



EAST OF HUDSON WATERSHED CORPORATION

EXECUTIVE COMMITTEE MEETING

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

TIME and DATE: 9:30 AM, Thursday, September 22, 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) for himself and as alternate for Dave Kelly (Town of Pawling); Chris Burdick (Town of Bedford); Rich Franzetti as alternate for Ken Schmitt (Town of Carmel)

Others in Attendance: George Rodenhausen (Corporate Counsel); Antonino Modica (NYC DEP); Vincent Giorgio (NYC DE); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Linda Matera (EOHWC); Yvette Rivera (EOHWC)

2) Approve Meeting Minutes

Motion by Director Parsons, seconded by Director Lucas to approve the Executive Committee meeting minutes of August 25, 2016; all in favor.

3) Financial Update

Joanne Tavino reported that years 1-5 will end with approximately \$6.7 million. The total may change due recent bids on construction projects coming in \$400,000 under budget.

a. 2017 Budget

The 2017 Budget will be adjusted to reflect an additional \$400,000 of Westchester funds. December 31, 2017 will end with a balance of approximately \$5.9 million. Joanne requested a motion to present the 2017 Budget for approval at the upcoming Board of Directors' meeting on October 18th in order to meet the ABO posting deadline of November 1, 2016.

Motion by Director Williams, seconded by Director Parsons to recommend the 2017 Budget be adopted by the full board; all in favor.

b. Investment Strategy

After researching investment firms, Joanne recommended working with M & T Securities and Samuel Ramirez and Company. The requirement by municipal law states that government funds being invested have a third party clearing so that securities are held separate from the individual doing the investing. Both firms clear through a third party, Pershing, whereas J.P. Morgan Chase does not. Director Burdick requested that in the future, the topic of Investments Strategy is referred to as Investment Update to avoid confusion.

Motion to approve the use of M & T Securities and Samuel Ramirez and Company as investment firms for US Treasury investments for East of Hudson Watershed Corporation (EOHWC); all in favor. Motion rescinded by Rich Franzetti with request to clarify individual brokers within firms.

Motion by Director Lucas, seconded by Director Burdick to approve the use of John Zuchlewski of M & T Securities, Inc. and Robert Fuhr of Samuel Ramirez & Co. as investment brokers for East Hudson Watershed Corporation; all in favor.

4) List of Reporting and Filing Due Dates

Joanne reported that we continue to await the New York State Department of Environmental Conservation's (NYS DEC) approval of the Future Work Plan. Director Lucas mentioned that Bob Capowski sent a letter of approval to Ken Kosinski yesterday. Notice of approval can be expected in coming days.

5) Project Update

Kevin Fitzpatrick announced that there are three projects (S-MU-33, L-CR-28, and B-MU-41) on the agenda to be awarded construction contracts today. A resolution has been passed and approval was received from the Town Board of New Castle for the Burden Preserve projects (NewC-NCR-33 A & B). We expect to go out to bid on construction next month. The kilogram credit total will be updated as projects are submitted to NYS DEC.

After inspecting the channels on SE-POT-02, it was determined that due to significant erosion of the channels, the original estimate of 50.8 kilograms may be low. A new survey is being conducted which is expected to increase the total by 10 to 15 kilograms. George Rodenhausen is completing the title search for the Feehan property. Response on two New York City Department of Environmental Protection (NYC DEP) permits is expected shortly. It is anticipated that we will go out to bid for construction this calendar year. The New York State Department of Transportation (NYS DOT) permit will be issued once the construction contract is awarded.

6) Discussion of Insurance and Liability

Director Lucas contacted SKCG on August 29th and discussed coverage options on projects which are currently installed. The representative from SKCG is expected to provide estimates. Counsel recommended carrying full coverage on projects in the ground.

7) Change Orders

a. PW-343

Motion by Rich Franzetti, seconded by Director Parsons to approve change order number 2 submitted by James J. Hahn Engineering, P.C. in the amount of \$2,240 for PW-343.

WHEREAS, James J. Hahn Engineering, P.C. submitted change order request Number 2 dated 8-11-16 for an additional \$2,240 for PW-343 in project group 2015-06 of the first five year retrofit plan; and

WHEREAS, PW-343 is located on property of the Holmes Whaley Lake Civic Association in the Town of Pawling and includes the construction of a new stormwater infiltration system; and

WHEREAS, the proposed change order request is for Hahn to address the structural integrity of the NYSDOT crossing and implement the NYSDOT approved design alternative; and

WHEREAS, this change order, if approved, would increase the design cost from \$32,265 to \$34,505 with an updated efficiency of \$66,000/kg with an estimated phosphorus reduction of 3.45 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 James J.

