

EXECUTIVE COMMITTEE MEETING

9:30 A.M., Thursday, October 28, 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) for himself and as alternate for James Schmitt (Town of Pawling) and alternate for Matthew Slater (Town of Yorktown); Rich Franzetti as alternate for Ken Schmitt (Town of Carmel); Vincent Tamagna as alternate for MaryEllen Odell (Putnam County)

Others in Attendance: Sabrina Charney-Hull (Town of New Castle); Christine Chale (Corporate Counsel); Vincent Giorgio (NYCDEP); Kevin Fitzpatrick (EOHWC); Keith Giguere (EOHWC); Linda Matera (EOHWC); Cory Lapidus (EOHWC)

2) Approve Meeting Minutes of September 23, 2021

Motion by Director Lucas, second by Alternate Franzetti to approve the meeting minutes of September 23, 2021 as presented; all in favor.

3) Financial Update

Keith Giguere reported that there were no changes to the financial reports since the October 12th Board of Directors' meeting. Pending approval of 2 resolutions on the agenda, an additional check run will be done after the meeting. Next month's financial report will include the checks from the additional check run.

4) 401(k) Safe Harbor Plan Agreement Authorization

Christine Chale informed members that Director Williams signed the Human Interest service agreement in accordance with the prior approval from the October Board meeting. The plan agreement documents are in the process of being prepared. Human Interest will be meeting with Keith and Director Lucas to review the documents between now and the next Executive Committee meeting. Keith mentioned that he is working with Joel at Human Interest to get the organization set up. Paperwork will be generated and reviewed by Counsel before the November Executive Committee meeting, at which time the documents will be authorized for execution. A meeting will be scheduled with Human Interest to explain the plan to the employees.

5) Project Update

Kevin Fitzpatrick reported that construction is wrapping up on a few projects and will be submitted to NYSDEC for final credits of approximately 36 kilograms. We will be awarding construction today on the Scolpino Park project (SE-EB-715) which is for porous pavement and a bio-infiltration practice within the parking lot. New submittals are being finalized for submission to the NYSDEC. Design is proceeding on all open projects. We are waiting for guidance from NYSDEC for a complete and final determination for Years 11-15 before looking at any of those projects. We are close to the installation of channel stabilization as well as catch basin inserts in the Town of North Salem.

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

Kevin explained that Tilly Foster Farm has been an open project for a several years. It is a municipal reimbursement with Putnam County for channel stabilization and the installation of a wet extended detention pond. Both projects are completed on site and have been submitted to New York State for credits in the amount of 21.4 kilograms. Through the course of construction Putnam County exceeded the value for the original reimbursement agreement that was in place. They came back and requested that East of Hudson Watershed Corporation consider amending the reimbursement agreement to allow for additional costs to be picked up by the program and have a shared cost with the County. President Williams and the EOHWC staff negotiated with them recently and went through the open items and bills submitted to the Corporation for consideration. We segregated any items that we felt were appropriate for the County to pick up and looked at costs the Corporation could pick up. In an effort to assist the member municipality, it is being recommended that we amend the existing reimbursement agreement for East of Hudson Watershed Corporation to pick up \$377,462.87 of the total construction cost of \$514,575.74. The project was an extremely efficient value for the Corporation. Even with the new proposed dollar value EOHWC's proposed efficiency is approximately \$17,000 per kilogram. Director Williams asked if Keith had a chance to go through all of the documentation and if he is comfortable with what has been provided. Keith indicated that he has gone through it a couple of different times and had Putnam County make changes as needed. Motion by Director Lucas, second by Alternate Franzetti to approve the amended reimbursement agreement for Tilly Foster Farm (PC-MB-701) to increase the original contract value of \$240,350.00 by \$137,112.87 to a total amount not to exceed \$377,462.87.

