



## EAST OF HUDSON WATERSHED CORPORATION

### EXECUTIVE COMMITTEE MEETING

LOCATION: Business Office: 2 Route 164, Patterson, NY 12563

TIME and DATE: 9:30 AM, Thursday, September 28, 2017

### Meeting Minutes

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

Voting Members in Attendance: Peter Parsons (Town of Lewisboro); Chris Burdick (Town of Bedford); Rich Williams (Town of Patterson); Warren Lucas (Town of North Salem); JoAnne Daley as alternate for Dave Kelly (Town of Pawling);

Others in Attendance: George Rodenhausen (Corporate Counsel); Vincent Giorgio (NYCDEP); Antonino Modica (NYCDEP); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Yvette Rivera (EOHWC); Linda Matera (EOHWC)

#### **2) Approve Meeting Minutes**

Motion by Director Parsons, seconded by Director Lucas to approve the meeting minutes of August 31, 2017; all in favor.

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

##### **a. Year-to-Date and Inception-to-Date**

Joanne reported there is currently \$10 million on hand as of August 31<sup>st</sup>. Checks written today total roughly \$69,000. Due to projects being moved from 2017 to 2018, it is anticipated that 2017 will end with approximately \$7.8 million.

##### **b. Investment Update**

Joanne informed the board that a trade was executed today with Ramirez. The treasury yield is currently earning 1.2%. Presently, we have earned to date approximately \$36,000. One million invested with M & T will be reinvested on October 12<sup>th</sup> and is expected to yield approximately 1.2% in interest as well.

##### **c. O & M Billing**

Joanne reported that the O & M Billing chart has not changed from last month. Kevin continues to work with the Town of Kent to confirm the dollar amounts they have provided.

#### **d. 2018 Budget Assumptions**

Joanne requested that members review the 2018 Budget Assumptions today and recommend it for presentation to the board for adoption on October 17<sup>th</sup>. Kevin mentioned that many variables had to be considered while preparing the budget, especially the availability date of the FAD funding. The FAD budget provided to New York City Department of Environmental Protection (NYCDEP) was adhered to when preparing the budget assumptions. Joanne indicated that she did not put in for a new position, but added approximately \$10,000 to \$15,000 given the fact that unemployment needed to be accounted for. It's difficult to fine tune the budget precisely because the variables are quite large and the numbers change dramatically depending on whether a project is cancelled or a new project is added. Additionally, the detailed budget provided by Kevin was utilized to come up with the design and construction numbers in today's handout.

Motion by Director Parsons, seconded by Director Burdick to approve the 2018 Draft Budget for presentation at the Board of Directors Meeting on October 17, 2017; all in favor.

#### **4) Project Update**

Kevin reported that documentation has been submitted to New York State Department of Environmental Conservation to bring the kilogram total from 380 to 415. The total will increase as more of the open projects are closed out.

Another item being worked on internally is the possibility of using catch basin inserts in Metro North parking lots located in towns throughout the watershed. The representatives at Metro North were very receptive to the idea. They provided maps along with drainage and infrastructure plans they had available. By utilizing all the available parking lots throughout the watershed for the installation of catch basin inserts, the potential exists to remove approximately 35 kilograms of phosphorus; Metro North owned lots contain roughly 16 kilograms, MS4 owned lots have about 8 kilograms, and the DEP owned lots are approximately 10 kilograms. Also stated was 9.4 kilograms of the 35 are located within the FAD basin. Kevin mentioned that additional research will need to be done to clarify ownership as the maps provided by Metro North do not match up with GIS. Director Burdick requested that town representatives are kept informed as Kevin moves forward. Another meeting will be set up between Kevin and Metro North to view the drawings they have and to provide the information gathered from the individual towns. The next area to be considered for the installation of catch basin inserts are school districts within the watershed. Any progress update will be reported at the Executive Committee meeting on October 26<sup>th</sup>.

Director Burdick asked if there were any opportunities with New York State Department of Transportation (NYSDOT). Kevin mentioned that he was told by Metro North that the NYSDOT is a non-traditional MS4 and didn't have a number. Director Williams stated that the NYSDOT is a non-traditional MS4 that does have a number. From Kevin's experience in working with the NYSDOT, they would be happy to have us install the catch basin inserts and take on the maintenance completely, thereby reducing their O & M burden. There may be some parking lots that fall under that category where it would make sense; however, we can run into trouble with roadside swales and pipes. Updates will be provided along the way as Kevin continues to work with NYSDOT.

#### **a. Tilly Foster Farm Municipal Reimbursement**

Kevin updated members that he continues to work with Putnam County to get more details on the Tilly Foster Farm municipal reimbursement to determine what the value of the project will be. They still

have not reached the point where they can provide an accurate engineering estimate of probable cost. Any new details provided by Putnam will be communicated to the committee at the October Executive Committee meeting.

## 5) Change Orders

### a. L-CR-28

TJR Excavating Contractors, Inc. submitted a change order for the project on School House Road in the Town of Lewisboro. It involves a reduction of \$13,200 to remove the rip-rap and rock excavation items, thereby reducing the contract value.

