



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, October 24, 2019

Meeting Minutes

1) Open Meeting

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

Others in Attendance: George Rodenhausen (Corporate Counsel); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes of September 26, 2019

Motion by Director Parsons, seconded by Director Lucas to approve the meeting minutes of September 26, 2019; all in favor.

3) Financial Update

Director Parsons reported that there were no changes to the financial update that was presented at the October 15th Board of Directors' meeting.

4) Project Update

Kevin Fitzpatrick reported that we are currently working on five remaining Year 1-5 projects. Two of the projects expected to come off the list shortly are the Veterans' Memorial Park (Pat-EB-09-03B), presently in construction and located in Patterson, and the other on Lincoln Road (SE-DI-03) in Southeast which is wrapped up and waiting for closeout documents so the town can be reimbursed for doing the work.

A fair amount of submittals have been received for years 6-10 so it would be appropriate to preface the project update chart by pointing out that the phosphorus totals on many of them don't quite match up with the numbers coming in on the submittals. They will need to be reviewed and the chart updated. Some numbers are up and some are down, but we still have an excess of projects that we can make up for any shortages. Kevin pointed out that he is still waiting on the submittal for Keeler Lane (NS-MU-601) but explained that he added the reduced number to reflect an estimate closer to what the reduction is going to be because a large portion of the channel we were going to stabilize was lost so that explains why the kilogram total has been reduced from 50 to 20. We'll be going out to design services for a project in Pound Ridge (PR-CR-601) which is located in the FAD on public property. In addition, we will be entering into an installation agreement for a project on private property at Mt. Kisco Commons (MK-NC-602). The property owner sent a letter of intent stating they are in agreement to allow us on the property to install catch basin inserts. Catch basins are a quick design, therefore, once out to RFP for design they should be installed quickly in spring 2020.

Director Lucas requested an update on the catch basins that will be installed at the Metro North commuter lots. Kevin reported that Metro North finally responded regarding the installation of all the catch basins on those sites and they are in agreement to allow us to move forward with the projects but would like us to split them up into two different installations. Since it is their first experience with this process they are a bit concerned with how it will affect the pedestrians that use the parking lot so they want to see how it goes in Croton Falls before they give us free reign to do installations in all the parking lots. They requested that we target a certain group of them first. Because of their reluctance, we negotiated by agreeing to split them up into two groups so they can see that we are not going to affect traffic or commuters. Every effort will be made to install them quickly and at off-hours. Kevin requested that written authorization be provided by Director Burdick to move forward with the catch basin inserts at the commuter lot in Bedford Hills.

a. Change Order/Kent-MB-601

Kevin presented a change order submitted by Legacy Supply for time associated with stockpiling and moving asphalt and concrete appearing to be old construction debris around on the site. The site was very tight so the material had to be moved around a bit and handled. The change order reflects the cost associated with the contractor finding the material and having to process it on site. We received direction from the Division of Material Management at NYSDEC to get it off the site.

Motion by Director Parsons, seconded by Director Burdick to approve the change order submitted by Legacy Supply, LLC to address construction debris on the project site of Kent-MB-601 in the amount of \$17,401.63, increasing the contract price from \$476,750.00 to \$494,151.63.

WHEREAS, Legacy Supply, LLC submitted change order request Number 1 dated 10/24/19 representing an increase in the overall contract price of \$476,750.00 for Kent-MB-601 in the year 6-10 retrofit plan; and

WHEREAS, Kent-MB-601 is located on property of Montrose Drive in the Town of Kent and consists of installing multiple ponds; and

WHEREAS, the proposed change order request is to address all additional items which were identified and executed within the field by the contractor and engineer. This change order presents an increase of \$17,401.63 in the overall contract price, increasing the overall construction cost to \$494,151.63; and

WHEREAS, this change order, if approved, would increase the construction cost and would have an updated efficiency of approximately \$45,000/kg with an estimated phosphorus reduction of 12.67 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 Legacy Supply, LLC dated 10/24/19 for an additional \$17,401.63 for Kent-MB-601, increasing the construction cost from \$476,750.00 to \$494,151.63.

Motion passed; all in favor.

(R-1024-01)

4) Award Construction Contract/Pat-EB-602

Kevin stated that Pat-EB-602 is a channel stabilization project adjacent to Putnam Lake and located on public property with approximately 9 kilograms of phosphorus reduction. It contains an existing drainage ditch which accepts runoff from the state of Connecticut. Six bids were received with the lowest being

submitted by Coyle Industries in the amount of \$69,000 and the highest at \$214,000. We've successfully worked with Coyle Industries previously on two projects in Patterson. They did a good job on site and should be able to handle this small project easily and get it constructed before the winter. Kevin recommended that we move forward with Coyle Industries as the project contractor.

Motion by Director Burdick, seconded by Director Parsons to approve the award for construction of Pat-EB-602 located at Dayton Road in the town of Patterson to Coyle Industries, Inc. in the amount of \$69,000.

