



**EXECUTIVE COMMITTEE MEETING**

*9:30 A.M., Thursday, August 27, 2020*

*Zoom Videoconference*

**Meeting Minutes**

**1) Open Meeting**

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

Others in Attendance: Christine Chale (Corporate Counsel); Michael Quinn (Town of Yorktown); Millie Magraw (Westchester County); Michael Meyer (NYCDEP); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Linda Matera (EOHWC)

**2) Approve Meeting Minutes of July 23, 2020**

Motion by Director Burdick, seconded by Director Parsons to approve the meeting minutes of July 23, 2020; all in favor.

**3) Financial Update**

Joanne Tavino reported there has been no change to the financial update since the August 11 Board of Directors' meeting. Checks written today total \$56,239 of which \$44,279 are FAD related expenditures.

**4) Project Update**

Kevin reported that we are about to begin catch basin insert project installation on two Metro North sites. The installation has been started in town of North Salem at the Croton Falls Train Station (NS-MU-701) and was 90% complete within one day. Overall they were installed quickly but still need some final tweaks. The next installation will be at Woods Bridge Train Station commuter lot in Bedford (B-MU-701). Fabco be notify us today of the intended installation date and have estimated that it should take no longer than a half day to complete. We should expect to have credits from New York State Department of Environmental Conservation (NYSDEC) before the end of September for both projects. While the folks from Fabco were out there they took a lot of photographs and recorded videos which will be compiled and shared with us so that every individual municipality can take a look at what's been done. It will also be shared with Metro North so that they can see how easily these are installed and what little disturbance there is to the flow of traffic and parking, provided the basins are located in accessible areas. That is the main reason Metro North has been holding back. Kevin invited Metro North to the installation at North Salem but they were unresponsive. The next projects being moved ahead are the Southeast and Patterson train stations. Both projects together could be installed in one day. Director Parsons asked about installation at Golden's Bridge. Kevin indicated that the most frustrating part is that these train stations are almost

completely deserted and it would be a great time for us to do a quick installation. However, due to lack of response from Metro North, it is not moving as quickly as we would like. Unfortunately, in the case of Golden's Bridge we need Metro North's approval. Kevin asked if any members have a point of contact they would be willing to share that could help move things along. Director Parsons said that he would reach out to his contact at Metro North to see if he could offer any help for Golden's Bridge, Patterson, Purdy's and Brewster.

The inspection was done yesterday at the site of Kent-MB-601 with the contractor and the engineer. There were no major issues, however, there is a slow growth of the vegetation due to weather conditions. Legacy Supply has agreed to come back out to the site at the end of September to hydro-seed everything to make sure we have growth and are set up for the spring. If the vegetation still has not grown in the early summer of next year, they are still required to come out again and make sure we get that vegetation growth. The contractor is essentially on the hook for a year to make sure it grows in. Staples were put in for the erosion matting to ensure it is secure. The town of Kent was invited to the inspection but did not respond. They will be notified that the inspection was completed and we will request that any comments are due back to us in 10 days. They will then be provided with the closeout punch list of items that the engineer, contractor and Kevin came up with in order to ensure everything is addressed.

Westchester County, non-FAD MS4s have expressed a lot of interest in having projects done in their towns. The town of Carmel has also expressed interest but we need to figure out what, if anything, we can do that is non-FAD. Two have been identified in Somers, four in Cortlandt and a large area in Lake Mahopac, which is being worked on with Rich Franzetti to see if we can execute projects there. Additionally, there is one in the town of Yorktown in the parking lot at town hall that we may be able to execute. We've had to set some projects on the back burner until we get a sense of the future of the program and any funding that might be made available to us. Many of these projects cannot be pursued unless we have a clear road for a budget, which still remains FAD and FAD-connected. Any projects undertaken outside of those areas have to have a low financial obligation.

##### **5) Award Design Solicitation 2020-02 (S-CF-901 & NS-EB-901)**

Kevin announced that three (3) proposals were submitted for Solicitation 2020-02 for stormwater retrofit projects S-CF-901 and NS-EB-901. The lowest qualified bidder for both projects was Pitingaro and Doetsch. The Review Committee looked over proposals and recommended both projects be awarded to Pitingaro & Doetsch. They currently have five EOHWC projects in total that are at the point of waiting for private installation agreements. They should be able to take these additional projects on and hit the ground running quickly. Kevin recommended amending Pitingaro & Doetsch's current professional services agreement to include S-CF-901 and NS-EB-901.

Motion by Director Parsons, seconded by Director Burdick to approve the award for design to Pitingaro and Doetsch in the amount of \$24,500 for stormwater retrofit project S-CF-901.

**WHEREAS**, the proposed stormwater retrofit project known as S-CF-901 located at the Greenbriar Subdivision in the Town of Somers on private property in the FAD basin in project group 2020-02 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 the installation of catch basin inserts with an estimated phosphorus reduction of 8.87 kg/yr. and estimated efficiency of \$15,000/kg; and

**WHEREAS**, a Request for Proposals was advertised and three (3) proposals were received at the East of Hudson Watershed Corporation offices on August 6, 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 Pitingaro & Doestch in the amount of \$24,500 for S-CF-901; and

**WHEREAS**, EOHWC contacted the references for Pitingaro & Doestch and contacted Pitingaro & Doestch 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 Pitingaro & Doestch 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 Pitingaro & Doestch as best value proposer for the design of the project for S-CF-901, and authorizes the President or Vice President of the Corporation to execute the design contract with Pitingaro & Doestch 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-0827-02)

Motion by Director Burdick, seconded by Director Parsons to approve the award for design to Pitinagaro and Doetsch in the amount of \$22,500 for stormwater retrofit project NS-EB-901.

