



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 24, 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); Bruce Walker (Putnam County); Sabrina Charney-Hull (Town of New Castle); Richard Williams (Town of Patterson); George Rodenhausen (Corporate Counsel); Antonino Modica (NYCDEP); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); John Belyea (EOHWC); Yvette Rivera (EOHWC)

2) Approve Meeting Minutes

Motion by Director Parsons, seconded by Director Griffin to approve the Executive Committee Meeting Minutes of August 27, 2015 as presented; all in favor.

3) Financial Update

Joanne Tavino presented year to date spending which included \$325,000 spent last month and \$15 million remaining in fund balances. We have spent \$2.2 million this year and \$23.3 million since inception.

Joanne presented a draft budget for 2016, developed with Kevin Fitzpatrick to include 2016 estimated projects. Costs for projects to be completed in 2015 will also be taken into consideration. Mike Meyer has requested supporting schedule for 2016 project breakdown for design and construction figures. Budget will be adopted in November by BOD. Director Parsons reiterated the need for a finalized O&M policy. Because we are asking to use funds from years 1-5 to support administrative costs for years 6-10, we need to comply with DEP requests for data, and make sure Mike Meyer has everything he needs.

Joanne presented a schedule detailing administrative costs over the next five years, which includes increases in insurance costs through year 10. This assumes no changes in personnel, spread over 5 years. All other costs/estimates remain the same.

Regarding the DEP's response on use of funds for years 6 – 10, George contacted Mike Meyer about his concern on projects that are "in the ground"; however Mike is no longer concerned about that. He is concerned about funds remaining at the end of years 1-5, and the O&M policy/costs. Director Parsons indicated these concerns are valid.

There are no changes to regulatory/compliance dates since last month. It was indicated that the deadline for the budget submission to DEP is not a regulatory deadline, but a suggested deadline. Joanne will send it to DEP once the budget is adopted by the Board.

Warren Lucas updated the Committee on the outstanding Putnam County financial disclosure statements by Committee Members. Joanne indicated that Putnam County has not inquired about outstanding statements.

4) Project Update

Kevin Fitzpatrick informed the Committee that the channel stabilization application was approved by DEC. We cannot look at older projects, but we can look at projects for which we have not received credit. Kevin indicated he will work more closely with the DEC to determine which practices work best. John Belyea mentioned that we need to look at each project on a case by case basis. A discussion ensued about how costs per kilogram and phosphorus load were previously calculated and how new costs and loads will be determined, and how DEC might be more critical of some projects. Some EC members mentioned projects in their towns. Kevin stated there are many projects we're invested in that are still good. Kevin indicated that many projects will need to be reevaluated to get retroactive credit.

Director Burdick inquired about the likelihood of EOHWC meeting the requirements for years 1-5, within the "soft extension". Kevin indicated that many projects need a planting season, so the DEC will recognize the negative impact of completing projects in the winter, and the need to finish them in the spring.

A discussion ensued about the Years 6-10 work plans and funding. The work plan for 2016 should be submitted to the DEC two months prior to 2015 year-end. Director Burdick asked whether we should press the DEC to indicate when we need to comply with year 1 – 5 requirements. It was generally agreed that we do not need to worry about this.

Director Griffin inquired if SE-POT-02 (Bloomer Road) is feasible with new calculation method. Kevin indicated there are 3 easements left which George has been working on. 2 more are needed. This project will bring kilogram number well above the 450 requirement. Director Burdick inquired about the number we will complete at the end of 2015. Kevin said we're on track for 400 as of the meeting date, conservatively.

Kevin stated regarding the Putnam County Golf Course reimbursement due to EOHWC, the DEP needs a letter from the county stating that if the DEC grant does not come in that the monies due EOHWC will be paid. Bruce Walker stated he would not sign a letter to that effect since the DEC grant is there, and they committed to using it. Kevin stated that the DEP is just trying to close loose ends. Joanne suggested she write an invoice from EOH to Putnam County, to show to our auditors that we have a receivable on our books, which might satisfy Mike Meyer. Bruce Walker agreed.

Kevin stated that 2015 SPDES permits were being paid with the vouchers/checks presented today for approval, and several need Notices of Termination in order to cancel continued billing for the permits. The invoices total \$2,400. Joanne mentioned the NOTs need to be in before the end of the year in order for EOHWC not to be billed in 2016, as we are billed annually based upon outstanding NOTs as of January 1st of each year.

5) Approve Change Orders

No change orders were presented for approval.

6) Award Construction Contracts

Kevin presented three construction contracts to be awarded – PW-324 A&B to be awarded together, and PW-343.