WHEREAS, on August 14, 2018, by Resolution No. R-0814-01, the EOHWC Executive Committee approved a proposed reimbursement agreement with Putnam County (the "County") regarding the stormwater retrofit project identified as PC-MB-701, which is included in the approved five-year regional stormwater retrofit plan for years 6-10 (the "Project"); and

WHEREAS, EOHWC and the County entered into a certain Agreement for Reimbursement of Stormwater Retrofit Expenses for the Project dated October 2, 2018, which Agreement provided for reimbursement to the County in an amount not to exceed \$240,350.00 for eligible and reasonable costs that are directly attributable to the design, environmental review, permitting, acquisition of land and/or easements, bidding, construction, and installation of the Project; and

WHEREAS, the Project is located at Tilly Foster Farm in the Town of Southeast, within the East Branch Reservoir Basin of the New York City Watershed, and includes the treatment of the

stormwater runoff from the currently untreated site through channel stabilization and installation of a wet extended detention pond; and

WHEREAS, the work performed includes general construction activities, erosion and sediment control, and modifications to stormwater conveyance systems, all according to the plans and specifications prepared by for the County by Insite Engineering, Surveying, & Landscape Architecture, P.C.; and

WHEREAS, the construction of the Project has now been completed by the County at a total cost of \$514,575.74, as evidenced by the records of financial expenditures submitted to EOHWC by the County; and

WHEREAS, the County has requested that the amount of reimbursement authorized in the original Agreement for Reimbursement of Stormwater Retrofit Expenses for the Project be increased by \$137,112.87 to a total amount not to exceed \$377,462.87, to cover the increase in documented Project costs; and

WHEREAS, the Project is designed to provide a reduction of 21.4kg of Phosphorus, which reduction has been accepted and credited by NYSDEC, producing a Project efficiency of approximately \$25,000 per kg after accounting for the increased costs, and an efficiency on the EOH reimbursement of \$17,000 per kg after accounting for the increased reimbursement; and

WHEREAS, the Executive Committee has reviewed the County's request and supporting documentation and determined that the increased cost was necessary and reasonable and still results in a favorable efficiency of Phosphorus reduction which has been credited by NYSDEC.

NOW, THEREFORE, the Executive Committee hereby approves the annexed Amendment to the Agreement for Reimbursement of Stormwater Retrofit Expenses for PC-MB-701, increasing the amount of the reimbursement by \$137,112.87 to a total amount not to exceed \$377,462.87, and authorizes the President or Vice President of the Corporation to execute the same.

Motion passed; all in favor.

R-1028-01

7) MK-NC-22/Legacy Supply Change Order #1

Kevin explained that MK-NC-22 is a Year 4 project located at Leonard Park in Mount Kisco which involves the installation of dry swales and sand filters. It was partially installed over the course of the last 2 years or so. In the final stages of construction it was discovered that there were some utilities within areas of the dry swales. These utilities did not come up in the record search conducted in the design phase a couple of years ago. Nevertheless, this has caused us to have to redesign the dry swales to close out the construction process and move forward to wrap up the construction in order to prevent any delays. After negotiations, the cost of \$35,521.96 came in to increase the total construction COST to approximately \$660,038. This was a project that was already towards the upper limits of the efficiencies that we like to hold on our projects. The work had to be completed on site in order to not incur any delays by the contractor. We will be looking to close out construction in the coming days.

Motion by Alternate Franzetti, second by Director Lucas to approve change order #1 submitted by Legacy Supply in the amount of \$35,521.96 increasing the total construction cost from \$624,516.25

to \$660,038.21.

WHEREAS, Legacy Supply, LLC submitted change order request Number 1 dated 10/28/19 representing an increase in the overall contract price of \$624,516.25 for MK-NC-22 in the year 6-10 retrofit plan; and

WHEREAS, MK-NC-22 is located at Leonard Park in the Town of Mount Kisco and consists of the construction of surface sand filters and dry swales; and

WHEREAS, the proposed change order request is to address all additional items which were identified and executed within the field by the contractor and engineer. This change order presents an increase of \$35,521.96 in the overall contract price, increasing the overall construction cost to \$660,038.21; and

WHEREAS, this change order, if approved, would increase the construction cost and would have an updated efficiency of approximately \$88,000/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 Legacy Supply, LLC dated 10/28/21 for an additional \$35,521.96 for MK-NC-22, increasing the construction cost from \$624,516.25 to \$660,038.21.

Motion passed; all in favor.

R-1028-02

8) SE-EB-715/Award Construction

Kevin explained that SE-EB-715 is for the installation of pervious pavement and bio-infiltration on site at Scolpino Park in the Town of Southeast. Five bids were submitted that ranged from about \$401,000 to approximately \$800,000. The project was designed and will be administered by Insite Engineering. All references have been reviewed and a letter of recommendation has been provided by Insite to award the project to Yonkers Excavating Corporation in the amount of \$401,237. Director Williams asked if a pre-construction meeting will be held out in the field with everyone involved so all eyes could be on the plans to make sure everything is the way it's supposed to be. Kevin said that a pre-construction meeting was held 1 week prior to the submission of bids. Contractors are given a window in which to submit questions about anything we missed and they are addressed in an addendum. Director Williams indicated that there have been two recent projects in which big things were missed that ended up incurring change orders so we want to make sure that does not continue. Kevin added that Director Hay is aware of the project and an installation agreement is already in place and the Town of Southeast has been along for the entire process.

