

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

January 5, 2016 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by Berndt Leifeld.

III. Roll Call of Directors

Members Present: Deborah Meyer DeWan, Martin Donnelly, James Eisel, Jeffrey Graf (*New York City DEP*), Thomas Hynes, Innes Kasanof, Berndt Leifeld, Wayne Marshfield, Mark McCarthy, Tina Molé, Richard Parete, Robert Pelham, Thomas Snow (*New York State DEC*), and Michael Triolo.

Members Excused: Donald Brandow

Staff Members Present: Timothy Cox, Diane Galusha, Leo LaBuda, James Martin, John Mathiesen, Jason Merwin, Barbara Puglisi, Alan L. Rosa, Philip Sireci, and Frieda Suess.

Others Present: Bruce Dolph (*Chairman, Coalition of Watershed Towns*), Graydon Dutcher (*Delaware County Soil & Water Conservation District*), Philip Eskeli (*New York City DEP*), Nathaniel Hendricks (*New York City DEP*), Michael Meyer (*New York City DEP*), Beth Reicheld (*New York City DEP*), Tom Stalter (*New York City DEP*), and Alicia Terry (*Schoharie County Planning & Development*).

IV. Review and Approval of December 1, 2015 Board Meeting Minutes

A motion to approve the minutes from the December 1, 2015 Board meeting was made by Wayne Marshfield and seconded by James Eisel.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of November 30, 2015 was made by James Eisel and seconded by Berndt Leifeld.

**Voice Vote, carried unanimously**

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Executive Director’s Report

The Executive Director’s Report was presented as outlined in the board packet.

Presentation of News Articles

Committee Schedule

Committee Meeting Minutes

VI. Public Discussion

Nathaniel Hendricks (New York City DEP Stream Program) and Graydon Dutcher (Delaware County Soil & Water Conservation District) presented a power point regarding updates to the Delaware Basin Stream Management Program from the past 12 months. Copy of the power point is attached.

Diane Galusha noted the newest art exhibit displayed in the Board room, comprised of black and white photographs taken and then hand painted by the late Walt Meade. The exhibit includes privately owned works and is presented by Virginia Scheer, widow to Mr. Meade.

VII. Presentation of Resolutions

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*A motion to waive Rule 14 was made by Martin Donnelly and seconded by Innes Kasanof.*

**Voice Vote, carried unanimously**

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Handout Resolution - Septic Reimbursement Over \$25,000 – Jason Barry

A motion to approve Resolution No. 2789 was made by Tina Molé and seconded by Thomas Hynes.

January 5, 2016

RESOLUTION NO. 2789

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:
JASON BARRY**

WHEREAS, pursuant to the Watershed Memorandum of Agreement and the Septic System Rehabilitation and Replacement Program Contracts with New York City Department of Environmental Protection, the Catskill Watershed Corporation (“CWC”) shall act as program manager for the Septic Program and implement the Septic Program consistent with the terms of said contracts; and

WHEREAS, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty-Five Thousand Dollars (\$25,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

WHEREAS, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Six Thousand Six Hundred Twenty-Two Dollars and Ninety-Six Cents (\$26,622.96); and

WHEREAS, the contractor's quote for this system is more than Twenty-Five Thousand Dollars (\$25,000); and

WHEREAS, the CWC staff have determined the contractor's quote of Twenty-Six Thousand Six Hundred Twenty-Two Dollars and Ninety-Six Cents (\$26,622.96) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the contractor's quote of Twenty-Six Thousand Six Hundred Twenty-Two Dollars and Ninety-Six Cents (\$26,622.96) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Six Thousand Six Hundred Twenty-Two Dollars and Ninety-Six Cents (\$26,622.96).

Jason Barry Backup

Mr. Barry's property is located in the Town of Conesville, Schoharie County. Homeowner and CWC staff received a quote from a contractor in the amount of \$26,622.96. This system is for a four bedroom house. The major components for this system include a 1,250 gallon septic tank, 50 linear feet of 4" gravity piping, 325 linear feet of forcemain, four peat modules, 170 feet of swale, one effluent filter, and extensive site restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$26,622.96.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Additional Cost - William Bartlett – Tab 7**

A motion to approve Resolution No. 2790 was made by Jeffrey Graf and seconded by Thomas Snow.

January 5, 2016

**RESOLUTION NO. 2790**

**BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC  
CONSTRUCTION OVER \$25,000:  
WILLIAM BARTLETT**

**WHEREAS**, pursuant to the Watershed Memorandum of Agreement and the Septic System Rehabilitation and Replacement Program Contracts with New York City Department of Environmental Protection, the Catskill Watershed Corporation (“CWC”) shall act as program manager for the Septic Program and implement the Septic Program consistent with the terms of said contracts; and

**WHEREAS**, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty-Five Thousand Dollars (\$25,000.00) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, by Resolution Number 2542, the CWC Board approved reimbursement to William Bartlett in an amount not to exceed Twenty-Eight Thousand Six Hundred Nineteen Dollars (\$28,619.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for the septic system repair in the amount of One Thousand Seven Hundred Thirty-Nine Dollars (\$1,739.00); and

**WHEREAS**, the total contractor’s invoices for this system is more than Twenty-Five Thousand Dollars (\$25,000.00); and

**WHEREAS**, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be One Thousand Seven Hundred Thirty-Nine Dollars (\$1,739.00); and

**WHEREAS**, CWC staff have determined that Thirty Thousand Three Hundred Fifty-Eight Dollars (\$30,358.00) is a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving total reimbursement of Thirty Thousand Three Hundred Fifty-Eight Dollars (\$30,358.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Thirty Thousand Three Hundred Fifty-Eight Dollars (\$30,358.00).

