



# 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, May 30, 2019

### Meeting Minutes

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

Voting Members in Attendance: Peter Parsons (Town of Lewisboro) 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); 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); Vincent Giorgio (NYCDEP); George Rodenhausen (Corporate Counsel); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Linda Matera (EOHWC); Robert Irving (EOHWC)

#### **2) Approve Meeting Minutes of April 25, 2019**

Motion by Director Parsons, seconded by Director Lucas to approve the meeting minutes of April 25, 2019; all in favor.

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

Joanne Tavino reported that the current fund balance is approximately \$6.4 million. Checks written today total \$172,675. Interest income year-to-date is about \$35,000. The May 15<sup>th</sup> tax return has been filed.

##### **a. Investment and Budgeting of Upcoming FAD Funding**

In an effort to be prepared when the FAD funding arrives, Joanne has prepared a checklist of actions planned so the funds can be segregated. Part of the money will be kept available for up and running FAD projects in the works while the balance will be invested for long-term projects. The funds will be segregated, keeping the FAD funds at M&T and the Westchester WQIP funds at Ramirez. Vincent Giorgio approximated the FAD funding could possibly be received by the end of September.

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

Kevin reported that the project table has been updated to accommodate requests from the last meeting. Anything indicated in bold is FAD-specific (Boyd Corners, West Branch, Croton Falls, Cross River). If it's not in bold and is labeled FAD, then it's FAD-connected and still eligible for funding from the FAD agreement. Currently, we are out to bid on engineering of four FAD projects and one construction contract. We anticipate awarding them at the next Executive Committee meeting.

Kevin addressed a conflict being experienced with KC Engineering on a project they were awarded two years ago which is located on Eleanor Drive (Carmel-CF-601) in the town of Carmel. They are not fulfilling the terms of the contract. Requests have been made on several occasions for them to perform channel stabilization calculations for this channel stabilization project and they've replied that it is for

information purposes only and not relevant to the project. The channel stabilization calculation is relevant to a channel stabilization project; therefore, they must calculate it or we cannot get our phosphorus value for the project. To date, they've reached 30% and have been paid \$7,600 on a \$28,000 contract. The documents that have been submitted to us for the 30% are inadequate. Survey work was also performed by them. We are holding the latest payment until we can get the issue resolved. Director Parsons asked if we should consider canceling all contracts with KC Engineering. Kevin said that it's being given consideration because they are struggling on every one our projects. Across the board, on all ten projects, they've been paid about \$120,000 to date. Vincent Tamagna advised that any further payment be held back until they comply with terms of the contract. Kevin stated that some of the work they've done so far can be utilized. For example, the seven Metro North projects are going to be installed this year. Ideally, it would be best to take the project from them and re-bid it. It would be helpful to get a more qualified professional to pursue the contract and take it to conclusion. Director Lucas suggested letting them know that unless we get what we are looking for within a certain amount of time, we will cancel the contract. Director Williams asked if there was a provision for termination. Kevin said that the 30 day notice could be found in our contract specifications. Director Williams added that we cannot go out to bid until this contract is terminated. Director Burdick suggested that Kevin send KC Engineering a letter alerting them of today's decision. Vincent Tamagna asked Kevin to provide the value of work completed on all projects as opposed to what has been paid. Kevin will look into it and provide the requested information at the next Executive Committee meeting. Payment will be held until we receive a response to the letter.

Motion by Director Williams, seconded by Director Parsons to terminate the contract for stormwater retrofit project Carmel-CF-601 between East of Hudson Watershed Corporation and KC Engineering providing 30 day notice, unless all issues are resolved to Kevin Fitzpatrick's satisfaction; all in favor.

Kevin reported that New York State Department of Environmental Conservation (NYSDEC) works with the Army Corps of Engineers who have a \$125,000 grant that they are willing to pass onto our corporation for use on any retrofit project we find appropriate. Preferably, it should be used on non-FAD projects. Director Parsons stated that there are projects that are very economic with regard to phosphorus reduction outside of the FAD. Joanne inquired from George if these funds would need to be segregated. Kevin added that we are in the infant stages of the process and that a standard grant agreement will be put in place. Director Williams recommended that we enter into this very cautiously. The Army Corps of Engineers will need to prepare certain documentation in order to move the money. It can be an issue if you are under time constraint to get a project completed. Kevin stated that he's already budgeted for the project he has in mind and this would provide additional assistance, nonetheless, the guidelines will be followed very carefully. George recommended the agreement be approved by the Executive Committee before it is entered into.

**a. Kent-MB-Add2**

At the previous Executive Committee meeting members requested that the drainage area at the pond in the town of Kent be evaluated and that we investigate whether any house connections or additional discharges might be reaching the system. The inspection was done and it was observed that the watershed needs to be maintained and the catch basins need to be cleaned out. Their system is adding sediment deposits to our retrofit. There are deposits inside the pipe network which the town of Kent needs to clean out so that we can get a clearer view of any other connections which might have been missed in this investigation. Several pipes were found that appear to be from footing drains, roof drains, and swales. There was no evidence of gray water reaching our project. There are obvious signs of washed out silt and sand affecting the flow of the water through our project. It's a matter of informing the town of Kent that they need to address their catch basin systems and maintain them so that we can perform a better evaluation of what's going on. Once they've done that, we will follow up with the town to make sure the berm is restored as it

was because that is part their requirement under the O&M agreement. We will monitor where we are with the project once that has been addressed. As of right now, the best course of action is to make sure they are maintaining the drainage area leading to the system. Every SRP that we have in every town has a drainage area that is contributory to it. If those areas are not being cleaned and addressed appropriately, our projects are in jeopardy. As part of each towns MS4 requirement, the catch basins should be checked and cleaned as necessary. Kevin will contact Kent and request that the required maintenance be performed. The situation will continue to be monitored and further update will be provided at the next Executive Committee meeting.