John Belyea shared with the committee that David Kelly, Pawling Town Supervisor, will present all three Pawling Projects (PW-343, PW-342 A&B) to the Pawling Town Board for approval, as part of their transparency process. It will delay the projects somewhat. Director Griffin expressed concern that we have already invested in these projects, and the Town may not approve. A discussion ensued about the per kilogram expenditure of these projects and Pawling's obligation with bubble compliance. John stated that David Kelly reassured him that the projects should be approved by the Town Board. Director Burdick recommended that the approval of the contracts be conditioned on the execution of easements and Town approval before any work continues on these projects.

Resolution to Approve Construction Contract for PW 342A

A motion by Director Burdick, seconded by Director Parsons to Approve the Construction Contract for PW-342A to the lowest bidder, Svoboda Bulldozing and Trucking, in the amount of \$52,380.00; all in favor.

WHEREAS, the proposed stormwater retrofit project known as PW-342A is proposed to be located at the Pawling Fire District in Dutchess County, 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 restoration of a pocket pond, including earthwork, control structure, drainage pipes and preparing, restoring and cleaning the project area, all in accordance with plans prepared by James J. Hahn Engineering, P.C.; and

WHEREAS, the project was publicly bid and eight (8) bids were received and publicly read aloud at the EOHWC offices on September 21, 2015; and

WHEREAS, the lowest bid received was in the amount of \$52,380.00 submitted by Svoboda Bulldozing & Trucking Corporation and the highest bid received was in the amount of \$126,200.00 submitted by Meyer Contracting Corporation; and

WHEREAS, the Phosphorus removal efficiency of the project is approximately \$120,000/ Kg P-removed; and

WHEREAS, James J. Hahn Engineering, P.C. contacted the references for Svoboda Bulldozing & Trucking Corporation and contacted Svoboda Bulldozing & Trucking Corporation directly and was assured that they can complete the project for the amount bid; and

WHEREAS, the project known as PW-342B will be awarded with and completed as part of this PW-342A awarded project with a total amount of \$128,060.00 for both projects; and

WHEREAS, James J. Hahn Engineering, P.C. has recommended that the EOHWC accept Svoboda Bulldozing & Trucking 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 24, 2015, the Executive Committee reviewed all available evidence and resolved that the project known as PW-342A 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 of the East of Hudson Watershed Corporation that it accepts Svoboda Bulldozing & Trucking Corporation as lowest responsible bidder for the project known as PW-342A and authorizes the President or Vice President of the Corporation to execute the construction contract with Svoboda Bulldozing & Trucking Corporation conditioned upon the submission of bonds and insurance by the contractor, and approval and execution of the installation agreement, which includes all easements, by the Fire District and the Town board, with a copy of the resolution of approval of the Fire District and the Town Board, and legal review by corporate counsel.

Resolution to Approve Construction Contract for PW-342B

A motion by Director Burdick, seconded by Director Parsons to Approve the Construction Contract for PW-342B to the lowest bidder, Svoboda Bulldozing and Trucking, in the amount of \$75,680; all in favor.

WHEREAS, the proposed stormwater retrofit project known as PW-342B is proposed to be located at the Pawling Fire District in Dutchess County, 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 pocket pond, including earthwork, control structure, drainage pipes and preparing, restoring and cleaning the project area, all in accordance with plans prepared by James J. Hahn Engineering, P.C.; and

WHEREAS, the project was publicly bid and eight (8) bids were received and publicly read aloud at the EOHWC offices on September 21, 2015; and

WHEREAS, the lowest bid received was in the amount of \$75,680.00 submitted by Svoboda Bulldozing & Trucking Corporation and the highest bid received was in the amount of \$141,927.00 submitted by Legacy Supply, LLC; and

WHEREAS, the Phosphorus removal efficiency of the project is approximately \$60,000/ Kg P-removed; and

WHEREAS, James J. Hahn Engineering, P.C. contacted the references for Svoboda Bulldozing & Trucking Corporation and contacted Svoboda Bulldozing & Trucking Corporation directly and was assured that they can complete the project for the amount bid; and

WHEREAS, the project known as PW-342A will be awarded with and completed as part of this PW-342B awarded project with a total amount of \$128,060.00 for both projects; and

WHEREAS, James J. Hahn Engineering, P.C. has recommended that the EOHWC accept Svoboda Bulldozing & Trucking 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 24, 2015, the Executive Committee reviewed all available evidence and resolved that the project known as PW-342B 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 of the East of Hudson Watershed Corporation that it accepts Svoboda Bulldozing & Trucking Corporation as lowest responsible bidder for the project known as PW-342 B and authorizes the President or Vice President of the Corporation to execute the construction contract with Svoboda Bulldozing & Trucking Corporation conditioned upon the submission of bonds and insurance by the contractor, and approval and execution of the installation agreement, which includes all easements, by the Fire District and the Town board, with a copy of the resolution of approval of the Fire District and the Town Board, and legal review by corporate counsel.

