



# EAST OF HUDSON WATERSHED CORPORATION

## EXECUTIVE COMMITTEE MEETING

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

TIME and DATE: 9:30 AM, Thursday, April 28, 2016

### Meeting Minutes

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

Voting Members in Attendance: Peter Parsons (Town of Lewisboro); Warren Lucas (Town of North Salem); Bruce Walker (Putnam County); Rich Williams (Town of Patterson); Rich Franzetti (Town of Carmel)

Others in Attendance: George Rodenhausen (Corporate Counsel); Christine Chale (Corporate Counsel); Sabrina Charney-Hull (Town of Chappaqua); Vincent Giorgio (NYCDEP); Kevin Fitzpatrick (EOHWC); John Belyea (EOHWC); Yvette Rivera (EOHWC); Linda Matera (EOHWC); George Pommer (Hahn Engineering); Doug Hahn (Hahn Engineering)

#### **2) Approve Meeting Minutes: March 24, 2016**

Motion by Director Williams, seconded by Director Lucas to approve the Executive Committee Meeting Minutes of March 24, 2016 as presented; all in favor.

#### **3) Hahn Change Order Presentation**

George Pommer and Doug Hahn of Hahn Engineering requested the opportunity to present three change orders for engineering services for Y-MU-14 to the Executive Committee. While originally submitted in October 2015 and denied, they recently resubmitted again last month in the hope a different determination would be reached. Kevin Fitzpatrick stated that Change Order #19 in the amount of \$6,480 addressed replacement of a pipe and catch basin upstream of the stormwater pond. In the course of the design, Hahn was asked by Rahul Verma to look at it. George Pommer explained that Rahul and the Town representative evaluated the conveyance system and decided it should be replaced. It was added as an alternate to the construction project. Hahn Engineering was not given written authorization to do additional engineering services. George Pommer explained that most of the cost incurred was for inspecting the piping and that there wasn't much design because it was a replacement. The change order was submitted before the drainage was actually built, but Hahn did not obtain written approval at any point. Clarification was requested by Christine on how the cost of the change order was calculated. George Pommer stated that it was based on 15% of the total cost because it wasn't clear how much time would be spent during construction. Director Williams inquired about what was involved with regard to inspecting the pipe. George Pommer stated that an inspector was out there on a limited basis because they knew they weren't getting paid for it. He stated that they would not normally have charged for this inspection, but asked for the change order because the construction work on the conveyance system was done after the work on the pond had been completed. George Rodenhausen asked for clarification that the work is part of construction

administration on the project and that it took longer only because the contractor phased the work. Hahn's initial proposal did assume that inspection was their responsibility. It was pointed out that the appropriate time to address a change order would have been when the alternate for the construction contract was being set up, not months later. Kevin explained that substantial completion on this work took place on October 21 and the change order was submitted after the fact by Hahn Engineering on October 22. George Rodenhausen emphasized that the contract requires that a written change order be approved before any work is done. The change order came in late, written approval was not obtained and the work was done anyway, which was the reason it was denied.

It was ultimately decided after Hahn Engineering's presentation, that enough information had been provided for a determination to be made.

Change Order #20, currently under review, in the amount of \$2,000, was originally submitted for engineering services for Y-MU-17B as Change Order #12 in the amount of \$3,800, which was approved by East of Hudson Watershed Corporation (EOHWC) at that time and was subsequently paid. The project was closed out and Hahn believed they weren't paid the full amount. They decided that in order to get the balance they thought they were owed on Y-MU-17B, they would submit change order #20 under Y-MU-14. Kevin mentioned that in October 2015, email correspondence between Joanne Tavino and Doug Hahn confirmed that the contract for Y-MU-17B was paid in full. The change order in question was inappropriately placed on the wrong project and paid for in full under that wrong project. Director Lucas and Director Parsons were confident that the issue for Change Order #20 could be resolved by sitting down with Joanne and going through the accounting records upon her return.

Change Order #21 in the amount of \$5,770 is being resubmitted on the basis that in 2013, Rahul gave direction to Hahn Engineering to complete permitting for the police station. Kevin explained this is about work that was approved by Rahul verbally, but never authorized or brought before the Executive Committee. Christine asked if Hahn Engineering received written authorization from Rahul to do the work. Doug responded that written authorization had not been obtained because he was unaware that a change order needed to be submitted. It was indicated that all of the time was used for permitting and going back and forth with the New York State Department of Environmental Conservation (NYSDEC) and the town. He further specified that the wetland issue came up after the fact and was the cause of most of the permits. George Pommer added that the contract states permits will be the responsibility of East of Hudson Watershed Corporation and the town. Director Lucas asserted that the facts presented would be considered and Hahn Engineering would be notified of the Executive Committee's decision.

