
EXECUTIVE COMMITTEE MEETING

9:30 A.M., Thursday, May 25, 2023

Meeting Minutes

1) Open Meeting

Voting Members in Attendance: Richard Williams, Sr. (Town of Patterson) for himself and Michael Cazzari (Town of Carmel); Robert Scorrano (Town of Somers); Warren Lucas (Town of North Salem); Tony Goncalves (Town of Lewisboro); JoAnne Daley as alternate for James Schmitt (Town of Pawling);

Others in Attendance: John Tully (Putnam County); Christine Chale (Corporate Counsel); Cassandra Britton (Corporate Counsel); Vincent Giorgio (NYCDEP); Kevin Fitzpatrick (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes of April 20, 2023

Motion by Director Lucas, seconded by Director Scorrano to approve the Executive Committee meeting minutes of April 20, 2023; all in favor.

3) Financial Update

Linda Matera presented the financial update on behalf of Keith Giguere. Currently, there is \$14,805,000 in cash and investments of which \$9,835,000 is FAD money. The IRS Form-990 was e-filed May 12, 2023. We are still waiting for confirmation of the CHAR 500 filing with New York State. Today's check run of \$587,227.67 contains a payment to ConTech for NewC-NCR-801 in the amount of \$503,272.95, which should be reimbursed by the Army Corps of Engineers when the project has been completed. It also includes a payment in the amount of \$32,357.50 to Woodard and Curran on the wastewater study contract.

4) List of Reporting and Filing Due Dates

Linda Matera announced that we are currently up to date on all of the reporting and filing dates. On the O&M payments from the municipalities, they have all been received, however, the check from the Town of Cortlandt was short by \$11.98. We will not be able to submit it to Millie Magraw at Westchester County until a check for the remaining amount is received. North Salem's check contained an overpayment of \$15.97 and will be reimbursed in the June check run. As far as Board member compliance is concerned, Kevin Byrne completed all items, with the exception of ABO Board Member Training and Thomas Diana completed his ABO Board Member Training making him fully compliant.

5) Project Update

Kevin Fitzpatrick reported that we are preparing to close out for credits on three different projects for a total of 57 kilograms: Lewisboro Town Park (L-CR-803) located in the Cross River Basin which was

for subsurface infiltration and has been completed; both the Keeler Lane (NS-MU-601) and Courtmel Road (NewC-NCR-801) require landscaping to be complete, however we can fundamentally receive our credits once we receive the documentation from the design engineers and submit them to New York State Department of Environmental Conservation (NYSDEC). The New Castle project has more filters that need to be installed. A brief installation will be required by ConTech Construction, who is using ConTech Water Solutions. They are two different companies with the same name that create confusion. Once all the filters are installed, we can address all the plantings during the next planting season at the end of this summer. It's not worth risking planting now with the possible lack of water. It also has an open Land Use Permit with the New York City Department of Environmental Protection. We will get them on that schedule and make sure there aren't any objections to it.

Director Scorrano asked if Kevin received all the paperwork for Woodcrest Terrace (S-AM-1015). Kevin said he did not get it from Barry, who seemed very much on board when we met with him and the Highway Department. Kevin said it's just a matter of establishing what is happening with the pipe. We are hoping that he gets on board because the work that EOHWC is doing is just a sliver of his parcel. Director Scorrano said the Town of Somers has spoken with him as well and isn't sure what is stopping him from moving forward. Kevin said he will continue to reach out to him to see if there are any additional concerns.

6) Construction Change Orders

a. NS-MU-601

Kevin announced that as they were getting ready to close out the Keeler Lane project in North Salem, the weather conditions led to some instability in the slopes around one of the channels and had a series of blowouts along the side slopes of the channels. It was necessary to have a change order in the field in the amount of \$8,800 in order to provide additional support. We had been relying on vegetative matting, which is absolutely standard and a great practice on private property to provide stabilization, however it just rained too much at the end of April and we weren't confident that the slopes would stay in place. This change order was to bring in additional riprap to protect the areas of concern and lock in stabilization. It had no effect on efficiency. The change order was approved and put in place by Insite Engineering, Kevin and Coyle Construction, but today we need the official approval. Director Lucas said that he doesn't have any problem with the change order and asked if the riprap had been increased where the pipe comes out as was mentioned in his email to Kevin. He was also concerned that the rocks might be too small and was thinking it would be beneficial to put some large rocks on top. Kevin said he will address that with the engineer and take a closer look at it. The rain event happened in April when there was a lot of rain so there was not time for the vegetative matting to take root, so the exposed soils were washed out as a result. Areas that had established vegetation did fine but the areas that didn't have any grass or tree cover did not do well. That is why we elected to reinforce it with rock, and once the vegetation takes root, we'll be confident that it is working as planned. Director Lucas reiterated that he would like to see a couple of big rocks at the bottom of the pipe so when the water comes out, the velocity gets zeroed out.

Motion by Director Lucas, seconded by Director Scorrano to approve construction change order #2 submitted by Coyle Industries, Incorporated in the amount of \$8,800 increasing the contract price from \$268,650.00 to \$277,450.00.

