



EAST OF HUDSON WATERSHED CORPORATION

EXECUTIVE COMMITTEE MEETING

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

TIME and DATE: 9:30 AM, Tuesday, November 16, 2017

Meeting Minutes

1) Open Meeting

Voting Members in Attendance: Peter Parsons (Town of Lewisboro) for himself and as alternate for Chris Burdick (Town of Bedford); Rich Williams (Town of Patterson); Vincent Tamagna as alternate for MaryEllen Odell (Putnam County); JoAnne Daley as alternate for Dave Kelly (Town of Pawling); Rich Franzetti as alternate for Ken Schmitt (Town of Carmel)

Others in Attendance: George Rodenhausen (Corporate Counsel); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Yvette Rivera (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes of September 28, 2017

Motion by Director Parsons, seconded by Director Williams to approve the meeting minutes of September 28, 2017; all in favor.

3) Financial Update

a. Year-to-Date and Inception-to-Date

Joanne Tavino reported that there is currently a \$9.8 million fund balance. Some projects have been moved out to 2018 that were originally budgeted for 2017. It is anticipated that we will end this year with roughly \$8.3 million. Checks written today total approximately \$39,000. A request was made that any 2017 outstanding bills be submitted by the end of January in anticipation of the upcoming audit.

b. NYS Paid Family Leave – Effective 1/1/2018

Joanne informed members of the committee that effective January 1, 2018 all private employers in New York State must secure Paid Family Leave coverage for employees. Contributions are made by employees through payroll deductions.

c. O & M Billing

Joanne reported that all bills for 2016 O & M have been sent out. Thirteen municipalities were billed and six will be paid out for work completed. Responses have been received from some municipalities that they have submitted the bills for payment. Checks cannot be sent to those receiving payouts until all payments are received from those municipalities billed.

4) Project Update

Kevin reported that we are up to 428 kilograms in phosphorus reduction and expect to be up to 439 by the next meeting in December. The projects highlighted in yellow on the spreadsheet for Years 1-5 will be going to construction. SE-POT-02 is still in a holding pattern until the Land Use Permit issue can be cleared up. George Rodenhausen mentioned that he discussed it with Mike Meyer last week and it is expected to be cleared up this week. NS-MU-11 is also being held up until the bond is removed.

Kevin announced that the Year 7 Work Plan has been approved by the New York State Department of Environmental Conservation (NYSDEC) and is being kept light with about 60 kilograms of credit because projects are expected to be added as we move through the year. A majority of the projects will be catch basin inserts until we have more clarity on funding availability. Forty-six of the sixty kilograms are in the FAD basins. We are in discussions with the MTA (Metropolitan Transit Authority) regarding parking lot ownership. Many of the lots are owned by the town or New York City Department of Environmental Protection (NYCDEP). In the case of NYCDEP ownership, if they do not plan on using those sites for their own phosphorus reduction, we can move forward with them. Director Parsons encouraged Kevin to approach Katonah/Lewisboro School District while the current maintenance manager is in place because he views the installation of such projects as an educational opportunity for the students and as an added benefit, they will be maintained for free.

The current list of Year 6 projects will be trimmed down for the next meeting to identify projects that will indefinitely be placed on hold until funds are made available or projects that we will go out to bid on and complete the design, but will be placed on hold until the FAD money is made available. A few projects on the list have been identified that we would like to move forward with since they have a very large kilogram reduction. Others will need to be immediately pulled out until further notice and looked at closely. Since FAD funding cannot be used to keep the business running, enough reserve in both Westchester and Putnam County funds must be maintained for that purpose.

Kevin reported that there are two significant municipal reimbursements which await closeout by the end of the year: in North Salem at Peach Lake (NS-EB-01) and the other in Putnam County at the Highway Garage (PC-5N/5S). Kevin requested that Vincent Tamagna follow up with the highway garage to give the final push in order to wrap up the project by the end of the year. Director Lucas will be contacted to follow up with closeout on the Peach Lake project.

