



# 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, April 25, 2019

### Meeting Minutes

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

Voting Members in Attendance: Peter Parsons (Town of Lewisboro); Chris Burdick (Town of Bedford); Warren Lucas (Town of North Salem); 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: Millie Magraw (Westchester County); Jordan Hardy (Senator Pete Harkham); Vincent Giorgio (NYCDEP); George Rodenhausen (Corporate Counsel); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Linda Matera (EOHWC)

#### **2) Approve Meeting Minutes of March 14, 2019**

Motion by Director Parsons, seconded by Director Burdick to approve the meeting minutes of March 14, 2019; all in favor.

#### **3) Westchester County Funding Update**

Millie Magraw informed members that the Westchester County Legal Department is working on the funding agreement and she anticipates a draft of the amended legislation by tomorrow. A finalized version is anticipated possibly by next week to East of Hudson Watershed Corporation (EOHWC). Once comments are received back, it will go before the legislature and it is expected to pass quickly.

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

Joanne Tavino reported that all but two O & M checks have been received to date. If they arrive prior to the Board of Directors' meeting as anticipated, the payment checks to towns who have completed the work will be presented for signature and distributed at the meeting on May 14<sup>th</sup>.

Kevin Fitzpatrick added that he is beginning to receive inquiries from town highway and finance departments as to what is classified as an eligible O & M expense. This may indicate that towns are beginning to understand the items they can include and that they may have been missing out on some of the costs they could have included previously. The cost of future O & M may increase based upon their awareness of items that can be included.

#### **5) Financial Update**

Joanne reported that the current fund balance is approximately \$6.5 million. Checks written today total about \$37,000. Another investment trade was made today at 2.35%. The investment income total year-to-date is \$28,200.

#### **a. Forms 990 and CHAR 500**

The tax returns were done and emailed to members with meeting attachments. Joanne has reviewed them and all the numbers are correct. They are ready to be released and are due on May 15<sup>th</sup>. We are asking the Executive Committee to accept the tax returns as presented today and recommend them to the Board.

Motion by Director Parsons, seconded by Vincent Tamagna to accept the tax returns as presented and recommend them to the Board of Directors; all in favor.

#### **6) List of Reporting and Filing Due Dates**

Joanne indicated that we are waiting for Conflict of Interest forms from Bruce Barber and Lauri Taylor. Director Burdick requested that Joanne inquire if we have attained complete compliance from Jan Miller at Putnam County. If we have not, we can ask members to complete the necessary items when we see them at the May 14<sup>th</sup> meeting. Kevin added that he will be reaching out to all the highway departments to encourage them to send in their first round of O & M submittals.

#### **7) Directors and Officers Insurance Renewal**

Motion by Director Burdick, seconded Rich Franzetti by to approve the Directors and Officers Insurance Policy renewal subject to review by Corporate Counsel; all in favor.

#### **8) Procurement Policy Amendment Discussion**

Director Parsons stated that the amendment to the Procurement Policy states we will avoid excessive reliance on one firm. Motion by Vincent Tamagna, seconded by Rich Franzetti to approve the amendment to the Procurement Policy, adding, "Avoiding excessive reliance on one firm", to Guideline 8; all in favor.

#### **9) Project Update**

Kevin reported that the current project credit remains at 524 kilograms. Potential FAD-specific projects (Boyd's Corner, West Branch and Croton Falls) are being pursued, not including FAD-connected. Cross River satisfied the New York City Department of Environmental Protection's (NYCDEP) requirement. A few renewed conversations were had with private property owners to install catch basin insert projects. The Mount Kisco Commons project on Route 117 contains a very large and incredibly impervious lot with the potential of obtaining about 12 kilograms of phosphorus credit. The property should now be accessible for us to get in there and treat some of the storm water flow through there. In addition, the Putnam County Hospital Center expressed a lot of interest in working with us when we met with them last summer.

