

EXECUTIVE COMMITTEE MEETING
9:30 A.M., Thursday, September 22, 2022
EOHWC Board Room, 2 Route 164, Patterson NY 12563

Meeting Minutes

1) Open Meeting

Voting Members in Attendance: Richard Williams, Sr. (Town of Patterson) for himself and for James Schmitt (Town of Pawling); Tony Goncalves (Town of Lewisboro); Dan Ciarcia as alternate for Matthew Slater (Town of Yorktown); Michael Cazzari (Town of Carmel);

Others in Attendance: Millie Magraw (Westchester County); Vincent Giorgio (NYCDEP); Christine Chale (Corporate Counsel); Todd Hirsch (Corporate Counsel); Kevin Fitzpatrick (EOHWC); Keith Giguere (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes of August 25, 2022

Motion by Director Goncalves, seconded by Director Cazzari to approve the meeting minutes of August 25, 2022; all in favor.

3) Financial Update

Keith Giguere reported that as of the end of August, total cash and investments were \$15,254,000 of which \$9,841,000 is FAD related. New accounts have been opened with Putnam County Savings Bank (PCSB) and we've been working to get them set up. We've transferred some of the money by wire transfer from M&T to PCSB. They will be setting us up with a check scanner so that deposits can be scanned in the office instead of going to the branch. As soon as the current checks clear we'll be able to close the accounts at M&T. It was noted that in the check run there are two checks totaling \$40,000 which is being used to fund the operating and payroll accounts at PCSB. The building lease renewal and pollution insurance could have a change in the dollar amounts this year. The Fed raised the fed fund rate by 75 basis points. One of the good things about our new relationship with PCSB is that the interest rate we'll be earning is based upon the Fed funds and margin so the 75 basis point increase will add about \$52,000 of income for the year.

Director Lucas called in by phone to join the meeting. Christine Chale informed him that he could not attend the meeting by phone any longer because the Emergency Order expired, and we are back to meeting in-person. Director Lucas offered to travel up to Patterson, but it could take close to an hour for him to arrive. A quorum was present, therefore the need for him to travel to Patterson to attend was not necessary.

Christine notified Executive Committee members of the possibility of conducting meetings via Zoom in the future if they are willing to allow members of the public, who wish to attend, to do so from their town offices. Director Williams will send an email to Board members asking them if they'd rather go back to Zoom. If so, they would have to have the ability to have the public present.

4) List of Reporting and Filing Due Dates

Linda Matera reported that all the filing dates have been met, with the exception of O&M inspection report submissions from towns, which Kevin will speak to in the update. We've achieved full compliance from all members except from Michael Schiliro with respect to annual NYS ABO compliance items. Director Williams thanked Linda for working to bring the Corporation into full compliance.

Director Williams asked about Year 12 Workplan being on hold. Kevin Fitzpatrick explained that there is no Year 12. Usually at this time of year we would be preparing the workplan with new projects to submit to the State. Director Williams asked if Kevin had spoken with Tom Snow at the DEC about it. Kevin said that he had and we can't advance anything without the permit. They are very interested in seeing the program continue. Technically, Year 11 hasn't started because we don't have the permit yet. They asked us earlier in the year to put together a corrective action plan which shows our progress towards meeting the 920 kilograms. It would be a continuation of what we are currently working on versus a new Year 12 Workplan. Director Williams asked if they would accept a Year 12 Workplan if we submitted one. Kevin said we could, but we would have no money to work on it. We could continue to overshoot the 920 kilograms with new projects but technically, since there's no requirement for it as of right now, we can't spend money on it. We just have to sit and wait for the permit to come out. That is the reason it is on hold for now.

