



EAST OF HUDSON WATERSHED CORPORATION

2 Route 164, Suite 2, Patterson, NY 12563

845-319-6349

EXECUTIVE COMMITTEE MEETING

via Videoconference

TIME and DATE: 9:30 AM, Thursday, May 28, 2020

Meeting Minutes

1) Open Meeting

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

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

2) Approve Meeting Minutes of April 23, 2020

Motion by Director Burdick, seconded by Rich Franzetti to approve the meeting minutes of April 23, 2020; all in favor.

3) Financial Update

Joanne reported the financial reports provided at the May 12 Board of Directors' meeting have not changed. Checks drawn today amount to \$154,272, of which \$124,643 are FAD expenditures. A transfer will be made by Director Lucas today into the operating account to cover those checks.

Joanne informed members that with the audit complete and the tax returns filed, we received the tax engagement letter from Sickler, Torchia, Allen & Churchill (STAC) for 2020. The letter has been circulated among Audit Committee members. If there are no comments or questions, it will be signed and sent back to STAC.

a. Westchester County 2019 O&M

Joanne thanked Millie Magraw for the expeditious processing of the invoice sent immediately after the May Board of Directors' meeting. The \$84,901 was received ten days later from Westchester County into our operating account. The last column of the attachment provided shows the portion due to Westchester municipalities that add up to \$84,901. The Westchester municipalities will be paid what they are owed on the attached schedule at the end of June.

4) Project Update

Kevin reported that there were no changes to the Project Update spreadsheet since the May Board of Directors' meeting. The Year 4 project, MK-NC-22 in the Village of Mount Kisco is going to

construction bid in June. Construction will be based upon availability to use the area and whether we will have full access to the park or if camp will be held there over the summer. As of right now, Mount Kisco is not expecting to have camp, but that may change as restrictions are being lifted and things get back to normal. The start date for that construction is still up in the air at this point. Should camps go forward, construction will begin post-Labor Day. If camps do not happen, we can start the project as soon as possible. We expect to award construction at the June Executive Committee meeting and at that time we will have a better idea of whether camps will be open.

In working with the town of Somers and the New York State Department of Environmental Conservation (NYSDEC), we were able to review a project that's happening at the former IBM campus in Somers. It's a redevelopment that will go from the IBM campus to a private school known as Bluestone Peak Academy. It will involve the removal and redevelopment of almost the entire site. Insite is the engineering firm for the private developer. We are looking at possibly 64 kilograms of reduction on site based upon removing the impervious cover in parking lots and many of the buildings and treatment of the existing conditions on site at no cost to EOHWC. The NYSDEC has agreed that this is an acceptable retrofit. As we get further into the design we'll figure out how it's going to be phased and included into the program. An ongoing status will be provided to the Executive Committee as progress is made. It's a similar situation to Chappaqua Crossing in New Castle where we are eligible for free credits for work a private developer is executing. We will continue to monitor that situation and look for other similar opportunities.

a. Kent-MB-601/Legacy Change Order #7

Kevin and Director Williams met with Paggi Engineering and Legacy Supply to wrap up Kent-MB-601. It was agreed that we came to a good conclusion with them after negotiation to move forward with executing the placement of the fill material being left on site. Significant progress has been made on the construction. It is progressing well and should be wrapped up soon. Change order #7 is being presented for approval today and is expected to be the last one. It represents an increase of \$322,425.90 over the contract price that involves the cost of all additional work that was not completed on site. This leaves us with an efficiency of close to \$96,000 per kilogram which is higher than we would like, although it is good considering the obstacles which were encountered on site. It has balanced out some of the more efficient projects and it's still good for the program overall because we still have a reduction of 11 kilograms. Director Williams inquired if we heard any word from the town of Kent's attorney regarding the project. Kevin responded that we have not seen any additional documentation or questions since the previous communication they sent us 2 weeks ago. No one from the town has visited the site to Kevin's knowledge, nor have they reached out for any updates. To date, all available information that could be shared with them has been.

Motion by Director Burdick, seconded by Director Parsons to approve change order #7 in the amount of \$322,425.90 submitted by Legacy Supply, increasing the current contract price of \$633,267.50 to \$955,693.49.

