



EXECUTIVE COMMITTEE MEETING

9:30 A.M., Thursday, June 24, 2021

Zoom Videoconference

Meeting Minutes

1) Open Meeting

Voting Members in Attendance: Rich Williams (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); Rich Franzetti as alternate for Ken Schmitt (Town of Carmel); Matt Slater (Town of Yorktown)

Others in Attendance: Dan Ciarcia (Town of Yorktown); Christine Chale (Corporate Counsel); Patrick Logan (Corporate Counsel); Vincent Giorgio (NYCDEP); Millie Magraw (Westchester County); Kevin Fitzpatrick (EOHWC); Keith Giguere (EOHWC); Linda Matera (EOHWC); Cory Lapidus (EOHWC)

2) Approve Meeting Minutes of May 27, 2021

Motion by Director Lucas, seconded by Alternate Daley to approve the meeting minutes of May 27, 2021; all in favor.

3) Financial Update

Keith Giguere reported that the fund balance is \$17.6 million of which \$10.9 is FAD, \$2.8 Putnam and \$4.1 Westchester. Checks drawn this month total \$143,627 which includes projects that were approved at last month's Executive Committee meeting. Total FAD expenditures for the month are \$87,914. Questions and comments were invited.

4) List of Reporting and Filing Due Dates

Keith reported that no additional compliance forms were received from Board members therefore there are no changes since last month. Both Director Williams and Kevin contacted Putnam Valley to inquire about Bruce Barber's Conflict of Interest and Financial Disclosure. Director Slater requested links to the remaining compliance items he needs to complete. Director Lucas asked if other members that were not compliant were emailed. Keith explained that he emailed Angela Aquilato at Putnam County for the most current list of submissions but hasn't heard back from her. Kevin informed members that Ivy Pool can be removed from the list as she is no longer serving as supervisor in New Castle. Director Lucas requested the links from Keith and said he would contact supervisors in New Castle, North Castle and Bedford to remind them these items are still outstanding.

5) Project Update

Kevin Fitzpatrick reported there are approximately 30 kilograms of projects that we will be awarding today. A majority of them are catch basin inserts. Two are located in the Town of Carmel, one is located

at Walter Panas High School in the Town of Cortlandt and one at Junior Lake in Yorktown, which was an older project that didn't work out because of field conditions. It will be restarted and awarded to a new engineer because the old project has been closed out. All these projects are on a quick timeline because we were able to provide the engineers with a lot of information right out of the gate for catch basin inserts.

MK-NC-601 located at Mt. Kisco Village Hall has been submitted to New York State Department of Environmental Conservation (NYSDEC) to increase our phosphorus reduction credit up to 625 pending their response.

We will be moving ahead with a number of installation agreements, as are highlighted in yellow on the status table, many of which are on private property and are complicated because they are sub-divisions and homeowners' associations. We will work Christine Chale and Patrick Logan to make sure everything is done correctly as we begin wrapping them up.

Director Lucas asked about the status of NS-MU-601. Kevin said he will be following up with the O'Donohue family to make sure the agreements were signed at the wedding last Saturday. We are working with the property owner at the top of the hill to make sure they understand that while we will do plantings to replace things damaged or removed, they will not be replaced completely in kind. They will be replaced with something appropriate that will grow quickly.

a. Carmel-CF-601/Proposal for Pipe Replacement

Kevin informed members that a change order request was submitted because of field conditions found at Eleanor Drive during construction. This is a channel stabilization located on New York City Department of Environmental Protection (NYCDEP) property. A channel has been created over time from the discharge from a municipal line which comes from Eleanor Drive and the subdivision. During construction it was found that the pipe that leads to the channel being stabilized is in very poor condition due to aging corrugated metal pipe that has essentially rotted out and is worn away. The Town of Carmel has asked us to look into whether or not we can approve a change order to replace the pipe in part or in whole depending on the length of pipe that needs to be replaced. A request was made to Wernert Construction to provide an estimate but they were not able to supply it in time for the meeting. Regardless of what the cost will be, we still need to have the discussion of whether or not we can actually replace the pipe as part of the project or if we want to start with an inspection of the pipe. Director Williams asked if the design or function of the retrofit is contingent on the condition of the pipe. Kevin said that the phosphorus credit we get from this project comes stabilizing the slopes and the outfall of the pipe. Had this been a pond project where we had to ensure the water itself was going into a pond for the pond to function correctly, then there would be no question that pipe would be necessary. In this case there is a risk that as stormwater comes through that pipe it could discharge towards the channel. If the pipe is in such a state of failure, it may miss our channel and create a different channel and not flow where we intended. The phosphorus reduction we get from this project is from the stabilization of the existing slopes. Alternate Franzetti explained that the design and function of the project is contingent on the condition of the pipe. Director Williams said he would like to take a look at the pipe in person. Alternate Franzetti added that Kevin has photographs of the pipe to confirm the issue. Vincent Giorgio asked if the pipe is owned by the Town of Carmel and if so how is it not just normal town maintenance of a town infrastructure. Alternate Franzetti asked that a few things be considered; neither the designer nor the contractor went and looked at the pipe to assess it beforehand so while the pipe may have been in that condition, money is going into a retrofit that is going to bypass it and undermine the retrofit EOHWC is installing. He encouraged members

