



**EXECUTIVE COMMITTEE MEETING**

*9:30 A.M., Thursday, July 23, 2020*

*Zoom Videoconference*

**Meeting Minutes**

**1) Open Meeting**

Voting Members in Attendance: Rich Williams (Town of Patterson) for himself and as alternate for Ken Schmitt (Town of Carmel); Peter Parsons (Town of Lewisboro); 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: Christine Chale (Corporate Counsel); Patrick Logan (Corporate Counsel); Millie Magraw (Westchester County); Michael Quinn (Town of Yorktown); Vincent Giorgio (NYCDEP); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Linda Matera (EOHWC)

**2) Approve Meeting Minutes of June 18, 2020**

Motion by Director Lucas, seconded by Director Parsons to approve the meeting minutes of June 18, 2020; all in favor.

**3) Financial Update**

Joanne Tavino reported the current fund balance is approximately \$19.4 million of which \$6.8 is in treasuries and \$5.3 in CDs. Checks drawn for July total \$84,482, of which \$70,550 is for FAD projects. Year-to-date expenditures are currently \$1.1 million.

**4) List of Reporting and Filing Due Dates**

Joanne reported that O&M submittals were received from Southeast, Carmel, Bedford and the town of Pawling. Although a few more financial disclosures were received from Board members since last reported, we are still missing a number of them. Director Lucas offered to send out a reminder notice to members who have not submitted their disclosures to date. Joanne will provide a complete list of those not received once Putnam County confirms which are still missing.

**5) Watershed Planner Position**

Kevin Fitzpatrick informed members that he met with two candidates last week. One interview was conducted via Zoom and the other in-person. The first candidate graduated from SUNY College of Environmental Science and Forestry and has a strong technical background that can be applied immediately. The second candidate has been out of school for several years and has more work experience and has worked with the Dutchess County Soil Conservation District. Much of the work she has done is directly relatable to what we are trying to do at East of Hudson Watershed Corporation (EOHWC). Kevin

invited members of the Executive Committee to meet with the candidates. JoAnne Daily mentioned that the second candidate filled in for someone who was out on maternity leave on the Dutchess County MS4 Committee and was able to pick up quickly and performed really well. Kevin stated that while the first candidate fits the corporation's present need, the second candidate fits the expanding needs of the corporation's future. Director Williams expressed that he would like to meet both and asked if any other members wished to do so as well. Kevin offered to also extend the interview invite to Rich Franzetti for the presence of a Technical Committee member. Kevin will coordinate and schedule the interviews with Director Williams, Director Burdick and Rich Franzetti. A recommendation will be made to the Board in August.

## **6) Project Update**

Kevin informed members that the Montrose Drive project (Kent-MB-601) is nearly closed out. There has been no new communication with Kent since the last meeting. Communication from that point has been between Rodenhausen Chale with Kent's attorney. The construction is essentially done and we expect to be out of there entirely within 2 weeks. Fencing was the last item to be installed and is expected to be completed this afternoon. Kevin stated that he visited the site yesterday and in the small amount of time he was there a number of residents paid compliments on how good the site looks and how happy they are with the work that was done. Kent Highway Department was out there and assisted the contractor with traffic control while the hydro dynamic separator unit and the fencing were being installed and even asked questions about maintenance. We need to start initiating a project closure conversation with the town of Kent because they will need to sign off on the DEC permit, the MS4 Acceptance Form and the Certification of Final Construction. Request for final payment is expected to be submitted by both Paggi Engineering and Legacy Supply for the October check run. Director Williams recommended following the standard procedure, sending the town of Kent a letter and copying corporate counsel, notifying them that construction is complete and requesting that they sign off of the Notice of Termination. Christine Chale requested that Kevin copy her on all conversations with Kent. Further, Director Lucas requested photos of the site before and after the project was installed.

Recently, Rich Franzetti brought 2 new projects to EOHWC in the town of Carmel. The property has been observed and everything that we can and can't do has been identified. The first project is located in the Lake Mahopac commercial zone at the intersection of Routes 6N & 6. The Lake Mahopac Parks District reached out to inquire what can be done to help their lake. It's a great spot for us to target because there are a lot of parking lots and commercial buildings and it's nearly 100% impervious. The estimated phosphorus reduction appears to be around 10 kilograms, but a full evaluation will be conducted to confirm that number. The Parks District is more than willing to assist by knocking on doors of commercial developments and introducing EOHWC. The second project is located in the Croton Reservoir just downhill from the Palladin Center in Carmel. The NYSDOT reached out to the town of Carmel and brought up the issue of erosion of the channels and how it's affecting Route 6. Two heavily eroded channels were stabilized on the site a few years ago but we had to stop at the property line. Ideally, it should have continued from that property line and through the next private property down Route 6. Currently, there are multiple eroded channels where the stormwater flow branched off and a couple of channels need to be repaired. If they were to all converge down towards the Bauman property, we may be able to drop in a water quality element. Not only would this satisfy the NYSDEC but we would also get additional kilograms.