Motion by Director Parsons, seconded by Director Williams to deny change order #19 in the amount of \$6,480, more closely examine the books for change order #20 in the amount of \$3,800, and approve change order #21 in the amount of \$5,770 for permitting as discussed. Motion passed; all in favor.

#### **4) Financial Update**

Yvette Rivera reported the ending fund balance as of March 31 is just under \$13 million and does not include today's checks in the amount \$325,000. The anticipated fund balance as of the end of December 31, 2016 is just under \$6 million.

#### **5) Project Update**

Kevin reported that there are no projects to award for construction presently or in the immediate future, but there are several projects which will be closing out and will be submitted to the state for final approval. Those include the L-CR-30 and PutVal-PA-02, both of which combined will provide 11.5 kilograms of credit. There are several projects that are starting to close out construction and have reached substantial completion. Two such projects are located on school property. In order to stabilize everything, it will be necessary for the work to be completed when the students are out on summer recess. We anticipate three projects to go to construction this calendar year and we'll look to close out the rest with the permit process.

The Peach Lake project was submitted to DEC yesterday. It was based upon the 2015 design manual. The change between 2013 and 2015 affects the water quality volume that needs to be treated. Where there is not a lot of impervious cover but a lot of grass, for instance, one of those factors is driven down and we can no longer use a higher value. In this case phosphorus is going to go from 15 to possibly below 10 kg. It is still considered a project for EOHWC.

There are various other jobs in the permitting process with New York State, the biggest one being SE-POT-02. Submission to the New York City Department of Environmental Protection (NYCDEP) may slow things down.

## **6) Project Selection Policy Amendments**

### **a. Addition of Section 3.04**

Last year, the Executive Committee was asked to approve a Project Selection Policy which contained the general guidelines that are applied in writing so all supervisors would be aware of them. Section 3.04, which has recently been added for approval, specifically address municipal reimbursements. It specifies that towns are required to provide prior notification of projects before commencement. Kevin requested permission from the Executive Committee to present the amendment to the policy at the May 10 Board of Directors' meeting. Director Parsons recommended presenting the policy amendment at the May 10 Board of Directors' meeting.

Motion by Director Parsons, seconded by Director Lucas to resolve and present the amendment to the Project Selection Policy to the Board of Directors of the East of Hudson Watershed Corporation. All in favor.

## **7) Agenda items for May 10<sup>th</sup> Board of Directors' meeting**

The Board of Directors draft meeting Agenda is acceptable as presented with the deletion of item #7a (SE-POT-02 Easements from Tony Hay). Kevin will address the concern regarding easements directly with Tony at the Board of Directors' meeting on May 10<sup>th</sup>. With no additional items to be included, Director Parsons suggested approving the Agenda with removal of item #7a.

## **8) O & M discussion**

John reported that O & M information requested by the Executive Committee last month is coming along slowly. Responses have been spotty from the municipalities and the information being submitted by individuals is incomplete. A spreadsheet was generated with a specific format, but municipalities are submitting information using their own format. Bruce Walker suggested that it would be helpful to distribute the spreadsheets as handouts to the supervisors at the May 10<sup>th</sup> Board of Directors' Meeting.

**9) RFQ for Engineering- schedule interviews**

Kevin explained that there will be a set selection of firms on rotation to send RFP's to. All firms were considered and 11 of them will be brought in for interviews. Rich Williams and Sabrina Charney-Hull will be present to help in conducting the interviews.

**10) Sign checks and vouchers**

Monthly checks and vouchers were signed. No action taken.

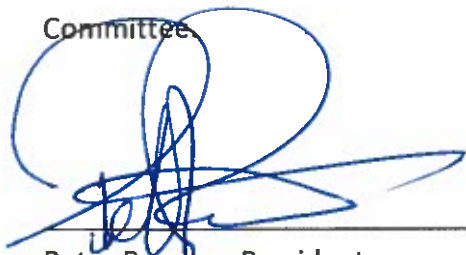
**11) Other business**

None

**12) Adjournment – Motion to adjourn by Director Parsons, seconded by Rich Franzetti; all in favor.  
Adjourned 10:52 am.**

PRESIDENT'S CERTIFICATE

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



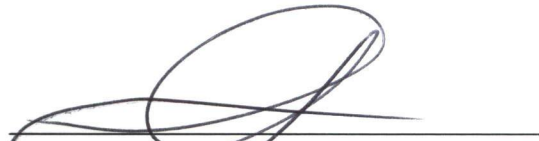
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Peter Parsons, President

5/26/2016  
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

5/26/16  
Date