We are currently out to bid on two projects within the FAD basins; one at Boyd's Corner and the other at Lake Gleneida, which is part of the Croton Falls reservoir. Both are for the installation of infiltration chambers. Proposals are due back next week and will be awarded at the May Executive Committee meeting. Director Burdick inquired if we are getting as many projects as possible in the FAD basins. Kevin stated that there were a lot of FAD projects from previous years that made it through design but were never executed. In recent years, we've reached out to some of those individuals and tried to rejuvenate those projects. We are currently looking at two in the Mahopac School District. In order to receive the full funding we need, we have to reach the \$7.5 million threshold of committed contracts for FAD specific projects. We have a lot we can work with from the Work Plan that are specific to FAD, but as everyone is aware, these often filter out and we do not get to execute 100% of them. We will continue to explore more FAD-specific opportunities. Joanne added that we currently have approximately \$2.5 million in signed contracts.

#### **a. Kent-MB-Add2**

The retrofit in Kent was designed based upon the infrastructure catch basins and piping network. Although the project was functioning correctly, the ground water is now getting into the piping network from the infrastructure uphill. There is a good possibility that it's corrugated metal pipe (CMP). Our project was designed for certain flows to reach it; however, it is currently getting more than originally intended. Insite Engineering was the engineer on record. They were not required to scope the piping network to make sure there wasn't ground water infiltration. As such, we've never requested that any of our engineers do that. There are two possible solutions: replacing the piping, which is most likely out of the question as it is not something EOHWC can pick up as an expense; the second is adjusting the flow out towards the retrofit to allow the base flow ground water, which, is infiltrating, to bypass the system. It's handling more water than we expected. Director Lucas questioned if it was designed correctly. Rich Franzetti stated that it is sized based upon the piping system that's there knowing what the upstream watershed is. You can determine if there is infiltration by going out to inspect it after 10 days of dry weather. If there's water passing through at that time, then there's infiltration. It's likely that the pipe's bottom is rotted out and the water is getting in there or is entering from the top somehow. Director Williams questioned if anyone had gone out to do a physical inspection of all the catch basins going up and if we can actually confirm that no household is tied into the system which is now contributing to it. Rich Franzetti said that it was neither EOHWC nor the design engineer's responsibility when the project was installed according to the way the scope was written. It is the town of Kent's responsibility because they're their own MS4, as is with every town. Vincent Tamagna added that according to the letter, it sounds like they are asking us to verify the problem by going out and revisiting the original design. Further, after we revisit the original design and confirm that it was designed properly, we will be able to point out what is contributing to the problem. Kevin added that what Rohde, Soyka and Andrews Consulting Engineers are getting at is they want to be sure the project is functioning correctly and treating the water volume that it's supposed to and that it's not being overburdened with ground water infiltration. Kevin also confirmed that he's been to the site in dry weather and can hear the water running through but didn't see any additional connections. Director Parsons concluded that towns do allow for more building which increases runoff; however, we cannot take responsibility for it just because we installed a project. We need to be careful about what caused the problem that we are now remedying. Kevin said that there is so much water reaching the retrofit that it's bypassing the berm. Further investigation into the drainage area will be conducted and a detailed recommendation will be made. After that, if we determine that EOHWC is going to do something, we will have to figure out how to handle it because the project has been closed out for five years. At that point, the facts will be brought back to the Executive Committee for discussion. Director Williams offered to accompany Kevin on the inspection. Director Lucas inquired if we have standards when we design projects that they have to withstand a hundred year storm. Director Williams stated that currently all stormwater practices have to pass a hundred year storm. Director Williams stated that to his understanding there is more non-stormwater flow going into the pond than anticipated. It needs to be determined if that is due to the incredibly high water table that is now causing infiltration or homeowners are tied into the system which contributes groundwater. Director Parsons requested that the Technical Committee take a hard look at whether we need to change our standards in any way or enforce our standards better in the future and make a recommendation. Director Burdick added that it is also important that any new standards be communicated in our bids and any other documentation.