WHEREAS, Legacy Supply, LLC submitted change order request Number 7 dated 5/18/2020 representing an increase of \$322,425.90 in the current contract price of \$633,267.57 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 design changes. This change order represents an increase in the amount of \$322,425.90 in the overall contract price, increasing the overall construction cost to \$955,693.49; and

WHEREAS, this change order, if approved, would increase the construction cost and would have an updated efficiency of approximately \$96,000/kg with an estimated phosphorus reduction of 11.2 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 5/18/2020, for an additional amount of \$322,425.90 for Kent-MB-601, increasing the construction cost from \$633,267.57 to \$955,693.49.

Motion passed; all in favor.

(R-0528-01)

5) SEQRA Determinations

Kevin stated that the signed copies of the SEQRA forms will be sent to George Rodenhausen and Christine Chale.

a. B-MU-701

Motion by Director Burdick, seconded by Director Lucas to approve the SEQRA Negative Declaration for stormwater retrofit project B-MU-701, located at Woods Bridge Road in the town of Bedford.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Bedford involving several catch basin filter inserts to be installed at the Woods Bridge commuter lot, located on NYCDEP property at Woods Bridge Road in Katonah, NY; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 05/28/2020 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 the 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-0528-02)

b. NS-MU-701

Motion by Director Burdick, seconded by Director Lucas to approve the SEQRA Negative Declaration for stormwater retrofit project NS-MU-701, located at Croton Falls Train Station in the town of North Salem.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of North Salem involving several catch basin filter inserts to be installed at Croton Falls Train Station, located on NYCDEP property at Back Street in North Salem, NY; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 05/28/2020 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 the 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-0528-03)

c. MK-NC-602

Motion by Director Burdick, seconded by Director Parsons to approve the SEQRA Negative Declaration for stormwater retrofit project MK-NC-602, located at Mount Kisco Commons in the town of Mount Kisco.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Mount Kisco involving several catch basin filter inserts to be installed at Mount Kisco Commons, located on private property at N. Bedford Road in Mount Kisco, NY; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 05/28/2020 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 the 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-0528-04)

d. NS-MU-601

Motion by Director Burdick, seconded by Rich Franzetti to approve the SEQRA Negative Declaration for stormwater retrofit project NS-MU-601, located at Keeler Lane in the town of North Salem.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of North Salem involving the stabilization of two heavily eroded channels at Keeler Lane, located on private property at in North Salem, NY; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 05/28/2020 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 the 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-0528-05)

6) Fabco Industries Purchase Order

Kevin explained that the Fabco product which is specifically the filter which comes along with the storm basin unit is the only of its kind to be approved by NYSDEC. It's been used for several projects for phosphorus reduction with 50% of the water quality volume. We are looking to get approval today to move forward with purchase orders for the product and installation by Fabco for the units so we can begin working specifically on Metro North stations.

This is the first step in allowing us to move forward with all similar projects. Today we are asking for approval of the purchase order for two sites, the Woods Bridge Road commuter lot (B-MU-701) and at the Croton Falls train station (NS-MU-701). Director Lucas asked about the Purdys train station. Kevin said that the biggest hang-up with Metro North projects in general is that they want to see the product installed and how it's going to affect the commuters before allowing us to proceed on the other projects. These 2 projects were chosen to be executed first because they are situations where we can get in and out quickly and are located on Metro North property. It will demonstrate to them that there is not going to be a significant impact on the commuters and we can most likely get in and out of there in 2 days for both

installations. We've requested access to the other sites like Purdys and Southeast because we would be able to execute the installations quickly. Unfortunately, they are not familiar enough with the whole process and do not feel comfortable even though many details, including a Power Point presentation, has been presented. They just want to see how it will work first before they'll outright commit to some of the other sites that they think are probably going to be exposed to heavier commuter use. Once they see how quickly we are in and out of there and that the maintenance agreement is in place, they'll be supportive of moving forward with the other site installations. Director Lucas asked how many units are being ordered. Kevin indicated that there should be over 100 once we install them at all of the Metro North.

