



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, Tuesday, March 27, 2018

Meeting Minutes

1) Open Meeting

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

Others in Attendance: Michael Quinn (Town of Yorktown); Vincent Giorgio (NYCDEP); George Rodenhause (Corporate Counsel); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Yvette Rivera (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes of February 22, 2018

Motion by Director Parsons, seconded by Director Williams to approve the meeting minutes of February 22, 2018; all in favor.

3) Financial Update

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

Joanne Tavino reported the current approximate fund balance is \$9 million. Checks written today total \$65,000. One million was held back from the last treasury trade and placed into the operating account for upcoming design and construction projects. Year-to-date spending is approximately \$500,000.

b. Audit Acceptance

Joanne stated that the audit has been completed and a copy was forwarded to members of both the Audit and Finance Committees. Sickler, Torchia, Allen and Churchill sent each board member a questionnaire that contained a different set of questions to be completed and returned. The audit will be presented for full Board acceptance at the quarterly Board of Directors' meeting in May. Posting to the New York State Authorities Budget Office (NYSABO) site is required by Friday, March 30th.

Motion by Director Parsons, seconded by Vincent Tamagna to accept the audit as written and submitted; all in favor.

c. NYS ABO Reports due

Joanne indicated that there are five different reports due to NYSABO that show everything that has been spent this year; the Procurement Report, Investment Report, Annual Report, Project Accounting Report, and the Audited Financial Statement. All reports are expected to be posted by tomorrow.

d. Project Accounting Report due to NYCDEP

Joanne informed members that the Project Accounting Report ties into the audit and will be sent to New York City Department of Environmental Protection (NYCDEP) and each of the counties by March 31st. Additionally, it was noted that although the report is presented annually, it is updated and analyzed on a monthly basis.

4) List of Reporting and Filing Due Dates

Joanne reported that all item submissions are up to date, including 2016 and 2017 O & M. Payments are beginning to arrive for the 2017 billings which were sent out on February 22nd.

5) 30% Initial Evaluations:

Kevin Fitzpatrick stated that in response to the Executive Committee's request that 30% reviews be brought to the table, the following projects are being presented for a brief discussion and update.

a. Kent-MB-602

Located in the Town of Kent and within the FAD basin, this project consists of channel stabilization and wetland system to be installed on the Town of Kent parks property. The Parks' Department will be responsible for the O & M. They are aware of the project and have signed-off on it. The overall efficiency is about \$30,000 per kilogram with approximately 7.2 kilograms of phosphorus being removed. The one unanswered issue is gaining access to the actual site. There are two possible access points; one is a pedestrian bridge that we will not be able to get construction equipment over, the second is through an undeveloped private line. We've reached out to have a conversation but have not yet received a response. Temporary access for construction will be required. If we are unable to obtain access from this particular property owner, we will have to seek out an alternate access route which may end up increasing the cost of the project. An approval is being requested today from the Executive Committee to move forward with the project pending the answer from the private property owner.

Motion by Director Parsons, seconded by Vincent Tamagna to continue work on Kent-MB-602 as stipulated by Kevin Fitzpatrick, pending approval of an installation agreement by the private property owner and an alternative approach being submitted if the private property owner is uncooperative; all in favor.

b. PC-MB-701

Located at Tilly Foster Farm and within the FAD basin, this project involves channel stabilization and the installation of wet-detention pond. The engineering portion of this project is being run by Putnam County. Our costs to date are only administrative ones incurred by site visits. A brief update is being provided in order to get the green light to move forward. East of Hudson Watershed Corporation's (EOHWC) involvement will come in at the construction portion of the project. Presently, there is no engineer's probable construction cost but one has been estimated by Kevin to be close to \$500,000. Meetings have been held with Putnam County on several occasions to discuss project specifics and they have demonstrated that they are interested in moving forward. The efficiency for both will be approximately \$42,000 per kilogram, which is well within an acceptable rate. Once we have the engineer's probable cost, the next step will be for us to enter into a reimbursement agreement. In all likelihood, it will be a "not to exceed" dollar amount. That number would be refined for whatever the construction value will end up being. George inquired if Kevin's estimate included both engineering and construction. Kevin stated that

Putnam County will be paying for the engineering costs for which it does not expect reimbursement. The construction will be executed by Putnam County and we will reimburse them for it. They may complete it themselves or go out to bid. Once we get to that point, we will decide the best course of action. Additionally, Joanne mentioned that this project has been taken into consideration for the 2018 budget.

Motion by Director Parsons, seconded by Vincent Tamagna to have Kevin proceed with PC-MB-701 as proposed; all in favor.

6) Project Update

Kevin reported that we are partnering a group of projects in Pound Ridge that are all on private property and located in the FAD basin. Progress is being made in North Salem on NS-MU-601, which is a massive channel stabilization project located on Keeler Lane that does not fall within the FAD basin.

