



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, January 24, 2019

Meeting Minutes

1) Open Meeting

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

Others in Attendance: Jordan Hardy (New York State Senate); Michael Quinn (Town of Yorktown); George Rodenhausen (Corporate Counsel); Vincent Giorgio (NYCDEP); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes of December 20, 2018

Motion by Director Burdick, seconded by Vincent Tamagna to approve the meeting minutes of November 29, 2018 and January 8, 2019; all in favor.

3) Financial Update

Joanne Tavino reported that there was no change from the January 8th Board of Directors meeting financial update in which the total expenditure for the 2018 calendar year was \$2.4 million with an ending balance of \$6.8 million which will carry over and is strictly Westchester and Putnam WQIP Funding. The 2018 investment income was approximately \$120,000.

4) List of Reporting and Filing Due Dates

Joanne reported that as of December 31, 2018 there are still some outstanding financial disclosures for 12/31/17 in need of completion. There are approximately a half dozen people who still have not completed their 2017 financial disclosures. Everything else is up to date. Vincent Tamagna notified Joanne that he spoke with Jan Miller regarding his financial disclosure with Putnam County and was told that it satisfies the East of Hudson Watershed Corporation (EOHWC) requirement as well. Joanne agreed those that file for Putnam County already satisfy for EOHWC as well.

Joanne notified the committee that the audit has already begun and requests have been received from the auditor for Conflict of Interest forms that were not completed January 2018. Director Lucas asked for the names of those Board members. Joanne stated that both James Schoenig and Mary Ellen Odell's Conflict of Interest forms are still missing for last year. Director Parsons requested that Joanne work with Vincent or Director Williams to ensure all required forms are submitted from Putnam County Board members. Director Burdick will work with Joanne to ensure all forms are submitted from Westchester County Board members.

5) Revised Personnel Policy

Director Parsons stated that revisions were made to the Personnel Policy to offer a stipend to each eligible employee who elects not to take medical insurance. A separate resolution will be drawn up stating the amount for individual and family upon recommendation and approval of the Executive Committee.

Motion by Director Burdick, seconded by Director Williams to approve the revised Personnel Policy.

WHEREAS, at its Annual Meeting on January 8, 2019, the Board of Directors resolved to amend the Personnel Policy to authorize a stipend to eligible employees who elect not to take medical insurance effective January 1, 2019 and subject to Executive Committee approval; and

WHEREAS, the Corporation Counsel has presented the Executive Committee with a draft amendment to the Personnel Policies and Procedures Manual to implement the Board of Directors' resolution; and

WHEREAS, the Executive Committee has reviewed the draft amendment and is of the opinion that the proposed amendment accurately reflects the resolution of the Board of Directors;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that, pursuant to the authority delegated to it at the January 8, 2019, Board of Directors meeting, it approves the amendment to Article 3, Section 16 as presented, effective, January 1, 2019.

Motion passed; all in favor.

(R-0124-02)

6) Project Update

Kevin Fitzpatrick reported that the bidding process is beginning for construction and design of several projects. Two projects in Southeast are going out to RFP for design (SE-DI-601 and SE-EB-715), which will be awarded along with two construction projects (MK-NC-22 and Kent-MB-601) at the February 28th meeting.

Recently, a meeting took place with the town of New Castle and the New York City Department of Environmental Protection (NYCDEP) regarding a project in New Castle that they are interested in pursuing. There are two drainage ditches that formed on NYCDEP property which are in desperate need of attention. A complaint came in from a local resident that the Kisco River had a lot of sediment issues last summer and fall. They asked us to step in to see if we can help resolve the problem. A submittal has been made to the New York State Department of Environmental Conservation (NYSDEC) for inclusion of the project in the Year 8 Work Plan and would count for 23 kilograms of phosphorus reduction. Director Parsons pointed out that we have to be careful because it is not in the FAD basin. Kevin said that a greater audit and balance needs to be kept on current projects in Westchester County and whether or not they are worth pursuing. The efficiency on the New Castle project would be closer to \$30,000 per kilogram. There are other projects that may have a much higher cost per kilogram that we don't necessarily need to pursue. Once we do a full audit of everything that is out there for Westchester, we can make sure that the New Castle project is a possibility. Joanne indicated that there's approximately \$4 million in funds available for Westchester that will carry over into Years 6-10. Currently, Putnam is fronting the money for the FAD projects and when we get the FAD money, the funds will be returned to Putnam. Director Parsons pointed out that we are also relying on the Westchester funds for EOHWC administration costs, a small percent of the total budget. Joanne added that the EOHWC administration budget is only running between \$500,000

and \$600,000 per year. Some of the FAD money can be used if we are working specifically on a FAD project. Interest earnings can be used as well. Moreover, George stated that there is nothing that prohibits using the interest more broadly for projects and admin. Kevin pointed out that there are projects on the table that could come in lower than the current estimate, in which case, we would have money that is freed up and dedicated to a more efficient and successful project. Kevin promised to monitor the situation and provide an update on how the balancing will work and where we may find additional funding. A number has been earmarked for the construction project in Mt. Kisco that will be going out to bid. If it turns out that number comes in much lower, then we will have freed up money for another project and/or administrative expenses.

