



# 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 27, 2017

### Meeting Minutes

#### **1) Open Meeting**

Voting Members in Attendance: Peter Parsons (Town of Lewisboro) for himself and for Warren Lucas (Town of North Salem); Rich Williams (Town of Patterson); Chris Burdick (Town of Bedford); Bruce Walker 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: Christine Chale (Corporate Counsel); Vincent Giorgio (NYC DEP); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Yvette Rivera (EOHWC); Linda Matera (EOHWC); Matthew Delgado (EOHWC)

#### **2) Approve Meeting Minutes**

Motion by Director Burdick, seconded by Director Williams to approve the meeting minutes of June 22, 2017; all in favor.

#### **3) Financial Update**

##### **a. Year-to-date and Inception-to-date**

Joanne Tavino reported that as of June 30, funds on hand were approximately \$10.3 million. Checks written today estimate roughly \$187,000. We still remain on budget for the end of Year 6 and will be addressing Year 7 as we go forward. She and Kevin Fitzpatrick will be working on budgeting for cash flow.

##### **b. Investment Update**

Joanne notified members that the investments are performing very well. Two trades were executed since the June Executive Committee meeting; the first on June 30<sup>th</sup> and the other on July 20<sup>th</sup>. A total of \$3 million was rolled over. The latest purchase is now earning a 1.14% yield.

##### **c. O & M Billing Update**

Joanne reminded members she had anticipated getting the O & M bills out by the August meeting; however, there are some roadblocks as far as getting the information needed to bring the estimates up to actual numbers. A majority of the information needed is in hand; however, signatures are needed from Director Parsons and Director Burdick with regard to costs that were submitted. Kevin is looking into additional information that needs to be submitted by the Town of Yorktown. The Town of Somers needs to provide a breakdown by project on their actual cost for work that was done. Once those items are

complete, a schedule will be provided that shows what was accrued for the 2016 financials and what the New York City Department of Environmental Protection (NYC DEP) is now questioning. They expect a breakdown of the \$95,987. Director Parsons requested that Kevin call Tracy Corbitt to inquire about the status of the funds expected to come from Westchester County.

#### **4) Project Update**

Kevin Fitzpatrick reported that we will be getting the final signature on the installation agreement from Director Parsons for the Brewster Heights project (SE-POT-02). It will be submitted to the NYC DEP to wrap up all Land Use permit questions. We can now begin to discuss the construction schedule and going out to bid. As of the present time, the NYC DEP has notified us that there aren't any issues with our permit application and they are merely waiting for the final signature. It's uncertain how long it will take to get the permits in hand. We will look to schedule construction as soon as possible.

Additional projects were added to the Year 6 report and the active project total. While one or two projects were lost during the course of the summer, the ones added will maintain the active project total of 267 kilograms. We've begun moving into more public properties and municipal-owned lands rather than private properties, which we had started out the year with. We anticipate getting the longer term projects going. We will be awarding design contracts for two new projects and another at the end of August. Two additional requests for proposals were posted to the website today. It is expected that all of these projects will be ready for construction in the spring of 2018 season going into the summer. Kevin welcomed questions. Director Burdick inquired if MK-NC-29 from Years 1-5 would be moved to years 6-10. Kevin explained that the project was a municipal reimbursement that was left on the spreadsheet because the Village of Mount Kisco had originally intended on getting us ready to move forward with the project on the site. It was then determined that they needed to eliminate the project and utilize that space for another task, meaning that the project could potentially be scrapped entirely but requested we leave it on spreadsheet in case we could flow it over and make something of the project in the future. Kevin agreed to move MK-NC-29 to Years 6-10 as pointed out by Director Burdick. Director Burdick also requested that projects with spring 2017 dates be updated in the column that reads "Estimated Construction" for Years 6-10. Additionally, Director Burdick question if "FAD Basin Total" is a subset of the "Active Project Total". Kevin confirmed that it is a subset. Kevin also added that there is only one active workplan in place for Year 6; therefore, come January there will be additional projects. Our involvement with Woodard and Curran is complete at this point. In addition to the new set of projects that will be pulled out of the workplan booklet for Year 7, individual towns may bring supplemental projects that will be added.