5) Project Update

Kevin reported that the current kilogram total is 672 kilograms. Today we will be awarding construction bids for L-CR-803 at Lewisboro Town Park and NewC-NCR-801 at Courtmel Road in New Castle. NewC-NCR-801 will be installed on NYCDEP property and will be partially funded by U.S. Army Corps of Engineers (ACOE). It will involve plantings, therefore it should be completed in April/May of 2023. L-CR-803 is expected to be completed this year. We're going out for construction bids on NS-MU-601 at Keeler Lane in the Town of North Salem, which is for channel stabilization on 2 private properties, and we plan to award it at the October Executive Committee meeting. Plantings are involved in the project so it will be completed in the spring of 2023. Kent-BC-830 at Rambler Road in the Town of Kent will follow and involves asphalt work, so we may not be able to squeeze it in before the winter. We will put it out to bid in early fall or late January to be awarded for spring construction. A group of catch basin insert projects, once installed, will bring total kilogram total to about 750 kilograms by the spring. Over the course of the winter, we plan to go out with another group of channel stabilization and bio-infiltration projects. That will keep pushing our kilogram total, which we expect to be approximately 800 by summer.

6) SEAF & Resolution to Approve Negative Declaration/L-CR-803

Motion by Alternate Ciarcia, seconded by Director Goncalves to approve the SEQRA Negative Declaration for stormwater retrofit project L-CR-803.

WHEREAS, EOHWC is considering undertaking the installation of a stormwater retrofit project in the Town of Lewisboro involving the installation of four (4) infiltration chambers and four (4) pre-treatment chambers to treat stormwater runoff on property located at Lewisboro Town Park, Hunt Lane, Cross River, New York 10518, tax parcel no. 42.4-3-14 (the "Project"); and

WHEREAS, the Executive Committee of EOHWC has reviewed the Short Environmental

Assessment Form dated September 15, 2022 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-0922-02

7) Award Construction

a. NewC-NCR-801

Alternate Ciarcia pointed out that the name of the design firm should be corrected from Rennia Engineering Design to Hudson Engineering and Consulting, Inc. in the resolution.

Motion by Director Cazzari, seconded by Director Goncalves to approve the award of construction for NewC-NCR-801 located at Courtmel Road in the Town of New Castle to Con-Tech Construction Technology, Inc. in the amount of \$822,451.

WHEREAS, stormwater retrofit project no. NEWC-NCR-801 is proposed to be located at 24 Courtmel Road in the Town of New Castle, New York (the “Town”), tax parcel no. 71.18-1-14, on property owned by the New York City Department of Environmental Protection, and is included in Years 6-10 MS4 regional plan approved by the NYS Department of Environmental Conservation (the “Project”); and

WHEREAS, the Project consists of the installation of filtration BMPs in the Town right of way and the stabilization of two eroded channels, all in accordance with plans prepared by Hudson Engineering and Consulting, P.C.; and

WHEREAS, the Project was publicly advertised on the website as well as in the standard local print publication and six (6) bids were received and publicly read aloud at the East of Hudson Watershed Corporation (“EOHWC”) offices at 2 Route 164, Suite 2, Patterson, NY 12563 on August 24, 2022; and

WHEREAS, the phosphorus removal of 22.67 kilograms for this Project has an efficiency of approximately \$40,000 Kg P-removed; and

WHEREAS, Hudson Engineering and Consulting, P.C. has reviewed all bids and found the lowest responsible bidder to be Con-Tech Construction Technology, Inc. (“Con-Tech”) with a bid in the amount of \$822,451; and

WHEREAS, Hudson Engineering and Consulting, P.C. contacted the references for Con-Tech and contacted Con-Tech directly and was assured that they can complete the Project for the amount bid; and

WHEREAS, Hudson Engineering and Consulting, P.C., has recommended that EOHWC accept Con-Tech as lowest responsible bidder for the Project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on April 22, 2021, by Resolution No. R-0422-01, the EOHWC Executive Committee reviewed all available evidence and resolved that the Project 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 EOHWC's Board of Directors that it accepts Con-Tech as lowest responsible bidder in the amount of \$822,451 for the Project and authorizes the President or Vice President of EOHWC to execute the construction contract with Con-Tech subject to the following conditions:

1. Submission of bonds and insurance by the contractor as required by the construction contract for the Project;
2. Approval and execution of the installation agreement between the Town and EOHWC by the Town Board and by EOHWC's President or Vice President;
3. Review of the construction contract and installation agreement by EOHWC's Counsel; and
4. Execution of an easement and maintenance agreement to be in place for the future of the Project between the Town and EOHWC by the Town Board and by EOHWC's President or Vice President.