WHEREAS, the proposed stormwater retrofit project known as Pat-EB-602 is proposed to be located at Dayton Road in the Town of Patterson, New York, and is included in Years 6-10 MS4 regional plan approved by the NYS Department of Environmental Conservation; and

WHEREAS, the work consists of stabilizing channels in accordance with plans prepared by Lawrence J. Paggi, P.E., P.C.; and

WHEREAS, the project was publicly bid and six (6) bids were received and publicly read aloud at the EOHWC offices on October 17, 2019; and

WHEREAS, the lowest bid received was in the amount of \$69,000.00 was submitted by Coyle Industries, Inc. and the highest bid received was in the amount of \$214,000.00 submitted by Brennan Construction; and

WHEREAS, the phosphorus removal of 9.94 kilograms for this project has an efficiency of approximately \$10,000 Kg P-removed; and

WHEREAS, Lawrence J. Paggi, P.E., P.C., contacted the references for Coyle Industries, Inc. and contacted Coyle Industries, Inc. directly and was assured that they can complete the project for the amount bid; and

WHEREAS, Lawrence J. Paggi, P.E., P.C., has recommended that the EOHWC accept Coyle Industries, Inc. as lowest responsible bidder for the project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on October 24, 2019, the Executive Committee reviewed all available evidence and resolved that the project known as Pat-EB-602 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 Coyle Industries, Inc. as lowest responsible bidder in the amount of \$69,000.00 for the project known as Pat-EB-602 and authorizes the President or Vice President of the Corporation to execute the construction contract with Coyle Industries, Inc. 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.

Motion passed; all in favor.

(R-1024-02)

5) O & M Program Update

Joanne stated that she's been corresponding with Millie Magraw regarding the Westchester O&M reimbursement. Invoices totaling \$163,820.21 for 2016, 2017 and 2018 were sent as requested. They have everything and are processing it. Once the check is received, the 10 Westchester municipalities will be reimbursed for what was paid. Millie estimated that the check should arrive in the next two to three weeks.

6) Office Space discussion

Joanne informed members that the staff had the chance to look at the space Director Williams has available and while we are interested, we feel that now is not the time because we see that there's work to be done to get it in shape. We would like to revisit the space again in the spring once they've had the chance to make some basic improvements. There isn't much of need for a change in the layout. We would like to renew our lease where we currently are with the idea that we can cancel with 30 days' notice. Director Williams explained the space he's offering is a one family residence that was purchased by the town of Patterson and will be converted to commercial space. An additional building will be built on that land to house the EMS service. Joanne pointed out that we would be responsible for furnishing the new space as we don't currently own any of the furniture at the current office space.

Director Williams invited members to look at the space at their convenience. Director Lucas said that unless it was an improvement, he couldn't see why we would move. Director Burdick and Director Parsons concurred. It was agreed that members would visit the space after the November Executive Committee meeting. Director Burdick requested a floor plan of the current office space for comparison to the prospective office space being offered by the town of Patterson.

7) Land Acquisition

Kevin identified the need for language pertaining to land acquisitions to be included in the corporation guidelines. George Rodenhausen explained that while we have authority to buy easements and land, it must first be approved by the full board. The Corporation may purchase land if the board decides it's appropriate and full board action would have to be taken in order to purchase it. Policy guidance is being sought to determine when we would and would not do it. Director Williams recommended it be added to the guidelines because in the event we buy land, will the Corporation ultimately own it, or are we going to transfer it to the municipality. Perhaps it's desirable to establish a policy that the municipality has the right of first refusal. Director Williams will work with Kevin to write guidelines to be presented for consideration by the board.

8) Checks and vouchers

Monthly checks and vouchers were signed. No action taken.

9) Other business

Director Lucas discussed a maintenance issue that has developed with the Peach Lake project (NS-EB-01). The project was for the installation of Contech Jellyfish filters. Connections were made to reasonably good plastic pipes, however, one of the pipes located on private property has collapsed. It was discovered approximately six months ago and is affecting the efficiency of the project. An inquiry was made if consideration could be given to authorize a figure somewhere in the ballpark of \$3,500 for the repair of the pipe as it relates to operations and maintenance. Kevin expressed concern with the fact that it's not functioning properly and how that affects the efficiency. Director Parsons stated that this issue is one directly related to project O&M and that funds from Westchester O&M should be used to correct the problem. Sabrina Charney-Hull suggested that the cost be shared proportionately to reduce the cost. North Salem has a proportionate share to make the retrofit work, which should come from the Corporation's O&M and ideally the homeowners association should contribute their fair share of maintaining the pipe. Director Burdick recommended that Director Lucas present documentation identifying the issue affecting the functionality of the retrofit with an estimate of EOHWC's portion at the November Executive Committee meeting.

Director Parsons reported that he had a conversation with Tom Snow at NYSDEC regarding the future of EOHWC. Tom believes that there is definitely a role for the Corporation going forward after the completion of Year 10. Kevin said that it's the definition of that role that needs to be identified so that we can prepare for Year 11 sooner than later. Director Williams agreed and added that we will have to know how it will be funded. Director Burdick recommended having a coalition meeting to discuss our role after Year 10 and to let members know that they need to start thinking about the needs of their respective communities. Director Williams stated that guidance will be needed from the NYSDEC because we do not know what their expectation will be beyond Year 10. In addition, a long-term, guaranteed funding source will be needed to keep us going. Further, Director Parsons mentioned that the MS4 was brought up in their discussion. Sabrina indicated that the coalition should discuss which of the six minimum control measures and the facets within each of those measures the corporation will take responsibility for, and what makes sense to be done as an entire watershed entity. Additionally, the details should be discussed in each of the minimum control measures and we should identify what is most important in the new regulations. Members agreed that Sabrina's suggestion is the best place to start. Kevin added that it's important to involve MS4 coordinators at some point because the town supervisor isn't always up to speed on the MS4 requirement. Director Burdick advised that the appropriate time to bring the MS4 coordinators in is when we present the list to the full board.

10) Adjournment

Motion by adjourn by Director Burdick, seconded by Director Williams; all in favor. Adjourned 10:42 AM.