



**EXECUTIVE COMMITTEE MEETING**

*9:30 A.M., Thursday, April 22, 2021*

*Zoom Videoconference*

**Meeting Minutes**

**1) Open Meeting**

Voting Members in Attendance: Richard Williams, Sr. (Town of Patterson) for himself and as alternate for Peter Parsons (Town of Lewisboro); Warren Lucas (Town of North Salem); Joanne Daley as alternate for James Schmitt (Town of Pawling); Vincent Tamagna as alternate for MaryEllen Odell (Putnam County); Matthew Slater (Town of Yorktown); Richard Franzetti as alternate for Ken Schmitt (Town of Carmel)

Others in Attendance: MaryAnn Carr (Town of Bedford); Millie Magraw (Westchester County); Christine Chale (Corporate Counsel); Patrick Logan (Corporate Counsel); Mike Meyer (NYCDEP); Kevin Fitzpatrick (EOHWC); Joanne Tavino (EOHWC); Cory Lapidus (EOHWC); Linda Matera (EOHWC)

**2) Approve Meeting Minutes of March 25, 2021**

Motion by Director Lucas, seconded by Richard Franzetti to approve the meeting minutes of March 25, 2021; all in favor.

**3) Financial Update**

Joanne Tavino reported the fund balance as of March 31, 2021 is \$17.8 million; \$10.9 million FAD, \$2.8 million Putnam WQIP funds, \$4.1 million Westchester WQIP funds. Checks drawn today total \$80,741 of which FAD expenditures for the month of April total \$48,991.

**4) Tax Returns**

Joanne presented the draft 2020 Form 990 and CHAR500 tax returns for acceptance by the Executive Committee. Motion by Richard Franzetti, seconded by Director Lucas to accept the Form 990 and CHAR 500 submission.

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

Joanne informed members that the six remaining Board members who have not completed their compliance requirements have been contacted. Each agreed to complete outstanding items but have not as of today. Director Williams will reach out to Sam Oliverio to inquire about Bruce Barber's submissions. Director Lucas requested the URLs from Joanne to send MaryAnn Carr, Ivy Pool, Michael Schiliro, James Schoenig and Matthew Slater and indicated that he would follow-up with them to get the remaining items completed.

Payroll tax forms due April 30<sup>th</sup> were filed April 21<sup>st</sup>. One submission for O&M for the spring 2021 was received from Bedford. Currently, we are awaiting two more checks for 2020 O&M from Brewster and Yorktown. Both have confirmed that we will have them by the end of the month. We appear to be on

schedule with regard to the Westchester O&M billing and should be ready to issue payments around the second week of May to towns that have completed their O&M. Michael Meyer and Vincent Giorgio of NYCDEP have asked that going forward we provide a project accounting report for FAD only projects. The report was sent out yesterday and will become part of the year end accounting in the future.

## **6) Project Update**

Kevin Fitzpatrick reported that four RFPs are out to bid for design services that are mostly non-FAD projects with channel stabilization, catch basin inserts and some focal point proprietary practices. Combined they should net us close to 100 kilograms in reduction scattered across the watershed. The first are the catch basin inserts in all the non-FAD areas including Walter Panas High School (C-NC-1000) in Cortlandt and some private property owners along Lake Mahopac in Carmel. We've met with all of the private property owners on the projects and they are on board. Pending title searches coming back for all the installation agreements, we'll work with Christine Chale and Patrick Logan to make sure we have everything in order as we move ahead. All of the catch basin insert projects are expected to be installed by fall 2021. Kevin and Cory did most of the work on the design, which didn't leave very much for the design engineers to do. The highlight in that group of projects is L-CR-804 located at Lake Waccabuc in the Three Lakes Council in Lewisboro. It should net close to 50 kilograms with a combination of two wetland designs and channel stabilization. The Three Lakes Council representative, Janet Anderson, has been very vocal in working with us to try to pursue some retrofits in Lewisboro. They have preliminarily accepted what we are proposing to do and we think it could be a great highlight in that area to incorporate an education element with the inclusion of signs for any one walking through the trail and it will address the lake which is in need of some assistance in that watershed. Our hope is to award one of the RFPs in an Executive Committee meeting immediately before the May 11<sup>th</sup> Board of Directors meeting. We plan to award the remaining three RFPs at the May 27 Executive Committee meeting.