Resolution to Approve Construction Contract for PW-343

A motion by Director Burdick, seconded by Director Parsons to Approve the Construction Contract for PW-343 to the lowest bidder, Svoboda Bulldozing and Trucking, in the amount of \$169,600; all in favor.

WHEREAS, the proposed stormwater retrofit project known as PW-343 is proposed to be located at the Whaley Lake Civic Association in Dutchess County, 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 chambers, including earthwork, catch basins, a control structure, a hydrodynamic particle separator, drainage pipes, a conveyance swale, preparing, restoring and cleaning the project area, all in accordance with plans prepared by James J. Hahn Engineering, P.C.; and

WHEREAS, the project was publicly bid and eight (8) bids were received and publicly read aloud at the EOHWC offices on September 21, 2015; and

WHEREAS, the lowest bid received was in the amount of \$169,600.00 submitted by Svoboda Bulldozing & Trucking Corporation and the highest bid received was in the amount of \$312,500.00 submitted by Meyer Contracting Corporation; and

WHEREAS, the Phosphorus removal efficiency of the project is approximately \$65,000/ Kg P-removed; and

WHEREAS, James J. Hahn Engineering, P.C. contacted the references for Svoboda Bulldozing & Trucking Corporation and contacted Svoboda Bulldozing & Trucking Corporation directly and was assured that they can complete the project for the amount bid; and

WHEREAS, James J. Hahn Engineering, P.C. has recommended that the EOHWC accept Svoboda Bulldozing & Trucking 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 24, 2015, the Executive Committee reviewed all available evidence and resolved that the project known as PW-343 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 of the East of Hudson Watershed Corporation that it accepts Svoboda Bulldozing & Trucking Corporation as lowest responsible bidder for the project known as PW-343 and authorizes the President or Vice President of the Corporation to execute the construction contract with Svoboda Bulldozing & Trucking Corporation conditioned upon the submission of bonds and insurance by the contractor, and approval and execution of the installation agreement, which includes all easements, by the Town board, with a copy of the resolution of approval of the Town Board, and legal review by corporate counsel.

Kent-MB-311B

Kevin discussed the status of Kent-MB-311B. This project is far more expensive than we would like. The project needs to be reevaluated because a channel is emptying into Lake Carmel and is only going to remove 1.36 kilograms. Re-evaluation with the new method should increase that number. The efficiency will go from 173,000 to a much more palatable number. This project is at 100% engineering. Director Burdick suggested we not spend more money on this project until we hear definitively from the DEC. Kevin stated he was discussing this as an update on the project, not as a contract award. A discussion ensued about securing easements, approvals, and anything else that is necessary before a project reaches 100% design. Director Burdick suggested we include an agenda item for the next meeting to prepare a set of guidelines for presentation to the full Board. Kevin recommended that we re-bid Kent-MB-311B.

7) Finalize O & M Policy

The latest draft of the O&M budget had several options, and everyone agreed that the numbers were inflated, and the apportionment did not make sense. Sabrina Charney-Hull stated that the committee never came to a conclusion as they were debating the credit. Kevin stated his concern that we still do not have a policy in place. A discussion ensued about O&M costs and who will be responsible for same. Director Burdick recommended the O&M policy for projects going forward and for years 6 – 10 require that the municipalities assume responsibility for the O&M costs for their respective projects. Director Griffin recommended that Richard Williams draft O&M policy, with input from EOHWC staff and Sabrina Charney-Hull, to be reviewed in October by the Executive Committee and Mike Meyers, and presented for adoption by the Board of Directors in November.

8) Selection of CPA/Audit Firm

Joanne discussed responses to RFP for CPA firm to prepare 2015 audit. Three CPA firms responded to the RFP notice. Our current auditor, RS Abrams, did not respond, and another declined to respond as they do not conduct audits under Government Accounting Standards. Joanne recommended Sickler, Torchia, Allen & Churchill due to their excellent references and their experience providing CPA services to Catskill Watershed Corp. While they initially were not the lowest bidder (Toski came in at \$10,700), they agreed reduce their fee to \$10,000 from \$12,500 per e-mail to Joanne. Director Burdick motioned to recommend using Sickler, Torchia, Allen & Churchill as CPA for EOHWC, seconded by Director Parsons.

9) Sign checks and vouchers

Monthly checks and vouchers were signed. No action taken.

10) Adjournment – Motion to adjourn by Director Griffin, seconded by Director Burdick; all in favor. Adjourned 11:45am.