



## EAST OF HUDSON WATERSHED CORPORATION

### EXECUTIVE COMMITTEE MEETING

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

TIME and DATE: 9:30 AM, Thursday, June 25, 2015

#### Meeting Minutes

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

In Attendance: Michael Griffin (Town of Patterson); Warren Lucas (Town of North Salem); Chris Burdick (Town of Bedford); Peter Parsons (Town of Lewisboro); Sabrina Charney-Hull (Town of New Castle); Kevin Winn (Town of Bedford); Rich Williams (Town of Patterson); George Rodenhausen (Corporate Counsel); Vincent Giorgio (NYCDEP); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); John Belyea (EOHWC); Linda Matera (EOHWC); Yvette Rivera (EOHWC)

##### **2) Approve Meeting Minutes**

Motion by Director Parsons, seconded by Director Burdick to approve the Executive Committee Meeting Minutes of May 28, 2015 as presented; all in favor.

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

Joanne Tavino provided an update of the East of Hudson Watershed Corporation year to date finances. Director Lucas inquired when we could expect funds from Invoice sent for remaining WSP balance due. Vincent Giorgio (NYCDEP) provided an approximate time of a few months.

##### **4) List of Regulatory Compliance Due Dates**

Joanne Tavino discussed that the List of Regulatory Compliance Due Dates would be presented quarterly instead of monthly. Director Burdick agreed that would be acceptable, except in the case where items are overdue in which case the list should be included on a monthly agenda.

##### **Board member compliance requirements**

Director Griffin requested that the board members who are not in compliance with ABO required filings, do so. Director Griffin asked George Rodenhausen to contact members who are not in compliance and request that they file the required items promptly. Director Lucas offered to contact those persons and requested the complete list of outstanding items from the Controller.

## **5) Project Update**

Kevin Fitzpatrick reported that we are on target for just shy of totaling 500 kilograms with current project line-up this year. Although it may be necessary to cancel a few projects, we will still meet the overall 5 year requirement. A further analysis will be conducted on the 18 projects that went out to design in March and early April, to determine whether they will be brought before the board for recommendation.

### **Update on School District Projects (Mahopac, Patterson, New Castle)**

There are four school projects in Mahopac, three of which are Carmel-CF-113A, B, and C that went to bid last summer but were not awarded due to high construction estimates. They will be sent back out to bid for better estimates and an update will be provided at the July 23, 2015 Executive Committee Meeting.

We are currently in discussion with the school district at the Mahopac Falls Elementary School (Carmel-AM-111A) to entirely remove the parking lot. We have agreed that East of Hudson Watershed Corporation will execute the project as it is and the district will pick up the expense of paving the lot. In order to ensure these are projects are completed this year, the Carmel School District intends on lifting the requirement of completing all jobs by Labor Day.

The Matthew Patterson Elementary School has two projects; Patterson-PA-15A which is bioretention and Patterson-PA-15B, a dry swale. Both jobs yield a total phosphorus removal of 4 kilograms. The school district agreed to pick up the O & M on the dry swale, however, there was an issue associated with the potential cost of replanting. They've requested a more accurate cost estimate for the initial installation and an idea of what the cost might be for replanting from Insite Engineering.

There are two projects in the New Castle School District, one of which is a pocket pond (NewC-NCR-05A), which has a removal of 1.84 kilograms and will have to be tabled due to safety concerns. However, it may be reconsidered in the future. The other project is channel stabilization (NewC-NCR-05B) with a removal of 7.33 kilograms. The required O & M will be maintained by the Town of New Castle.

Director Burdick recommended including O & M as a condition of schools and municipalities in contracts going forward as a way of making projects more viable. It was requested that O & M be placed on the agenda for discussion at the August 11, 2015 Board of Directors' Meeting.

### **Cancellation of Projects - Discussion of B-MU-33A**

Kevin Winn provided a description of the specific details of the Guard Hill East Project (B-MU-33A). Kevin Fitzpatrick explained the reason for cancelling the project was due to the location on a dirt road, poor condition of the existing channel, and inefficient phosphorus reduction yield.

