



# 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, July 11, 2019

### Meeting Minutes

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

Voting Members in Attendance: Peter Parsons (Town of Lewisboro); 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); Rich Franzetti as alternate for Ken Schmitt (Town of Carmel)

Others in Attendance: Christine Chale (Corporate Counsel); Millie Magraw (Westchester County); Vincent Giorgio (NYCDEP); Matthew Sullivan (NYCDEP); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Linda Matera (EOHWC); Robert Irving (EOHWC)

#### **2) Approve Meeting Minutes of May 30, 2019**

Motion by Director Parsons, seconded by Director Burdick to approve the meeting minutes of May 30, 2019; all in favor.

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

Joanne Tavino reported the current fund balance is approximately \$6.1 million. Checks drawn for June totaled \$217,527. Year-to-date investment income is about \$55,000 and \$234,000 since inception. \$15 million in FAD funding is expected sometime in August or September.

#### **4) Westchester WQIP Funds Update**

Director Williams requested that Putnam towns be removed from the reimbursable column of the Operations and Maintenance Costs spreadsheet in order to avoid the expectation that they will be receiving money from the Westchester WQIP funds.

Motion by Director Parsons, seconded by Director Burdick to recommend Board of Directors' approval of the Westchester Intermunicipal Agreement regarding O&M expenses.

**WHEREAS**, the County of Westchester has presented a proposed Intermunicipal Agreement (“IMA”) to the East of Hudson Watershed Corporation (“Corporation”) pursuant to which the County would disburse an amount not to exceed \$750,000 to the Corporation in reimbursement of operation and maintenance (“O&M”) expenses of Westchester County members of the Corporation for eligible projects, pursuant to the terms and conditions of the IMA; and

**WHEREAS**, Corporation counsel has reviewed the IMA in draft form and provided comments on the IMA to the County, which comments have been incorporated therein; and

**WHEREAS**, the Executive Committee has reviewed the IMA and deems it to be in the best interests of the Corporation;

**NOW THEREFORE IT IS HEREBY RESOLVED**, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it recommends that the Board of Directors approve the proposed IMA at its next quarterly meeting.

Motion passed; all in favor.

**R-0711-05**

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

Joanne indicated that more members have completed financial disclosures while just two remain incomplete (Robert Greenstein of New Castle and Michael Schiliro of North Castle.) Bruce Barber has not completed his Conflict of Interest form. Proof of completion of board member training has not been provided by James Schmitt, Linda Puglisi, Kevin Hansan and Lauri Taylor. Chris Chale stated the importance of compliance with ABO requirements and recommended that reminders be sent ahead of the upcoming Board of Directors' meeting. Director Parsons requested that Joanne copy him when she sends the email reminders. Director Lucas offered to contact members who have not yet completed the required forms.

### **6) Project Update**

Kevin reported that the project located at Ryan Park in the town of Kent (Kent-MB-602) is getting ready to close out. It's expected that the calculations will be submitted to New York State Department of Environmental Conservation (NYSDEC) by the August Executive Committee meeting.

Director Williams pointed out that on the Running Project Status Table the active project totals and FAD basin totals need to be recalculated as they are not adding up correctly. Director Burdick requested that that the EOHWC 10-Year Total Phosphorus Reduction at the bottom of the table be renamed to clarify that it reflects the total current credit received to date. In addition, a request was made that all project notes contain information and that none are left blank. Kevin will incorporate the changes requested to provide a more clarity going forward.

Kevin reported that by the end of 2019 most of Year 1-5 projects should be complete. We are currently out to bid for construction on the Veterans Memorial Park project (Pat-EB-09-03B) in the town of Patterson. Construction is planned to begin after Labor Day with the goal of wrapping up by the end of the calendar year. The town of Patterson submitted a request for funding to New York State and received confirmation that the project was accepted. East of Hudson Watershed Corporation will match it and be able to execute the project. Director Williams added that it will be complete in the spring once the final plantings have taken root.