Motion passed; all in favor.

R-0922-02

b. L-CR-803

Kevin explained that the project at Lewisboro Town Park is for subsurface infiltration. Generally speaking, he would have expected the bids to be higher because normally with the installation of subsurface infiltration, it's closer to \$80,000 per kilogram. This is lower and the contractor agreed to the price and stands by it. We've worked with the contractor before and never had any issues.

Motion by Director Goncalves, seconded by Director Cazzari to approve the award of construction for NewC-NCR-801 located at Lewisboro Town Park in the Town of Lewisboro to Coyle Industries, Inc. in the amount of \$138,800.

WHEREAS, stormwater retrofit project no. L-CR-803 is proposed to be located at Lewisboro Town Park, Hunt Lane, Cross River in the Town of Lewisboro, New York (the "Town"), tax parcel no. 42.4-3-14, on property owned by the Town, and is included in Years 6-10 MS4 regional plan approved by the NYS Department of Environmental Conservation (the "Project"); and

WHEREAS, the Project consists of the installation of four (4) infiltration chambers and four (4) pre-treatment chambers to treat stormwater runoff, all in accordance with plans prepared by Rennia Engineering, PLLC; and

WHEREAS, the Project was publicly advertised on the website as well as in the standard

local print publication and eight (8) bids were received and publicly read aloud at the East of Hudson Watershed Corporation (“EOHWC”) offices at 2 Route 164, Suite 2, Patterson, NY 12563 on September 15, 2022; and

WHEREAS, the phosphorus removal of 3.01 kilograms for this Project has an efficiency of approximately \$46,113 Kg P-removed; and

WHEREAS, Rennia Engineering, PLLC has reviewed all bids and found the lowest responsible bid to be Coyle Industries, Inc. with a bid in the amount of \$138,800; and

WHEREAS, Rennia Engineering, PLLC contacted the references for Coyle Industries, Inc. and contacted Coyle Industries, Inc. directly and was assured that they can complete the Project for the amount bid; and

WHEREAS, Rennia Engineering, PLLC, has recommended that EOHWC accept Coyle Industries, Inc. as lowest responsible bidder for the Project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on September 22, 2022, by Resolution No. R-0922-02, the EOHWC Executive Committee reviewed all available evidence and resolved that the Project 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 EOHWC’s Board of Directors that it accepts Coyle Industries, Inc. as lowest responsible bidder in the amount of \$138,800 for the Project and authorizes the President or Vice President of EOHWC to execute the construction contract with Coyle Industries, Inc. subject to the following conditions:

1. Submission of bonds and insurance by the contractor as required by the construction contract for the Project;
2. Approval and execution of the installation agreement between the Town and EOHWC by the Town Board and by EOHWC’s President or Vice President;
3. Review of the construction contract and installation agreement by EOHWC’s Counsel; and
4. Execution of an easement and maintenance agreement to be in place for the future of the Project between the Town and EOHWC by the Town Board and by EOHWC’s President or Vice President.

Motion passed; all in favor.

R-0922-03

8) Award Solicitation 2022-03/Wastewater Study

Christine reminded the Board that all the funds for this study are coming from a New York State Department of Environmental Conservation (DEC) grant. It is not only providing for the cost of the study but also for the cost of administration, which Keith is being careful to account for and allocate accordingly.

Kevin notified members that we submitted for advance payment of 25% of the total grant, which equates to \$75,000 from the state to fund the study. It is currently being processed. We went out to bid over the summer for the wastewater study as prepared by EOH and received three (3) bids