The New York State Department of Environmental Conservation (NYSDEC) has expressed an interest in coming down to visit every retrofit sometime in April. The EOHWC offices will be used as a home base. Bob Capowski will be coming down with another individual to document and photograph projects to update their system and GIS. We are going to provide them with as many photographs as possible to make it easier for them because there over 150 projects that they will have to catalogue. Every effort will be made to make it as simple as possible for them. If they are visiting Year 1 & 2 projects that were hydrodynamic separator inserts or filter inserts, it will be difficult to see anything because they are located beneath manhole covers. We will work with them to narrow down the best examples to flag for their visit.

7) Award Construction Contract for SE-POT-02

Kevin announced that on March 15th four bids were submitted at the bid opening for the construction of SE-POT-02. The lowest responsible bid was presented by Brennan Construction in the amount of \$1,725,715. We've worked with Brennan in the past on another very large project (VB-DI-31/32). We had a positive experience and we're confident they can get it done. Their bid came in close to the estimate of that which Nathan Jacobson projected of \$1.7 million. Construction is scheduled to begin this spring and is expected to be completed in 2019. Kevin recommended that construction be awarded to Brennan Construction.

Motion by Director Parsons, seconded Joanne Daley to award the construction contract for SE-POT-02 to Brennan Construction in the amount of \$1,725,715.

WHEREAS, the proposed stormwater retrofit project known as SE-POT-02 is proposed to be located at Brewster Heights in the Town of Southeast, 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 stabilizing multiple channels, all in accordance with plans prepared by Nathan L. Jacobson and Associates, P.C.; and

WHEREAS, the project was publicly bid and four (4) bids were received and publicly read aloud at the EOHWC offices on March 15, 2018; and

WHEREAS, the lowest bid received was in the amount of \$1,725,715.00 was submitted by Brennan Construction and the highest bid received was in the amount of \$4,950,216.88 submitted by Legacy Supply, LLC; and

WHEREAS, the phosphorus removal of 67.6 kilograms for this project has an efficiency of approximately \$35,000 Kg P-removed; and

WHEREAS, Nathan L. Jacobson and Associates, P.C., contacted the references for Brennan Construction and contacted Brennan Construction directly and was assured that they can complete the project for the amount bid; and

WHEREAS, Nathan L. Jacobson and Associates, P.C., has recommended that the EOHWC accept Brennan Construction as lowest responsible bidder for the project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on March 27, 2018, the Executive Committee reviewed all available evidence and resolved that the project known as SE-POT-02 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 Brennan Construction as lowest responsible bidder in the amount of \$1,725,715.00 for the project known as SE-POT-02 and authorizes the President or Vice President of the Corporation to execute the construction contract with Brennan Construction 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.

Motion passed; all in favor.

8) Award Design Contracts:

a. Solicitation 2018-01

Kevin indicated that this group of projects represents six different Metro North train station parking lots. Sites are located along the Harlem River line with mixed ownership between Metro North, NYCDEP, and the various towns. The only bid submitted was from KC Engineering and Land Survey, P.C. in the amount of \$93,000. It was advertised in the Journal News with ample time provided to submit a bid; however, we still received a very limited response. The dollar values proposed by KC Engineering are within the acceptable range. It was recommended that the contract be awarded to KC Engineering. There is a possibility that the limited response to the bid was a result of the potential issues that could arise in dealing

with Metro North. Director Williams inquired if all easements were acquired in order to get on the project properties. Kevin explained that each individual site has to be reviewed because individual towns may currently have an agreement in place. George questioned if access was being given by the town or Metro North. Kevin specified that although we do not have it in writing, multiple conversations have already been had with Metro North and they are motivated to cooperate because we can solve a very large problem they have on one of their sites.

Motion by Director Parsons, seconded by Rich Franzetti to award design services for stormwater retrofit projects B-MU-701, L-MU-715, NS-MU-701, NS-MU-702, Pat-EB-701, and SE-DI-701 to KC Engineering and Land Surveying, P.C. in the amount of \$93,000.

WHEREAS, the proposed stormwater retrofit projects known as B-MU-701, L-MU-715, NS-MU-701, NS-MU-702, Pat-EB-701, and SE-DI-701, are located at Metro North Commuter parking lots within various basins in project group 2018-01, and are 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 catch basin inserts in commuter parking lots; and=

WHEREAS, a Request for Proposals was advertised and one (1) proposal was received at the East of Hudson Watershed Corporation offices on March 6, 2018; and

WHEREAS, the Review Committee of the EOHWC has reviewed the proposal 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 \$93,000; 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 value proposer for design of the projects for SRPs; B-MU-701; L-MU-715; NS-MU-701; NS-MU-702; Pat-EB-701; and SE-DI-701, 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.