With Michael Quinn's position on the Technical Committee being vacant we will need to consider who may be a good replacement choice. That individual will be needed for review of the upcoming review services. It would be best to head into the Board of Directors' meeting with a potential candidate in mind. It would be helpful to have someone in mind instead of putting members on the spot. Director Williams suggested sending an email out to all supervisors letting them know that we need an individual on the Technical Committee and let them know what we are looking. Ask if they have anybody they would like to recommend and request their qualifications. It will be helpful if we could gather these recommendations before the May Board of Directors' meeting so we can review them and appoint a replacement at that time. Richard Franzetti suggested that whoever is chosen be presented to the current Technical Committee members for recommendation as well. Director Williams agreed that would be a good idea. Director Lucas proposed that Kevin Winn from the Town of Bedford may be a good choice. Kevin Fitzpatrick agreed and added that from the perspective of having someone from the highway community to have some input would certainly worth considering.

Kevin informed members that he is working with the Army Corps of Engineers to secure funding for NewC-NCR-801 which will likely go to construction in the fall. We do not have that final number available yet for what funding might be available, however, it's expected to be somewhere in the neighborhood of \$500,000. Once we've concluded all of our permitting with the NYCDEP and the Town of New Castle, we'll be able to press ahead for 100% design and get that project done. It will net us close to 22 kilograms of phosphorus reduction between channel stabilization and water quality elements installed within the road.

We will be reaching out to the towns to let them know that the NYSDOT is out there in full force working on culverts and basically repairing anything that they can find that is in need of fixing. What comes to

mind for us is that a lot of the work they are doing can be classified as channel stabilization. These are the types of projects that we might be able to build off of and get some phosphorus reduction credits in tandem with the NYSDOT. The NYSDOT never goes beyond their right of way or the limits of their roads but oftentimes these channels lead into private or municipal property that we might be able to tie into our program and continue the channel stabilization efforts. If you are aware of this type of work going on in your municipality, it's imperative that you let us know because we might be able to team up with the NYSDOT and extend their stabilization efforts and get a little more credit for the program. Director Lucas mentioned that he and Kevin met at Peach Lake where the NYSDOT is redoing one of their culverts or bridges. This is a good example of one of the areas in which we might be able to add some rip rap on the slope and get some credit for it. NYSDOT was actually nice enough to change what they are going to construct along with some of their design based on his Kevin's and Director Lucas' request. Kevin explained that this is a situation where they're going about 50 feet along the channel, but in reality the channel can be stabilized for an additional 50-75 feet so we can extend these efforts that they are doing and obtain the additional credit. It's a good opportunity to work with NYSDOT to accomplish these things because it's always helpful to have another ally in trying to execute retrofit projects as we are looking at the infrastructure that comes up in the future. Director Williams suggested it may be a good idea to speak with NYSDOT directly. Kevin added that he let the individuals he met with out in North Salem know who EOHWC is and what we are hoping to accomplish by working together.

Director Lucas inquired whether the attorney for the Keeler Lane (NS-MU-601) project had been corresponding with Kevin. Kevin indicated that he has been working with Christine Chale's office to lock down what we are comfortable with and what items the property owner has requested. Although some specific things are being requested, Kevin doesn't feel that they will be very difficult to meet. Patrick and Chris have advised that we need to be very careful of what expectations we're setting for restoration on the property. We are still working on it but expect to have things ironed out soon.