Director Burdick inquired if Mount Kisco Commons project is a private owner. Kevin said he was hopeful that the private property owner would allow us to get in there to do the installation. The town of Mount

Kisco is driving that conversation right now. We're expecting to get in there and solve their issue. Director Burdick asked whether NewC-NCR-801 and NS-MU-601 were FAD or non-FAD projects as the notes don't identify either. Kevin stated that they are both non-FAD.

Kevin announced that in June he presented at the New York State Federation of Lakes Lower Hudson Valley meeting. We were able to identify quite a few potential projects when meeting with specific residents, many of which are in the West Branch and Boyd Corners. Robert Irving provided an update on what he has observed and a majority of the prospective projects are located in the FAD basin within the watershed of West Branch and Boyd Corners. Most of the installations would be filter chambers and subsurface infiltration. The efficiency rate is expected to be around \$100,000 per kilogram with a total of 8 kilograms of phosphorus reduced. We've already met with most of the private property owners in these small lake communities. The individual municipalities will be contacted to make sure they are all on board before bringing it into the Year 8 Work Plan. Director Parsons added that we are reaching the point where it may be necessary to go out to less efficient projects in order to attain the final goal in FAD, as the more efficient projects outside of the FAD cannot be considered at this time. Kevin specified that in order to get the additional \$7 million from the NYCDEP we have to enter into \$7 million in contracts within FAD-specific areas, which does not include FAD-connected. Director Williams said that West Branch and Boyd Corners do not have a phosphorus reduction requirement so our focus should be more on Croton Falls and Cross River, even if it means spending more in a reduction per kilogram. Kevin will continue to look for projects in Cross River and Croton Falls.

Director Parsons asked that Kevin provide an update on three open items from the previous Executive Committee meeting.

- Kevin stated that the Army Corps of Engineers is sending him the documentation regarding the grant and they will meet towards the end of July to look at the project. The documentation is basically a breakdown of what requirements we will have as a corporation in order to be eligible for the funding. Once received, it will be sent to Counsel for review. In speaking with the representative, they see no problems popping up and they are very eager to help support us. Basically, they are providing additional support towards a project we would be executing regardless of the Army Corps ability to provide assistance.
- The Town of Kent has been asked to address the catch basins for Kent-MB-Add2. They've cleaned them out and performed their own illicit discharge evaluation. The inspection is complete and all catch basins that are tributary to our project have been cleaned out. The next step is to have them rebuild and restore the retrofit to its previous state so that further evaluation can be done. There were a lot of sediment deposits, which was likely the reason the drainage area was not particularly clean. It's been requested that they identify any underground water sources they know of. They will continue to work towards getting the retrofit restored.
- KC Engineering cleared up the discrepancy within the calculations, which Kevin requested they go over and resubmit. They are presently back up to speed on the requirements for what we've asked them to do. The project is moving forward. Seven of the projects they've been awarded are within Metro North train stations. At this point, we are waiting for Metro North and NYCDEP to give us the green light on installations on all the sites. No further design is needed at this point.

## **7) Change Order #2: Kent-MB-602**

Kevin presented Change Order #2 from Earth Alterations for a reduction in the overall contract cost of \$2,850 for an extension of time to allow for plantings, the reduction of the rock excavation line item and the installation of a post and rail fence for safety. The change order was approved in the field and was circulated among members of the Executive Committee in June.

Motion by Rich Franzetti, seconded by Vincent Tamagna to approve change order #2 for a reduction of \$2,850, reducing the overall contract cost from \$223,780 to \$220,930; all in favor.

## **8) Kent-MB-601**

### **a. SEQRA Determination**

Kevin presented a resolution to approve the SEQRA negative declaration for a multiple pond system in the town of Kent on Montrose Drive.