George reported that the FAD agreement is coming along. \$7 million is designated for use in the 4 basins (Cross River, Croton Falls, Boyd Corners and West Branch), and \$15 million for use in the out-basins. Director Williams asserted that he is opposed to doing any projects in West Branch and Boyd Corners because they are not TMDL (Total Maximum Daily Load) restricted. Further, he asserted that the whole program is designed on getting TMDL restricted basins below that level. Being that they are not restricted, using funding in those basins is not helpful. Kevin noted that no projects in those basins have been identified to date.

5) Change Order/Carmel-AM-111A

Kevin presented change order number 4 submitted by Lawrence J. Paggi, P.E., P.C. for costs incurred for the effort made by the engineer as reflected for Carmel-AM-111A. There were many non-SRP items that were promised to the school district by the former Director of Engineering. After a conversation with the school district informing them that we could not pay for non-SRP items, they pulled back. The change order presented today reflects work that Paggi has done, in particular, the survey which was to be used as an alternative for the project. The additional work completed by Paggi was to benefit the project and at Kevin's request. Director Williams expressed that it should not be approved based upon the length of time taken to submit the change order and that it was not submitted for approval prior to the work being done. Director Parsons supported the change order based upon the fact that the work had been done in good faith and was completed. JoAnne Daley recommended sending a letter notifying Lawrence J. Paggi that in the future no change orders will be paid without prior Executive Board approval. Other members of the Executive Committee agreed with Director Parsons to pay Lawrence J. Paggi, P.E., P.C., for costs incurred as outlined in change order number 4.

Motion by Director Parsons, seconded by Rich Franzetti to approve change order number 4 submitted by Lawrence J. Paggi, P.E., P.C. in the amount of \$7,930 for Carmel-AM-111A thereby increasing the design cost from \$61,100 to \$69,030;

WHEREAS, Lawrence J. Paggi, P.E., P.C. submitted change order request Number 4 dated 9/15/17 for an additional \$7,930 for Carmel-AM-111A in project group 2013-10 of the first five year retrofit plan; and

WHEREAS, Carmel-AM-111A is located on property of Falls Elementary School in the Town of Carmel and consists of providing design and construction administration for the installation of subsurface infiltration; and

WHEREAS, the proposed change order request is for Lawrence J. Paggi, P.E., P.C. to address costs incurred by Lawrence J. Paggi, P.E., P.C. regarding the design of alternative maintenance access to the project site as well as expansion of the original design to capture additional areas for treatment as an addition to the original scope of work; and

WHEREAS, this change order, if approved, would increase the design cost from \$61,100 to \$69,030 and would have an updated efficiency of approximately \$122,000/kg with an estimated phosphorus reduction of 3.0 kg/year.

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 Lawrence J. Paggi, P.E., P.C. dated 9/15/17 for an additional \$7,930 for Carmel-AM-111A increasing the design cost from \$61,100 to \$69,030. **(R-1116-01)**

(Vote: Aye: 5 Nae: 1 Abstain: 0)

6) Update/Tilly Foster Municipal Reimbursement

Kevin reported that the municipal reimbursement for the SRP located in the FAD basin at Tilly Foster Farm will be postponed as Insite Engineering has not been issued approval to proceed with the work. The project will be added to the Year 7 Work Plan.

7) O & M Program Update

Kevin requested that inspection forms for the 2017 O & M be submitted by December 1, and costs submitted by December 31. Joanne informed committee members that NYCDEP has been requesting a revised 2016 Project Accounting Report at each meeting over the course of the last six months. Since the Town of Kent has recently submitted their final O & M paperwork, the report has been completed and will be emailed to the NYCDEP today.

8) Checks and vouchers

Monthly checks and vouchers were signed. No action taken.

10) Other business

Kevin suggested reconsidering the date of the December Executive Committee meeting for those that might not be able to attend during week between Christmas and the New Year's holidays. Director Parsons canceled the December Executive Committee meeting contingent upon any items that may arise requiring a meeting prior to January 25th, 2018.

Director Parsons requested that a reminder for the meeting with the Watershed Inspector General be sent on November 27th.

11) Adjournment

Motion by adjourn by Director Parsons, seconded by Rich Franzetti; all in favor. Adjourned 10:44 AM.