### **10) Change Orders**

#### **a. Kent-MB-602**

Kevin presented a change order submitted by Earth Alternations for a time extension with no increase in the contract price for the purpose of plantings.

Motion by Director Parsons, seconded by Director Burdick to approve the change order submitted by Earth Alternations, LLC for an extension of time for plantings with no increase to the overall contract price.

**WHEREAS**, Earth Alternations, LLC submitted change order request Number 1 dated 4/16/19 representing no change in the overall contract price of \$223,780 for Kent-MB-602 in the Years 6-10 retrofit plan; and

**WHEREAS**, Kent-MB-602 is located at Ryan Park in the Town of Kent and consists of stabilizing channels and the installation of a pocket wetland; and

**WHEREAS**, the proposed change order request is to extend the contract time due to winter site shut down and spring planting in favorable weather. This change order presents no change in overall contract price of \$223,780; and

**WHEREAS**, this change order, if approved, would not increase the construction cost and would have an unchanged efficiency of approximately \$40,000/kg with an estimated phosphorus reduction of 7.23 kg/year.

**NOW THEREFORE IT IS HEREBY RESOLVED**, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it approves the change order request from Earth Alternations, LLC dated 4/16/19 reflecting no increase in overall contract price of \$223,780 for Kent-MB-602.

Motion passed; all in favor.

**R-0425-02**

**b. SE-POT-02**

Kevin presented a change order from Brennan to address the replacement of approximately 450 linear feet of corrugated metal pipe within Bloomer Road. Originally, there were four heavily eroded channels which we diverted drainage from two of those channels to the southernmost channel which receives the majority of the drainage area and pipes it down to the West Branch. When we were putting new catch basins in at the locations of interest, we could see that the existing corrugated metal piping was rotting. It was not part of the original design contract to replace that piping. The concern now is that the pipe has fully rotted and that water that we've rerouted is not reaching its intended destination. It is an infrastructure issue. The town engineer and the contractor proposed this change order to EOHWC to look into whether or not we would be willing to replace that pipe. A full study has not been done to confirm that this pipe is in fact eroded and corroded through, but having seen the other pipes on the hillside and the history of those pipes, this is likely a situation where the pipe is eroded through. The town of Southeast engineer, Tom Fenton of Nathan Jacobson, made the recommendation. The engineering was a reimbursement with the Town of Southeast. Director Parsons asked that we take a very close look. Kevin stated that this is town infrastructure that the town engineer is requesting and while it is part of the retrofit and there is a question as to whether or not the water is successfully getting to where it needs to be going without bringing further erosion and contaminants into the system. Do we want to go as far as scoping it or do we want to kick it back to the town and just tell them that it's their infrastructure and that they need to address it. Director Lucas agreed that we need to investigate further to determine whether or not we should be doing this as there may be more pipe upstream and we could possibly be replacing this all the way back to Kent. Kevin pointed out that the difference between this project and the one in Kent is that this pipe is within our

retrofit. The issue in Kent is that it's tributary. The end point to our responsibility for our retrofit is to make sure the piping within it is functioning. This pipe has diverted several of the existing channels instead of allowing the flow to come across Putnam County property and down to the bike path. It is now carrying water back down to the other piece of our retrofit. Director Williams pointed out that had we not done this retrofit, the town would have had to replace the pipe because it's theirs and it's worn out. Kevin explained that what has been proposed is basically 50/50 as far as the cost goes. The proposal presented today reflects what was discussed for split of cost at a site meeting with the town engineer, the highway supervisor and contractor.

Motion by Director Parsons, seconded by Director Burdick to approve the change order submitted by Brennan Construction subject to the Director of Engineering confirming need and cost, and provided further that EOHWC share the total project cost, not to exceed 50%.