#### **5) Award Design Solicitation 2019-04**

Kevin announced that two proposals were received for Solicitation 2019-04. The Review Committee has selected the proposals of Pitingaro & Doetsch Consulting Engineers, P.C. to provide engineering services for stormwater retrofit project Kent-BC-830 in the amount of \$34,500 and Carmel-GL-815 in the amount of \$34,500. A filter chamber and storm filter, or equivalent unit, will be installed within the two FAD projects; one in Carmel around Lake Gleneida and the other in Kent in the Boyd Corners watershed. We have a previous contract with Pitingaro & Doetsch and are comfortable proceeding with them on the projects. Kevin recommended amending the Professional Services Agreement with Pitingaro & Doetsch to include Kent-BC-830 and Carmel-GL-815.

Motion by Director Williams, seconded by Director Burdick to approve the award of engineering services for Kent-BC-830 in the amount of \$34,500 and Carmel-GL-815 in the amount of \$34,500 to Pitingaro & Doetsch Engineers.

**WHEREAS**, the proposed stormwater retrofit projects known as Kent-BC-830 located at Rambler Road in the Town of Kent on public property; and Carmel-GL-815 located at Ridge Road on public/private property in the Town of Carmel are located within a recognized FAD basin in project group 2019-04 and are 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 filtration chamber units, as well as all construction administration services with an estimated phosphorus reduction of 2.73 kg/yr. and estimated efficiency of \$55,000/kg for Kent-BC-830; and an estimated phosphorus reduction of 1.20 kg/yr. and estimated efficiency of \$115,000/kg for Carmel-GL-815; and

**WHEREAS**, a Request for Proposals was advertised and two (2) proposals were received at the East of Hudson Watershed Corporation offices on May 2, 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 Pitingaro & Doetsch Consulting Engineers, P.C. in the amount of \$34,500 for Kent-BC-830 and \$34,500 for Carmel-GL-815; and

**WHEREAS**, EOHWC contacted the references for Pitingaro & Doetsch Consulting Engineers, P.C. and contacted Pitingaro & Doetsch Consulting Engineers, P.C. 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 Pitingaro & Doetsch Consulting Engineers, P.C. 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 Pitingaro & Doetsch Consulting Engineers, P.C. as best value proposer for the design of projects for the SRPs Kent-BC-830 and Carmel-GL-815 and authorizes the President or Vice President of the Corporation to execute the design contract with Pitingaro & Doetsch Consulting Engineers, P.C. 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-0530-01**

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

Kevin requested that town highway departments continue to monitor operations and maintenance on existing projects.

#### **7) Checks and vouchers**

Monthly checks and vouchers were signed. No action taken.

#### **8) Other business**

Millie Magraw updated members that the draft IMA has been written and she has reviewed it. It will make its way back to the legal department once the commissioner has the chance to look it over. Once the IMA goes through law, it will come back to East of Hudson Watershed Corporation (EOHWC) for signatures. While legislative approval has already been received, it may need to go through Acquisitions and Contracts, where it may take a few days. Joanne notified members that an invoice with actual dollars spent in 2016, 2017 and 2018 has been submitted. To conclude, Millie requested that Joanne email a blank "Operations and Maintenance Cost Statement" which will be included as part of Schedule A of the IMA.

Kevin informed members that he was asked to speak on June 14<sup>th</sup> at the Lower Hudson Regional Lakes Conference taking place on China Pond in Carmel regarding stormwater management and how to protect our lakes.

#### **9) Adjournment**

Motion to adjourn by Director Parsons, seconded by Director Burdick; all in favor. Adjourned 10:21 AM.

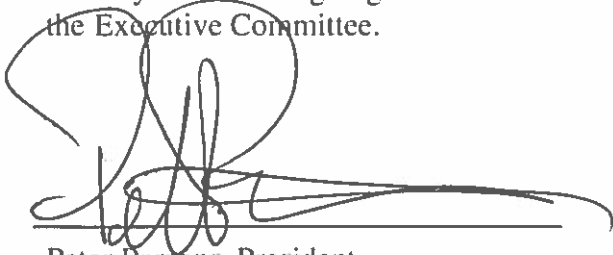


**East of Hudson Watershed Corporation**

**2 Route 164, Suite 2  
Patterson, NY 12563**

**PRESIDENT'S CERTIFICATE**

I certify that the foregoing is a true and correct copy of the May 30, 2019 meeting minutes approved by the Executive Committee.



Peter Parsons, President

7-11-2019  
Date



**East of Hudson Watershed Corporation**

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**SECRETARY'S CERTIFICATE**

I certify that the foregoing is a true and correct copy of the May 30, 2019 meeting minutes approved by the Executive Committee.

JoAnne Daley  
JoAnne Daley, Secretary

7-11-2019  
Date