Catch basin installations at the Metro North properties will be scheduled at Woods Bridge Commuter lot (B-MU-701) and Croton Falls Train Station (NS-MU-701). The installer for both projects is ready to start as soon as we can get them on the site. The first week in August is tentatively being targeted for installations. Kevin will contact Director Burdick and Director Lucas to make sure we won't be disrupting anything before we start. Director Burdick requested that Kevin Winn be included in the conversation. Although the Land Use Permit is already in hand for North Salem, Kevin will work with Supervisor Burdick to make sure we get the Land User Permit in place for Bedford and sign off on the letter once the attorney has had a chance to look it over. Christine stated that we need to get the installation agreement signed for our records and to document that the Land Use Permits are executed prior to installation.

Kevin recently visited the site of the Tilly Foster project (PC-MB-701) to look at the finished project and was very pleased with the end product. They did a good job stabilizing the channel and installing the water quality treatment pond element. The next step will be to look at how they compiled all of their reimbursement documentation. Joanne will work with John Tully to get the billing in order prior to writing any checks. We were very clear about not being able to pay for non-SRP items and they were very mindful of segregating them out.

Director Parsons asked if the Salem Hill Road (L-CR-805) project had been sorted out with regard to its proximity to a well. Kevin explained that the Health Department is saying that any stormwater has to be 100 feet away from an existing well. According to the regulations of the Health Department there is no reason why we cannot install the treatment system, but that doesn't mean that they are allowing us to. We are waiting for a response from their office because one of the regulations that they're citing is being questioned. Once a response is received, Kevin promised to contact Director Parsons to get the installation agreement in order and then Renna Engineering will be authorized to push ahead with the design. Additionally, a written letter from the Health Department will be requested for our records prior to moving ahead.

## **7) Change Orders:**

Director Williams presented change orders for MK-NC-22 and Pat-EB-09-03B for rebidding both projects and pointed out that the work had already been done before the increased cost was authorized. Kevin explained that it was necessary in order to move the projects forward. In both cases Kevin notified the board that additional work would have to be done to move us forward to get to construction.

### **a. MK-NC-22**

Motion by Director Burdick, seconded by Director Parsons to approve change order number 11 in the amount of \$2,864.70 to rebid stormwater retrofit project MK-NC-22.

WHEREAS, Renna Engineering Design, PLLC submitted change order request Number 11 dated 7/23/2020 for an additional \$2,864.70 for MK-NC-22 in project group 2013-07 of the first five year retrofit plan; and

WHEREAS, MK-NC-22 is located within Leonard Park in the Village of Mt. Kisco and includes the construction of a various retrofits; and

WHEREAS, the proposed change order request for Rennia Engineering Design reflects an increase in contract value required to rebid and conversion of all bioretention elements to surface sand filters as an addition to the original scope of work; and

WHEREAS, this change order, if approved, would increase the design cost from \$76,281.50 to \$79,146.00 and would have an updated efficiency of approximately \$90,000/kg with an estimated phosphorus reduction of 8.5 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 Rennia Engineering Design, PLLC dated 7/23/20 for an additional \$2,864.70 for MK-NC-22 increasing the design cost from \$76,281.50 to \$79,146.00.

Motion passed; all in favor.

(R-0723-01)

**b. Pat-EB-09-03B**

Motion by Director Lucas, seconded by Director Burdick to approve change order number 3 in the amount of \$2,500 to rebid stormwater retrofit project Pat-EB-09-03B.

WHEREAS, Lawrence J. Paggi, P.E., P.C. submitted change order request Number 3 dated 7/23/2020 for an additional \$2,500 for Pat-EB-09-03B in project group 2013-09 of the first five year retrofit plan; and

WHEREAS, Pat-EB-09-03B is located within Veterans Memorial Park in the Town of Patterson and includes the installation of an organic filter; and

WHEREAS, the proposed change order request is for costs incurred by Lawrence J. Paggi, P.E., P.C. to rebid the project on multiple occasions, to allow the design engineer to obtain an asbuilt survey per contract requirements as required by the original scope of work; and

WHEREAS, this change order, if approved, would increase the design cost from \$40,100 to \$42,600 and would have an updated efficiency of approximately \$107,000/kg with an estimated phosphorus reduction of 1.8 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 Rennia Engineering Design, PLLC dated 7/23/20 for an additional \$2,500 for Pat-EB-09-03B increasing the design cost from \$40,100 to \$42,600.

Motion passed; all in favor.

(R-0723-02)

**8) MK-NC-22**

**a. SEQRA**

Kevin explained that as per counsel's recommendation the SEQRA determination is being renewed for MK-NC-22 due to changes to the items that are being installed on site.

Motion by Director Burdick, seconded by Director Lucas to approve the SEQRA Negative Declaration for the Leonard Park project 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 construction of surface sand filters and dry swales to be installed on the grounds of the Leonard Park, located at 98 Wallace Street in the Town of Mount Kisco; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 7/23/20 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-723-04)

**b. Award Construction Contract**

Motion by Vincent Tamagna, seconded by Director Lucas to approve the award for the construction contract for MK-NC-22 to Legacy Supply, LLC in the amount of \$624,516.25.