**WHEREAS**, the proposed stormwater retrofit project known as NS-EB-901 located at the Vail's Grove/Peach Lake in the Town of North Salem on private property in a FAD-connected basin in project group 2020-02 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 installation of catch basin inserts with an estimated phosphorus reduction of 11.4 kg/yr. and estimated efficiency of \$15,000/kg; and

**WHEREAS**, a Request for Proposals was advertised and three (3) proposals were received at the East of Hudson Watershed Corporation offices on August 6, 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 Pitingaro and Doetsch in the amount of \$22,500 for NS-EB-901; and

**WHEREAS**, EOHWC contacted the references for Pitingaro and Doetsch and contacted Pitingaro and Doetsch 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 Pitingaro and Doetsch 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 Pitingaro and Doetsch as best value proposer for the design of the project for NS-EB-901, and authorizes the President or Vice President of the Corporation to execute the design contract with Pitingaro and Doetsch 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-0827-03)

## **6) EOHWC Additional Responsibilities**

Director Burdick discussed expanding the scope and authority of the East of Hudson Watershed Corporation to encompass wastewater issues either through septic programs in which funds are provided to repair or replace them, or sewer projects. Member municipalities of the corporation understand the needs of the towns. It may be helpful to poll them to get a description of those needs as they relate to waste water. The Westchester County Planning Department had done that many years back which actually resulted in a lot of the underpinnings for the projects that have been put in place in Westchester County including Peach Lake in North Salem and the town of Bedford. There are other areas within Northern Westchester that the county has designated as focus areas, including New Castle, Yorktown and Somers. It would be helpful to know whether the planning departments of Dutchess and Putnam have done anything like that. If not, it might be helpful if one of the things the corporation could do is to seek funding for that through the state. This could be beneficial to all the members of the corporation. Director Parsons stated that the city is paying for a septic/sewer assessment planning study of three lakes in Lewisboro and four lakes in Carmel. There is a significant amount of work which is likely to be completed soon that will provide complete planning studies. Director Williams indicated that at the coalition meeting it was requested that corporate counsel look into it and make recommendations on what modification need to be made. Director Lucas inquired what the next step is in speaking with the NYSDEC to get a sense of what areas they see us expanding into. Director Williams suggested inviting Tom Snow to the next Executive Committee meeting to get his opinion. Chris Chale stated that it was reviewed and the language in the certificate can be expanded with a couple of simple paragraph changes so that it makes it more clear that reducing the discharge of contaminants into and the levels of contaminants in the watershed of New York

City east of the Hudson watershed in order to achieve compliance with all related federal, state and local laws, regulations and permits applicable to municipalities, businesses and persons located at a New York City east of Hudson watershed and to protect the quality of the waters they're in. Then, a similar additional change to some of the implementing language to include more broadly, protecting the water within those basins. Those changes could be made to the certificate of incorporation and make it possible then to have a broader set of purposes in the certificate. The procedure for adoption requires 2/3 approval by the full Board of Directors so we have to go through that process. The changes to the language should be circulated for members to consider. If everyone is in agreement we can prepare a formal set of documents and resolutions for approval. Chris Chale will send an email before the next Executive Committee meeting with the proposed language to members of the Executive Committee and an explanation of the process. Mike Meyer mentioned that the funding allocations provided by Putnam and Westchester were specifically focused on stormwater retrofits. If the corporation is expanding to other areas as these new elements are being contemplated, additional funding would need to be provided from those counties to accommodate the other elements. Director Williams indicated that he is aware that the corporation would need to seek out other funding sources if the focus changes away from stormwater retrofits.

#### **7) Watershed Planner Position**

Discussion held in Executive Session.

#### **8) Checks & Vouchers**

Monthly vouchers were signed. No action taken.

#### **9) Other business**

No other business was brought forward.

#### **13) Executive Session**

Motion by Director Burdick, seconded by Director Lucas to enter into Executive Session; all in favor.

Motion by Director Burdick, seconded by Director Lucas to come out of Executive Session; all in favor.

Watershed Planner candidates' qualifications were discussed. Director Williams will contact the selected candidate to discuss salary and employee benefits. Members of the Executive Committee will meet in the first week of September to discuss details of Director Williams conversation with the candidate and approve probationary hire until full board approval is obtained at the October 13 Board of Directors meeting.

Motion to authorize Director Williams to make an offer to the candidate selected for the Watershed Planner position consistent with the salary range discussed in Executive Session.

**14) Adjournment - Motion to adjourn by Director Burdick, seconded by Director Parsons; all in favor. Adjourned 10:28 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 August 27, 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 August 27, 2020 meeting minutes approved by the Executive Committee.

JoAnne Daley  
JoAnne Daley, Secretary

September 28, 2020  
Date