



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, November 29, 2018

Meeting Minutes

1) Open Meeting

Voting Members in Attendance: Peter Parsons (Town of Lewisboro); Rich Williams (Town of Patterson); Warren Lucas (Town of North Salem); Chris Burdick (Town of Bedford); 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: Vincent Giorgio (NYCDEP); George Rodenhausen (Corporate Counsel); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes of November 7, 2018

Motion by Director Parsons, seconded by Director Lucas to approve the meeting minutes of November 7, 2018; all in favor.

3) Financial Update

Joanne Tavino reported no change since the November 7th Executive Committee meeting with the exception of checks written today totaling approximately \$539,000. Another Treasury bill trade was executed on November 8th. \$1 million of the \$2 million in proceeds were not reinvested in order to meet year-end cash requirements. Next financial reporting will be prepared November 30th and presented at the January 8th Board of Directors' meeting.

4) Project Update

Kevin reported that two and a half of the channels on the Brewster Heights project (SE-POT-02) have been completed. Brennan Construction expects to finish by the end of the calendar year. Work has been done on both northern channels and within Bloomer Road to address the drainage area.

Director Burdick inquired about the Metro North Commuter Lot project (B-MU-701). Kevin indicated that it will be submitted to the Department of Public Works (DPW) and expects that once it reaches 100% design, it will be installed quickly with completion expected sometime in 2019.

a. 30% Initial Evaluations: Metro North Projects

Kevin reported that there are six active Metro North projects that KC Engineering is currently working on. Four of the six projects are being presented for 30% design approval today. They require New York City Department of Environmental Protection (NYCDEP) Land Use Division approvals and two of the four projects involve approval from Metro North Railroad (MNR). Both entities have been brought along in

sequence as we've been advancing the items and once we have a more complete site plan, we will start acquiring the approvals from those entities. So far, there haven't been any objections to any of the projects in concept. The last two Metro North projects are for Southeast and Patterson. They were not presented today because we are waiting for a response to some questions submitted to the design engineer, KC Engineering. The efficiencies on these projects vary from \$5,000 to approximately \$18,000 per kilogram. That's simply based on the amount of catch basins at any individual parking lot and the flow reaching those catch basins. The variables can swing the cost significantly. In some cases, we just need more units at certain sites. The Land Use Permit that we will acquire will not involve a maintenance bond and is the reason we are able to pursue these projects. The individual towns will be responsible for performing maintenance on each of the projects. Once we can provide a full site plan to the individual entity, we can start discussing whether MNR or the town will be responsible for the O & M. If both object to taking on the O & M, then we will propose having an outside entity conduct the maintenance on all of the MNR projects. Director Parsons remarked that it would be an excellent idea to bring in an outside entity to do the maintenance. George asserted that installation agreements will need to be drawn up the same as we would with private property owners. Additionally, if the NYCDEP is on the land that MNR is on, both will want to get Land Use Permits. Vincent Giorgio added his understanding from the Land Use Division is that if MNR has a Land Use Permit for these lots, then MNR would have to revise their permit with NYCDEP to allow for installation. Presumably, the Land Use Permit would be revised at the same time East of Hudson Watershed Corporation (EOHWC) is given the Land Use Permit. The language in the agreement must say that a person can come on to the property. Kevin suggested that it might be beneficial when we get to the point where all these signatures and agreements need to be decided upon, that a representative from both the Land Use Division of the NYCDEP and MNR sit down with EOHWC to go through the full list of how each site will be addressed. A motion was requested to advance past 30% so larger roadblocks can be tackled and finalized site plans can be attained.

Motion by Director Williams, seconded by Director Burdick to advance stormwater retrofit projects B-MU-701, L-MU-715, NS-MU-701 and NS-MU-702 past 30% design; all in favor.

b. Award Solicitation 2018-05 (NS-MU-601)

Kevin presented Solicitation 2018-05 for stormwater retrofit project NS-MU-601 to be awarded to Insite Engineering. It will provide approximately 55 kilograms of phosphorus reduction per year with an estimated efficiency of about \$20,000 per kilogram. The Review Committee and Counsel have looked this over extensively before writing a recommendation letter. At this time, it is appropriate to move forward with Insite Engineering, Surveying and Landscape Architecture, P.C. as the design contractor.

Motion by Director Parsons, seconded by JoAnne Daley to approve the award of Solicitation 2018-05 for stormwater retrofit project NS-MU-601 to Insite Engineering, Surveying and Landscape Architecture, P.C. in the amount of \$58,000; all in favor.

Motion by Director Parsons, seconded by JoAnne Daley to rescind the previous resolution and replace it with a new resolution, correcting the figure of \$20,000 to \$20,000, as suggested by Director Lucas.