Hahn Engineering, P.C. dated 8-11-16 for an additional \$2,240 for PW-343 increasing the design cost from \$32,265 to \$34,505. **(R-0922-06)**

Motion passed; all in favor.

b. Kent-MB-311B

A change order was submitted by Legacy Supply, Inc. in the amount of \$20,033.67 for taxes on materials, equipment, and labor for Kent-MB-311B. Director Burdick requested that counsel inquire if any portion is exempt from sales tax.

Motion by Rich Franzetti, seconded by Director Burdick to approve change order number 1 submitted by Legacy Supply, LLC in the amount of \$20,033.67 for Kent-MB-311B. Motion rescinded by Rich Franzetti.

Motion by Director Burdick, seconded by Director Burdick to approve change order number 1 submitted by Legacy Supply, LLC up to the amount of \$20,033.67, subject to counsel determining if any portion is exempt from sales tax for Kent-MB-311B.

WHEREAS, Legacy Supply, LLC submitted change order request Number 1 dated 9-16-16 for an additional \$20,033.67 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 adjust the contract price to reflect the payment of sales tax on Kent-MB-311B; and

WHEREAS, this change order, if approved, would increase the construction cost from \$239,208.00 to \$259,241.67 with an updated efficiency of \$30,000/kg with an 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 9-16-16 up to an additional \$20,033.67 for Kent-MB-311B increasing the construction cost from \$239,208.00 to \$259,241.67, subject to counsel determining whether any sales tax exemption applies. **(R-0922-09)**

Motion passed; all in favor.

8) Approve Negative Declarations

a. S-MU-33

Motion by Director Parsons, seconded by Director Burdick to approve negative declaration for S-MU-33.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Bedford involving construction of an infiltration basin to be installed at Van Tassell Memorial Park; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 9/22/16 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-0922-01)

Motion passed; all in favor.

b. B-MU-41

Motion by Director Parsons, seconded by Director Burdick to approve negative declaration for B-MU-41.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Bedford involving construction of subsurface infiltration to be installed at Succabone Road and Bisbee Road; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 9/22/16 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-0922-02)

Motion passed; all in favor.

c. NewC-NCR-33A and NewC-NCR-33B

Motion by Director Parsons, seconded by Director Burdick to approve negative declaration for NewC-NCR-33A and NewC-NCR-33B.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of New Castle involving channel stabilization of three eroded channels installed at Burden Preserve; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 9/22/16 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-0922-07)

Motion passed; all in favor.

9) Approve Construction Contracts

Kevin presented three construction contracts for approval. Director Burdick requested each resolution be amended to include the awarded construction amount in the last paragraph.

a. S-MU-33

The contract for Van Tassell Memorial Park is to be awarded to Rock Island Contractors in the amount of \$189,500, which includes the cost \$16,000 for Alternate 1. The efficiency on this project is approximately \$87,000 with an estimated kilogram reduction of 2.57.

Motion by Director Burdick, seconded by Director Parsons to approve the construction contract for S-MU-33 in the amount of \$189,500 with amendment to last paragraph to include construction cost.

WHEREAS, the proposed stormwater retrofit project known as S-MU-33 is proposed to be located at Van Tassell Memorial Park in the Town of Somers, 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 an infiltration basin, all in accordance with plans prepared by Renna Engineering Design, LLC; and

WHEREAS, the project was publicly bid and five (5) bids were received and publicly read aloud at the EOHWC offices on September 13, 2016; and

WHEREAS, the lowest base bid received was in the amount of \$189,500 submitted by Rock Island Contractors, Inc. and the highest bid received was in the amount of \$337,500 submitted by Legacy Supply LLC; and

WHEREAS, the phosphorus removal of 2.57 kilograms for this project has an efficiency of approximately \$87,000 Kg P-removed; and

WHEREAS, Renna Engineering Design, LLC, 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, Renna Engineering Design, LLC, has recommended that the EOHWC accept Rock Island Contractors, Inc. as lowest responsible bidder for the project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on September 22, 2016, the Executive Committee reviewed all available evidence and resolved that the project known as S-MU-33 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 in the amount of \$189,500 for the project known as S-MU-33 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-0922-03)**

Motion passed; all in favor.

b. L-CR-28

The project on Schoolhouse Road in Lewisboro is for the installation of a wet extended detention pond on private property. The lowest bid came in at \$220,000 submitted by TJR Excavating Contractors, Inc. and has been recommended by Insite Engineering. Director Burdick requested that the last paragraph of the resolution be amended to reflect the construction cost.