of the Executive Committee and Vincent to take a look at it. If an endcap is placed there the flow will go around it. He agreed that from an engineering perspective it is a town issue, however, it should have been looked at and assessed at that point in time. Director Williams pointed out that we need to be careful that the Corporation is not taking on the responsibility of the Highway Department because they haven't replaced the pipe, and even more so because the NYCDEP will not allow the cost when we attempt to get reimbursed. Vincent said it can be an issue especially because it is being called out as a change order and is not an eligible cost under FAD funding. Additionally, he questioned where the pipe was located in terms of NYCDEP property and recommended that Matthew Castro in the Land Use Permit Division is contacted to get clarification. Director Williams asked if the pipe in question was on private or public property. Kevin said it is split on public and private property. Alternate Franzetti added that easements have been obtained. Kevin indicated that the Corporation would have to extend their easement however the town has an easement that runs from Eleanor Drive down to the NYCDEP's property. It would need to be amended depending on how much pipe needs to be replaced. Director Lucas suggested that the Town of Carmel may be able to do the pipe installation themselves in a relatively short time.

Kevin asked if any members had experience with slip liners rather than digging up a portion of the pipe. A video inspection would be needed to find out how far back we need to go so we can get an estimate. Director Lucas said that Ward Hanaburgh installed a slip liner at Sunset Ridge in North Salem and recommended that Kevin contact him. A backhoe was used and the liner was slipped in. It is necessary that the pipe is straight and not collapsed. Director Williams asked if Carmel had a video camera for pipe inspections. Alternate Franzetti said it is not collapsed but the bottom is rotted out like most corrugated metal pipes as they age. Most of the pipe is in good shape because the Carmel Highway Department replaced the upper portion but they never went all the way down. He further added that the town could lend their camera to the contractor for the inspection.

Director Williams concluded by saying that a proper evaluation needs to be done in the future so that we don't end up in these situations where we are scrambling after the fact to fix issues that should have been identified at the beginning of the project. The change order discussion was tabled until the July Executive Committee meeting when an estimate becomes available from Wernert Construction.

6) Amendment to Reimbursement Agreement-Tilly Foster/PC-MB-701

Director Williams reported that he started going through the most recent backup provided by Putnam County for the Amendment to the Reimbursement Agreement for Tilly Foster and found it confusing. The first two expenses were for item 4, which do not add up and found similar discrepancies throughout. Keith said that he went back through the documentation and made sure that he could tie the numbers through to the backup although he was not able to speak to its accuracy because it was done prior to his employment. Director Williams asked if Vincent has had a chance to look it over. Kevin said that the understanding is that we need to take action to do a not-to-exceed to increase it then NYCDEP would audit it. Director Williams recommended that it be tabled until he has the chance to go through it in detail with Kevin and Keith. He indicated that Joanne provided spreadsheets of backup before she left that do not agree with the current submission. It's important to get an understanding of what the differences are between both before approving the amendment.

Kevin said he will request that Putnam County provides their spreadsheets so that it is presented in a clear manner. Director Williams asked members if they were agreeable to tabling it until he had the opportunity to sit down with Kevin and Keith. Executive Committee members agreed with the decision to table the item.

7) Award Solicitations

Kevin stated that Solicitation 2021-02 was for four catch basin insert projects in Putnam and Westchester Counties. Four proposals were received and the Review Committee recommended that it is awarded to Insite Engineering, Surveying and Landscape Architecture, P.C., and that the Executive Committee amends the professional services agreement for design of the projects as advertised. Director Williams stated that he would be recusing himself from discussing or voting on this and other matters involving Insite Engineering.

a. 2021-02

Motion by Richard Franzetti, seconded by Director Lucas to award design solicitation 2021-02 for stormwater retrofit project C-NC-1000 to Insite Engineering, Surveying and Landscape Architecture, P.C. in the amount of \$17,500.

