.C., 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 Tectonic Engineering and Surveying Consultants, P.C. 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 Tectonic Engineering and Surveying Consultants, P.C. as lowest responsible bidder for the survey project for the SRP Kent-MB-601 and authorizes the President or Vice President of the Corporation to execute the construction contract with Tectonic Engineering and Surveying Consultants, P.C. 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. **(0323-04)**

d. Pat-EB-602

Motion by Rich Franzetti, seconded by Director Burdick to award surveying services for Pat-EB-602 to Tectonic Engineering and Surveying Services, P.C., in the amount of \$7,800.00;

WHEREAS, the proposed stormwater retrofit projects known as Pat-EB-602 in project group 2017-02 is proposed to be located at Dayton Road in the Town of Patterson, New York, and are included in the Years 6-10 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 March 17, 2017; and

WHEREAS, the lowest bid received was in the amount of \$7,800.00 submitted by Tectonic Engineering and Surveying Consultants, P.C. and the highest bid received was in the amount of \$11,208.68 submitted by WSP USA Corporation for the whole of Solicitation of 2017-02; and

WHEREAS, East of Hudson Watershed Corporation contacted the references for Tectonic Engineering and Surveying Consultants, P.C. and contacted Tectonic Engineering and Surveying Consultants, P.C., 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 Tectonic Engineering and Surveying Consultants, P.C. 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 Tectonic Engineering and Surveying Consultants, P.C. as lowest responsible bidder for the survey project for the SRP Pat-EB-602 and authorizes the President or Vice President of the Corporation to execute the construction contract with Tectonic Engineering and Surveying Consultants, P.C. 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. **(R-0323-05)**

11) O & M Update

Kevin reported that as we are coming out of the winter all towns should be readdressing all projects sites. Progress is slowly being made by all towns with regard to inspections of projects and a majority of them have been addressed. Joanne informed the committee that she created a template and will work with Kevin to obtain backup to prepare the invoices for those who will both be receiving a bill and notification to those who will be receiving a payment from East of Hudson Watershed Corporation (EOHWC). Since the NYC DEP doesn't allow for EOHWC to spend O & M money, the revenue comes in and the cash goes out, with a zero cost to the NYC DEP's funding, which must be reflected on the audit. Some of the numbers used

for the audit were estimates while others were actual. For the towns that we do not have actual numbers for, the invoices cannot be sent out until every town cooperates and provides backup and vouchers. Joanne requested that supervisors ask their highway department to copy her on any backup documentation going forward. Kevin mentioned that some of the estimates were pulled together because a few of the towns were dragging their feet and we needed to come up with what the cost was for 2016. Joanne added that for the audit accruals, estimates were permitted; however, to send out bills, actual numbers are required. Director Lucas suggested setting a deadline and if backup is not received from the town by that date, a payment will not be generated.

Joanne inquired about the \$1.175 million due from Westchester for O & M. Director Burdick agreed to inquire about the status and obtain an estimate of when it can be expected.

12) Checks and Vouchers

Monthly checks and vouchers were signed. No action taken.

13) Other Business

There is a remainder of \$20,000 that is allocated to WQIP funds right now in an account at JP Morgan Chase, that previously held the WSP funds. The account has dropped below the required balance and will be assessed fees if not closed. Motion by Director Burdick, seconded by Director Lucas to close the account at JP Morgan Chase to avoid the assessment of fees; all in favor.

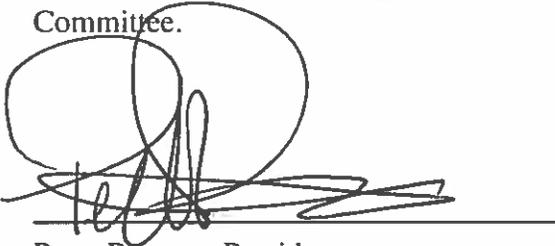
Director Lucas informed the committee that he had a discussion with Pamela Young regarding the FAD money. They are putting approximately \$17 million into the FAD document, which is about half the money we requested in the proposal.

14) Adjournment

Motion to adjourn by Director Williams, seconded by Director Burdick; all in favor. Adjourned at 10:41 AM.

PRESIDENT'S CERTIFICATE

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

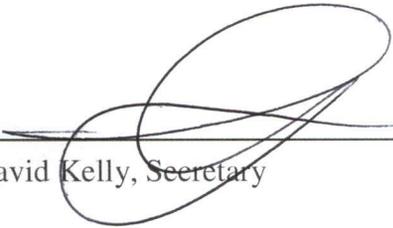
A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Peter Parsons, President

4/24/17
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



Date