Motion by Director Parsons, seconded by Director Burdick to approve the Negative Declaration for Kent-MB-601.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Kent involving construction of multiple ponds to be installed at Montrose Drive; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 07/11/19 and all relevant environmental information related to the proposed project;

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it:

1. Classifies the project as an unlisted action under SEQRA; and
2. Determines that the proposed action will not result in any significant adverse impacts on the environment and that a Draft Environmental Impact Statement will not be prepared.

Motion passed; all in favor.

**R-0711-01**

### **b. Award Construction Contract**

Motion by Director Parsons, seconded by Rich Franzetti to approve the award for the construction contract for Kent-MB-601 to Legacy Supply, LLC in the amount of \$476,750.

WHEREAS, the proposed stormwater retrofit project known as Kent-MB-601 is proposed to be located at Montrose Drive in the Town of Kent, 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 the installation of a multiple pond system and associated drainage modifications, all in accordance with plans prepared by Lawrence J. Paggi, P.E., P.C.; and

WHEREAS, the project was publicly bid and four (4) bids were received and publicly read aloud at the EOHWC offices on June 20, 2019; and

WHEREAS, the lowest bid received was in the amount of \$476,750.00 was submitted by Legacy Supply, LLC and the highest bid received was in the amount of \$797,550.00 submitted by Ben Ciccone, Inc.; and

WHEREAS, the phosphorus removal of 12.67 kilograms for this project has an efficiency of approximately \$45,000 Kg P-removed; and

WHEREAS, Lawrence J. Paggi, P.E., P.C., contacted the references for Legacy Supply, LLC and contacted Legacy Supply, LLC 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 Legacy Supply, LLC as lowest responsible bidder for the project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on July 11, 2019, the Executive Committee reviewed all available evidence and resolved that the project known as Kent-MB-601 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 Legacy Supply, LLC as lowest responsible bidder in the amount of \$476,750 for the project known as Kent-MB-601 and authorizes the President or Vice President of the Corporation to execute the construction contract with Legacy Supply, LLC 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.
4. Execution of an easement and maintenance agreement to be in place for the future of the project between the Town and the Corporation by the Town Board and by the Corporation's President or Vice President.

Motion passed, all in favor.

**R-0711-02**

## **9) Award Design Solicitations**

### **a. Solicitation 2019-06 (Kent-CF-845)**

Kevin stated that based upon the evaluation and recommendation of the Review Committee, Insite Engineering, Surveying and Landscape Architecture, P.C. has been selected to be awarded design services for Solicitation 2019-06. Rich Franzetti identified that in his review of the two lowest bids, Insite's resume reflected a stronger background in stormwater retrofit experience and would therefore represent the best

value proposal. Members of the Executive Committee requested that the letter of recommendation include the Review Committee's assessment of the proposals presented.

Motion by Director Parsons, seconded by Director Burdick to approve the award for design services for Solicitation 2019-06 to Insite Engineering, Surveying and Landscape Architecture, P.C. in the amount \$39,000 for Kent-CF-845 subject to Kevin appending the opinion of the Review Committee to the resolution.

WHEREAS, the proposed stormwater retrofit project known as Kent-CF-845 located at 387 Route 52 in the Town of Kent on private property is located within a recognized FAD basin in project group 2019-06 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 a subsurface infiltration unit, as well as all construction administration services with an estimated phosphorus reduction of 12.74 kg/yr. and estimated efficiency of \$40,000/kg; and

WHEREAS, a Request for Proposals was advertised and seven (7) proposals were received at the East of Hudson Watershed Corporation offices on June 6, 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 proposal of best value based upon stormwater retrofit experience to have been submitted by Insite Engineering, Surveying and Landscape Architecture, P.C. in the amount of \$39,000 for Kent-CF-845; and

WHEREAS, EOHWC contacted the references for Insite Engineering, Surveying and Landscape Architecture, P.C. and contacted Insite Engineering, Surveying and Landscape Architecture, P.C. directly and was assured that they can complete the project for the amount proposed; and