**WHEREAS**, Brennan Construction Company submitted change order request Number 3 dated 1/23/19 for an additional \$43,550 for SE-POT-02 in the first five year retrofit plan; and

**WHEREAS**, SE-POT-02 is located on property of Brewster Heights in the Town of Southeast and consists of stabilizing four (4) heavily eroded channels; and

**WHEREAS**, the proposed change order request is to address updates to the stormwater conveyance within Bloomer Road. The costs incurred are to replace the pipe to adequately reroute the post-construction conditions as an addition to the original scope of work; and

**WHEREAS**, this change order, if approved, would increase the construction cost from \$1,728,215 to 1,771,765 and would have an unchanged efficiency of approximately \$30,000/kg with an estimated phosphorus reduction of 72 kg/year.

**NOW THEREFORE IT IS HEREBY RESOLVED**, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it approves the change order request from Brennan Construction Company dated 1/23/19 for an additional \$43,550 for SE-POT-02 increasing the construction cost from \$1,728,215 to 1,771,765, subject to the Director of Engineering confirming need and cost, and provided further that the EOHWC share the total project cost not to exceed 50%.

(Vote: 6-Aye, 1-Nae) Motion passed.

**R-0425-03**

#### **11) Award Design Contract – Solicitation 2019-03**

Kevin explained that although there was a substantial gap between the highest and lowest bidder, Rennia Engineering has confirmed they can execute the design for the price in their proposal of \$39,958.

Motion by Director Williams, seconded by Rich Franzetti to approve the award of the design contract for Solicitation 2019-03 in the amount of \$39,958.

**WHEREAS**, the proposed stormwater retrofit projects known as SE-DI-815 located at Eagles Ridge Subdivision on private property in the Town of Southeast within a recognized FAD basin in project

group 2019-03 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 services for the installation of channel stabilization and a wet extended detention pond, as well as all construction administration services with an estimated phosphorus reduction of 40.46 kg./yr. and estimated efficiency of \$30,000/kg.; and

**WHEREAS**, a Request for Proposals was advertised and four (5) proposals were received at the East of Hudson Watershed Corporation offices on March 28, 2019; 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 proposals of best value to have been submitted by Rennia Engineering Design, PLLC in the amount of \$39,958 for SE-DI-815; and

**WHEREAS**, EOHWC contacted the references for Rennia Engineering Design, PLLC and contacted Rennia Engineering Design, PLLC directly and was assured that they can complete the projects for the amounts proposed; and

**WHEREAS**, the EOHWC Review Committee has recommended that the corporation accept Rennia Engineering Design, PLLC as best value proposer for the projects 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 Rennia Engineering Design, PLLC as best valued proposer for the design of the project SE-DI-815 and authorizes the President or Vice President of the Corporation to execute the design contract with Rennia Engineering Design, PLLC 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-0425-01**

## **12) Summer Intern Discussion**

Kevin reported that we worked with the Putnam County Pilot Program to search for a summer intern. Based upon his qualifications, Robert Irving has been selected. He is a planning and management student going into his senior year at SUNY Plattsburgh and is very proficient in GIS. His knowledge would be a great asset to help move a lot of our mapping and GIS system forward. Compensation terms are \$10 per hour plus mileage at a maximum of 20 hours per week, for a total of about 8 weeks. The cost of employing a summer intern has been included in the 2019 budget. Director Parsons requested that George look into whether we are meeting our legal requirement as it relates to compensation. Approval is subject to confirmation.

Motion by Director Burdick, seconded by Director Parsons to approve the hiring of Robert Irving as a summer intern subject to Corporate Counsels review; all in favor.

### **13) Board of Directors Meeting Agenda**

Motion by Director Parsons, seconded by Director Burdick to approve the May 14<sup>th</sup> Board of Directors' Meeting Agenda as presented; all in favor.

### **14) Checks and Vouchers**

Monthly checks and vouchers were signed. No action taken.

### **15) Other business**

No other business was brought forward.

### **16) Adjournment**

Motion to adjourn by Director Williams, seconded by Vincent Tamagna; all in favor. Adjourned 10:37 AM.

DRAFT