Motion by Director Lucas, seconded by Rich Franzetti to approve the construction contract for L-CR-28 in the amount of \$220,000 with amendment to last paragraph to include construction cost.

WHEREAS, the proposed stormwater retrofit project known as L-CR-28 is proposed to be located at Schoolhouse Road in the Town of Lewisboro, 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 wet extended detention pond, all in accordance with plans prepared by Insite Engineering, Surveying, and Landscape Architecture, PC; and

WHEREAS, the project was publicly bid and six (6) bids were received and publicly read aloud at the EOHWC offices on September 15, 2016; and

WHEREAS, the lowest bid received was in the amount of \$220,000 submitted by TJR Excavating Contractors, Inc. and the highest bid received was in the amount of \$390,000 submitted by Morano Brothers Corp; and

WHEREAS, the phosphorus removal of 5.1 kilograms for this project has an efficiency of approximately \$57,000 Kg P-removed; and

WHEREAS, Insite Engineering, Surveying, and Landscape Architecture, PC, contacted the references for TJR Excavating Contractors, Inc. and contacted TJR Excavating Contractors, Inc. directly and was assured that they can complete the project for the amount bid; and

WHEREAS, Insite Engineering, Surveying, and Landscape Architecture, PC, has recommended that the EOHWC accept TJR Excavating Contractors, Inc. as lowest responsible bidder for the project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on September 22, 2016, the Executive Committee reviewed all available evidence and resolved that the project known as L-CR-28 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 TJR Excavating Contractors, Inc. as lowest responsible bidder in the amount of \$220,000 for the project known as L-CR-28 and authorizes the President or Vice President of the Corporation to execute the construction contract with TJR Excavating 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.
5. Determination by counsel whether any sales tax exemption applies. **(R-0922-04)**

Motion passed; all in favor.

c. B-MU-41

The project to be installed is for subsurface infiltration on Bedford Town property. United Septic and Excavation Corp. submitted the lowest bid in the amount of \$326,200 and has been recommended by Hudson Engineering.

Motion by Director Lucas, seconded by Rich Franzetti to approve construction contract for B-MU-41 in the amount of \$326,200 with amendment to the last paragraph.

WHEREAS, the proposed stormwater retrofit project known as B-MU-41 is proposed to be located at Succabone and Bisbee Roads in the Town of Bedford, 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 subsurface infiltration, all in accordance with plans prepared by Hudson Engineering and Consulting, PC; and

WHEREAS, the project was publicly bid and three (3) bids were received and publicly read aloud at the EOHWC offices on September 19, 2016; and

WHEREAS, the lowest bid received was in the amount of \$326,200 submitted by United Septic and Excavation Corporation and the highest bid received was in the amount of \$698,000 submitted by Legacy Supply, LLC; and

WHEREAS, the phosphorus removal of 5.26 kilograms for this project has an efficiency of approximately \$71,000 Kg P-removed; and

WHEREAS, Hudson Engineering and Consulting, PC, contacted the references for United Septic and Excavation Corporation and contacted United Septic and Excavation Corporation directly and was assured that they can complete the project for the amount bid; and

WHEREAS, Hudson Engineering and Consulting, PC, has recommended that the EOHWC accept United Septic and Excavation Corporation as lowest responsible bidder for the project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on September 22, 2016, the Executive Committee reviewed all available evidence and resolved that the project known as B-MU-41 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 United Septic and Excavation Corporation as lowest responsible bidder in the amount of \$326,200 for the project known as B-MU-41 and authorizes the President or Vice President of the Corporation to execute the construction contract with United Septic and Excavation Corporation 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-0922-05)**

Motion passed; all in favor.

10) Reimbursements

a. NS-EB-01 Agreement

Motion by Director Burdick, seconded by Director Parsons to approve reimbursement agreement for NS-EB-01 dated 9/22/16.