WHEREAS, the proposed stormwater retrofit project known as C-NC-1000 is located at Walter Panas High School in the Town of Cortlandt Manor on private/school property in project group 2021-02 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 within the Walter Panas High School campus with an estimated phosphorus reduction of 3.95 kg/yr. and estimated efficiency of \$12,500/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 6, 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 \$17,500 for C-NC-1000; 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-1000, 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: 4; Nae: 0; Abstain: 1, Director Parsons; Recuse:1, Director Williams)

Motion passed

R-0624-01

Motion by Richard Franzetti, seconded by Director Lucas to award design solicitation 2021-02 for stormwater retrofit project Carmel-AM-1000 to Insite Engineering, Surveying and Landscape Architecture, P.C. in the amount of \$21,500.

WHEREAS, the proposed stormwater retrofit project known as Carmel-AM-1000 is located at Marina Drive in the Town of Carmel on municipal/private property in project group 2021-02 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 4.67 kg/yr. and estimated efficiency of \$10,000/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 6, 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 \$21,500 for Carmel-AM-1000; 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 Carmel-AM-1000, 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: 4; Nae: 0; Abstain: 1, Director Parsons; Recuse:1, Director Williams)

Motion passed.

R-0624-02

ECMM/6-24-21

Motion by Richard Franzetti, seconded by Director Lucas to award design solicitation 2021-02 for stormwater retrofit project Carmel-AM-1002 to Insite Engineering, Surveying and Landscape Architecture, P.C. in the amount of \$21,500.

WHEREAS, the proposed stormwater retrofit project known as Carmel-AM-1002 is located at PARC-Preschool in the Town of Carmel on private property in project group 2021-02 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 on municipal property with an estimated phosphorus reduction of 2.87 kg/yr. and estimated efficiency of \$15,000/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 6, 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 & Landscape Architecture, P.C. in the amount of \$21,500 for Carmel-AM-1002; and

WHEREAS, EOHWC contacted the references for Insite Engineering, Surveying & Landscape Architecture, P.C. and contacted Insite Engineering, Surveying & 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 & 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 & Landscape Architecture, P.C. as best value proposer for the design of the project for Carmel-AM-1002, and authorizes the President or Vice President of the Corporation to execute the design contract with Insite Engineering, Surveying & 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: 4; Nae: 0; Abstain: 1, Director Parsons; Recuse:1, Director Williams)

Motion passed.

R-0624-03

Motion by Richard Franzetti, seconded by Director Lucas to award design solicitation 2021-02 for stormwater retrofit project Y-MU-602 to Insite Engineering, Surveying and Landscape Architecture, P.C. in the amount of \$24,000.

ECMM/6-24-21

WHEREAS, the proposed stormwater retrofit project known as Y-MU-602 is located at Junior Lake Residential Area in the Town of Yorktown on municipal property in project group 2021-02 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 on municipal property with an estimated phosphorus reduction of 10.14 kg/yr. and estimated efficiency of \$8,000/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 6, 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 \$24,000 for Y-MU-602; 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 Y-MU-602, 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: 4; Nae: 0; Abstain: 1, Director Parsons; Recuse:1, Director Williams)

Motion passed.

R-0624-04

b. 2021-04

Kevin explained that Solicitation 2021-04 is for a channel stabilization and catch basin insert project in the Town of Somers. Four responses were received to the RFP. It was recommended by the Review Committee that the project be awarded to Pitingaro & Doetsch Consulting Engineers, P.C. and that their professional services agreement is amended.

Motion by Richard Franzetti, seconded by Director Lucas to award design solicitation 2021-04 for stormwater retrofit project S-AM-1015 to Pitingaro & Doetsch Consulting Engineers, P.C. in the amount of \$29,000.

WHEREAS, the proposed stormwater retrofit project known as S-AM-1015 is located at Woodcrest Terrace and Barlow Court in the Town of Somers on municipal and private property in project group 2021-024 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 on municipal and private property with an estimated phosphorus reduction of 7.56 kg/yr. and estimated efficiency of \$25,000/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 20, 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 Pitingaro & Doetsch Consulting Engineers, P.C. in the amount of \$29,000 for S-AM-1015; and

WHEREAS, EOHWC contacted the references for Pitingaro & Doetsch Consulting Engineers, P.C. and contacted Pitingaro & Doetsch Consulting Engineers, 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 Pitingaro & Doetsch Consulting Engineers, 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 Pitingaro & Doetsch Consulting Engineers, P.C. as best value proposer for the design of the project for Y-MU-602, and authorizes the President or Vice President of the Corporation to execute the design contract with Pitingaro & Doetsch Consulting Engineers, 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.

