

EXECUTIVE COMMITTEE MEETING

9:30 A.M., Thursday, October 27, 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); Warren Lucas (Town of North Salem); Dan Ciarcia for Matthew Slater (Town of Yorktown); JoAnne Daley for James Schmitt (Town of Pawling); Tony Goncalves (Town of Lewisboro); Vincent Tamagna (Putnam County); Michael Cazzari (Town of Carmel)

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

**2) Approve Meeting Minutes of September 22, 2022**

Motion by Director Lucas, seconded by Alternate Tamagna to approve the meeting minutes of September 22, 2022; all in favor.

**3) Financial Update**

Keith Giguere reported that total cash and investments for the month of September was \$15,205,000 of which \$9,846,000 is FAD related. The moving of accounts from M&T to PCSB is practically complete. Presently, there is approximately \$500,000 remaining at M&T. In the checks being presented for approval today, there's one being cut from the M&T to PCSB for approximately \$480,000, which will leave roughly \$20,000 to cover anything that may come in over the next couple of months. We've already earned \$5,000 on the balance at PCSB, which is more than we earned all year so far at M&T. We should be earning about \$15,000 a month from now on. On October 20<sup>th</sup> we received the first \$75,000 of the NYS Grant for the Sanitary Water Issues Study. It has been deposited and is being accounted for separately.

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

Linda Matera reported that the only changes to the reporting and filing dates is the that the 2022 Payroll 3<sup>rd</sup> quarter Form 941 and NYS-45 were filed on October 17<sup>th</sup>, and the 2023 Budget was submitted to the NYS ABO on October 25<sup>th</sup>. Questions were invited.

**5) Project Update**

Kevin reported that there are no major updates. The current kilogram total of 672 remains the same as what was presented at the Board of Directors' meeting at the beginning of the month. There are 3

projects for construction that will kick off soon, another one that will be awarded construction today, and the remainder will wait for the January/February bidding process, once the New York State Department of Labor Prevailing Wage rates to come out. Director Lucas asked why we must wait until the new year. Kevin said that the new rates in combination with the asphalt work required on those projects make it better to wait until the new year. The ones being targeted for spring construction are going to shift over a little bit so that the contractors don't have to update the prevailing wages.

Kevin informed members that he briefly spoke with a representative from the US Army Corps of Engineers (ACOE) and they are looking to continue a relationship with us working towards water quality improvement projects. We have two projects that we are looking to work with them on: Y-MU-1000 at Northern Westchester Park and Y-MU-40 at Hallocks Mill. Both are located in the Town of Yorktown in the Muscoot Reservoir. We currently do not have additional funding for Westchester projects so the idea is that we will continue to target any available ACOE funding to go into those areas. Both projects are expected to net very large reduction values hovering around 14 kilograms each. Both agreements together are expected to total around \$2 million. We will continue working with ACOE to set them up. Updates will be provided to the Executive Committee as they advance. Director Goncalves inquired about the start date for L-CR-803 at Lewisboro Town Park because a project is just getting started there. Kevin said the contractor is finishing up a job with New York State Department of Transportation (NYSDOT) and the estimated start date they provided is December 1<sup>st</sup>. This should be an ideal time to get started being that the basketball and pickleball courts will slow down dramatically. Kevin will reach out to Lewisboro Parks and Recreation and Director Goncalves' office to coordinate and to ensure we are not overlapping any other projects.

#### **6) Award Construction/NS-MU-601**

Kevin informed members that NS-MU-601 located at Keeler Lane in the Town of North Salem is for channel stabilization of 2 heavily eroded channels on 2 separately owned private parcels. He has been working with the property owners and the town for some time to nail this one down. We are happy to be at the finish line and ready to execute it. 5 bids were received for the project, which were opened last week and range from approximately \$270,000-\$710,000. Insite Engineering provided a letter of recommendation. Today we are recommending moving forward, along with Insite to award the construction contract for NS-MU-601 to Coyle Industries Incorporated. We've worked with them previously and have had a great experience. They have another open contract with us in the Town of Lewisboro (L-CR-803). Director Lucas pointed out that the bid amounts came in a lot less than expected. Kevin said that Coyle understands everything that is needed, and they are comfortable proceeding with the number they provided. Alternate Tamagna said that Coyle executed a project for Putnam County about a year ago and their work was outstanding because they are very well-managed. Kevin said that another reason some of the bids came in lower than expected has to do with this time of year when contractors are happy to have work during the winter. Kevin reiterated that Coyle is ready to stand by the number in their bid.