Director Burdick inquired about the expected arrival date of the FAD money. Vincent Giorgio estimated that it could possibly arrive sometime in the spring.

Director Burdick informed Kevin that he would be meeting with the NYCDEP on an unrelated matter and asked if he had everything needed from the NYCDEP for the project in Bedford (B-MU-701). Kevin said that the Land Use Permit needs to be addressed as well as finding out who owns and operates the commuter lot. The current agreement may need to be reshaped or we may need to use a brand new Land Use Permit to cover EOHWC projects specifically. Kevin did not see a need for Director Burdick to address the issue with the NYCDEP.

Michael Quinn requested an update on the Yorktown Heights projects. Kevin said that he is expecting a submittal soon from the Dvirka and Bartilucci for the Front Street project (Y-MU-601). A stop-work has been put on the Junior Lake (Y-MU-602) project with KC Engineering so it can be reviewed.

7) SE-POT-02 Change Order

Kevin provided a brief synopsis to the Executive Committee members at an earlier date of the details of Change Order #2 submitted by Brennan Construction. The change order itself is for no increase in contract value; however, it is being done in an effort to add up all of the additions and deductions which occurred throughout the contract with the contractor and engineer. There are many different items that were brought to the table. A lot of decisions were made in the field by the engineer and contractor to continue moving things forward. For instance, in stabilizing one of the channels, there were multiple footing drain outfalls that came in from local buildings and curtain drain outfalls that came in from a preferential lot that were active, but needed to be tied in. There were several smaller items similar to that which came in during the course of the contract and some larger ones that the contractor agreed to keep at a \$0 cost increase over the contract value and even provided a credit of \$79,150. Essentially, this change order closes the loop on items done in the field without approval of the Executive Committee. Kevin indicated that had the information been provided up front, he would have agreed with the changes and recommended them to the Board. Unfortunately, the communication broke down between the engineer, contractor and our office. Vincent Tamagna said that basically funds were shifted around so that everything is in-line with what actually happened. Kevin also pointed out that the line items not used at all were taken off. Michael Quinn pointed out that the backup shows that there was \$73,283.89 of extra work and \$73,283.89 of work that wasn't required, with every item being a lump sum. He further inquired about Kevin's level of comfort with the figures being that he did not have a more detailed breakdown. Kevin stated he was familiar with each of the items and their costs from other projects. Director Williams requested that backup detailing units be provided. Director Parsons asked that the approval of the change order be made contingent upon the actual figures being checked. Kevin said that if we are asking for additional backup, the change order cannot be approved until it goes before the Executive Committee in February. Director Williams pointed out that we have no idea whether the costs were reasonable because it was provided as a lump sum. In addition, it was done without prior approval of the Executive Committee. Joanne added that the items should be listed separately and asked if all the overages and credits made sense. Director Parsons asked if the numbers were a result of negotiating. Kevin said that when everything was brought to the table, he made it clear

that the contract value was not going to increase. Director Lucas suggested getting additional backup showing the quantities so an informed decision can be made. Director Burdick requested that approval of the change order be held off until the February meeting when more detail has been provided. Additionally, Vincent pointed out that the contractor is giving us a credit based upon the fact that they did not use flaggers; however, they used uniformed police officers. We should question if we will receive a third change order if Brennan Construction receives a bill from the Sheriff for the use of the uniformed officers. Kevin will reach out to Brennan for more detailed backup and to address the possibility of being charged for the uniformed officers. Both items will be addressed at the February Executive Committee meeting.

8) O & M Program Update

Kevin reported that all submissions are being processed for 2018 and one common thread noticed through many of the submittals that came in was that they resembled a data dump. As part of our O & M Policy, we make a 2% allowance for admin; however, EOHWC has been doing admin for the towns. The paperwork needs to be filled out accurately or EOHWC has to remove the 2% admin allowance for the towns. They are providing inaccurate vouchers that are not signed. It is currently being corrected in-house and sent back out to the towns to complete correctly and resubmit with signatures. Joanne stressed the importance of receiving the submittal in good order with signatures. The reported total for O & M costs for work completed in 2018 was approximately \$120,000. The actual checks coming in and going out are approximately \$55,000.

9) Checks and vouchers

Monthly checks and vouchers were signed. No action taken.

10) Other business

Director Williams inquired if Year 1 of this program was 2010 and Year 10 will be 2020. Kevin indicated that we were given an extra year because of Year 6, so technically, Year 10 will be 2021. The NYSDEC allowed the extra year because of the transition from the previous Director. Director Parsons inquired when we would reach our kilogram goal for the program. Kevin expects to reach 919 kilograms by the end of 2021, which is officially the end of the second five years of the program.

Kevin suggested that a meeting be set up with the NYSDEC to provide where we are with the program and to get a sense of their thoughts on the program's future. Kevin reported that Bob Capowski and Ken Kosinski appear to be happy with the success we've had implementing this program. Director Burdick suggested having a brief coalition meeting after the May Board of Directors' meeting to update members on the future of the program.

11) Adjournment

Motion to adjourn by Director Burdick, seconded by Vincent Tamagna to adjourn; all in favor. Adjourned 10:15 AM.