Motion passed, all in favor.

R-0624-05

8) O&M Program Update

Kevin reported that a more complete catch basin insert database is being set up that will help shape up the RFP that we go out for on replacement and maintenance of the catch basins. It's nearly complete and we can get the RFP out and address the catch basins as many of them are going to be on private property in

homeowners' associations. We will continue to encourage the municipalities to make sure all O&M items are addressed through the summer.

9) Employee Benefits

Director Lucas discussed the two different 401k programs available to EOHWC employees. The difference between the Human Interest and Transamerica is the fees and what you can direct your money into. It was recommended that the employees look at both options to see which seems most reasonable. The concierge plan where we do nothing is under \$2,000 through Transamerica. The cost to the employee per year would be around 1%. Keith indicated that he worked with the Transamerica plan in the past and it was fairly simple. Director Lucas will look into a couple of other companies. Director Williams requested that Director Lucas select the top 3 plans and get written proposals on them that can be looked at in closer detail. Keith offered to be part of the conversations when Director Lucas meets with the other companies.

10) Checks and vouchers

Monthly vouchers were signed. No action taken.

11) Other business

Kevin asked whether or not we can start talking about funding education and outreach on behalf of some of the municipalities. While the Board has been trying to shape exactly what we're going to be doing in terms of sewer and wastewater, there are lots of other opportunities out there that we have to continue looking at and tackling. We are fully-equipped to jump headfirst in to do some of the educational things. As it currently stands we have money for retrofits but not for education. Kevin asked members if it makes sense for us to tap into the funding that the individual municipalities use for outreach and try to pull those funds into the Corporation to make a big push for outreach in the future. If we were going to do something like that it may be a good idea to shape it like the O&M policy where everybody pays in towards a percentage based upon their phosphorus reduction. It's important that we have a plan so we can be prepared for the future. Alternate Franzetti asked what West of Hudson does. Kevin said they are funded through the NYCDEP for outreach. Vincent said that while he is not that familiar with West of Hudson structure, EOHWC needs to be careful because the current funding agreement is for specific purposes. If we are going to start coming up with plans to expand the mission perhaps these issues are better dealt with by the coalition rather than the corporation. Vincent said FAD and WQIP funds cannot be used for Kevin's time to plan for education and outreach. Kevin said the point is understood and he will make sure there isn't any overlap in efforts made.

Director Lucas inquired about the line item put into the state budget for sewer and septic for EOHWC and was unclear about the amount. Director Williams said that he has been communicating with Assemblyman Chris Burdick who assured him that there are two pots of money that are going to go to NYSDEC, each of which is \$150,000. Assemblyman Burdick assured him that he would hear something by July 1st and if he didn't, he was instructed to contact him to inquire. Director Lucas asked Vincent if that money can be used to do something similar to the FAD study done previously. Vincent stated that it is his understanding that the coalition would have to handle anything outside of retrofits. Director Lucas said the intention of that money was to look at all the septic and sewer type issues that the municipalities have and prepare a high level report similar to the FAD study. From a legal point of view we should just take a look at it and make sure we can use for the purpose intended. Vincent clarified that the FAD funding cannot be used for that purpose. The County would have to decide whether the WQIP funds can be used. Christine Chale pointed out that we are talking about a different source of funds, not the FAD money. Vincent questioned if staff and legal time would be covered by the additional source of funding. Christine said that is something that needs to be figured out and that there are certainly ways to allocate funds, which is likely

being done in West of Hudson. Vincent concluded by saying that he was asked to reiterate that FAD and WQIP funding was allocated for retrofits. Christine said that everyone is aware of the restrictions of the FAD and WQIP money and that there are ways to account for time when other sources of funding are identified. Christine and Director Williams will speak about how to handle Vincent's concern regarding staff and legal time with regard to the additional funding.

**8) Adjournment - Motion to adjourn by Director Lucas, seconded by Rich Franzetti; all in favor.
Adjourned 10:36 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 June 24, 2021 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
845-319-6349

SECRETARY'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the June 24, 2021 meeting minutes approved by the Executive Committee.

JoAnne Daley
JoAnne Daley, Secretary

July 26, 2021
Date