



EAST OF HUDSON WATERSHED CORPORATION

2 Route 164, Suite 2, Patterson, NY 12563

EXECUTIVE COMMITTEE MEETING

via Videoconference

TIME and DATE: 9:30 AM, Thursday, March 26, 2020

Meeting Minutes

1) Open Video Conference Meeting

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

Others in Attendance: Millie Magraw (Westchester County Planning Department); Vincent Giorgio (NYCDEP); George Rodenhause (Corporate Counsel); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes of February 27, 2020

Motion by Director Burdick, seconded by Vincent Tamagna to approve the meeting minutes of February 27, 2020; all in favor.

3) 2019 Draft Financial Statements

Joanne Tavino reported that Draft Financial Statements for 2019 were emailed to Committee members. The audit is complete and there were no comments or questions. Director Lucas had the opportunity to review it closely and has signed the management letter which will be sent back to the auditor. Once we receive the final statements, they will be sent to New York State Authorities Budget Office (NYSABO). It will be presented to the Board at the May meeting.

4) Financial Update

Joanne reported a current balance of \$20 million; \$12 million of which is FAD, and \$8 million is WQIP. Approximately \$125,000 was drawn for March checks. Of that amount, \$115,000 was used for FAD expenditures and the transfer was completed yesterday. We received an email from our investment manager, Bob Fuhr, regarding the idea of possibly investing in municipal bonds, but committee members thought it would be best to keep investments the way they currently are. The rates on treasuries and CDs we hold are still high, so maintaining status quo for now is fine.

a. Reports due to NYS ABO

Joanne stated that reports are due to NYSABO next week. The Procurement Report has been completed. The Investment Report, Annual Report and the audit itself will be posted on Monday being that it has been approved today by the Executive Committee.

b. Project Accounting Report due to NYCDEP

The Project Accounting Report has been completed and will be sent to New York City Department of Environmental Protection (NYCDEP) once a correction is made to the bottom line income expenditures for O&M this year, which is a net effect of zero. Joanne informed Vincent Giorgio that to date since inception, we have incurred \$445,000 worth of O&M expenses which have been covered under bubble compliance. Millie Magraw was informed that all checks were received from Westchester towns for 2019 O&M with the exception of Mount Kisco. They notified us that their O&M check should be received in the next few days. Once we have it in hand, we will be writing the checks out to the municipalities that are owed money. We will submit to Westchester County for reimbursement approximately mid-May. Vincent Giorgio requested that Joanne send him an Excel version of the final report via email.

5) Project Update

Kevin reported that some projects may be impacted from moving forward due to the COVID-19 situation. Carmel-CF-801 & 802 at Fulmar Road Elementary School were dependent on the Carmel Board of Education meeting in which we would have discussed installations that could have been completed over this coming summer. Unfortunately, the facilities manager notified us that it didn't get on the agenda. We're hoping to have an update on that in April, but almost certainly expect it to be delayed going into the spring.

With the Metro North projects we are not sure that that they are going to be very responsive during this time. We do have at least two that can be installed; B-MU-07 and NS-MU-701 which are both dependent on NYCDEP issuing Land Use Permits. Once we have them we will be able to do the installations in the spring. All the other projects will depend on Metro North and how they are functioning.

The largest project that will be affected is SE-DI-815 at Eagles Ridge Subdivision, which accounts for approximately 85 kilograms of phosphorus reduction. We were scheduled to have a meeting with the Homeowners Association last Wednesday night however, the meeting was canceled. It's unclear when they will hold their next meeting, but we are at 30% design. The installation agreement will be signed as soon as we are able to get to the next Homeowners Association meeting.

There are about nine pending installation agreements which will depend upon the municipalities moving them forward during this time. They are projects that can most likely get constructed this summer. There are very simple steps left to get the design to 100%. We do expect them to be installed, however, they may be somewhat delayed.

a. Paggi Engineering /Change Order #2 (Kent-MB-601)

The second change order for Paggi came in as a re-design for Kent-MB-601 at Montrose Drive. Director Williams and Kevin negotiated with Paggi Engineering to re-evaluate the design. It has been determined that the best option would be to leave the soil on site and try to manipulate the ponds which have already been put in place. Paggi came up with a proposal and design to change that multiple pond system to actually keep it a multiple pond and simply not excavate any more soil or material that would have been on site which would result in the loss of only 1 kilogram. This is the best outcome that we could have wished for given the circumstances. The change order today in the amount of \$19,500 is for the full re-design from the point where we left off. No further change orders are expected from Paggi going forward. At the February meeting members authorized us to negotiate with Paggi and execute that. Paggi is just about wrapping up their design. It's expected that pending another discussion with Legacy Supply that we will be able to get back out there and start this construction up again soon. Director Williams and Kevin

approved Paggi to move forward with the re-design, however, a motion is needed to approve the change order as a committee. The draft design was given to Legacy Supply for their comments or any thoughts they may have to move things along more quickly in the construction process. We are waiting for Paggi to provide a line item list so Legacy can give us a more accurate submittal. The next discussion with Legacy is going to be about where the remaining approximate \$167,000 left on the contract is going to take us. We need to know if there is going to be a change in price moving forward or even a credit back to us. Director Williams and Kevin will meet with Legacy and Paggi again before the next Executive Committee meeting so that either a change order or a change directive can be executed before the April meeting. Legacy continues to call on a regular basis to ask when they can get back on site to work. We anticipate that in the next week or two Legacy will be able to mobilize again.