Motion by Alternate Tamagna, seconded by Director Cazzari to approve the award of construction for NS-MU-601 located at Keeler Lane in the Town of North Salem to Coyle Industries Incorporated in the amount of \$ 268,650.

WHEREAS, stormwater retrofit project NS-MU-601 is proposed to be located on two parcels of land in the Town of North Salem, New York (the "Town") known as 154 Keeler Lane, tax parcel no. 36-1705-54, and 91 Keeler Lane, tax parcel no. 36-1704-22, and is included in Years 6-10 MS4 regional plan approved by the NYS Department of Environmental Conservation (the "Project"); and

WHEREAS, Janet C. Olshansky is the owner of the property known as 154 Keeler Lane; and

WHEREAS, Mrs. Mary Russell and James O'Donohue, as Trustees of the O'Donohue Family Property Trust, are the owners of the property known as 91 Keeler Lane; and

WHEREAS, the Project consists of a stormwater retrofit project involving the stabilization of a heavily eroded channel in the Town, including re-grading of channel banks located on the two aforementioned properties, all in accordance with plans prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. ("Insite Engineering"); and

WHEREAS, the Project was publicly advertised on the website as well as in the standard local print publication and 5 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 October 20, 2022; and

WHEREAS, the phosphorus removal of 31.36 kilograms for this Project has an efficiency of approximately \$12,000/Kg P-removed; and

WHEREAS, Insite Engineering has reviewed all bids and found the lowest responsible bid to be Coyle Industries, Inc. with a bid in the amount of \$268,650.00; and

WHEREAS, Insite Engineering 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, Insite Engineering 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 May 28, 2020, by Resolution No. R-0528-05, 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 \$268,650.00 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 by EOHWC's President or Vice President of an installation and maintenance agreement between Janet C. Olshansky, EOHWC and the Town;
3. Approval and execution by EOHWC's President or Vice President of an installation and maintenance agreement between Mrs. Mary Russell and James O'Donohue, as Trustees of the O'Donohue Family Property Trust, EOHWC and the Town; and
4. Review of the construction contract and installation agreement by EOHWC's Counsel.

**7) Change Order/PC-MB-1000**

*Director Williams announced that he will be recusing himself from voting on the approval of the change order submitted by Insite Engineering, Surveying and Landscape Architecture. The chair of the meeting was turned over to Director Lucas.*

Kevin presented a change order submitted by Insite Engineering for PC-MB-1000 for installation on Putnam County property within the Town of Southeast. The project calls for bioinfiltration and channel stabilization to be installed on the banks of the Middle Branch Reservoir. We worked with Putnam County to set it up and feel it's going to be a great project. Through doing the initial evaluation, Insite found that there were better conditions to execute the project and in addition, another channel we could stabilize to get additional phosphorus credits on site. This change order address moving the project site south along John Simpson Road and addresses additional engineering and survey work that is required. Director Lucas clarified that the engineering cost would increase from \$40,000 to \$50,000 and that Kevin is in favor of approving the change order. Kevin said it is an increase of \$10,000 and he is in favor of approving the change order. Picking up the additional phosphorus reduction for the extra channel is worth it. He and Cory agree that the new site is a much better location for the project to be relocated to. Kevin mentioned that the handout provided today will be corrected to reflect that the project is in the Town of Southeast and not in Carmel.

Motion by Alternate Ciarcia, seconded by Director Tamagna to approve Change Order #1 submitted by Insite Engineering, Surveying and Landscape Architecture, P.C. in the amount of \$10,000, increasing the contract from \$40,000 to \$50,000.

