



EXECUTIVE COMMITTEE MEETING

9:30 A.M., Thursday, May 27, 2021

Zoom Videoconference

Meeting Minutes

1) Open Meeting

Voting Members in Attendance: Richard Williams, Sr. (Town of Patterson); Peter Parsons (Town of Lewisboro); Warren Lucas (Town of North Salem); Rich Franzetti as alternate for Ken Schmitt (Town of Carmel); JoAnne Daley as alternate for James Schmitt (Town of Pawling); Dan Ciarcia as alternate for Matthew Slater (Town of Yorktown)

Others in Attendance: Sabrina Charney-Hull (Town of New Castle); MaryAnn Carr (Town of Bedford); Patrick Logan (Corporate Counsel); Vincent Giorgio (NYCDEP); Millie Magraw (Westchester County); Kevin Fitzpatrick (EOHWC); Keith Giguere (EOHWC); Joanne Tavino (EOHWC); Linda Matera (EOHWC); Cory Lapidus (EOHWC)

2) Approve Meeting Minutes of April 22, 2021

Motion by Director Parsons, seconded by Alternate Daley to approve the meeting minutes of April 22, 2021; all in favor.

3) Financial Update

Director Williams welcomed Keith Giguere as the new Comptroller to the East of Hudson Watershed Corporation.

Joanne Tavino reported that the financial reports presented at the May Board of Directors' meeting are unchanged. Checks drawn today total \$104,990 with \$80,000 of that in O&M checks going out to the municipalities and \$9,691 is FAD expenditures.

4) List of Reporting and Filing Due Dates

Joanne reported that four additional financial disclosures have been completed since the May Board of Directors' meeting leaving six remaining which were due on May 15. An invoice was submitted to Westchester County on Monday for the reimbursement of Westchester O&M. Director Parsons inquired where we are in the reimbursement process. Millie Magraw said it was received on Monday and there is substantial amount of documentation to review and some of it is not fully legible so will take some time.

5) Project Update

Kevin Fitzpatrick reported that three additional projects highlighted in green at the top of the table for Years 6-10 that have been added to the Project Update Status Table to reflect the solicitations we went out on at the end of April. At the next Executive Committee meeting we will have a few additional projects added that will reflect two more solicitations that we will be awarded at that time. Some projects were

reshuffled to define Metro North projects as inactive so we could concentrate on new projects coming in as well as existing ones that can finally get installed. On the topic of Metro North, we are starting to reach out to the New York State Department of Environmental Conservation (NYSDEC) and New York City Department of Environmental Protection (NYCDEP) to make sure they are comfortable with proceeding with obtaining an Entry Permit with Metro North for an installation and for the time period they requested, which Kevin believes to be a 10 year term to be renewed at the conclusion of those 10 years. It's important to make sure that everyone is comfortable with the longevity of the practices that we're planning to install. Once NYSDEC, NYCDEP and Metro North sign off, Fabco and the design engineers can proceed. Presently, there are a few active construction projects to which more will be added soon. The project at Scolpino Park in Southeast (SE-EB-715) is currently tied up in permitting with the NYSDEC. Kevin invited additional questions.

Director Williams inquired about the FocalPoint Bioretention on the Croton Avenue and Northern Westchester Executive Park projects. He asked if there is a difference between bioretention and biofiltration. Kevin explained that there is basically no difference when it comes to phosphorus reduction credit. In the case of biofiltration, there is less maintenance that has to go into them and less specialized plantings that get carried over. A traditional bioretention installation will have more specialized plantings and a heavier O&M burden. With biofiltration the media is more specialized and depending on where you put it, you could have specialized plantings or you could rely on gravel or grass on the top surface. In this particular case FocalPoint was proposed because of the grant system with the CFA, and specifically, with what the EFC is offering for the current and the upcoming cycles. They're concentrating on very specific types of green infrastructure and we felt that the FocalPoint units could satisfy our need for the phosphorus reduction, qualify us for the grants and not be a heavy O&M burden. Director Williams inquired if the FocalPoint Biofiltration is on the list of NYSDEC proprietary practices and if they view bioretention and biofiltration similarly. Kevin clarified that they are on the NYSDEC list and that they are viewed as the same for phosphorus reduction and will help reduce the O&M as well as the footprint of the practice that it is going into.

