

EXECUTIVE COMMITTEE MEETING

9:30 A.M., Thursday, July 24, 2025

Meeting Minutes

1) Opening of Meeting

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

Others in Attendance: Millie Magraw (Westchester County) via Zoom; Christine Chale (Corporate Counsel) via ZOOM; Cassondra Britton (Corporate Counsel); Steven Cuttignola (NYCDEP); Kevin Fitzpatrick (EOHWC); Keith Giguere (EOHWC); Linda Matera (EOHWC)

2) Approve Meeting Minutes of June 26, 2025

Motion by Director Scorrano, second by Director Lucas to approve the meeting minutes of June 26, 2025; all in favor.

3) Financial Update

Keith Giguere reported that total cash \$13,223,000 of which \$10,535,000 is FAD and \$2,687,000 is WQIP. He announced that the software provider for the accounting system previously known as Abila is now Momentive Software. Through the acquisition they announced they are increasing their prices by 8%. The annual cost will go from \$5,409 to \$5,842. The payment terms were previously monthly but they are now offering an annual option that with a 2% discount. There will be a 2% upcharge if we continue with monthly billing. The annual billing rate will take effect when the contract renews in October.

4) List of Reporting and Filing Dates

Linda Matera reported that the invoice and backup was submitted to Westchester County for 2024 O&M on July 8th. It is in Westchester County's hands for review.

5) Vacation Policy discussion

Keith explained that in the 2024 Audit presentation, the auditor mentioned that in practice, we are not following policy as it is worded. The way we've been doing it is that we are allowed to carry 40 hours over from one year to the next. Because of the way year-end falls in the midst of two pay periods, we've allowed people to use their time between Christmas and New Year's, which is a very

popular time, and so it throws the calculation off. The policy is being amended by recommendation of the auditor so that employees can carry the 40 hours being calculated to the end of the first payroll of the New Year. That way we can skip the overlap period. Director Lucas requested that the language being added to the policy also appear in the resolution. Motion by Director Lucas, seconded by Alternate Daley to recommend the change of vacation policy to the Board of Directors at the August 5th meeting; all in favor.

6) Project Update

Kevin Fitzpatrick reported that construction projects are wrapping up and are we are working on getting credit for Y-MU-40. The next construction to start will likely be PW-MB-1000 in Dutchess, L-CR-1001 at the Waccabuc Country Club in Lewisboro, both of which are FAD projects. We will be ready to start construction on Kent-MB-1000 once we award construction today. Director Lucas asked what the final phosphorus reduction total is for the program. Kevin said that it is 919, but with everything we have currently have open, we will most likely be reaching 930 kilograms. The NYSDEC has confirmed that they have no concern with us going over. They just asked that we get closer and have a more detailed letter.

7) Award Construction/Kent-MB-1000

Kevin explained that we went out to bid and received two bids: one from Legacy Supply and the other from Scape-Tech Landscape Technology. Six contractors showed up to the Pre-Bid Meeting, but we only received two. There is no clear reason that we only received two actual bids. We advertised as required, but he believes there is a lot of site unseen for this project because the property itself is undeveloped and is significantly large. No feedback has been received from the contractors. The bids that came back provide an efficiency of just shy of \$30,000 per kilogram, so it is well within the range of a very efficient project. Both Legacy Supply and Scape-Tech Landscape Technology are both responsible bidders who we are comfortable with, but Scape-Tech Landscape Technology came in a bit lower for the project total. They have previously been doing business as Con-Tech Construct for the last 15 years. They just wrapped up a project they were doing for us in New Castle, which is very similar to this one, but on a smaller scale. We are comfortable moving forward with Scape-Tech Landscape Technology and recommend moving forward with the award.

Motion by Director Scorrano, seconded by Director Calves to award the construction contract for Kent-MB-1000 in the amount of \$1,959,297 to Scape-Tech Landscape Technology, Inc.

WHEREAS, this project will treat multiple municipal outfalls which direct stormwater on to the vacant lot prior to discharge into the Middle Branch River, Stump Brook Creek and Lake Carmel (the “Project”) located on private property along Longfellow Road and a vacant lot owned by E.B.S.E LLC, located off of Ludington Court in Kent (the “Property”), 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 Poughkeepsie Journal and 2 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 July 17, 2025, at 10 A.M.; and

WHEREAS, the phosphorus removal of 78.5 kilograms for this Project has an efficiency of approximately \$28Kg P-removed; and

WHEREAS, Insite Engineering has reviewed all bids and found the lowest responsible bid to be Scape-Tech Landscape Technology, Inc. with a bid in the amount of \$1,959,297.00 as shown on the bid tabulation on file with the secretary; and

WHEREAS, Insite Engineering contacted the references for Scape-Tech Landscape Technology, Inc. and was assured that they can complete the Project for the amount bid; and

WHEREAS, Insite Engineering has recommended that EOHWC accept Scape-Tech Landscape Technology, Inc. as the lowest responsible bidder for the Project and proceed with contracts pending the submission of bonds and insurance by the contractor; and

WHEREAS, on November 16, 2023, 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; and

WHEREAS, on January 25, 2024, the EOHWC Executive Committee reaffirmed their November 16, 2023 SEQRA determination.