Director Parsons requested that Kevin reach out to David Kvinge at the Westchester Agriculture District regarding B-MU-602 and provide an update at the August Executive Committee meeting.

#### **5) O & M Program Update**

Kevin reported that inspections are ongoing and recommended that towns continue performing O & M. Committee members were encouraged to follow up with their highway departments to make sure they are following through.

## 6) Award Design Services

### a. Solicitation 2017-08 (Pat-EB-601)

Kevin indicated that two proposals were submitted and reviewed. Members of the Review Committee selected the proposal from KC Engineering and Land Surveying, P.C. in the amount of \$49,900.

Motion by Director Burdick, seconded by Rich Franzetti to approve the award for design services for stormwater retrofit project Pat-EB-601 to KC Engineering and Land Surveying, P.C., not to exceed the amount of \$49,900;

WHEREAS, the proposed stormwater retrofit project known as Pat-EB-601, located at Valley Road in the Town of Patterson within a recognized FAD basin in project group 2017-08, and is included in the Years 6-10 MS4 regional plan approved by the NYS Department of Environmental Conservation; and

WHEREAS, the work consists of providing design and construction administration services for the installation of a multiple pond system on public property; and

WHEREAS, a Request for Proposals was advertised and two (2) proposals were received at the East of Hudson Watershed Corporation offices on June 20, 2017; and

WHEREAS, the Review Committee of the EOHWC has reviewed all proposals according to the requirements set forth in the EOHWC Procurement Policy and found the proposal of best value to have been submitted by KC Engineering and Land Surveying, P.C. in the amount of \$49,900; and

WHEREAS, EOHWC contacted the references for KC Engineering and Land Surveying, P.C. and contacted KC Engineering and Land Surveying, P.C. directly and was assured that they can complete the project for the amount proposed; and

WHEREAS, the EOHWC Review Committee has recommended that the corporation accept KC Engineering and Land Surveying, P.C. as best value proposer for the project and proceed with contracts pending the submission of all necessary documents per the EOHWC Procurement Policy; and

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors that it accepts KC Engineering and Land Surveying, P.C. as best valued proposer for the design of the project for SRP Pat-EB-601 and authorizes the President or Vice President of the Corporation to execute the design contract with KC Engineering and Land Surveying, P.C. subject to the following conditions:

1. Submission of insurance by the engineer as required by the design contract;
2. Review of the design contract by the Corporation's Counsel.

Motion passed; all in favor.

**(R-0717-01)**

**b. Solicitation 2017-09 (Y-MU-602)**

Kevin stated that three proposals were submitted and were looked over by the Review Committee. It was recommended that KC Engineering and Land Surveying, P.C. be awarded the contract in the amount of \$38,760.

Motion by Director Burdick, seconded by JoAnne Daley to approve the award for design services for stormwater retrofit project Y-MU-602 to KC Engineering and Land Surveying, P.C., not to exceed the amount of \$38,760;

WHEREAS, the proposed stormwater retrofit project known as Y-MU-602, located at Junior Lake in the Town of Yorktown in project group 2017-09, and is included in the Years 6-10 MS4 regional plan approved by the NYS Department of Environmental Conservation; and

WHEREAS, the work consists of providing design and construction administration services for the installation of a subsurface infiltration system on municipal property; and

WHEREAS, a Request for Proposals was advertised and three (3) proposals were received at the East of Hudson Watershed Corporation offices on June 27, 2017; and

WHEREAS, the Review Committee of the EOHWC has reviewed all proposals according to the requirements set forth in the EOHWC Procurement Policy and found the proposal of best value to have been submitted by KC Engineering and Land Surveying, P.C. in the amount of \$38,760; and

WHEREAS, EOHWC contacted the references for KC Engineering and Land Surveying, P.C. and contacted KC Engineering and Land Surveying, P.C. directly and was assured that they can complete the project for the amount proposed; and

WHEREAS, the EOHWC Review Committee has recommended that the corporation accept KC Engineering and Land Surveying, P.C. as best value proposer for the project and proceed with contracts pending the submission of all necessary documents per the EOHWC Procurement Policy; and

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors that it accepts KC Engineering and Land Surveying, P.C. as best valued proposer for the design of the project for SRP Y-MU-602 and authorizes the President or Vice President of the Corporation to execute the design contract with KC Engineering and Land Surveying, P.C. subject to the following conditions:

1. Submission of insurance by the engineer as required by the design contract;
2. Review of the design contract by the Corporation's Counsel.

