



# 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, November 21, 2019

### Meeting Minutes

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

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

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

#### **2) Approve Meeting Minutes of October 24, 2019**

Motion by Director Parsons, seconded by Director Burdick to approve the meeting minutes of October 24, 2019; all in favor.

#### **3) Financial Update**

Joanne Tavino reported that the check from Westchester County in the amount of \$163,821 was received. O & M reimbursements checks have been drawn and will be sent out today to the 10 Westchester municipalities for work completed in 2016, 2017 and 2018.

The fund balance as of 10/31/19 is \$20.7 million. Today's checks total approximately \$345,000 which includes the \$163,821 Westchester O&M reimbursements checks. Additionally, \$163,000 for FAD projects will be transferred today.

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

Joanne reported that there are no changes since the last meeting. James Schmitt still has not completed his Board member training and we are waiting for municipalities to submit their 2019 O&M. JoAnne Daley requested the Board member training link be sent to her so she can forward it to Supervisor Schmitt to complete.

#### **5) Project Update**

Kevin Fitzpatrick reported that 536 kilograms have been credited to the program with another 64 kilograms in either active construction or the closeout phase. The projection for April 2020 is approximately 600 kilograms in total, which does not include anything that goes to construction in the upcoming months.

Proposals were recently received for an RFP for design services on Solicitation 2019-08 for two projects: PR-CR-601, which is a FAD project in Cross River for the installation of an infiltration trench in Pound Ridge; and MK-NC-602 at Mt. Kisco Commons in which catch basin inserts will be installed on

commercially owned, private property. The property owner already issued a letter of agreement to East of Hudson Watershed Corporation (EOHWC) and the village of Mt. Kisco in support of the project and in agreement that they will allow us to execute it.

We continue to push ahead with some of the catch basin inserts on the MTA properties. At this point, it's a matter of working on installation agreements with Metro North. It's been discussed with their attorney to review and push those forward. We'll speak with the manufacturer to see whether or not winter is really the time to install these or if we should wait for post-salt conditions.

The United States Army Corp of Engineers (USACE) continues to reach out to us regarding project Y-MU-601 on Front Street, which is for the installation of a wetland system on municipal property. The USACE is willing to provide a \$100,000 grant, pending agreements and discussions. They were recommended to contact us by New York State Department of Environmental Conservation (NYSDEC). In addition, they've asked to write an article regarding the project and basically why are we reducing phosphorus. They've submitted a list of questions and requested an interview with Kevin for the article. Kevin will share the documents with Counsel to review once they are received.

Millie Magraw asked if a ledger could be added to the bottom of the project update spreadsheet to provide clarification in identifying project codes. Kevin agreed to add a ledger going forward.

#### **6) Change Order #2: Kent-MB-601**

Kevin presented the second change order for Kent-MB-601. Buried construction debris was found during the construction process of the multiple pond system in the town of Kent. The soil in that vicinity, if taken off-site, would have to be sent to a specialized facility thereby incurring a significant cost for the project itself. We are left with the option of what the engineer, contractor and Kevin have estimated at 2,500 cubic yards of soil that we need to find a home for on-site. Director Lucas recommended contacting NYSDEC to make sure it's okay to bury the debris on site before proceeding. Kevin said that he contact both NYSDEC and the Division of Material Management. No response has been received from NYSDEC yet, however, the Division of Material management responded that they have no issue with the soil being left on site after having seen the analysis report. George Rodenhausen asked for a copy of the analysis that was sent to NYSDEC which they signed off on and a letter from Materials Management stating the soil can be left on site. George clarified that if the debris is just solid waste, it can be kept on site, but if it is hazardous waste, it must be removed. Joanne stated that to date we've completed approximately \$300,000 of the \$494,000 construction contract. Director Burdick suggested that we authorize change order #2 subject to attorney review and approval of requested documentation. Kevin proposed that after all liability aspects are reviewed that we have a survey executed to make sure the quantities are accurate. Currently, we've estimated it to be 2,500 cubic yards. We believe that it would be fair to EOHWC and Legacy Supply, LLC to have a not-to-exceed value at \$100 per cubic yard to process the debris. Even with the increase on the high end, it is still the most efficient pond project we've executed to date.

Motion by Vincent Tamagna, seconded by Director Parsons to approve change order #2 from Legacy Supply, LLC for Kent-MB-601 provided Corporate Counsel finds the reply from the Division of Materials Management to be satisfactory, survey is conducted to confirm cubic yard quantity and an amount not to exceed a total of \$250,000.

**WHEREAS**, Legacy Supply, LLC submitted change order request Number 2 dated 11/21/19 representing an increase to the overall contract price of \$494,151.63 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 handling and redistribution of approximately 2,500 cubic yards of material associated with the previously identified construction debris encountered on site by Legacy Supply, LLC. This change order presents an increase in an amount not to exceed \$250,000.00 to the overall contract price, increasing the overall construction cost to \$744,151.63; and

**WHEREAS**, this change order, if approved, would increase the construction cost and would have an updated efficiency of approximately \$65,000/kg with an estimated phosphorus reduction of 12.2 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 11/21/19 for an additional amount not to exceed \$250,000.00 for Kent-MB-601, increasing the construction cost from \$494,151.63 to an amount not to exceed \$744,151.63 subject to Corporate Counsel review of New York State Department of Environmental Conservation correspondence indicating material may be left on site.

Motion passed; all in favor.

**(R-1121-01)**

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

Kevin reported that to date, the only town that has submitted O&M is Carmel. It was requested that supervisors encourage their engineers to send in the documentation. There were a few problem areas that were identified over the summer that the towns have taken action on to move forward with correcting and because of that, some of the bills will likely come in a bit higher than previous years. All documentation will be reviewed in December and January. The due date for submissions is December 31, 2019. Joanne added that if work is done in the month of December, she will accept submission during the first two weeks of January. Kevin reiterated Joanne's earlier notice that reimbursements for 2016, 2017, 2018 for the 10 Westchester municipalities will be going out this afternoon. Kevin thanked Millie for helping move the reimbursement money forward and offered to answer any questions towns may have.

## **8) Watershed Planner Position**

Kevin announced that he will be going out to advertise for the Watershed Planner position. The position will require a candidate with a broad range of experience. Director Williams suggested we add that the candidate should have either a college degree or comparable experience to the "Required Qualifications" section. Kevin will provide resumes to the Executive Committee for review prior to scheduling interviews.

## **9) Checks and vouchers**

Monthly checks and vouchers were signed. No action taken.

**10) Other business**

Director Lucas mentioned that there is a concern from the community that the jellyfish in Peach Lake (NS-MU-01) may ice over during the winter months. Kevin offered to visit and answer any questions members of the community may have.

**11) Adjournment**

Motion by adjourn by Director Parsons, seconded by Director Burdick; all in favor. Adjourned 10:04 AM.

DRAFT