Motion by Director Burdick, seconded by Director Lucas to approve change order number 1 submitted by TJR Excavating Contractors, Inc. for a reduction of \$13,200 to remove rip-rap and rock excavation, decreasing the overall contract value from \$220,000 to \$206,800;

**WHEREAS**, TJR Excavating Contractors, Inc. submitted change order request number 1 dated 9-5-17 for a reduction of \$13,200 for L-CR-28 in the first five year retrofit plan; and

**WHEREAS**, L-CR-28 is located on the private property of Schoolhouse Road in the Town of Lewisboro and includes the construction of a wet extended-detention pond; and

**WHEREAS**, the proposed change order request is for TJR Excavating Contractors, Inc. to remove sixty (60) unused cubic yards of rip rap and remove allowance for thirty (30) cubic yards unused rock excavation from the overall contract price; and

**WHEREAS**, this change order, if approved, would decrease the construction cost from \$220,000 to \$206,800 and would have an updated efficiency of approximately \$63,000/kg with an estimated phosphorus reduction of 4.59 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 TJR Excavating Contractors, Inc. dated 9-5-17 for a reduction of \$13,200 for L-CR-28 decreasing the construction cost from \$220,000 to \$206,800.

Motion passed; all in favor.

**(R-0928-01)**

### b. Kent-PA-31

Svoboda Bulldozing and Trucking submitted a change order at Putnam Stone and Mason Supply in the Town of Kent to remove rip-rap. In doing so, the overall contract value is reduced by \$560.

Motion by Director Burdick, seconded by Director Parsons to approve change order number 1 submitted by Svoboda Bulldozing and Trucking for a reduction of \$560 to remove rip-rap, decreasing the overall contract value from \$109,100 to \$108,540;

**WHEREAS**, Svoboda Bulldozing and Trucking Corporation submitted change order request number 1 dated 9-14-17 for a reduction of \$560 for Kent-PA-31 in the first five year retrofit plan; and

**WHEREAS**, Kent-PA-31 is located on the property of Putnam Stone and Mason Supply in the Town of Kent and includes the construction of a pocket pond; and

**WHEREAS**, the proposed change order request is for Svoboda Bulldozing and Trucking Corporation to remove seven (7) unused cubic yards of rip rap from the overall contract price; and

**WHEREAS**, this change order, if approved, would decrease the construction cost from \$109,100 to \$108,540 and would have an updated efficiency of approximately \$37,000/kg with an estimated phosphorus reduction of 4.5 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 Svoboda Bulldozing and Trucking Corporation dated 9-14-17 for a reduction of \$560 for Kent-PA-31 decreasing the construction cost from \$109,100 to \$108,540.

Motion passed; all in favor.

**(R-0928-02)**

## **6) Maintenance Bond Funding by EOHWC**

Kevin reported that in a recent discussion with Vincent Giorgio (NYCDEP), he endeavored to come up with an alternative to the \$2,500 cost for every maintenance bond that we have to take on. As we see our projects increasing and the likelihood of taking on more projects with the NYCDEP, it makes most sense to try to come up with an alternative. The alternative the NYCDEP has been considering and has asked us to discuss is their willingness to waive the bond requirement as long as any individual municipality that has a practice installed within their borders on NYCDEP property, would be willing to pass a town resolution saying that they will take on the requirement of the maintenance should the MS4 Permit dissolve and no longer be in place. All members agreed that it is a reasonable solution to the problem. Vincent explained that they think it will work best if a model resolution is drawn up. Kevin requested that George Rodenhausen draw up the resolution. George explained that the resolution he would draw up would reaffirm what was originally adopted in the O & M resolution that each town adopted. Further, Kevin asked that anytime we have a project in an individual town on NYCDEP property this should be addressed with the town representative at that time.

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

Kevin informed members of the committee that the Town of Kent still has not verified their O & M submission because they feel they are entitled to more than is allowed. Joanne explained that they originally provided figures for O & M in the amount of \$9,000, which would give them a payout of \$4,400. He will continue to push forward and hopes to have the issue resolved by the October Board of Directors meeting. Director Lucas asked what resolution would need to be put forth in order to close this out in case we are unable to come to an agreement on the numbers. George responded that we would assume zero reimbursement if an agreement could not be reached. Joanne explained that the Town of Kent would have to pay \$4,400 based on if they did \$9,000 worth of work. If they didn't submit \$9,000 worth of work, they would have to pay \$13,000. Joanne further explained that the calculation is based upon each individual municipality's phosphorus requirement. Kevin clarified that the Town of Kent submitted documentation indicating they did \$9,000 worth of work. They claim that a vacuum truck was used on every project for 8 hours. The discrepancy appears to be a matter of a request for reimbursement on non-EOHWC projects. Kevin has offered to meet with them to review the numbers. Director Lucas suggested that it may be a good idea if Maureen Fleming and the Highway Superintendent came in to meet with members of the committee to discuss the issue in greater detail and reach a resolution.

## **8) October 17 Board of Directors Meeting Draft Agenda**

After reviewing the Board of Directors Draft Agenda, it was requested by Director Parsons' that "NYCDEP Maintenance Bond Update" be an added item. In addition, the 2018 Proposed Meeting Dates were accepted as is to be presented at the meeting of the Board of Directors on October 17th for approval.

Motion by Director Burdick, seconded by Director Parsons to recommend the 2018 Proposed Meeting Dates for presentation at the Board of Directors' Meeting on October 17, 2017. Motion passed; all in favor.

**9) Checks and Vouchers**

Monthly checks and vouchers were signed. No action taken.

**10) Other business**

No other business was brought forward.

**11) Enter into Executive Session to discuss terms of employment of a particular person, motion proposed by Director Parsons, seconded by Director Burdick; all in favor.**

**12) Motion to come out of Executive Session proposed by Director Parsons, seconded by Director Burdick; all in favor. No action taken in Executive Session.**

**13) Adjournment**

Motion to adjourn by Director Parsons, seconded by Joanne Daley; all in favor. Adjourned 10:23AM.



## East of Hudson Watershed Corporation

2 Route 164  
Patterson, NY 12563

### PRESIDENT'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the September 28, 2017 meeting minutes approved by the Executive Committee.

Peter Parsons, President

Date