WHEREAS, Coyle Industries, Inc submitted change order request Number 2 dated 5/19/23 for an additional \$8,800 for NS-MU-601 in the Year 6-10 retrofit plan; and

WHEREAS, NS-MU-601 is located on property of Keeler Lane in the Town of North Salem and consists of additional slope stabilization; and

WHEREAS, the proposed change order request is to address existing soil and groundwater conditions. The costs incurred are in addition to the original scope of work; and

WHEREAS, this change order increased the construction cost from \$268,650 to \$277,450 and would have an increased efficiency of approximately \$10,500/kg with an estimated phosphorus reduction of 31.36 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 Coyle Industries, Inc. dated 5/19/23 for an additional \$8,800 for NS-MU-601 increasing the construction cost from \$268,650 to \$277,450.

Motion passed; all in favor.

R-0525-02

b. NewC-NCR-801

Kevin explained that the change order for the project at Courtmel Road in New Castle was to address the alignment of the existing infrastructure with our proposed infrastructure. It was believed that as we were connecting the system to the existing infrastructure, that the pipe ran in a straight line from point A to point B to the outfall of the channel being at point B. What the contractor found after they opened the road and began to lay everything where we expected the pipe to be, the pipe, in fact, went out at a 45-degree angle and was not going to intersect where our project was. The in-field change order was to address the extension of the pipe to a new intersection and the associated work needed for paving and restoration in the process. The change order amount came in at \$12,455.74. It had no effect on the overall efficiency of the project and was approved in the field while the road was open. We wanted to make sure we wrapped it up so we could move it forward.

Motion by Director Lucas, seconded by Director Scorrano to approve change order #1 submitted by ConTech Construction in the amount of \$12,455.74 increasing the contract amount from \$822,451.00 to \$834,906.74.

WHEREAS, ConTech Construction, LLC submitted change order request Number 1 dated 5/11/23 for an additional \$12,455.74 for NewC-NCR-801 in the Year 6-10 retrofit plan; and

WHEREAS, NewC-NCR-801 is located on property of Courtmel Road in the Town of New Castle and consists of stabilization of two heavily eroded channels on NYCDEP property, in addition to water filtration methods within town right of way; and

WHEREAS, the proposed change order request is to address realignment of existing infrastructure to intersect our proposed treatment methods as proposed by the Engineer. The costs incurred are in addition to the original scope of work; and

WHEREAS, this change order increased the construction cost from \$822,451.00 to \$834,906.74 and would have an unchanged efficiency of approximately \$40,000/kg with an estimated phosphorus reduction of 22.67 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 ConTech Construction, LLC dated 5/11/23 for an additional \$12,455.74 for NewC-NCR-801 increasing the construction cost from \$822,451.00 to \$834,906.74.

Motion passed; all in favor.

R-0525-03

7) Award Construction /C-NC-1000

Kevin explained that the award for construction for C-NC-1000 at Walter Panas High School is for catch basin inserts and will provide a phosphorus reduction of approximately 3.8 kilograms. Three bidders attended the pre-bid meeting and two actually submitted bids. While there was a large gap in the cost between the two bids that ranged from \$58,675 to \$146,216, it was evaluated by Insite Engineering and was easily explained by the cost that was associated with the catch basin repair. These are Fabco inserts and in order to get them to fit and sit in the catch basin, everything that has to be addressed has to do with whether it's a grate, or it's paving around the edges. Since there were multiples of those, the gap came from the different prices that were provided by the two contractors. One came in at about \$4,000 per unit, while the other came in closer to \$14,000 per unit. So that explains why there's a large gap in cost. Because of that, we checked with Legacy Supply to make sure that they were, in fact, comfortable with the number they provided, and they are. Director Williams requested that the number of catch basins be added to the resolution being presented today. Christine Chale asked how many catch basin inserts there are for the project. Kevin said there's an open blanket purchase order with Fabco, which means we don't have to go out to bid for the installation of the units. Prep work in order to get ready for that installation is not something that's covered on that BPO. This is work that Legacy Supply will do in preparation. It's a total of 11 basins that should cost about \$20,000 covered under the blanket purchase order in the future. This is only for the work that will ensure the units will be able to take on the storm flows.

Director Lucas discussed the use of the catch basin inserts at a project in North Salem and discussed getting a better price. Discussion ensued. Members agreed that we should inquire with Fabco for a discount based upon the amount being used. Sabrina Charney-Hull suggested applying for shared services as municipalities and a corporation. Those who need to implement and maintain them, because not all municipalities have to do it, put together an application under shared services to obtain monies to balance out the cost. Director Williams asked Kevin to send him the specs.

Motion by Director Scorrano, seconded by Director Goncalves to approve the award of the construction contract for C-NC-1000 to Legacy Supply, LLC in the amount of \$58,675.00.

Motion passed; all in favor.

R-0525-01

8) O&M Program Update

Kevin explained that we are waiting for the remaining \$11.98 from the Town of Cortlandt to finalize the cost and then the information can be redistributed to Westchester County so we can begin the

process of reimbursing the municipalities.

We will be kicking off our summer-long O&M inspections to make sure ponds and wetlands in the municipalities are functioning and growing the right vegetation. We will have individual meetings with the towns as necessary.

9) Checks and vouchers

Monthly vouchers were signed. No action taken.

10) Other business

No other business.

11) Adjournment - Motion to adjourn by Director Williams, seconded by Director Scorrano; all in favor. Adjourned 10:04 AM.

PRESIDENT'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the May 25, 2023 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 May 25, 2023 meeting minutes approved by the Executive Committee.



JoAnne Daley, Secretary



Date