



EAST OF HUDSON WATERSHED CORPORATION  
EXECUTIVE COMMITTEE MEETING

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

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

**Meeting Minutes**

**1) Open Meeting**

Voting Members in Attendance: Peter Parsons (Town of Lewisboro) for himself and as alternate for Warren Lucas (Town of North Salem) and Bruce Walker (Putnam County); Rich Williams (Town of Patterson); Chris Burdick (Town of Bedford); Rich Franzetti (Town of Carmel); Dave Kelly (Town of Pawling)

Others in Attendance: Sabrina Charney-Hull (Town of New Castle); 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 Kelly, seconded by Director Williams to approve the Executive Committee Meeting Minutes of June 23, 2016 as presented; all in favor.

**3) Financial Update**

Joanne Tavino reported that as of June 30, there is a fund balance of approximately \$12.4 with checks written today in the amount of \$140,000. The program will end with an estimated \$6.4 million; \$2.3 million of which are Putnam County and \$4.1 million are Westchester County. These totals will be updated on the report as we approach the end of the program.

**4) List of Reporting and Filing Due Dates**

An updated list of reporting and filing due dates was provided by Joanne. In her recent discussion with Mike Meyer, New York City Department of Environmental Protection (NYC DEP) regarding the Putnam County receivable (PC-1), he indicated that he expects resolution soon because it is a compliance issue. Going forward, it will be added to the compliance list for the Board of Directors to address. Joanne recommended that a discussion take place with Mike to resolve the outstanding receivable. George Rodenhausen explained that Putnam County is awaiting the New York State Department of Conservation (NYS DEC) grant money to reimburse East of Hudson Watershed Corporation (EOHWC) for the non-stormwater-related portion of the project. Kevin Fitzpatrick added that Putnam County never approved or requested the items that Rahul Verma went forward with. Putnam County has indicated that once they receive the grant money, they will reimburse EOHWC. The grant has been in the process

for approximately two years and is taking longer than expected to be approved. Mark Crusona at NYS DEC has assured Kevin that the money has been reserved and is still going through red tape with no official end in sight. Director Parsons inquired as to whether George Rodenhausen could assist in obtaining DEC approval. Kevin stressed the importance of showing that we are making progress because it appears to Mike Meyer that nothing has progressed with regard to resolving the issue. Director Parsons requested that George and Kevin contact the NYS DEC to get an update on the grant progress and then reach out to Bruce Walker to further discuss the outcome.

An update was provided by Joanne on Board members who require completing financial disclosure forms for compliance that should have met the May 15, 2016 deadline. Director Burdick and Sabrina Charney-Hull (for Director Greenstein), requested that Joanne resend the link and the deadline date in an email so that they may submit the required information. Director Parsons agreed to contact both Director Grace and Director Schiliro and requested Joanne send him the link on August 8 when he returns from vacation. Director Williams asked that Joanne send him the link as well and has agreed to contact Director Schoenig.

#### **5) Approve Revised Fiscal Policy and Procedures**

As requested at June 23 Executive Committee meeting, Joanne provided the overall compare of substantive changes for review. She requested that the Executive Committee move forward to recommend that the revised Fiscal Policy and Procedures be adopted by the full board.

Motion by Director Burdick, seconded Director Kelly to recommend adoption of the Fiscal Policy and Procedures manual to the full board on August 9, 2016; all in favor.

#### **6) Project Update**

Kevin reported that we currently have 358 kilograms of credit. Within the next month another 28 kilograms will be submitted, which will bring us up to 386 kilograms by the end of August. We recently had final completion on three projects in the Town of Pawling, two in Yorktown and one in Cortlandt. MK-NC-29, which was a project that was to be completed at the Mount Kisco DPW yard, will need to be canceled because they need to satisfy other permit requirements with New York City Department of Environmental Protection (NYC DEP). As a result, 4.9 kilograms of credit will be lost for years 1-5 but may be pursued as a future project. Director Burdick requested that the status is marked as postponed on the Running Project Status Table. The final design of B-MU-41 will be submitted for review to Kevin Winn and is expected to go to construction bid this month. We will reach out to the property owners that are neighboring to the project to make sure they are in agreement. B-MU-35 will close out once the grass has grown in.

Projects highlighted in yellow on the Running Project Status Table are currently in some form of the permitting process and we are optimistic that they will be started this calendar year. In order for EOHWC to reach the target for phosphorus reduction, SE-POT-02, which contains 50.8 kilograms, will

need to be started this year. Director Parsons requested that the Executive Committee is updated at each meeting on the progress of SE-POT-02. Kevin explained that once the Memorandum of Understanding is signed, we will enter the permitting process with NYC DEP, NYS DEC, and the New York State Department of Transportation (NYS DOT).