Director Lucas asked if the Peach Lake installations on private property are ready to go. Kevin said that one of the SEQRA determinations presented today was for Mount Kisco Commons (MK-NC-602), which is a similar situation. There are about 15 basins there which will use 30 filters. As we start looking at the other Metro North sites, we'll see those numbers start increasing quickly. It's a product we'll be utilizing in many places. Director Lucas asked what the next step is to move Peach Lake forward. Kevin said that he would reach out to Director Lucas after the meeting to discuss the next steps in the process and indicated that it has to be certified by a professional engineer for the phosphorus removal, which is not something that can be done by Kevin. It will be necessary to go out to bid or find a design engineer willing to sign off on it. The question is whether the town of North Salem's engineer can certify the documents. Director Lucas asked if that was something that Fabco could do instead as his engineer is a consultant. Kevin said that they would be willing to find an engineer to do it, but asking them to do it may be asking too much as an individual contractor. George said that engineering is not unique to Fabco therefore we will need to request proposals. Kevin said that the units cost approximately \$1,200 each for product and includes the cost of installation. Director Lucas stressed that he would like to move ahead with the Peach Lake installations as soon as possible and believes that will probably be provide 20 to 30 kilograms of reduction at a very low cost. Director Lucas asked if there was a specific reason why Kevin couldn't sign off on them. Kevin stated that while he is an engineer, he is not one for the East of Hudson Watershed Corporation who can sign and seal documents. Rich Franzetti said that it would be necessary to get someone with the required insurance who is a professional engineer to certify the documents. Director Williams indicated that an engineer will be needed who can certify that the Fabco inserts are reducing the amount of phosphorus for that general watershed area. That will basically be the same for every Fabco insert. The idea was proposed of putting this out to bid for an engineer that will give us a per unit price to do them all. Kevin agreed and said that the RFP can be shaped to include the different types of design, rather than having to go back out to bid each time which will certainly streamline the process and be more cost-effective at the same time. Director Lucas requested that an effort be made by the next Executive Committee meeting to have proposals for the design so we can move forward. Kevin said he will take a hard look at projects that have not yet been awarded and determine what makes the most sense.

Director Burdick inquired if Kevin Winn had a conversation with Kevin Fitzpatrick about what was being installed for B-MU-701 and the maintenance involved. Kevin indicated that he answered all of the questions that Kevin Winn had. He further pointed out that once we have 100 or so of these inserts installed, it most likely will not be beneficial to have individual municipalities maintaining them. We will get to a point where we have 19 different purchase orders on an annual basis for the same product so it may make sense for us to go out to bid to have a consultant perform the O&M for all of our catch basin inserts. As an entity, EOHWC will have one purchase order that it will then share costs among the municipalities. There will be a better way to streamline the maintenance going forward, but as of right now the highway departments and supervisors are being instructed to carry the burden of the maintenance

of this as per our agreements. We will continue to look into ways to make this more efficient and get the job done quicker for everyone.

Motion by Director Burdick, seconded by Director Lucas to approve Fabco Industries as a sole source provider of catch basin inserts.

WHEREAS, the East of Hudson Watershed Corporation (EOHWC) has determined that the use of catch basin inserts is specifically designed to reduce the phosphorus in stormwater discharges would be a cost-effective technology to use in EOHWC's stormwater retrofit program; and

WHEREAS, Fabco Industries, Inc. (Fabco) has presented EOHWC with a study of phosphorus and nitrogen removal efficiencies that it conducted in Bohemia, New York, which demonstrated that the Fabco StormBasin and StormPod units reduced total phosphates an average of 66% and total nitrogen compounds an average of 44%; and

WHEREAS, the EOHWC Director of Engineering has recommended that EOHWC make the Fabco catch basin inserts part of the stormwater retrofit program, given that the average cost effectiveness would be better than the average cost effectiveness of stormwater retrofit projects to date; and

WHEREAS, on July 19, 2016 the New York State Department of Environmental Conservation (NYSDEC) approved the Fabco StormBasin (with FABPHOS nutrient filtering cartridge) as a proprietary practice to be included in the Stormwater Retrofit Program for phosphorus reduction; and

WHEREAS, the Fabco Stormbasin with the FABPHOS filter is to date the only NYSDEC approved catch basin filter to be used for retrofitting sites in the phosphorus reduction program, and.