Motion by Director Lucas, second by Director Parsons to approve the award the construction for SE-EB-715 located at Scolpino Park to Yonkers Excavating Corporation in the amount of \$401,237.

WHEREAS, the proposed stormwater retrofit project known as SE-EB-715 is proposed to be located at Scolpino Park in the Town of Southeast, New York, and is included in Years 6-10 MS4 regional plan approved by the NYS Department of Environmental Conservation; and

WHEREAS, the work consists of the installation of pervious pavement and bio-infiltration on municipal property, all in accordance with plans prepared by Insite Engineering, Surveying and Landscape Architecture, P.C.; and

WHEREAS, the project was publicly advertised on the website as well as in the standard local print publication on a two-week period and five (5) bids were received and publicly read aloud at the EOHWC offices on October 14, 2021; and

WHEREAS, the phosphorus removal of 4.58 kilograms for this project has an efficiency of approximately \$85,000 Kg/p removed; and

WHEREAS, Insite Engineering, Surveying and Landscape Architecture, P.C., contacted the references for Yonkers Excavating Corp. and contacted Yonkers Excavating Corp. directly and was assured that they can complete the project for the amount bid; and

WHEREAS, Insite Engineering, Surveying and Landscape Architecture, P.C., has recommended that the EOHWC accept Yonkers Excavating Corp. as lowest responsible bidder for the project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on October 28, 2021, the Executive Committee reviewed all available evidence and resolved that the project known as SE-EB-715 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 Yonkers Excavating Corp. as lowest responsible bidder in the amount of \$401,237.00 for the project known as SE-EB-715 and authorizes the President or Vice President of the Corporation to execute the construction contract with Yonkers Excavating Corp. subject to the following conditions:

1. Submission of bonds and insurance by the contractor as required by 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-1028-03

9) O&M Program Update

Kevin stated that he has been working with Christine's office to determine whether or not we could utilize the existing Nassau County blanket purchase order to go forward with maintenance on EOHWG installed catch basin insert projects. Being that it is time to start replacing the filters, we felt that it would be in the best interest of the Corporation to go out on our own and get replies for the services because while that blanket purchase order would cover any municipality within the state, the Corporation is not a municipality, but are rather composed of municipalities. We will be going out to bid on maintenance services. We want to be sure we can utilize an outside contractor moving forward because a lot of these will be going on private property and within homeowners' associations where many municipalities would not want to enter. These services will be awarded by the December Executive Committee meeting so we can address any open contracts. The hope is to have a unit price line item so that we can continue to utilize that contract moving forward into the next calendar year. Director Williams asked if the RFP was ready to go. Kevin said it is nearly ready and will be circulated to the Technical Committee for comments. Director Williams requested that it be circulated to the Executive Committee as well.

10) Checks and Vouchers

Monthly checks were signed. No action taken.

11) Other business

Director Lucas inquired about the status of the sewer and septic study. Director Williams said the NYSDEC is waiting for him to provide the scope of work, which he is presently working on. The scope of work has not been fully assembled due to the fact that most member municipalities did not provide any input. Director Lucas will provide updated maps and reach out to Yorktown to request their input. Kevin notified members that the Corporation is already set up in the Grants Gateway system to receive New York State funding when the time comes.

12) Adjournment - Motion to adjourn by Director Parsons, seconded by Director Lucas; all in favor. Adjourned 9:55 AM.

PRESIDENT'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the October 28, 2021 meeting minutes approved by the Executive Committee.

Richard Williams

Richard Williams, Sr., President

11/18/21

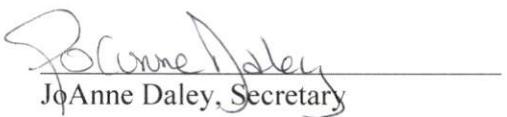
Date



2 Route 164, Suite 2, Patterson, NY 12563
Phone: (845) 319-6349 Fax: (845) 319-6391
eohwc.org

SECRETARY'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the October 28, 2021 meeting minutes approved by the Executive Committee.



JoAnne Daley, Secretary

November 19, 2021
Date