WHEREAS, pursuant to a request for proposals dated March 30, 2022, and as authorized by the Executive Committee of the Board of Directors on May 26, 2022, EOHWC entered into an Agreement for Professional Services ("Agreement") with Insite Engineering, Surveying & Landscape Architecture, P.C. ("Insite"); and

WHEREAS, the Scope of Services of said Agreement consists of a stormwater retrofit project that includes the design and construction administration services for the installation of a tiered bioinfiltration system along municipally owned property in the Town of Southeast (the "Project"); and

WHEREAS, Insite submitted a change order request dated October 12, 2022, which would expand the scope of the Project to include the stabilization of the existing eroded channel at the original retrofit site, in addition to a newly discovered channel to the south of the property; and

WHEREAS, in addition to the channel stabilization, Insite also proposes piping the northern outfall to the south and combining the flows from the contributing areas in a biofiltration filter for quality treatment; and

WHEREAS, this modified scope involves services, including surveying, design work, and construction-related tasks, that are an addition to the original Scope of Services; and

WHEREAS, this change order, if approved, would increase the engineering costs by \$10,000,

from a total of \$40,000 to a total of \$50,000 to complete the Project.

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of the Board of Directors of the East of Hudson Watershed Corporation that the change order request from Insite Engineering, Surveying & Landscape Architecture, P.C. dated October 12, 2022, for an additional \$10,000 for PC-MB-1000 is approved.

Motion passed; all in favor (with Director Williams recused)

R-1027-02

### **11) Checks and vouchers**

Monthly vouchers were signed. No action taken.

### **12) Other business**

Director Williams discussed an issue that came up recently that had to do with us evaluating and moving projects forward that exceeded the phosphorus reduction number we were given. In a recent conversation with Mike Meyer (NYCDEP), he said that he understood that it was necessary to have projects in excess of that number, but not too many. He felt that the number should not be more than 10% over permit requirements.

Director Lucas said that after the last meeting, he had a discussion with Tom Snow (NYSDEC) and a few other people about what is going to happen down the road. There's some funding that will be coming in and the information has already been shared with Kevin. It ends up being somewhere in the ballpark of \$50 million. \$10 million is coming to us to be used for anything. There is additional \$15 million for the FAD, and then there's another \$25 million. More details will most likely be in the TMDL documents and permit coming out soon. The funds will be given to NYCDEP to be distributed to EOHWC. We obviously have some issues in the FAD basin, which is ancillary to the extra money being discussed today. We don't have enough projects in the FAD basins to use the funding on. He encouraged all supervisors in towns within the FAD to check if there are any projects that have not been executed that could be because any money not used will have to be returned. As of right now, we may have to give back \$7 million because there were not enough projects to execute in FAD basins. From the looks of it, most of the funding will be coming from NYSDEC. Director Lucas made Tom aware that we are operating without a permit. Tom said he anticipates it coming out by year's end. The phosphorus numbers aren't going to change for the next 10-year cycle. Director Lucas mentioned to Tom that there was an issue with the schools, among some of the other things discussed. Tom asked if we wanted to give the schools specific numbers in order to give us some control over the projects there because they don't seem to want to do the work. This may open them up to coming to us to ask for assistance in achieving their goal. Kevin believed that this would be a great idea and said another way to address that would be to approach them and offer to install a practice such as bioinfiltration, which is something that they can see and then East of Hudson goes in and does an education program with them. Although this is something we would like to do, we do not have the funding to do so. We could get the schools on board very quickly if we have funding to address education. Director Lucas said that Tom did mention that if we wanted, that could be written into the document. He also noted that when they look at maps of the school districts, the impervious areas are huge. Kevin said that EOH would be able to get through a lot of the next 10-year cycle just by going to the school districts because there's so much of it that we have not been able to address. When that money comes down the line to us, instead of having it written as stormwater and water quality projects, it may be to our benefit to have it be for the entities in the East of Hudson Watershed Corporation to address the requirements of the MS4 Permit. If we find a way to execute work but we don't have the leeway to have some of that funding apply to it, we can't accomplish anything. Right now, it's stormwater, construction, and