Director Burdick requested that in the future, contact is made with the chief elected officer and his staff before cancelling any project. In addition, he has asked that all matters concerning project cancellations are brought before the Executive Board before doing so.

### **Approval of Initial Evaluations**

Kevin Fitzpatrick will work with John Belyea to pull the initial evaluations together after review of the 30% design and will distribute them by email to the Executive Committee. A request for approval will be presented at the next Executive Committee Meeting on July 23, 2015.

### **Kent-MB-311B**

Rich Williams reported that locations have been found for 30,000 yards of grading. In addition, Kevin has reached out to a contractor that can potentially make use of the final 10,000 yards. Director Griffin requested that George Rodenhausen draw up an agreement in which East of Hudson Watershed Corporation will pay \$90,000 per kilogram with a total limit of \$540,000 as discussed at the Executive Committee Meeting on May 28<sup>th</sup>, 2015. Paul Camarda shall assume responsibility for the difference.

### **L-CR-29**

Kevin Fitzpatrick reported that due to the use of an alternate proposal, the change order for L-CR-29 is no longer necessary.

## **6) Private Development Discussion**

### **Carmel-CF-124**

The proposed project is for the installation of a wet-extended detention pond on the Kennicut Hill Road in the Town of Carmel. Runoff will be redirected into an area where a new pond or a practice can be installed to treat the water that is going into the tributary. The O & M cost is estimated to be approximately \$5,000 per year. Due to the expense associated with the project, Kevin Fitzpatrick has recommended that a similar approach to the one being used with Paul Camarda is applied that sets a dollar limit on East of Hudson Watershed Corporation's financial responsibility. Director Burdick suggested starting the easement process early in an effort to avoid delays.

### **Future Projects with Developer**

George Rodenhausen inquired about how we settle on a per kilogram dollar limit. Rich Williams explained that a Malcolm Pirnie study was done at the time of the start-up of the corporation to determine what would be efficient and came up with \$85,000 per kilogram. Rich further suggested having another study done because as we go forward in years 6-10, the projects will become more expensive and we will not be able to achieve the same efficiency.

## **7) Change Order Approvals**

### **NewC-NCR-05B**

Motion by Director Lucas, seconded by Director Parsons to approve change order.

WHEREAS, NewC-NCR-05B is a Year 5 stormwater retrofit project proposed to be located on Chappaqua School District property in the Town of New Castle; and

WHEREAS, on March 26, 2015, the Executive Committee awarded the contract for engineering design for NewC-NCR-05A and 05B to Insite Engineering in the amount of \$63,000, with \$31,500 of the contract allocated to NewC-NCR-05B; and

WHEREAS, as detailed in a letter from Insite Engineering dated June 8, 2015, the Chappaqua Central School District does not have a survey on file to be used by the design engineer, and the engineer has requested the change order to perform a survey in order to verify the property boundaries of the project location; and

WHEREAS, the requested change order for NewC-NCR-05B would increase the original contract of \$31,500 by \$4,600, with a proposed P reduction of 7.33 kg/yr. and a new efficiency of \$21,000/kg.;

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Executive Committee of the East of Hudson Watershed Corporation that the change order in the amount of \$4,600 as requested in the letter from Insite Engineering dated June 8, 2015, for the project identified as NewC-NCR-05B is hereby approved.

Motion passed, all in favor.

## **8) SEQR Determination**

### **Negative Declaration for L-CR-28**

Motion by Director Parsons, seconded by Director Burdick to approve negative declaration.

WHEREAS, EOHWC is proposing to undertake a stormwater retrofit project identified as L-CR-28 that proposes to improve water quality in the NYCDEP watershed through the reduction of phosphorus in stormwater runoff; and

WHEREAS, the proposed work involves construction of a Micropool Extended Detention Pond and Wet Extended Detention Pond in accordance with the NYSDEC Stormwater Management Design Manual, installation of drainage facilities, earthwork, rip-rap, outlet control structures, conveyances, and asphalt paving on Schoolhouse Road, site preparation, erosion and sediment control, maintenance and protection of traffic and final restoration; and

WHEREAS, EOHWC as project sponsor has prepared and reviewed a Short Environmental Assessment Form and reviewed all available and relevant information concerning potential environmental impacts of the project;

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

1. The Schoolhouse Road stormwater retrofit project known as L-CR-28 is classified as unlisted action under the State Environmental Quality Review Act (SEQRA) in an coordinated review; and

2. That said stormwater retrofit project will not cause any potential significant adverse environmental impacts and that a draft environmental impact statement will not be prepared.