WHEREAS, the proposed stormwater retrofit projects known as NS-MU-601 at Keeler Lane is located on private property in the Town of North Salem not within a recognized FAD basin in project group 2018-05, 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 eroded channels with an estimated phosphorus reduction of 54.57 kg./yr. and estimated efficiency of \$20,000/kg.; and

WHEREAS, a Request for Proposals was advertised and six (6) proposals were received at the East of Hudson Watershed Corporation offices on August 21, 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 has been submitted by Insite Engineering, Surveying and Landscape Architecture, P.C. in the amount of \$58,000; and

WHEREAS, EOHWC contacted the references for Insite Engineering, Surveying and Landscape Architecture, P.C. and contacted Insite Engineering, Surveying and Landscape Architecture, 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 Insite Engineering, Surveying and Landscape Architecture, P.C. as best value proposal 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 Insite Engineering, Surveying and Landscape Architecture, P.C. as best value bid for design of the project for NS-MU-601, and authorizes the President or Vice President of the Corporation to execute the design contract with Insite Engineering, Surveying and Landscape Architecture, 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.

5) Municipal Reimbursement: Kent-MB-701

Kevin presented a reimbursement submitted by the Town of Kent for stormwater retrofit project Kent-MB-701 which was a stabilization of the outfall to Lake Carmel. It provides approximately 16 kilograms and an estimated efficiency of \$5,400 per kilogram. The total cost was \$87,015.86. The project concluded in September. The design and construction were completed before we were made aware of the project. It was submitted to NYSDEC and they accepted and approved it. Director Williams asked who constructed the project. Kevin believed it to be McNamee Construction. Insite Engineering was the design contractor. All paperwork is in order to present the reimbursement; however, additional documents will be required in order to issue payment.

Motion Director Parsons, seconded by Director Burdick to approve the reimbursement agreement for Kent-MB-701 in an amount not to exceed \$87,015.86 pending submission of all documentation in support of expenditures under the agreement.

WHEREAS, Kent intends to commence construction of the stormwater retrofit project known as Kent-MB-701, which is included in the East of Hudson Watershed Corporation's Year 7 Regional Stormwater Retrofit Work Plan as approved by the New York State Department of Environmental Conservation; and;

WHEREAS, the stormwater retrofit project located in the FAD basin includes stabilization of heavily eroded banks at the outfall of Lake Carmel within the Middle Branch Reservoir, intended to address stormwater pollutant loading from potential soil erosion on site with an efficiency of approximately \$5,400/kg with an estimated phosphorus reduction of 16.11 kg/year; and

WHEREAS, Kent has requested the EOHWC provide reimbursement of expenses incurred for design in the amount of \$18,695.86 and construction in the amount of \$68,320.00, performed in connection with Kent-MB-701 representing 97% of the total cost after all non-SRP design services were removed; and

RESOLVED, that the Executive Committee of the EOHWC hereby authorizes the reimbursement of expenses in an amount not to exceed \$87,015.86 for the purpose of reimbursing Kent for costs incurred for construction labor and materials in connection with Kent-MB-701 and authorizes the distribution of funds for the project referenced herein upon receipt of appropriate vouchers and documentation from Kent; and be it further

NOW, THEREFORE, the Executive Committee hereby approves the reimbursement agreement with Kent pursuant to which the Corporation shall reimburse the Town in the amount of \$87,015.86, and authorizes the President or Vice President of the Corporation to execute the same.

Motion passed; all in favor.

6) O & M Program Update

Director Burdick announced we will be getting the Intermunicipal Agreement (IMA) draft from the Westchester County next week for the \$750,000 for Westchester O & M. The draft will be sent to Director Parsons and will be presented at the January 2019 Quarterly Board of Directors' Meeting.

Kevin reported that to date we have received 2 of the 19 O & M packages for 2018. If we do not have the majority of them by January, we will contact those who have not made a submission to encourage them to do so. Director Burdick inquired about the process by which they are approved for payment. Kevin specified that during the course of the year he visits each of the projects to make sure they are being maintained. Their fees are submitted to us for review of content to make sure it aligns with what is being seen out on visits. Once all towns have submitted, we determine what the requirement was for that year for the individual municipality, what they completed and whether they will receive funding or if they owe money. Director Williams stated that if we have an idea about what it is going to take to do the O & M on every project, we should somehow convey to all the towns that we have a policy that if they are going to substantially see what that is, they will need to get prior approval. Members agreed that it makes sense. Kevin promised to make necessary adjustments to the O & M Policy and circulate it to the Review Committee for comments before sending it to George for review.