Motion passed; all in favor.

**(R-0717-02)**

**7) Review Description for Watershed Planner Position**

Kevin notified members that the draft advertisement was circulated to committee members and counsel. Director Williams provided input on the job description. A very clear expectation of the position

requirements has been outlined. It is our hope to advertise for the position with approval of the Board of Directors at the August meeting. The highlighted dates indicate when everything will be due. It would be most helpful to have all resumes in by the beginning of October so that all interviews can be conducted and a recommendation could be made at the October 26<sup>th</sup> Executive Committee meeting.

### **8) August 8<sup>th</sup> Board of Directors Meeting Agenda**

Director Burdick requested that an update on the FAD agreement be added as an item to the agenda. Director Williams reminded members that full board approval should be obtained on the agreement between NYC DEP and the Corporation.

### **9) Discuss August 24<sup>th</sup> Executive Committee Meeting Date Change**

Kevin asked if there would be any objections to changing the Executive Committee meeting date from August 24<sup>th</sup> to August 31<sup>st</sup>. Members agreed to reschedule the meeting date to August 31<sup>st</sup> at 9:30 a.m.

### **10) Years 6-10 Funding-Authorization to Proceed**

President Parsons has authorized George Rodenhausen to develop the agreement to implement the FAD. He requested comments from Kevin, noting that comments must be submitted by September 3<sup>rd</sup>. He discussed that he would like to base his negotiation on an amendment to the agreement rather than drafting a new agreement. Director Williams requested that it be reviewed by the full board before being finalized.

### **11) Sign checks and vouchers**

Monthly checks and vouchers were signed. No action taken.

### **12) Other business**

Director Parsons requested an update on the grant for PC-1. Kevin indicated he was told that it is in the system at the New York State Department of Environmental Conservation (NYS DEC) and it is coming. Bruce Walker offered to inquire about the status when he speaks with Ken Kosinski and requested the name of the individual Kevin spoke with. Bruce will provide Kevin with an update after speaking with Ken.

Director Parsons discussed that in his meeting with David Warne at NYS DEC he was told not to expect funding before spring 2019. Vincent Giorgio explained that the amount of time it takes has to do with whether the funding agreement is in place and how it's processed internally. Director Parsons suggested that it would be prudent to assume no inflow of money until the summer or fall of 2019. It was suggested that a discussion be had to figure out how the organization continues operating through that period. The focus should be more on design than construction for Year 6. The only construction that should be done would be to complete any Year 1-5 projects. Kevin suggested possibly doing only low cost channel stabilization projects and catch basin inserts for Year 6 just to keep progressing with kilograms. Director Parsons requested that Kevin and Joanne develop a survival plan to take us through the fall of 2019 which

should include the watershed planner position salary. The plan will be presented on August 8<sup>th</sup> at 8:30 AM for discussion at a Proposed Working Budget meeting addressing the remainder of 2017 through 2019. Bruce Walker offered to advertise the position within Putnam County once the Board has given its approval to move forward.

**13) Enter into Executive Session to discuss the hiring, firing, promotion, or demotion of particular persons, motion proposed by Director Parsons, seconded by Director Burdick; all in favor.**

**14) Motion to come out of Executive Session proposed by Director Parsons, seconded by Director Burdick; all in favor. No action taken in Executive Session.**

**15) Adjournment**

Motion by adjourn by Director Burdick, seconded by Rich Franzetti; all in favor. Adjourned 9:50 AM

DRAFT