



EAST OF HUDSON WATERSHED CORPORATION

EXECUTIVE COMMITTEE MEETING

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

TIME and DATE: 9:30 AM, Thursday, February 22, 2018

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); Warren Lucas (North Salem) for himself and as alternate for J. Daley (Town of Pawling); Vincent Tamagna as alternate for MaryEllen Odell (Putnam County); 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); Vincent Giorgio (NYCDEP); Antonino Modica (NYCDEP)

2) Approve Meeting Minutes of January 25, 2018

Motion by Director Parsons, seconded by Rich Franzetti to approve the meeting minutes of January 25, 2018; all in favor.

3) Financial Update

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

Joanne Tavino reported that \$400,000 was spent in January and today's checks were written in the amount of \$56,000. Currently, there is an estimated fund balance of \$9 million. \$2 million in treasuries will be coming due March 8th, of which \$1 million will be not be reinvested but put towards the 2018 cash balance. The on-site audit done yesterday went very well. The auditor promised to have draft financials available by Tuesday, February 27th. Once received, they will be distributed to the Audit Committee for review. It will be presented for acceptance at the March Executive Committee meeting and is due to New York State by March 31st.

4) Putnam County Golf Course Reimbursement to EOHWC

The receivable on the books for Putnam County Golf Course has been resolved. The payables owed to Putnam County were applied against the receivables, which left a balance due to Putnam County of \$991.73. A check has been presented for signature and will be mailed today.

5) Project Update

Kevin Fitzpatrick reported that two different solicitations are out to bid. Solicitation 2018-01 is for 6 different Metro North projects which are a mix of different parking lots that are run by the town, NYCDEP, or Metro North. A discussion has been started with the Land Use Permit Division of the

NYCDEP. Across the board they are a mixture of catch basin inserts with a very simple design. The hard work is going to be the legal end, which may require amending some agreements. Each town has agreements in place in one form or another. The solicitation is out for bid with a proposal due date of March 6th and the contract will be awarded at the March Executive Committee meeting. Director Williams inquired as to who will be performing the maintenance on the catch basins. Kevin stated that either the town or a contractor can be hired to perform the maintenance. Director Lucas said that utilizing a contractor will ensure that it is being done. Director Williams expressed that his concern relates more to Metro North's insurance requirements and that it's something to be aware of as the projects move forward. The second design solicitation is 2018-02 which is for channel stabilization in Carmel on NYCDEP property. We were told we would not require a maintenance bond for this project; however, we will need a land use permit.

There are several new projects which came to the table. Banks along the roadway in Pawling require stabilization to prevent the trees from falling into the road and would provide about 15-20 kilograms of phosphorus reduction. The second project is located within the FAD basin at the Brewster maintenance yard just south of the Town of Southeast and is a 60-70 kilogram channel stabilization project. There are extreme flooding problems on the property from various channels that come down from a sub-division up the hill from them. With cooperation of the private property owners, we are hoping to get in there and stabilize those channels. We are working with both the Town of Southeast and Metro North to see what we can get accomplished. An update will be provided as progress is made. Metro North will provide access; however, the channels coming down the hill from the subdivision are owned by the Eagle's Ridge Development Corporation. Execution of this project will help the MTA significantly.

Director Parsons inquired about the status of SE-POT-02. Kevin stated that there was a slight delay due to the need for 8,000 cubic yards of fill for the site. As a result of a recent meeting between Tom Fenton and the MTA, they have fill that can be made available to us. It was important that this was resolved prior to going out to bid because it would cause a significant swing in the price.

Kevin stated that a decision is required on whether to proceed with NS-MU-11. The issue was discussed with the NYCDEP regarding the necessity of maintenance bonds on land use permits. Director Lucas explained that the town would be paying \$2,500 per year in perpetuity to have a maintenance bond on basically a large detention basin. After a conversation between Director Lucas had with David Warne he thought it would likely be waived, but it's clear that is not the case. Kevin stated that all current projects that we have on the table were not expected to need that maintenance bond, except for NS-MU-11 because of the installation of the pipe. While reluctant to abandon 5.8 kilograms of phosphorus credit, Kevin expressed concern with paying \$2,500 in perpetuity. Director Williams pointed out that once the program ends after 10 years, the cost would fall back on the town. George indicated that David Warne said he didn't have the authority to change the rule. Approximately \$45,000 has already been spent on the design portion of the project. If we release the contractor, the project will be shelved and never get built or we can move forward and pay the maintenance bond and proceed with the project. Director Lucas said the project provides no benefit to the town of North Salem and it suggested it should be shelved. Kevin pointed out

that money invested into the design and the contractor's bond investment must be reimbursed. Director Parsons requested that George draft a letter to the Commissioner following up on the maintenance bond issue stating that an amendment is necessary because we are doing projects that benefit the water quality of the NYCDEP. Director Parsons indicated that he would like this letter to be a very clear statement about benefit and payment and that unless there is a clear benefit to the town or municipality, there is no reason they should pay.