NOW THEREFORE IT IS HEREBY RESOLVED, by the Executive Committee of EOHWC's Board of Directors that it accepts Scape-Tech Landscape Technology, Inc. as lowest responsible bidder in the amount of \$1,959,297.00 for the Project and authorizes the President or Vice President of EOHWC to execute the construction contract with Scape-Tech Landscape Technology, 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. Review of the construction contract by EOHWC's Counsel.

Motion passed; all in favor

R-0724-01

8) O & M Program Update

Kevin explained that the 2024 O&M backup was submitted to Westchester County for review. We will keep the Board informed if there is any feedback, or if they have any questions. Millie typically takes until the end of the summer to get through the review. We hope to have a response in August and have it wrapped up before the final Board meeting in October. Millie added that she is away the first two weeks of August, so the review will be completed by the end of August.

9) August Board of Directors Meeting Draft Agenda

Director Williams presented the draft Board of Directors' meeting agenda and asked if anyone had any questions or additions. He informed members that he would not be in attendance. Director Calves asked that an update on the funding be provided at the Board of Directors meeting.

10) Checks and vouchers

Monthly vouchers were signed. No action was taken.

11) Other business

Director Williams said he thinks we've reached a tentative agreement with the DEP that we are going to start working on a contract to carry over the funds. He also mentioned that he had a very positive

meeting with County Executive Kevin Byrne yesterday. Neal Tomann said that Kevin Fitzpatrick gave him the backup needed for the \$1.5 million for the legislature and for the County Executive to sign off on it. He has to sit down with the legal department to put together some closing documents. From there he doesn't anticipate anything getting in the way. Director Williams said things are looking favorable with Putnam and Westchester Counties and the WQIP funds, as well as with the DEP. It looks like we might end up with between \$15-\$17 million to carry on for the next few years. We still are going to have a shortfall. Part of the conversation yesterday was about talking with our state and federal representatives to try to come up with a long-term funding solution. The next conversation we should have with the DEC after we square away the funding we've been working on should be about long-term funding for the organization and how they want to do it, and he is not referring to a grant program. Neal asked where we are with Westchester County. Director Williams said that Westchester agreed to the \$2 million and they are moving that through their process. The problem is they have about \$30 million left over. Millie said that in terms of allocated money, it's more like \$24 million. The county has already agreed to the \$2 million but they can't move forward until the letter agreements are signed. Additionally, in terms of the money, it's really up to the municipalities. They have to come to Westchester County with identifiable, doable, and eligible projects. Christine asked for clarification on Millie's statement regarding the letter agreement and who has to sign it. Millie said that Westchester and Putnam are willing to sign it. Once they both put in writing that they are willing to sign it, the DEP will be willing to move forward and then Westchester can move forward with the allocation of the funds. The DEP will also have to sign the letter agreement. Christine said that we need Putnam to get their process far enough where they can tell the DEP that they are willing to sign the letter agreement for the specified amount of money. That is really important, otherwise this process is stalled. Once they know that Putnam is willing to sign it, the DEP will start writing their letter because we have to get it signed by all three parties. In addition, we have the corporation agreements, which are between the corporation and each of the counties that have to be approved and signed, and that is what is being taken through the legislature. The DEP wanted an indication from Putnam that they are moving this forward. Director Williams said that it is currently in the works. Millie said that Westchester Board of Legislators has already passed the resolution for the allocation of the \$2 million. Director Lucas clarified that we are waiting on Putnam County and the DEP at this point. Director Williams said that the DEP is going to allow us to carry the money we are currently holding over into Years 11-15. Director Lucas asked if there is any indication about how much they are going to give us at a time. Director Williams said they were going to front us some money, and they would have to keep going back for more in the budget. We have to submit a budget, and then they are going to give us the money. We will have to go into a second contract with the DEP for the carry-over funds. They were hoping to get the first contract all wrapped up and done before we started that. He respectfully requested that the DEP start earlier. Steve Cuttignola said they are drafting the letter requesting something in writing and will send it out for Director Williams response. Once the new contract is ratified, the remaining funds from the Years 1-10 will be put into a third contract. This is currently being worked on. Christine asked if it is staying in the FAD, or if it is rolling forward to be used in the watershed just as the new money is. Kevin said that the contract that is currently with the city attorneys for the \$10 million can be used anywhere in the watershed. The carryover is strictly FAD. Director Williams said we will have to wait to see what the city says because he is not really sure where we can use the carryover funds. Kevin said we should work on getting a clear answer on that because that affects how we are going to use the first \$10 million. It's not going to make a lot of sense for us to use that \$10 million on FAD and FAD connected projects if we are going to have a contract that comes down later that is only going to be allowed for that. We have a lot of great FAD and FAD connected projects that may have to go on the back burner to get through that first \$10 million, which doesn't feel like the best way to

approach this, so as we are going forward, we should keep that as a topic of conversation with the DEP. Director Williams agreed.

12) Adjournment - Motion to adjourn by Director Scorrano, seconded by Director Cazzari; all in favor. Adjourned 10:00 AM.

DRAFT