7) Project Selection Policy

Kevin reported that the Project Selection Policy is currently under review by the Technical Committee. A copy has also been provided to members of the Executive Committee in case there were any questions or comments. Although it appears that the current version is working, it needs to be implemented with a

louder voice. It's important that each town realizes that we expect them to have input and participation in project selections, proposing new projects, and their assistance with private property.

8) January 8th Board of Directors' Meeting Agendas

Director Parsons stated that if it becomes necessary to add additional items to the agenda other than what is discussed today, they should contact Joanne or Linda to have it added.

a. Annual

George said that if we intend to change the Project Selection Policy, the committee will need to see it in December so timely changes can be made for its inclusion on the agenda. In addition, once reviewed, the O & M Policy should be included. Vincent Tamagna requested that the Sexual Harassment Policy be reviewed and included as well.

b. Quarterly

Director Burdick requested that we add the draft of the IMA to the agenda.

9) Checks and vouchers

Monthly checks and vouchers were signed. No action taken.

10) Other business

Kevin received a submission regarding the Bio-Char product. They were waiting for additional information to come forward and have now provided us with everything they have. Essentially, it still looks as promising as originally anticipated, although it needs a little more shaping. None of the studies they did targeted phosphorus necessarily but the nature of the product is that it could be amended to target any nutrient or heavy metal or material of interest. The submission that they provided shows that based on field studies and field installations done in Maryland and Delaware, there was an 83% reduction of nutrients and 50% reduction in stormwater runoff loads. They used the product as a soil amendment around the edges of parking lots and roadways to enhance the soil. At the test site they found that the stormwater runoff was reduced by 50% due to increased porosity and it was allowed to infiltrate much faster. What that means to us is that could be an 83% reduction in nutrients for \$20,000 per kilogram based on the cost of their installation down in Delaware and Maryland. When we put together a submission for the NYSDEC to investigate how best use Bio-Char, it's likely that we would see a reduction in that efficiency. It's just a matter of seeing how we can fit the product into our program. It can be used as bio-infiltration media where we used to do bio-retention and got 63% reduction at a very high cost, we could replace that media with the amended soil product and possibly receive a much better efficiency and higher kilogram reduction. It's very promising. One thing that we don't have information on yet is O&M values and how it needs to be placed. They did provide projected costs for twenty years out, post-construction, and it is lower than the typical pond. The idea is when you amend the soil, you don't have to replace that soil for an extended period of time. More information is needed to know exactly what it will look like ten years down the road. Director Burdick inquired about the time table with regard to submission to NYSDEC. Kevin responded that this submission will require a lot of work to define how best to use it. At the last EC meeting, we discussed a leaf removal concept that we might be able to investigate which can be submitted in short notice. Bio-Char will be a different conversation with the NYSDEC because we're not talking about a product, but are asking them to make a policy change. Vincent Tamagna inquired if there are similar products out there that we should investigate that may accomplish the same goal at a better price. Kevin said that he learned about the product through a symposium and is aware of multiple variations of the product. Any submission that gets made to the state

has to be on different forms of filtration media and why there is an enhanced phosphorus reduction. Kevin will advance a submittal to NYSDEC and provide an update at the January meeting. George suggested that it would be best advanced as a generic concept rather than for one vendor. When it's presented, the number of vendors out there should be indicated and approval or comments from NYSDEC should be based upon the concept.

Kevin informed members that NYSDEC has provided some feedback on the Work Plan submitted at the beginning of the November. Their only questions are with the channel stabilization approach. They are requesting that rather than just isolating channel stabilization as a reduction method itself, to pair it with a water quality element upstream from a channel. They're not necessarily telling us they are not going to approve projects which are just channel stabilization; however, they want to see us do something upstream to address the drainage area in addition to any protection provided to an eroded channel. Kevin is working with them to shape it better and expects approval soon.

Kevin announced that the Commissioner of Planning for Putnam County, Sandra Fusco, asked that members stick around for a brief discussion and their input regarding waste water funding.

11) Executive Session

Motion by Director Parsons, seconded by Director Burdick to adjourn into Executive Session; all in favor.

Motion by Director Parsons, seconded by Director Burdick to come out of Executive Session; all in favor. Director Parsons reported no action taken, no decision made in Executive Session.”

Director Burdick stated that there being funds budgeted for salary increases in the 2019 Budget, a 3% across the board increase should be recommended to the Board of Directors at the January quarterly meeting. Motion by Director Burdick, seconded by Director Parsons to recommend a 3% employee salary increase for Kevin Fitzpatrick, Joanne Tavino and Linda Matera to the Board of Directors at the January Quarterly Meeting of Directors and Members; all in favor.

Adjournment

Motion to adjourn by Director Parsons, seconded by Vincent Tamagna; all in favor. Adjourned 10:57 AM.