Motion passed, all in favor.

#### **9) Update from Highway Department Meetings**

Kevin Fitzpatrick reported that two weeks ago meetings were held with the highway departments to review the projects that are in each town to determine what the standard checklist should be for each project. Each representative was asked to look at the general map of their town to identify the project location and for consideration in the future to use as a stepping point to identify projects. The meetings were very productive in opening up the lines of communication. John Belyea spoke about the presentation he created for the highway superintendents to share with their staff. Sabrina Charney-Hull and Director Burdick expressed an interest in sharing it with their highway departments and requested that the presentation be shared with all members of the board so that it may be distributed as a helpful tool.

#### **10) Continuation of Projects from Years 1-5 into the Next Term**

Kevin Fitzpatrick discussed the language that will go into future contracts that specifically addresses projects in Years 1-5 that may need to continue past the initial 5 year period. In the fall, Kevin will prepare a full list of projects that fall into this category.

#### **11) Channel Stabilization Recalculation Updates**

John Belyea informed the committee that an analysis has been presented to the DEC that the channel stabilization method of calculating the phosphorus load is incorrect. The analysis addresses the issue that the channel stabilization calculation doesn't appear valid due to the fact that scientific backup cannot be located and some of its parameters are arbitrary. A statistical analysis has been done based on project data that we have from years 1-4 and it clearly shows a correlation between how the simple method calculates of phosphorus load. We've proposed to the DEC that the channel stabilization

method of calculation be removed and that the simple method be applied to all our projects. We are awaiting DEC's decision on this proposal.

**12) Sign Checks and Vouchers**

Joanne Tavino presented checks to be signed by Director Griffin, Director Parsons, and Director Lucas.

**13) Other Business- Funds to be transferred**

Joanne Tavino and Warren Lucas addressed funds to be transferred from Chase Bank to M&T Bank.

**14) Enter into Executive Session to discuss proposed personnel matters, motion proposed by Director Parsons, seconded by Director Burdick, all in favor.**

**15) Motion to come out of Executive Session proposed by Director Parsons, seconded by Director Burdick; all in favor.**

Motion by Director Parsons, seconded by Director Burdick to approve addendum to employment agreement.

WHEREAS, Joanne Tavino has been employed by EOHWC as a part-time Bookkeeper on a consultant basis commencing January 7, 2014, at the rate of \$37.50/hr., and employed as a full-time Controller commencing August 18, 2014 at the rate of \$85,000/year; and

WHEREAS, while employed by EOHWC she has successfully gathered, analyzed and corrected financial data for the years 2012, 2013 and 2014, completed three full audits for 2012, 2013, and 2014, implemented new procedures for a more efficiently run office which enabled EOHWC to meet critical deadlines and ensured EOHWC met local, state and federally mandated requirements as well as compliance required by NYCDEP; and

WHEREAS, Joanne has found it necessary to request permission to reduce her weekly schedule from 40 to 35 hours in order to give her time to address personal family matters; and

WHEREAS, the Executive Committee considers Joanne to be an essential employee and wishes to accommodate her request and recognize her value to the Corporation;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that Joanne Tavino's Employment Agreement shall be amended to provide that notwithstanding anything to the contrary in the EOHWC Personnel Policies and Procedures Manual, effective June 22, 2015, her hours are reduced from 40 to 35 hours per week without any change in the compensation, paid time off and benefits set forth in her Employment Agreement.

Motion passed, all in favor.

**16) Adjournment – Motion to adjourn by Director Parsons, seconded by Director Burdick; all in favor.  
Adjourned 11:17 am**