design. When that funding comes down to us, it should address the MS4 Permit the way that our Certificate of Incorporation is written. We would then be able to address anything the towns have moving forward for the permit requirements. It could open some gateways for us to help everybody. Director Williams said he doesn't know that the DEP or DEC would endorse using additional funding open-ended for the MS4 Permit, but if we target specific areas of the permit such as education, municipal operations and mapping, they might be more comfortable. Director Lucas said they expressed frustration with the DOT because they don't understand what the issue is. In certain situations, they seem oblivious to the things they should be doing. Regarding the DOT, Director Williams asked Kevin if we were supposed to get back to them or were they getting back to us with the additional information discussed in the meeting. Kevin said his understanding was that they were going to address our request with their legal counsel and get back to us. Christine, Kevin and Rich had a meeting with the DOT a few months ago that they were going to bring the topic forward with the powers that be on their end to see what they could do about funding us for assisting them to get to their phosphorus reduction goal. Kevin will reach out to follow up with them.

Director Cazzari discussed that he recently became aware of a DEC grant for a vac truck, which he shared with his Highway Department. When he spoke with the DEC, they informed him that they cut back on people cleaning catch basins. He inquired if there is a way to put the money towards cleaning the catch basins because that's what is going into their lakes. After speaking with residents about their gutters and possibly installing rain gardens on their property the question came up as to whether we could fund rain gardens and whether it could be used for education. It would be ideal if an education center could be created along the lines of Tilly Foster, except it would be on the Westchester border on the Somers/Carmel line with BOCES where they do education. For example, Duke Farm in New Jersey actually has outdoor classrooms, and the children learn how to do rain gardens and learn all about stormwater. He asked if the funding coming down could be used for something along those lines. Director Williams said that we can do rain gardens but would have to ensure we have the proper easements and documentation to make sure they are going to stay there. The big issue is that the cost of a rain garden is very high versus the amount of phosphorus we are getting from it. That is the reason we run into a problem all the time because of the cost per kilogram, however, it's not impossible to do. Christine said it's possible if the money we get is dedicated to education. Then it is possible to educate people with land on how to do a rain garden as an educational element, perhaps without getting into the details of paying for their rain garden and getting whatever assurance possible to make sure it stays there. Kevin said we would be talking about 100 individual easements for one neighborhood if we try to get kilograms out of that situation for the program. Christine added that if we have an educational program, it could be part of it. Director Cazzari related it to taking children on field trips to places like Mystic where they do conservation education. If something similar could be done at BOCES, underprivileged kids from Peekskill could be included in the program. Kevin said depending on the site, if we picked something that already had a lot of impervious cover or needed treatment anyway, EOH can come in and do stormwater retrofits throughout. Then, those stormwater retrofits could be used as a teaching tool. After that we would talk about the next piece, which would be the education there. The funding could go toward education for those purposes as well. We could start building it piece by piece. Now, there would be things that EOH could do, then there would be things that other parties would have to take on by themselves. Director Cazzari added that even community colleges do some form of conservation education. Director Lucas said if we wanted to go back and write something into how we're dealing with the DOT and schools, we should agree upon it and send it back to Tom soon.

Director Williams informed members that there is a new draft stormwater design manual on the NYSDEC website for review. It doesn't make many substantial changes. Rainfall levels are up a bit, which essentially translates into runoff. Kevin said that for EOH that means that we must deal with

more water for the design footprints.

**13) Adjournment - Motion to adjourn by Alternate Tamagna, seconded by Director Cazzari; all in favor. Adjourned 9:58 AM.**

**PRESIDENT'S CERTIFICATE**

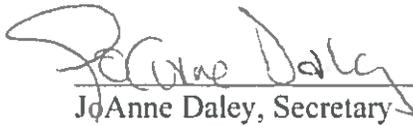
I certify that the foregoing is a true and correct copy of the October 27, 2022 meeting minutes approved by the Executive Committee.

  
\_\_\_\_\_  
Richard Williams, Sr., President

  
\_\_\_\_\_  
Date

**SECRETARY'S CERTIFICATE**

I certify that the foregoing is a true and correct copy of the October 27, 2022 meeting minutes approved by the Executive Committee.

  
\_\_\_\_\_  
JoAnne Daley, Secretary

  
\_\_\_\_\_  
Date