Director Lucas asked about the status of the easement for NS-MU-601. Kevin said that there are multiple property owners for the project. It's a large channel that outfalls down onto separate private property into a pond. Installation agreements have been distributed to all parties. The property owners at the bottom of the channel that own the pond will be signing within the next two weeks. Unfortunately, the trustees are scattered across the country but they will all be convening for a wedding and will sign at that time. The main property owner that Director Lucas was alluding to are the property owners at the top of the hill that have a more substantial cut of the channel that needs to get taken care of. Negotiations will soon be finalized with that property owner. There were some concerns of stabilization and a landscaping plan. They want to know what we are going to commit to in landscaping and tree replacement. We just want to make sure they are aware that we are not going to replace a 50' tree with a 50' tree. If we damage a 50' tree, we will replace it as best we can with something appropriate that will be fast growing and provide the coverage that the property owner wants. All of the agreements for that project are pushing ahead. Kevin estimated the project to be completed in the upcoming months.

Director Parsons offered his assistance to Kevin with the Tarry-a-bit project (L-CR-804). Kevin thanked him and said that Janet Anderson has been very cooperative and enthusiastic about getting something done there. EOHWC is happy to team up with her to get it accomplished.

6) Award Solicitations

a. 2021-01

Kevin informed members that three bids were received for Solicitation 2021-01 for projects Y-MU-1001 and C-NC-1001. The Review Committee looked them over and found the dollar values to be consistent and close to each other with a slight variation between Insite Engineering and Hudson Valley Engineering Associates. It is in the best interest of the Corporation to split the award of the solicitation between Insite Engineering and Hudson Valley Engineering Associates. Insite Engineering will be awarded C-NC-1001 and Hudson Valley Engineering Associates Y-MU-1001 in order to provide the best dollar value for the Corporation.

Motion by Director Parsons, seconded by Alternate Franzetti to award design services for Y-MU-1001 to Hudson Valley Engineering Associates in the amount of \$38,700.

WHEREAS, the proposed stormwater retrofit project known as Y-MU-1001 is located at Strang Boulevard in the Town of Yorktown on municipal/private property in project group 2021-01 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 the installation of a proprietary practice with an estimated phosphorus reduction of 13.53 kg/yr. and estimated efficiency of \$40,000/kg; and

WHEREAS, a Request for Proposals was advertised and three (3) proposals were received at the East of Hudson Watershed Corporation offices on April 29, 2021; 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 Hudson Valley Engineering Associates in the amount of \$38,700 for Y-MU-1001; and

WHEREAS, EOHWC contacted the references for Hudson Valley Engineering Associates and contacted Hudson Valley Engineering Associates 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 Hudson Valley Engineering Associates 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 Hudson Valley Engineering Associates as best value proposer for the design of the project for Y-MU-1001, and authorizes the President or Vice President of the Corporation to execute the design contract with Hudson Valley Engineering Associates 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-0527-01

Motion by Director Lucas, second by Director Parsons to award design services for C-NC-1001 to Insite Engineering, Surveying and Landscape Architecture, P.C. in the amount of \$37,400.

WHEREAS, the proposed stormwater retrofit project known as C-NC-1001 is located at 401 Croton Avenue in the Town of Cortlandt Manor on private property in project group 2021-01 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 installation of proprietary practice with an estimated phosphorus reduction of 9.29 kg/yr. and estimated efficiency of \$40,000/kg; and

WHEREAS, a Request for Proposals was advertised and three (3) proposals were received at the East of Hudson Watershed Corporation offices on April 29, 2021; 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 Insite Engineering, Surveying and Landscape Architecture, P.C. in the amount of \$37,400 for C-NC-1001; and

WHEREAS, EOHWC contacted the references for Insite Engineering, Surveying and Landscape Architecture, P.C. and contacted Insite Engineering, Surveying and Landscape Architecture, P.C. 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 Insite Engineering, Surveying and Landscape Architecture, P.C. 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 Insite Engineering, Surveying and Landscape Architecture, P.C. as best value proposer for the design of the project for C-NC-1001, and authorizes the President or Vice President of the Corporation to execute the design contract with Insite Engineering, Surveying and Landscape Architecture, P.C. 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.

(Aye: 5 Nae: 0 Abstain: 1)

ECMM/5-27-21

b. 2021-02

Kevin explained that Solicitation 2021-03 is for the Tarry-a-bit Drive project (L-CR-804) which is a substantial phosphorus reduction project. It's for two wetland systems and channel stabilization on a private road and is a FAD project that qualifies for NYCDEP funding. The preliminary design has been shared with the property owner therefore the installation should be signed with no issues. Four proposals were received with large gaps in between all bidders. The Review Committee has recommended rewarding the solicitation to Hudson Valley Engineering Associates in the amount of \$60,000. Director Parsons commented that he was surprised that Barton and LoGiudice didn't submit a more competitive bid because they are doing so much work around the lake.

Motion by Director Lucas, seconded by Director Parsons to award design services for L-CR-804 to Hudson Valley Engineering Associates, P.C. in the amount of \$60,000.