Construction on Y-MU-10 is currently wrapping up; however, after many complaints from neighbors local to the project, the Town of Yorktown has raised concerns about the pocket pond installed alongside the North County Bike Trail and is requesting a split-rail fence with wire mesh be installed for safety reasons. Rich Franzetti inquired as to whether a change order would need to be submitted for the fencing. Kevin explained that it may be more practical to draw up a reimbursement agreement. Additionally, he requested that Mr. Quinn at the Town of Yorktown go out to bid for the fencing. A minimum of three bids will be required and the lowest responsible bidder will be awarded the job. A motion was requested by Kevin to proceed.

Motion by Director Parsons, seconded by Director Kelly to approve the Town of Yorktown to go out to bid for a split-rail fence with wire mesh to be installed alongside the North County Bike Trail project (Y-MU-10) in the Town of Yorktown to address safety concerns; all in favor.

**a. SE-POT-02: Memorandum of Understanding and Resolution**

Kevin discussed the Memorandum of Understanding between Feehan Insurance, EOHWC, Town of Southeast, and Putnam County to enter into an agreement to take care of a paving issue which is on the site of SE-POT-02 at the Feehan Insurance property. In order to move forward with the project, it was necessary to draw up the agreement. EOHWC will be responsible for repairing and replacing any damaged pavement, which is likely to happen during construction while utilizing Feehan Insurance parking lot for the entire construction process. Director Williams suggested adding the unit cost or setting a cost limit for paving to the Memorandum of Understanding. Additionally, it was requested by Director Burdick that language be added to reflect that the paving is a one-time event. Rich Franzetti brought to light that in the past, EOHWC has only paid for stormwater-related expenses and inquired as to why an exception is being made on this particular project. Director Parsons pointed out that damage will most certainly occur to the parking area at Feehan Insurance as a result of construction and must be repaired as part of our responsibility.

Motion by Director Parsons, seconded by Director Burdick to approve paving for stormwater retrofit project SE-POT-02 with East of Hudson Watershed Corporations responsibility not to exceed \$12,000 and as a one-time event.

WHEREAS, EOHWC is proposing to undertake the installation of Stormwater Retrofit Project (SRP) known as SE-POT-02 in Brewster Heights in the Town of Southeast on both municipal and private property ; and

WHEREAS, the SRP will cross the property of Feehan Insurance Agency (Feehan) located at 2350 Route 6 in the Town of Southeast, a portion of which property will also be used for the staging, mobilization and storage of equipment; and

WHEREAS, EOHWC desires to pay for the cost of repaving the paved area that has been disturbed by the staging, storage and mobilization of construction equipment and materials as well as by the construction the SRP itself; and

WHEREAS, the County of Putnam and the Town of Southeast desire to arrange for the repaving of the remaining area of the parking lot as compensation to Feehan for any possible interference with Feehan's business during the staging, storage and mobilization and by the construction the SRP;

NOW THEREFORE BE IT HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that an agreement between the County of Putnam, Town of Southeast, EOHWC and Feehan Insurance Agency similar in form and substance to the agreement annexed hereto is hereby approved, and the President or Vice President is hereby authorized to execute said agreement upon review and approval by counsel, with the following amendments: include the agreed unit cost of macadam and a provision clearly stating that the paving is a one-time event. **(R-0728-01)**

Motion passed; all in favor.

**6) Approve Negative Declaration: NS-MU-11**

Motion by Director Kelly, seconded by Rich Franzetti to approve the negative declaration for NS-MU-11.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of North Salem involving construction of an extended detention pond to be installed at Routes 22 & 116 in the Town of North Salem; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 7/28/16 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 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.
- (R-0728-02)**

Motion passed; all in favor.