Motion by Director Burdick, seconded by Director Parsons to approve change order #2 submitted by Paggi Engineering in the amount of \$19,500 increasing the design cost from \$50,933.75 to \$70,433.75.

WHEREAS, Lawrence J. Paggi, P.E., P.C. submitted change order request Number 2 dated 3/5/20 for an additional \$19,500.00 for Kent-MB-601 in project group 2017-05 of the Years 6-10 MS4 regional plan; and

WHEREAS, Kent-MB-601 is located on property of Montrose Drive in the Town of Kent and consists of providing design and construction administration for the installation of multiple ponds; and

WHEREAS, the proposed change order request is for Lawrence J. Paggi, P.E., P.C. to prepare revised grading and erosion control plans to address the placement of excavated soil on site, as a result of the soil handling and disposal recommendations by EOHWC's environmental consultant, PVE, as well as other associated recommended actions; and

WHEREAS, this change order, if approved, would increase the design cost from \$50,933.75 to \$70,433.75 and would have an updated efficiency of approximately \$65,000/kg with an estimated phosphorus reduction of 11.2 kg/year. These values will change pending completion of the final design change order.

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 Lawrence J. Paggi, P.E., P.C. dated 3/5/20 for an additional \$19,500.00 for Kent-MB-601 increasing the design cost from \$50,933.75 to \$70,433.75.

Motion passed; all in favor.

(R-0326-01)

b.) Legacy Supply/Change Order #5 (Kent-MB-601)

Director Williams said that change order #5 submitted by Legacy Supply is to address the time they are unable to work. Kevin indicated that the change order is an increase of \$10,475.96 to address the delay charges.

Motion by Director Lucas, seconded by Director Burdick to approve change order #5 submitted by Legacy Supply in the amount of \$10,475.96 to address delay charges.

WHEREAS, Legacy Supply, LLC submitted change order request Number 5 dated 3/20/20 representing an increase of \$10,475.96 in the current contract price of \$612,315.67 for Kent-MB-601 in the year 6-10 retrofit plan; and

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

WHEREAS, the proposed change order request is for delay charges and survey of the project site. This change order presents an increase in the amount of \$10,475.96 in the overall contract price, increasing the overall construction cost to \$622,791.63; 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 11.2 kg/year. These values are expected to change pending completion of a design change order by Paggi Engineering, P.C.

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that it approved the change order request from Legacy Supply, LLC dated 3/20/20, for an additional amount of \$10,475.96 for Kent-MB-601, increasing the construction cost from \$612,315.67 to \$622,791.63.

Motion passed; all in favor.

(R-0326-02)

c. Award Solicitation 2020-01 (Carmel-CF-901 & Carmel-CF-902)

Kevin stated that the design award for stormwater retrofit projects Carmel-CF-901 & 902 located at Arborview Road to retrofit existing ponds has preliminary approval from New York State Department of Environmental Conservation (NYSDEC). Two bids were received, one from KC Engineering and the other from Dunn & Sgromo. Dunn & Sgromo's proposal was determined to be of best value, therefore, we will proceed with awarding professional services for both projects to them.

Motion by Director Williams, seconded by Vincent Tamagna to approve award for professional services to Dunn & Sgromo for Carmel-CF-901 in the amount of \$17,500.

WHEREAS, the proposed stormwater retrofit project known as Carmel-CF-901 located at Arborview Road in the Town of Carmel on municipal property in project group 2020-01 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 and construction administration services for retrofitting an existing detention basin, and installation of a wet extended-detention pond with an estimated phosphorus reduction of 7.28 kg/yr and estimated efficiency of \$50,000/kg; and

WHEREAS, a Request for Proposals was advertised and two (2) proposals were received at the East of Hudson Watershed Corporation offices on March 4, 2020; 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 Dunn & Sgromo in the amount of \$17,500 for Carmel-CF-901; and

WHEREAS, EOHWC contacted the references for Dunn & Sgromo and contacted Dunn and Sgromo 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 Dunn and Sgromo 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 Dunn and Sgromo as best value proposer for the design of the project for Carmel-CF-901, and authorizes the President or Vice President of the Corporation to execute the design contract with Dunn and Sgromo 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-0326-03)

Motion by Director Williams, seconded by Vincent Tamagna to approve award for professional services to Dunn & Sgromo for Carmel-CF-902 in the amount of \$17,500.