WHEREAS, the proposed stormwater retrofit project known as L-CR-804 is located at Tarry-a-bit Drive in the Town of Lewisboro on private property in the FAD basin in project group 2021-03 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 a wetland system, dry swales and channel stabilization on private property with an estimated phosphorus reduction of 46.18 kg/yr. and estimated efficiency of \$35,000/kg; and

WHEREAS, a Request for Proposals was advertised and four (4) proposals were received at the East of Hudson Watershed Corporation offices on May 13, 2021; 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 Hudson Valley Engineering Associates in the amount of \$60,000 for L-CR-804; and

WHEREAS, EOHWC contacted the references for Hudson Valley Engineering Associates and contacted Hudson Valley Engineering Associates 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 Hudson Valley Engineering Associates 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 Hudson Valley Engineering Associates as best value proposer for the design of the project for L-CR-804, and authorizes the President or Vice President of the Corporation to execute the design contract with Hudson Valley Engineering Associates 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-0527-03

7) MK-NC-602/Fabco Purchase Order

Kevin discussed the long awaited project at Mount Kisco Commons (MK-NC-602). The project dates back to Year 3 of the program. We have finally been able to finish the negotiations with the property owner after a very long time. While we do not have the installation agreement in hand, we do have confirmation that the owners intend to sign. What we are asking for today is approval of the purchase order with Fabco pending the execution of the installation agreement. Counsel's office has been in direct contact with Urban Edge Development and we expect to have a signed installation agreement back soon. The purchase order from Fabco in the amount of \$43,240 is for materials and installation. Once we have the installation agreement we can authorize them to begin manufacturing and start scheduling. There are 22 catch basins of which we will be treating 20.

Director Lucas inquired if we will be handling the maintenance on them. Kevin said it would likely fall into the category of hiring a private contractor to address all our catch basin inserts throughout the watershed. The interest in doing that is keep one contact, which would be our office, for ordering all the basin inserts. In the future the order may be substantial enough to be eligible to purchase them at a reduced cost. The intention will be to have EOHWC go out to bid on a contractor and reflect that back as a shared cost. EOHWC will run point on that rather than the individual municipalities. That approach will be a good fit for the many different private areas that we are looking to tackle. Director Lucas mentioned that one of the things we might want to consider doing because the O&M is costing the Corporation money is to represent it in a slightly different way to rather than just \$8,000 per kilogram. It would be a good idea to track them just to get an idea. Director Parsons agreed. Sabrina Charney-Hull commented that this is something we should track and understand but we should not reduce BMP cost efficiency due to maintenance unless it's going to be done across the board. To solve the issue Kevin suggested adding an extra line that shows the projected amount of dollars per kilogram for maintenance and keeping it separate from the efficiency. Sabrina added that it would be a good idea if the maintenance of this particular BMP was tracked to the municipality to get an accurate picture. Kevin explained that he is planning to set up an RFP that is going to be for services for cleaning the whole watershed, which will include all of the individual catch basins, inserts and filters. It will be shared with the Technical Committee once it has been compiled to get feedback on how best to represent it to make sure everyone is clear on what we want to do moving forward. It will then be shared with the Board of Directors at one of the quarterly meetings so that it's clear. This will help us give a projection to each municipality and what the shared cost will be moving forward so that they can forecast what needs to be in their budget.

Motion by Director Lucas, second by Director William to authorize the President of the Corporation to sign Quote 212405-1 from Fabco Industries for materials and installation in the amount of \$43,240 subject to pending execution of the installation agreement; all in favor.

8) O & M Program Update

Joanne reported that to date the only 2021 O&M submission came from the Town of Bedford.

9) Checks and vouchers

Monthly vouchers were signed. No action taken.

10) Other business

Director Williams said that it has been a pleasure working with Joanne and thanked her for all of her hard work during her time with the Corporation. Joanne mentioned that it had been a pleasure working with everyone as well. She will continue to work with Keith through the June 3 on the month end financial business. Members of the Executive and Vincent Giorgio also thanked Joanne and wished her the best in her retirement.

**11) Adjournment - Motion to adjourn by Director Lucas, second by Director Parsons; all in favor.
Adjourned 10:00 AM.**



EAST OF HUDSON WATERSHED CORPORATION

2 Route 164, Suite 2, Patterson, NY 12563

845-319-6349

PRESIDENT'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the May 27, 2021 meeting minutes approved by the Executive Committee.

Richard Williams, Sr.

Date



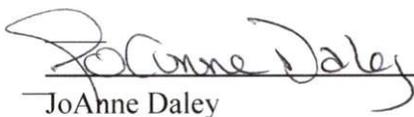
EAST OF HUDSON WATERSHED CORPORATION

2 Route 164, Suite 2, Patterson, NY 12563

845-319-6349

SECRETARY'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the May 27, 2021 meeting minutes approved by the Executive Committee.



JoAnne Daley



Date