## **7) Award Construction Contract: NS-MU-11**

Motion by Director Parsons, seconded by Director Kelly to award the construction contract to Rock Island Contractors, Inc. for NS-MU-11 in the amount of \$136,500.00

WHEREAS, the proposed stormwater retrofit project known as NS-MU-11 is proposed to be located at intersection of Routes 22 and 116 in the Town of North Salem, 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 a extended detention pond, in accordance with plans prepared by O'Brien & Gere Engineering, PC; and

WHEREAS, the project was publicly bid and seven (7) bids were received and publicly read aloud at the EOHWC offices on July 19, 2016; and

WHEREAS, the lowest bid received was in the amount of \$136,500 submitted by Rock Island Contractors, Inc. and the highest bid received was in the amount of \$495,000 submitted by Nicky Diggs Excavation; and

WHEREAS, the phosphorus removal of 5.8 kilograms for this project has an efficiency of approximately \$27,500 Kg P-removed; and

WHEREAS, East of Hudson Watershed Corporation contacted the references for Rock Island Contractors, Inc. and contacted Rock Island Contractors, Inc. directly and was assured that they can complete the project for the amount bid; and

WHEREAS, the EOHWC has performed due diligence in reviewing all bidders and accepts Rock Island Contractors, Inc. as lowest responsible bidder for the project and will proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on July 28, 2016, the Executive Committee reviewed all available evidence and resolved that the project known as NS-MU-11 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 Rock Island Contractors, Inc. as lowest responsible bidder for the project known as NS-MU-11 and authorizes the President or Vice President of the Corporation to execute the construction contract with Rock Island Contractors, Inc. 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.
4. Execution of an easement and maintenance agreement to be in place for the future of the project between the Town and the Corporation by the Town Board and by the Corporation's President or Vice President. **(R-0728-03)**

Motion passed; all in favor.

### **8) Future Work Plan**

Kevin requested an update with regard to funding from years 1-5 moving into years 6-10. Director Parsons stated that the funding is currently in front of the Board of Acquisition and Contract in Westchester. Sabrina Charney-Hull added that it will go back to the law department to be finalized prior to receiving the final signature. Joanne expressed concern about the process of reapplying for the balance of the remaining Westchester funds not yet approved. Director Parsons suggested the best course of action is to wait until the first request is fulfilled and then restart the process again.

### **9) August 9<sup>th</sup> Board of Directors Meeting Agenda**

Kevin asked the committee members to review the Board of Directors Meeting Agenda for August 9 and let us know if they wish to include any additional items. No additional items were added. Kevin alerted the executive committee members that it will be necessary to arrive 15 minutes prior to the start of Board of Directors Meeting to attend a brief "Special Executive Committee Meeting" specifically to award the engineering contract for Kent-PA-31.

### **10) O & M discussion**

Director Parsons acknowledged that a copy of the Town of Pawling's O & M resolution was presented by Director Kelly, however, we are still awaiting a signed and sealed original. Director Kelly promised to have the Pawling town clerk send a signed and sealed copy via mail. Additionally, Putnam County's O & M resolution has not yet been received. Director Parsons will contact Putnam County to find out the status.

Kevin reported that there are towns that eager to start the O & M work and expressed concern that the funds are not currently available to pay anyone to complete the work. We expect the towns to start submitting bills soon. Joanne mentioned that the \$70,000 in interest earnings can be used for other expenditures. Director Williams pointed out that many of the bills that will be submitted will credited to the municipality and will not have to be paid and that it will be an accounting rather than dollars out. Rich Franzetti suggested that it would be worth mentioning at the board meeting that the municipalities should be made aware that they will not get paid right away, but there will be a

reimbursement at some point. Director Parsons and Director Burdick requested that the O & M forms be sent to both the highway departments and the supervisors every six months.

**11) Sign checks and vouchers**

Yvette Rivera notified the committee that additional schedules have been added to the handouts to show greater check detail as was requested at the June executive committee meeting.

Monthly checks and vouchers were signed. No action taken.

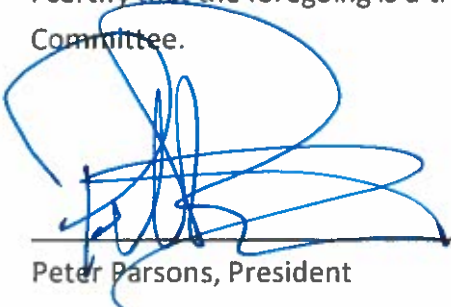
**12) Other business**

No other business was brought forward.

**13) Adjournment – Motion to adjourn by Director Parsons, seconded by Director Burdick; all in favor. Adjourned 10:31am.**

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

8/25/16

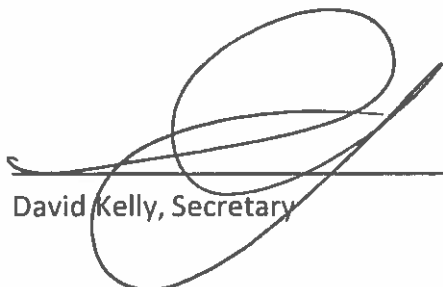
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Date



SECRETARY'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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David Kelly, Secretary

7/28/16  
Date