b. Solicitation 2018-02

Carmel-CF-601 is project that requires channel stabilization which was presented to us by the Town of Carmel. The channel itself is located on NYCDEP property and is within the FAD basin. A meeting to discuss the project was held with the Land Use Permit Division regarding this project previously. Kevin asked George to confirm if the meeting he had a few months ago identified this as a project that would not need a maintenance bond in the future. It will be necessary to get confirmation in writing from the Land Use Permit Division prior to giving the engineer the notice to proceed. Once that is in hand, they will be given the green light to go ahead. The channel stabilization leads into Croton Falls which is tributary to the west branch of the Croton River. George confirmed that this is not classified as major construction and that confirmation will be needed in writing. Kevin met with the two property owners which sit on either side of the channel and they both expressed interest in fixing the problem. The next step will be executing the agreements. Two bids were received and KC Engineering and Land Surveying came in as the lowest responsible bidder at \$28,000. Michael Quinn pointed out that although KC Engineering's bid was \$20,000 less, it appears as though Insite is including a field survey, whereas KC Engineering is doing a field observation. Kevin agreed to take a second look to make sure the survey is included in KC Engineering's proposal. The survey is needed to confirm it; however, it's all based on field observations and investigating what is seen out there, so it is possible that KC Engineering included that particular item but did not acknowledge that they needed to include a survey. Further, Michael pointed out that Insite included 40 hours to assist with the Land Use permits. Kevin replied that what is required is simply filling out the land use application and providing documentation to the NYCDEP. In the event that KC Engineering did not provide that 40 additional hours, Kevin would feel comfortable taking on the extra load making sure it gets done so that the project can be executed.

Motion by Director Parsons, seconded by Director Williams to award design services for Carmel-CF-601 pending confirmation that KC Engineering and Land Surveying, P.C. fully understood the full scope of work put forth in the RFP.

WHEREAS, the proposed stormwater retrofit project known as Carmel-CF-601 is located on private property at Eleanor Drive in the Town of Carmel within a recognized FAD basin in project group 2018-02, 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 stabilization of an eroded channel which is tributary to the West Branch of the Croton River; and

WHEREAS, a Request for Proposals was advertised and two (2) proposals were received at the East of Hudson Watershed Corporation offices on March 13, 2018; and

WHEREAS, the Review Committee of the EOHWC has reviewed the proposal 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 \$28,000; 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 contract 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 value proposer for design of the project for SRP Carmel-CF-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.

9) Summer Intern Discussion

Kevin informed members that he's begun evaluating tasks that should be assigned to a summer intern. It was determined that the individual would address the small backlog of projects and visit sites over the summer taking fresh photographs. Ideally, the candidate should be construction certified and expected to fill out a log of projects visited. If the log is returned with flagged sites, it will be decided if it requires further evaluation and at that point Kevin will revisit them. Mileage compensation expenses and hourly pay rate will need to be defined before bringing potential candidates in for an interview. The candidate would be expected to work 20 hours per week and have their own vehicle. It was decided by committee members that \$10 per hour plus mileage would be fair compensation. Vincent Tamagna offered the use of the Putnam County vetting process through their pilot program, if needed. Currently, there is a surplus of candidates, so if an intern with a specific skill is required, a search can be conducted through the personnel department to locate the appropriate individual. Paul Eldridge is the contact person.

Further, Kevin mentioned that local colleges have been contacted and three resumes have been received to date. The concern is the delay in making an official decision being that we will have to wait until the Board of Directors' meeting in May. Director Parsons asked George if there is a way this could be expedited prior to the May 8th BOD meeting. George stated the decision could be made and then would be subject to ratification by the Board. It was recommended that Kevin make the offer to the candidate based upon that condition. Michael offered to forward the resumes of any potential candidates to Kevin. Additionally, Director Parsons suggested that it would be preferable to get someone who is familiar with the area. Kevin will continue the search and anticipates recommending a reasonable candidate at the Executive Committee meeting in April.

10) O & M Program Update

Joanne reported that five checks have been received from the 2017 billings. The next course of action will be to go back out to do inspections for 2018.

11) Checks and vouchers

Monthly checks and vouchers were signed. No action taken.

12) Other business

Kevin informed members that he was invited by Director Burdick to attend the Westchester County Water Quality Council meeting in April. George asked if a positive response was received to the request for money. Director Parsons confirmed that the response was positive; however, he wants to be able to answer any questions brought to the meeting table.

Joanne asked George and Director Parsons how they wish to proceed with appointing a replacement for Rick Morrissey on the Finance Committee since he has declined the appointment. Both Director Lucas and Director Hay also sit on the Finance Committee. George responded that a replacement will need to be selected at the May Board of Directors' meeting.

13) Adjournment

Motion by adjourn by Director Parsons, seconded by Vincent Tamagna ; all in favor. Adjourned 10:25 AM.

DRAFT