WHEREAS, the Town of North Salem intends to commence construction of the stormwater retrofit project known as NS-EB-01, which is included in the approved five-year regional stormwater retrofit plan; and

WHEREAS, the stormwater retrofit project includes the installation of stormwater filtration units at 8 locations along the boundaries of Peach Lake in the Town of North Salem, each site intended to address stormwater pollutant loading from the contributing drainage area; and

WHEREAS, the work performed includes general construction activities, erosion and sediment control, installation of the storm filter units and all piping necessary to direct flows, where needed, all according to the plans and specifications prepared by James J. Hahn Engineering, P.C.; and

WHEREAS, the Municipality has received a \$450,000 grant to set off against the total project cost of approximately \$797,750 and has requested reimbursement from the Corporation in the amount of \$347,750, for a project efficiency of approximately \$32,000/kg;

NOW, THEREFORE, the Executive Committee hereby approves the annexed reimbursement agreement with the Town of North Salem pursuant to which the Corporation shall reimburse the Town in the amount of \$347,750, and authorizes the President or Vice President of the Corporation to execute the same. **(R-0922-08)**

Motion passed; all in favor.

b. Discussion of B-MU-21

Discussion of B-MU-21 was postponed.

11) Agenda for October 18 Board of Directors Meeting

Members of the executive committee offered to provide any assistance necessary in order to get the required information from their highway departments for the O & M update that will be presented at the upcoming board meeting. Director Burdick requested that Joanne add O & M deadline dates to the List of Reporting and Filing Due Dates spreadsheet. Additionally, Director Burdick requested that item 4a) Investment Strategy, be changed Investment Update.

12) Future Work Plan

Director Lucas stated that Ken Kosinski of New York State Department of Environmental Conservation (NYS DEC) communicated that the projects on the future work plan are expected to be approved.

13) O & M discussion

Director Burdick requested a list identifying the progress made to date on O & M in each town.

14) Sign checks and vouchers

Monthly checks and vouchers were signed. No action taken.

15) Hahn Change Orders

Motion to enter into executive session to discuss terms of employment of a particular person or persons and potential litigation regarding Hahn change orders, motion by Director Parsons, seconded by Director Burdick; all in favor.

16) Motion to come out of executive session proposed by Director Parsons, seconded by Director Burdick; all in favor.

Motion by Director Burdick, seconded by Director Lucas to recommend to the Board of Directors a change in terms of employment for two employees.

WHEREAS, the Accounts Payable Coordinator and the Records Management Coordinator are both part-time employees of the Corporation, without benefits except for holidays falling on days they are otherwise scheduled to work; and

WHEREAS, the Accounts Payable Coordinator regularly works 20 hours per week and the Records Management Coordinator regularly works 26.25 hours per week; and

WHEREAS, the Director of Engineering and the Comptroller have recommended that the employees currently in those positions be given two weeks' vacation annually in recognition of the high quality of the services they are performing;

NOW, THEREFORE, the Executive Committee hereby recommends to the Board of Directors that it approve two weeks' vacation annually for the Accounts Payables Coordinator (20 hours per week) and for the Records Management Coordinator (26.25 hours per week), effective immediately. **(R-0922-10)**

Motion passed; all in favor.

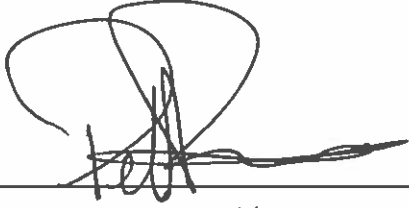
17) Other business

No other business was brought forward.

18) Adjournment – Motion to adjourn by Director Burdick, seconded by Director Parsons; all in favor. Adjourned 11:33am.

PRESIDENT'S CERTIFICATE

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

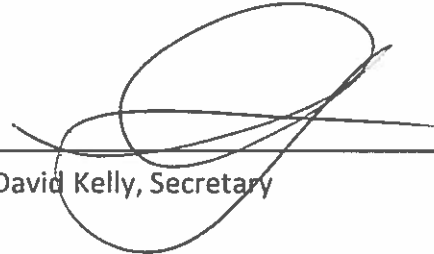
A handwritten signature in black ink, appearing to be 'Peter Parsons', written over a horizontal line.

Peter Parsons, President

10/27/16
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

10/27/16
Date