## **7) Change Order/Kent-MB-601-Paggi Engineering**

Kevin explained that the change order submitted by Paggi Engineering was to address items they felt were above and beyond the original contract and change order 2. To summarize, the last change order that came in was to address a change in design that needed to be done in order to meet the requirements of keeping the soil on site at Kent-MB-601. This change order addresses what they perceive as non-budgeted items including the extension of construction administration, the extension of the construction schedule, and the necessary meetings we had to have with them as our representative during the period where the Town of Kent was discussing potential litigation. Paggi feels there were additional hours that went into the work that was not documented at the start which they feel they are entitled to payment towards. Kevin's goal today was to simply present it to the Executive Committee for discussion and if necessary, continue the discussion for a decision to be made at a later date. Although they did a lot of work beyond the last change order, Kevin believes that some of these requests are valid, however, they need to be sorted through carefully and a decision needs to be made. Director Lucas asked if the amount of hours match up with that they are suggesting. Kevin said that there is a lot of work that they tied into this approximately 50 hours. Kevin indicated that he asked them to break it down so that we can get a better picture of how many hours went into each item. Director Williams pointed out that the drawings were covered under change order 2. Kevin explained that change order 2 got us to the point where we could submit something to our contractor and environmental consultant to make sure we were in line with everything we needed to do. It got us back up and running so that construction could proceed from there. After that point a lot of items that they brought here on the current list were conference calls that were necessary to get the project going again with the contractor and reviewing new submittals that were necessary for the change in design. The approximate 50 hours of time for the items listed is within reason. It would be helpful to have them break down the hours so we can get some clarity on the hours spent on each item. Director Williams pointed out that Paggi extended a 10% professional discount, however, a breakdown of dates and hours will be needed

before a decision could be rendered. Director Lucas added that we are not opposed to pay if extra work outside the original scope was completed. Director Williams questioned why we are being charged for reviewing the As-Builts when that should have been included in the original contract. The additional hours for the Project Engineer and Clerical Services were questioned as well. Kevin will request a breakdown from Paggi for better clarification on the charges in the change order. Michael Meyers asked if there was any notification from the engineer at the time that the work they were doing was beyond what was in the scope. Director Williams said that was the case with the original revamp design where we did sit down and negotiate an additional cost which was for change order 2. What they are looking for on change order 3 is the all the phone conversations and meetings we had to have subsequent to change order 2, which there was no way to anticipate. Kevin said that he would look back to see if there was any correspondence specifying that they were going beyond the original scope of work and let Michael know.

Director Williams informed members that EOHWC is having difficulty with the Town of Kent with regard to their feeling that they should not have to be obligated to take care of the O&M on the projects being constructed there and they have no intention of maintaining them. At this point we will be putting projects in the Town of Kent on hold for a while. Director Lucas asked if there was a procedure for taking a municipality out of bubble compliance. Kevin indicated that he looked back at the Corporation documents and he believes there is groundwork for that action. Director Williams doesn't believe we are at that point yet and indicated that things may be a bit different after the first of the year. Kevin stated that he is not getting any response to his inquiries from the supervisor, stormwater consultant or engineers. The only responses received are those from the highway department. Future projects are at a stopping point where we can be comfortable shelving until a later date.

#### **8) SEQRA Determination and Resolution/NewC-NCR-801**

Kevin explained that this project proposes to stabilize two heavily eroded channels on NYCDEP property that are tributary to the Kisco River. The project is located in the vicinity of the habitat of the New England cottontail rabbit. It is considered a species of interest but not a species of concern. The state is not requiring remediation on site. There is plenty of habitat for the rabbits to still enjoy and the project will not result in any significant adverse impact.

Motion by Richard Franzetti, seconded by JoAnne Daley to approve the SEQRA Negative Declaration for stormwater retrofit project NewC-NCR-801 located in the Town of New Castle.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of New Castle involving channel stabilization at Courtmel in the Town of New Castle; and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental Assessment Form dated 4/2/21 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-0422-01

**9) O & M Program Update**

Kevin reminded members to continue to work on the O&M on projects installed in their towns.

**10) May Board of Directors' Meeting Agenda**

Director Williams presented the May Board of Directors meeting draft agenda and asked if anyone had additions or questions. No questions were asked nor additions made.

**11) Enter into Executive Session to discuss the terms of employment of a particular person or persons, motion proposed by Director Williams, seconded by Director Lucas; all in favor**

**12) Motion to come out of Executive Session proposed by Director Williams, seconded by Director Lucas. No action taken in Executive Session.**

**13) Motion by Director Williams seconded by Director Lucas to recommend to the Board of Directors an increase of 12% in the annual salary of Linda Matera; all in favor.**

**14) Checks and vouchers**

Monthly vouchers were signed. No action taken.

**15) Other business**

No other business was brought forward.

**8) Adjournment - Motion to adjourn by Director Lucas, seconded by Rich Franzetti; all in favor. Adjourned 10:28 AM.**