submitted by Delaware Engineering, Pitingaro & Doetsch, and Woodard and Curran. The Review Committee has gone through all proposals and is recommending moving forward with Woodard and Curran Engineering at a value of \$227,000. Director Williams said that one of the addendums to the contract is that Woodard and Curran will not get paid for services until EOH receives the grant money from DEC. Christine said that's what was proposed to make sure we align those things because EOH doesn't have any funds to allocate to this other than the grant. There are the advance payments that could cover some of it, but we don't want to get ahead of ourselves. Director Williams inquired if Kevin has made Woodard and Curran aware of the addendum. Kevin said he didn't believe they were aware but would discuss that with them. Director Williams suggested holding off on awarding the contract at this time until Kevin has had the chance to discuss the contract terms with Woodard and Curran. Christine said we could hold off until the October Board Meeting as long as everyone is okay with the delay in getting started. Kevin said he would like to give them the opportunity to review the addendum. Director Williams is concerned that the contractor might say they are not working for the DEC, but for EOHWC who is obligated to pay the costs. It was agreed that the award of the Wastewater Study would be moved to the October Board of Directors' meeting for approval allowing Kevin time to present the changed contract terms to Woodard and Curran for their acceptance.

9) O&M Program Update

Kevin reported that there are no major O&M updates. To date we have not received any submissions from any of the municipalities. All municipalities are encouraged to send in their inspection reports before the end of the year to help with processing. We have a GIS mapping online that everyone can access to follow whatever projects are located within your town. We can give that link out to any individual municipality so you can have pinpoint accuracy of locations and what the status of the O&M is on each project, including our observations, and our own reporting on those. It's a live, active map every time you go out in the field. Cory has done a great job of getting that live for us. All municipalities were encouraged to access it. Christine said the DEC will be very happy with that.

10) October 11th Board of Directors Meeting Agenda

Director Williams presented the October 11th Board of Directors' agenda and asked if anyone had additions or questions. Christine said the Wastewater Study item should be added.

11) Checks and vouchers

Monthly vouchers were signed. No action taken.

12) Other business

Kevin asked if anyone was aware of any updates on the MS4 Permit status. Director Williams said he hasn't seen anything new, but the speculation is that they will wait until after the election in November.

Director Cazzari asked how new projects are found. Kevin said it's based upon driving around the watershed and feedback we get from the municipalities. As we go through any one of the given years something always pops up in a town where they reach out for help and then we review what's going on. Director Williams provided an example explaining that during the year when inspections are conducted, you may come across an outfall that is having a problem that wasn't previously present that EOH can assist with by installing a stormwater retrofit. In Carmel's particular case, Rich Franzetti would write up a summary and send it over to Kevin to see if it is eligible and meets the requirements. From there, Kevin would work with Rich and add it to the project list if it is eligible.

Kevin added that the other method is that we are always looking at new technology coming out or is available. As soon as we find something that we think is a great idea, we look through the watershed to see where it could fit or where it makes sense.

Director Goncalves said that the playground project near the current stormwater project being installed at Lewisboro Town Park does require some stormwater work. He asked if that is something that should be reviewed with Kevin to see if EOH can assist. Kevin said he could take a look, but it sounds like that would be more for new construction that you have that stormwater requirement. Each situation is a little bit different, but if it is something that is required by a permit for new construction, then we can't incorporate it into the program. For instance, if you're replacing an acre of impervious with an acre of impervious and there was no previous treatment, the DEC looks kindly on that so even though it was a requirement of the permit, they will look at that and say well you're treating something that should have been treated a while ago. Director Goncalves said that in this case they didn't have any stormwater mitigation at all at the existing location at the town park. Now with the new one, the Town of Lewisboro's engineer, Kellard Sessions, put it into the design. Kevin said he would look and that it's always worth asking the DEC.

13) Adjournment - Motion to adjourn by Director Cazzari, seconded by Director Goncalves; all in favor. Adjourned 10:03 AM.

PRESIDENT'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the September 22, 2022 meeting minutes approved by the Executive Committee.



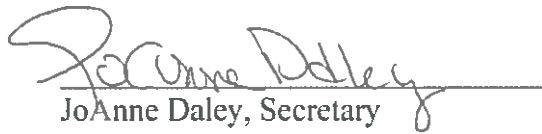
Richard Williams, Sr., President



Date

SECRETARY'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the September 22, 2022 meeting minutes approved by the Executive Committee.


JoAnne Daley, Secretary

10-27-2022
Date