WHEREAS, in April of 2014, the County of Nassau issued a Blanket Purchase Order (BPO) for the furnishing and installation of catch basin inserts with, but not limited to, the following required criteria: minimum 4.0 cu-ft. debris capacity; 4.0 cfs bypass flow rate; removal of greater than or equal to 50% phosphorus concentration; and adjustable flange and deflector; and

WHEREAS, the Nassau County BPO public bid returned only one response which met all the criteria listed, the StormBasin with a proprietary filter add-on manufactured by Fabco; and

WHEREAS, EOHWC has been provided a copy of Fabco proposal to Nassau County and compared it to a quote which EOHWC received from Fabco for an EOHWC project and determined that the quoted price for the products referenced is of a similar scale; and

WHEREAS, Guideline 10 of the Procurement Policy provides, "The solicitation of alternative proposals or quotations will not be in the best interest of the EOHWC in the following circumstances, and in such cases, except when directed by the Executive Committee, no solicitation of written proposals or quotations shall be required . . . (b) Sole source situations where unique benefit, reasonable cost, and unavailability of competition are documented by resolution of the EOHWC"; and

WHEREAS, Fabco is the only provider of the catch basin with phosphorus filter insert approved by DEC to be part of the stormwater retrofit program under the MS4 permit, no other provider responded to the Nassau County BPO and the product has been demonstrated to be cost efficient

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that at this point in time Fabco Industries, Inc. qualifies as a sole source provider and that no request for proposals is required under the EOHWC Procurement Policy.

Motion passed; all in favor.

(R-0528-06)

a. B-MU-701

Motion by Director Burdick, seconded by Director Parsons to approve the purchase order from Fabco Industries, Inc. for five (5) catch basin insert product and installation in the amount of \$10,740 to be installed at the Woods Bridge Road commuter lot. Motion passed; all in favor.

b. NS-MU-701

Motion by Director Burdick, seconded by Director Lucas to approve the purchase order from Fabco Industries, Inc. for fifteen (15) catch basin insert product and installation in the amount of \$28,150 to be installed at the Croton Falls commuter lot. Motion passed; all in favor.

7) Southeast O&M Equipment Request

Kevin explained that the town of Southeast asked us to share the purchase of a specialized tractor for steep slopes, specifically for stormwater retrofit project SE-POT-02 at Brewster Heights. It is a steep slope and the need for the equipment is understood, however, we have had similar requests like this in the past from other municipalities and they've been declined. It's not in our best interest to go down the road of purchasing equipment for individual municipalities because if you do it for one, you have to do it for everyone. The only way we would be able to do it is if all the municipalities purchase equipment as a group as part of the O&M plan. We could not execute that with any funds that we have. Director Williams added that it is not an eligible cost under the current funding agreement. Kevin said that what we can do is reach out to other municipalities to see whether they can help out. It was expected that SE-POT-02 was going to be a bit of burden with regard to maintenance because there is a significant slope. It was anticipated that the town of Southeast would have a couple of hurdles in trying to get it done. We can reach out to Putnam County to see whether or not they can assist them with the mowing. Kevin will check to make sure that Southeast is approaching this correctly because we may not need the whole hillside mowed when somebody can go in and make sure a path is cut through it with a weed whacker. All that is needed is access to the pipe network through that channel. It's more than likely not necessary to go in there with a steep slope mower. Kevin will sit down with Southeast and make sure they understand what we are asking. If it is still thought that this needs to be taken to another level, then we can reach out to Putnam County because there's a good possibility that they have the mower Southeast is looking for. It's better to do shared services than shared costs.

Executive Committee members agreed that it would not be in the best interest of the corporation to purchase equipment for individual towns. Director Parsons suggested that the letter to Southeast

emphasize that the corporation is not funded to purchase equipment. Director Williams will work with Kevin to draft a response letter to the town of Southeast.

Motion by Director Parsons, seconded by Director Lucas to deny the purchase of a steep slope mower to address O&M at stormwater retrofit project SE-POT-02, as requested by the town Southeast. Motion passed; all in favor.

8) O&M Program Update

Kevin stated that he will continue to visit sites one by one and check the condition of each. Currently, sites already visited appear to be in good shape with no issues to address.

9) Checks & Vouchers

Monthly checks and vouchers were signed. No action taken.

10) Other business

No other business was brought forward.

11) Adjournment

Motion to adjourn by Director Parsons, seconded by Director Burdick; all in favor. Adjourned 10:18 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 28, 2020 meeting minutes approved by the Executive Committee.



Rich Williams, Sr., President



Date

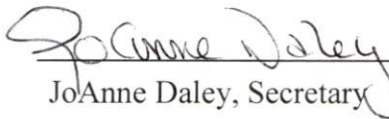


East of Hudson Watershed Corporation

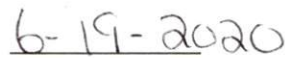
2 Route 164, Suite 2
Patterson, NY 12563

SECRETARY'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the May 28, 2020 meeting minutes approved by the Executive Committee.



JoAnne Daley, Secretary



Date