Motion by Director Lucas, seconded by Director Parsons to shelve NS-MU-11 due to the annual \$2,500 fee in perpetuity associated with the maintenance bond; all in favor.

6) Municipal Agreements:

a. NS-EB-01 Amended Reimbursement Agreement

Motion by Rich Franzetti, seconded by Vincent Tamagna to approve the amendment to the Reimbursement Agreement for NS-EB-01.

WHEREAS, the Town of North Salem has completed construction of the stormwater retrofit project known as NS-EB-01 (the "Project"), 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, on September 22, 2016, EOHWC and the Town entered into a certain Agreement for Reimbursement of Stormwater Retrofit Expenses for the Project, which Agreement provided for reimbursement to the Town in an amount not to exceed \$347,750 for eligible and reasonable costs of the Project; and

WHEREAS, the reimbursement was based on the understanding that the Town would receive a \$450,000 grant from the New York State Department of Environmental Conservation ("NYSDEC") to set off against the total project cost of \$797,750; and

WHEREAS, the Project has now been completed by the Town at a total cost to date of \$813,790.87, as evidenced in a letter from Supervisor Warren Lucas to Joanne Tavino, dated January 19, 2018, with accompanying charts, supplemented by email correspondence from Supervisor Lucas to EOHWC, dated February 12, 2018; and

WHEREAS, the "total cost to date" does not include the cost of the BAN interest of \$14,000, which is in addition to the \$813,790.87, as the \$14,000 payment will be due at the BAN maturity date of September 2018 and will be paid by the Town; and

WHEREAS, the Town has requested that the amount of reimbursement authorized in the original Agreement for Reimbursement of Stormwater Retrofit Expenses for the Project be increased by \$16,040.87 to a total amount not to exceed \$363,790.87, to cover the increase in documented Project expenses; and

WHEREAS, the Project was over budget not because of additional construction work but because of additional surveying and design work as the owner of one of the eight sites originally selected, after multiple meetings, refused to provide an easement for drainage pipe after the engineering design work was completed, forcing the Town to find and design an additional ninth site; and

WHEREAS, the Project is designed to provide a reduction of 10.91Kg of Phosphorus, which reduction has been accepted and credited by NYSDEC, producing a Project efficiency of \$76,000 per Kg, and an efficiency on the EOH reimbursement of \$33,000 per Kg; and

WHEREAS, the Executive Committee has reviewed the Town's request and supporting documentation and determined that the increased cost was reasonable and results in a favorable efficiency of Phosphorus reduction which has been credited by NYSDEC;

NOW, THEREFORE, the Executive Committee hereby approves the annexed Amendment to the Agreement for Reimbursement of Stormwater Retrofit Expenses for NS-EB-01, increasing the amount of the reimbursement by \$16,040.87, and authorizes the President or Vice President of the Corporation to execute the same. **(R-022201)**

Motion passed; all in favor.

7) O & M Program Update

Kevin reported that the 2016 O & M checks were sent to the municipalities. Notices for 2017 are being sent which inform towns what they will receive from the corporation or what is due to the corporation. Tremendous progress has been made across the board with towns. There are still a couple of projects within towns that are of concern. We will continue making progress. For 2018 we have a sense of which towns need to be watched a bit more closely. Director Williams requested clarification on when the 2017 checks would be mailed. Joanne indicated that checks for 2017 will not be mailed until all payments are received from towns which owe.

Rich Franzetti inquired if O & M in Carmel had been done by Putnam County. Kevin indicated that very minimal maintenance was done on projects in the Town of Carmel in 2017. Rich said that although he is aware that it is the Town of Carmel's responsibility, the option for Putnam County to complete it was offered because the Carmel Highway Department could not do the maintenance. It was anticipated that a consistent effort was being made to ensure it was being done. Kevin offered to set up a meeting with John Tully to discuss in detail the Town of Carmel's O & M needs going forward. Vincent Tamagna suggested it may be a good idea to have a summer intern do the inspections to ensure the maintenance is being done to level we expect.

8) Checks and vouchers

Monthly checks and vouchers were signed. No action taken.

9) Other business

Joanne asked that the form sent to members of the Audit Committee by Sickler, Torchia, Allen and Churchill be completed and sent back by as soon as possible.

10) Adjournment

Motion to adjourn by Director Parsons, seconded by Vincent Tamagna; all in favor. Adjourned at 10:20 AM.

DRAFT