



EAST OF HUDSON WATERSHED CORPORATION  
EXECUTIVE COMMITTEE MEETING

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

TIME and DATE: 9:30 AM, Thursday, August 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 as alternate for MaryEllen Odell (Putnam County); Chris Burdick (Town of Bedford); Dave Kelly (Town of Pawling); Rich Franzetti as alternate for Ken Schmitt (Town of Carmel)

Others in Attendance: George Rodenhausen (Corporate Counsel); Antonino Modica (NYC DEP); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); John Belyea (EOHWC); Linda Matera (EOHWC)

**2) Approve Meeting Minutes**

Motion by Director Parsons, seconded by Director Kelly to approve the Executive Committee meeting minutes of July 28, 2016; all in favor.

Motion by Director Kelly, seconded by Director Parsons to approve the Special Executive Committee meeting minutes of August 9, 2016; one abstention by Director Williams.

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

Joanne Tavino reported that notice was received from Putnam County 100% compliance has been attained with regard to financial disclosures. All other items are up to date.

**4) Financial Update**

Joanne reported that there were no changes to last month's budget. Checks written today total approximately \$50,000. The first five year retrofit program is expected to end with an estimated \$6 million.

**a) PC-1 grant update**

The New York State Department of Environmental Conservation (NYS DEC) contacted Mike Meyer last month to make him aware the grant is in the works but could not provide an exact date of its approval. Notification was received from the New York City Department of Environmental Protection (NYC DEP) that based upon progress with the Putnam County grant, East of Hudson Watershed Corporation's (EOHWC) performance evaluation standing has been upgraded from poor to fair. EOHWC's overall standing was upgraded from fair to good.

**b) Approve Amendment to Corporate Agreement-Westchester County**

The Amendment to the Corporate Agreement for Westchester County was presented for Director Parsons' signature. NYC DEP documentation approving the use of all remaining WQIP funds has been received. Westchester County has approved the use of \$3 million of WQIP funds. Director Parsons to request approval of additional balance.

Motion by Director Burdick, seconded by Director Kelly to approve the execution of the annexed agreement by Director Parsons between the County and EOHWC to authorize the use of WQIP Funds by the Corporation.

WHEREAS, Westchester County ("County") and the Corporation entered into an agreement dated June 7, 2012, (the "Corporation Agreement") pursuant to which the County transferred to the Corporation the sum of Ten Million Dollars (the "WQIP Funds") to facilitate the administration, design, construction management, construction, and operation and maintenance of certain eligible projects included in the Stormwater Management Plan, as defined in the Corporation Agreement; and

WHEREAS, the Corporation Agreement defined the Stormwater Management Plan as the first five years of the regional stormwater retrofit plan approved by the New York State Department of Environmental Conservation ("NYSDEC"); and

WHEREAS, the County and the Corporation desire to amend the Corporation Agreement to allow the Corporation to use WQIP Funds toward the design, construction, implementation, operation and maintenance of stormwater retrofit projects, including administrative expenses associated therewith, identified within the second five-year Regional Plan to be approved by NYSDEC

NOW, THEREFORE, the Executive Committee hereby approves and authorizes the President of the Corporation to execute the annexed agreement between the County and the Corporation to authorize the use of WQIP Funds by the Corporation toward the design, construction, implementation, operation and maintenance of stormwater retrofit projects, including administrative expenses associated therewith, identified within the second five-year stormwater retrofit plan to be approved by NYSDEC to achieve compliance by Westchester County municipalities in the New York City Watershed with the applicable MS4 Permit.

Motion passed; all in favor.

**5) 2017 Budget discussion**

Joanne informed the committee that she has begun to break out budget items for 2017. Kevin Fitzpatrick estimated that \$500,000 should be set aside for additional work on 2017 projects. The administrative portion remains the same. NYSHIP health insurance rates will increase by approximately 8%. Joanne requested that members of the committee provide information on any items which they feel should be reflected in the 2017 budget. Director Kelly felt that a 6% increase for the Business Owner Policy, Liability, Umbrella, D & O and Pollution Insurance Policies may be a bit high and suggested contacting our insurance broker to obtain a more accurate figure. Kevin stated that the increased estimate is to extend insurance on projects that are in the ground. Joanne specified that each

year the insurance company is notified of new active projects while old projects are not removed from the policy. Director Parsons requested that an inquiry be made into three separate situations regarding liability coverage: when the retrofit is on town, county, or state government property; school property; or private property. Director Lucas indicated that he would reach out to SKCG to discuss project coverage in greater detail.

## **6) Project Update**

Kevin announced that three projects (S-MU-33, L-CR-28 and B-MU-41) will be going to bid for construction in the month of September. The design for B-MU-41 will be reviewed at a meeting on August 26<sup>th</sup> with Kevin Winn and the neighboring property owners. Construction on Kent-PA-31 is anticipated to commence this year. Letters from Hahn Engineering for phosphorus credit are expected for six of their open projects and will be forwarded to NYS DEC bringing our credit up to approximately 380 kilograms. Construction on SE-POT-02 is expected to begin by November 1, 2016.

The Town of North Salem is asking for an estimated \$347,000 toward the 10.1 kilograms of phosphorus removal for NS-EB-01. The cost is approximately \$76,000 per kilogram. A breakdown from Director Lucas will be provided as backup to substantiate the project cost increase from \$150,000 to approximately \$360,000. Director Parsons requested that the details are worked out and that a resolution is presented at the September 22<sup>nd</sup> executive committee meeting.

## **7) Future Work Plan**

Kevin requested an update as to whether the NYS DEC has accepted the work plan submitted back in March for preliminary approval. Bruce Walker offered to inquire and will provide an update.

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

To date, Pawling has been the only town to provide reporting on O & M. Kevin will start working with the towns represented by the executive committee to ensure that there is information to share at the October 18<sup>th</sup> Board of Directors' meeting.

## **9) Sign checks and vouchers**

Monthly checks and vouchers were signed. No action taken.

## **10) Other business**

Hahn has requested mediation on three of the four change orders that haven't been resolved. Kevin mentioned that our current contracts provide for mediation; however, that language will be removed to prevent similar situations in the future. George estimated that mediation could cost somewhere between \$5,000 and \$10,000. The change orders being disputed total approximately \$20,000. George will look into the options regarding mediation and Kevin will compile an estimated figure to present at the September 22<sup>nd</sup> executive committee meeting. Additionally, Kevin notified the committee that Hahn has breached their contract by withholding EOHWC documentation until the remaining change

orders are paid. Director Kelly asked Kevin to provide a detailed list of how the documents being withheld will affect EOHWC and requested that both Kevin and George prepare an opinion-based statement from engineering and legal perspectives. Kevin added that most of the closeout documents being withheld by Hahn Engineering could be completed by EOHWC independently, if necessary.

**11) 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.



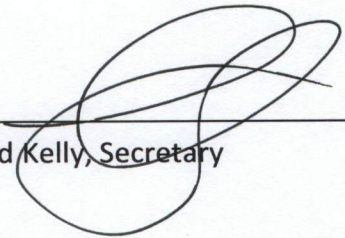
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Peter Parsons, President

9/22/16  
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

9/22/16  
Date