WHEREAS, the proposed stormwater retrofit project known as Carmel-CF-902 located at Arborview Road in the Town of Carmel on municipal property in project group 2020-01 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 and construction administration services for retrofitting an existing detention basin, and installation of a wet extended-detention pond with an estimated phosphorus reduction of 5.30 kg/yr and estimated efficiency of \$70,000/kg; and

WHEREAS, a Request for Proposals was advertised and two (2) proposals were received at the East of Hudson Watershed Corporation offices on March 4, 2020; 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 Dunn & Sgromo in the amount of \$17,500 for Carmel-CF-902; and

WHEREAS, EOHWC contacted the references for Dunn & Sgromo and contacted Dunn and Sgromo 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 Dunn and Sgromo 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 Dunn and Sgromo as best value proposer for the design of the project for Carmel-CF-902, and authorizes the President or Vice President of the Corporation to execute the design contract with Dunn and Sgromo 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-0326-04)

6) O & M Program Update

Joanne reported that all O&M checks have been received with the exception of Mount Kisco's. The checks will be sent out to the municipalities in April. Westchester County will be invoiced in May. Kevin added since we are out of the winter, all municipalities should be visiting their project sites to make sure things are in good shape. It was not an aggressive winter so it's likely that things are in good condition. Inspections will be done on all sites in the coming weeks.

7) Other business

Director Lucas said that Bill Stoecker from FABCO visited the Peach Lake communities. He looked at all the catch basins and is sizing them up. There's an estimated 60-70 catch basins that can be installed at that site. Director Lucas asked Kevin to work with Bill to see if the phosphorus savings make sense before we move forward. Kevin mentioned that Bill has been keeping him in the loop as he's done his investigation of the site. The next step is going to be writing up the initial evaluation and send it up to NYSDEC to incorporate it into the program. It's a substantial drainage area that we're talking about. We can still get reduction value even from the areas that have jellyfish. It's the only part of North Salem that is in the FAD-connected basin. Kevin added that it may be more efficient to do this project as a municipal reimbursement. If not, then EOHWC can go out to RFP for design services. Anything that is installed there will be incorporated into the O&M program.

Director Lucas mentioned that he and Kevin met with one of the Keeler Lane (NS-MU-601) property owners. The meeting went well and it's expected the easement to get on the property will be approved shortly. Kevin informed members that George reviewed the title search for the Morris property located at 154 Keeler Lane and noticed that it involves multiple mortgages. In the case of the O'Donohue property located at 91 Keeler Lane, there are no mortgages/liens on the property. George stated that this is an ongoing private property problem. When there are mortgages on private property, it creates the problem of a prior lien prevailing over our easement lien, if in fact the prior lien is foreclosed. Mortgages are typically on residential properties and we are finding them more often than not. The ideal situation is if you find a residential property with no mortgage on it and no judgement liens. That would mean that we could have our easement lien on the property and have priority if other mortgages are put on the property. When we look at this particular one, we see four mortgages. Going after each one can be difficult, especially because some of them were assigned to syndicators who have no interest in subordination issues. It's a question of whether we want to take a more practical approach as to whether the easement is benefiting the property and therefore, not likely to be disowned in the future. If it's benefiting the property and we're doing the maintenance or the town is doing the maintenance, it's likely that no one is going to want to do away with the easement. If we lose the easement because of foreclosure, we would re-establish it with the next owner. The other way to look at it is if the easement is for an improvement or practice which is not benefiting the property, which may interfere with future use of the property, in which case we probably need to have subordination. Subordination can often take months and not even be successful depending on what kind of bank you're dealing with. The flag has been raised on 154 Keeler Lane because it's going to be very difficult to arrange and may take several months. Director Lucas indicated that he was unaware of the situation and questioned if there was another way to undertake the project. George stated that we can try to track down the mortgagees and see if we can negotiate a subordination.

Vincent Giorgio stated that he had one comment and a couple of concerns. Last email traffic he saw on the catch basin inserts at the Metro North Parking lots was that we were waiting to see specifications or a site plan. Kevin indicated that he has already forwarded the detailed specifications that the Land Use Division requested. Vincent requested a status update on the Tilly Foster project discussed at the February meeting which had cost overruns. Kevin indicated that the additional information and the backup that the county was supposed to provide for EOHWC's consideration for reimbursement still has not been received.

Vincent stated that given the history of Putnam County projects he is requesting any additional information be provided to him once Kevin has received it from John Tully.

8) Checks and Vouchers Summary & Detail

Monthly checks and vouchers were signed. No action taken.

9) Adjournment

Motion to adjourn by Director Burdick, seconded by Director Lucas; all in favor. Adjourned 10:24 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 March 26, 2020 meeting minutes approved by the Executive Committee.



Richard Williams, Sr., President



Date

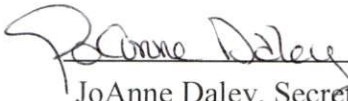


East of Hudson Watershed Corporation

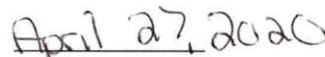
2 Route 164, Suite 2
Patterson, NY 12563

SECRETARY'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the March 26, 2020 meeting minutes approved by the Executive Committee.



JoAnne Daley, Secretary



Date