WHEREAS, the proposed stormwater retrofit project known as MK-NC-22 is proposed to be located at Leonard Park in the Town of Mount Kisco, New York, and is included in Years 1-5 MS4 regional plan approved by the NYS Department of Environmental Conservation; and

WHEREAS, the work consists of the construction of surface sand filters and dry swales, all in accordance with plans prepared by Rennia Engineering, P.E., P.C.; and

WHEREAS, the project was publicly advertised on the website as well as in the standard local print publication on a three-week period and one (1) bid was received and publicly read aloud at the EOHWC offices on June 17, 2020; and

WHEREAS, the phosphorus removal of 8.5 kilograms for this project has an efficiency of approximately \$90,000 Kg P-removed; and

WHEREAS, Rennia Engineering, 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, Rennia Engineering, 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 23, 2020, the Executive Committee reviewed all available evidence and resolved that the project known as MK-NC-22 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 \$624,516.25 for the project known as MK-NC-22 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-0723-03)

#### **9) Fabco Industries Purchase Order/MK-NC-602**

Kevin discussed adding stormwater retrofit project MK-NC-602 at Mount Kisco Commons to the existing agreement with Fabco Industries. The quoted price for the installation of catch basin inserts is \$43,240. The overall efficiency for the project is estimated to be somewhere between \$10,000 and \$12,000 per kilogram. Urban Edge is the property owner and they have entered into an agreement with Mount Kisco to allow us to enter into a memorandum of understanding with them. As of right now, we do not have an installation agreement with them because it is under review by their attorney. Director Williams asked who will be responsible if one of the catch basin units get damaged and needs to be replaced. Kevin indicated that Mount Kisco would be responsible for replacement of filters and maintenance. In the case of damage, East of Hudson Watershed Corporation and the Village of Mount Kisco would share in the cost of the replacement.

Motion by Director Williams, seconded by Director Parsons to approve the quote from Fabco Industries in the amount of \$43,240 for the installation of catch basin inserts for stormwater retrofit project MK-NC-602 at Mount Kisco Commons pending completion of the installation agreement. Motion passed; all in favor.

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

Kevin reported that he has been contacted by the town of Kent to do a full rebuild of a Year 3 retrofit on Cottage Road (Kent-MB-ADD2) in the town of Kent which has not been functioning as intended and needs to be restored to its original condition . The estimated efficiency on the project was about \$100,000 per kilogram with 3 kilograms of phosphorus removal. Additionally, they requested that we go out to design services and get a new contractor because they claim it was a failure in our design. As everyone is aware, most of projects were not being maintained adequately in the beginning of the program. Through shared services, Putnam County has offered to rehab the basin back to its original condition per the As-built which will mean cleaning out any sediment, rebuilding any rip-rap berms and providing a clean basin to work with. At that point we will evaluate if there is any realistic design changes that need to occur or if it is just a large amount of sediment from the tributary area that is washing into the pond from catch basins that are causing it to malfunction. Putnam County Highways and Facilities will take a look to determine if they can help out because the Lake Carmel District does not have the equipment to restore it. It will be a larger maintenance expense to the County if they are able to assist, but they will include it in their O&M submittal for the calendar year.

Director Lucas expressed concern with O&M being addressed on private property as it relates to both Peach Lake and Vails Grove projects. North Salem Highway Department will not go on private property to maintain the numerous catch basin insert filters. Kevin pointed out that traditionally each town is responsible for O&M on projects within their municipality, but in the case where the town is unable to handle the O&M on private properties outside contractors will be hired to address the maintenance on various installations. Further, this need will likely become more frequent as projects are also installed on school district properties and in commercial parking lots where highway departments will not do the maintenance. Procurement for that service would need to be done at earliest within 6 months and at latest within a year. Kevin noted that the town of Southeast has already purchased and installed the filters themselves at the Brewster Heights subdivision (SE-POT-02). Michael Quinn said that one of the things that Yorktown struggles with is that some of those replacements require confined space entry, so it would be helpful if a provision addressing that could be added to the specs so the contractor would have those certifications.

## **11) August Board of Directors Meeting Draft Agenda**

Director Williams presented the draft Board of Directors' Meeting Agenda and asked if members had any questions or items to add. No questions or additions were brought forth.

## **12) Checks and vouchers**

Monthly vouchers were signed. No action taken.

## **13) Other business**

No other business was brought forward.

## **14) Attorney-Client Session**

Motion by Director Williams, seconded by Director Parsons to enter into attorney-client session to discuss/seek attorney's advice; all in favor.

Motion by Director Parsons, seconded by Director Burdick to come out of attorney-client session; all in favor. Director Williams reported no action was taken in attorney-client session.

**15) Adjournment** - Motion to adjourn by Director Burdick, seconded by Director Lucas; all in favor.  
Adjourned 10:59 AM.