WHEREAS, the EOHWC Review Committee has recommended that the corporation accept Insite Engineering, Surveying and Landscape Architecture, P.C. as best value proposer for the project and proceed with the contract pending 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 Insite Engineering, Surveying and Landscape Architecture, P.C. as best value proposer for the design of the project for Kent-CF-845, and authorizes the President or Vice President of the Corporation to execute the design contract with Insite Engineering, Surveying and Landscape Architecture, 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-0711-03**

ECMM/7-11-19

(Vote: Aye:6 Nae:0 Abstain: Rich Williams)

**b. Solicitation 2019-07 (L-CR-701, L-CR-803, L-CR-805)**

Kevin indicated that Solicitation 2019-07 is for three projects in the town of Lewisboro within the Cross River basin. Each of the projects vary in retrofit but include the installation of bioretention, subsurface infiltration and a filtration chamber all within the FAD basin. Five proposals were received and evaluated by the Review Committee. Renna Engineering Design was selected as best value proposer for all three projects. Director Parsons recommended that before any work begins Kevin coordinate with the head of maintenance, Joel Smith. Kevin said that the projects were bundled into one solicitation because of their proximity to one another. Additionally, we reserve the right to award them together or individually.

Motion by Director Burdick, seconded by Rich Franzetti to approve the award for design services for Solicitation 2019-07 to Renna Engineering Design in the amount of \$32,192 for L-CR-701, \$34,353 for L-CR-803 and \$25,504 for L-CR-805.

WHEREAS, the proposed stormwater retrofit projects known as L-CR-701 located at Lewisboro Elementary School in the Town of Lewisboro on school property; L-CR-803 located at Lewisboro Town Park on municipal property in the Town of Lewisboro; and L-CR-805 located at Salem Hill Road and Mead Street on public property in the Town of Lewisboro within a recognized FAD basin in project group 2019-07 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 a bioretention and biofiltration unit, subsurface infiltration and a filtration chamber as well as all construction administration services with an estimated phosphorus reduction of 2.35 kg/yr. and estimated efficiency of \$55,000/kg for L-CR-701; an estimated phosphorus reduction of 3.0 kg/yr. and estimated efficiency of \$90,000/kg for L-CR-803; and an estimated phosphorus reduction of 2.97 kg/yr. and estimated efficiency of \$60,000 kg for L-CR-805; and

WHEREAS, a Request for Proposals was advertised and five (5) proposals were received at the East of Hudson Watershed Corporation offices on June 20, 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 proposal of best value to have been submitted by Renna Engineering Design, PLLC in the amount of \$32,192 for L-CR-701; \$34,353 for L-CR-803; and \$25,504 for L-CR-805; and

WHEREAS, EOHWC contacted the references for Renna Engineering Design, PLLC and contacted Renna 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 Renna 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 Renna Engineering Design, PLLC as best value proposer for the design of projects for the SRPs L-MU-701, L-MU-803, L-MU-805 and authorizes the President or Vice President of the Corporation to execute the design contract with Renna 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-0711-04**

(Vote: Aye:6 Nae:0 Abstain: Rich Williams)

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

Kevin announced that Robert has been visiting various projects and documenting what he's seen. A report by town will be provided at the end of the summer.

### **11) Checks and vouchers**

June checks previously signed due to change in meeting date. Monthly vouchers were signed by Director Parsons. No action taken.

### **12) Other business**

No other business was brought forward.

**13) Adjournment - Motion to adjourn by Director Burdick, seconded by Vincent Tamagna; all in favor. Adjourned 10:35 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 July 11, 2019 meeting minutes approved by the Executive Committee.



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Peter Parsons, President

8-13-2019

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Date



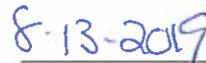
**East of Hudson Watershed Corporation**

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

**SECRETARY'S CERTIFICATE**

I certify that the foregoing is a true and correct copy of the July 11, 2019 meeting minutes approved by the Executive Committee.

  
\_\_\_\_\_  
JoAnne Daley, Secretary

  
\_\_\_\_\_  
Date