**William Bartlett Backup**

Mr. Bartlett’s property is located in the Town of Walton, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$28,619.00. During construction it was determined that the garage foundation needed to be repaired/rebuilt

and that could not happen unless the peat filters were relocated. The new location required approximately 110 cubic yards of fill material to be placed in the new area. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$1,739.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,739.00, for total reimbursement not to exceed \$30,358.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – Additional Cost – Daniel Forger – Tab 8

A motion to approve Resolution No. 2791 was made by Jeffrey Graf and seconded by Thomas Snow.

January 5, 2016

RESOLUTION NO. 2791

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE
OVER \$25,000 – ADDITIONAL COSTS:
DANIEL FORGER**

WHEREAS, pursuant to the Watershed Memorandum of Agreement and the Septic System Rehabilitation and Replacement Program Contracts with New York City Department of Environmental Protection, the Catskill Watershed Corporation (“CWC”) shall act as program manager for the Septic Program and implement the Septic Program consistent with the terms of said contracts; and

WHEREAS, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty-Five Thousand Dollars (\$25,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

WHEREAS, CWC Staff previously approved Septic Program reimbursement for Daniel Forger in the amount of Twenty-Four Thousand Nine Hundred Ninety-Nine Dollars (\$24,999.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for the septic system repair in the amount of Four Thousand Seventy Dollars (\$4,070.00); and

WHEREAS, the total contractor’s invoices for this system is more than Twenty-Five Thousand Dollars (\$25,000.00); and

WHEREAS, the CWC staff have determined the contractor’s total invoices of Twenty-Nine Thousand Sixty-Nine Dollars (\$29,069.00) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the total reimbursement of Twenty-Nine Thousand Sixty-Nine Dollars (\$29,069.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Nine Thousand Sixty-Nine Dollars (\$29,069.00).

Daniel Forger Backup

Mr. Forger’s property is located in the Town of Denning, Ulster County. CWC staff previously approved reimbursement for replacement of the septic system at \$24,999.00. During construction large rocks were removed from the curtain drain area and crushed stone was used to fill the voids. Several boulders were also removed to accommodate the absorption trenches, incurring additional machine time. The piping leaving the dwelling prove not to be accessible, interior piping was modified to insure proper operation, and clean fill was used to replace unsuitable materials removed around the septic tank and pump station. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$4,070.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$4,070.00, for total reimbursement not to exceed \$29,069.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Additional Cost – Robert Hart – Tab 9**

A motion to approve Resolution No. 2792 was made by Jeffrey Graf and seconded by Thomas Snow.

January 5, 2016

**RESOLUTION NO. 2792**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE  
OVER \$25,000 – ADDITIONAL COSTS:  
ROBERT HART**

**WHEREAS**, pursuant to the Watershed Memorandum of Agreement and the Septic System Rehabilitation and Replacement Program Contracts with New York City Department of Environmental Protection, the Catskill Watershed Corporation (“CWC”) shall act as program manager for the Septic Program and implement the Septic Program consistent with the terms of said contracts; and

**WHEREAS**, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty-Five Thousand Dollars (\$25,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS,** CWC Staff previously approved Septic Program reimbursement for Robert Hart in the amount of Twenty-Two Thousand Five Hundred Dollars (\$22,500.00); and

**WHEREAS,** CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for the septic system repair in the amount of Two Thousand Eight Hundred Dollars (\$2,800.00); and

**WHEREAS,** the total contractor's invoices for this system is more than Twenty-Five Thousand Dollars (\$25,000.00); and

**WHEREAS,** the CWC staff have determined the contractor's total invoices of Twenty-Five Thousand Three Hundred Dollars (\$25,300.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS,** the Septic Committee has reviewed the documentation and recommend approving the total reimbursement of Twenty-Five Thousand Three Hundred Dollars (\$25,300.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED,** that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Five Thousand Three Hundred Dollars (\$25,300.00).

**Robert Hart Backup**

Mr. Hart's property is located in the Town of Middletown, Delaware County. CWC staff previously approved reimbursement for replacement of the septic system at \$22,500.00. During construction rock was encountered, requiring use of a rock hammer. This was corroborated by the project engineer. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$2,800.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$2,800.00, for total reimbursement not to exceed \$25,300.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$25,000 – Additional Cost – Margaret Owen – Tab 10

A motion to approve Resolution No. 2793 was made by Jeffrey Graf and seconded by Thomas Snow.

January 5, 2016

RESOLUTION NO. 2793

**BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC
CONSTRUCTION OVER \$25,000:
MARGARET OWEN**

WHEREAS, pursuant to the Watershed Memorandum of Agreement and the Septic System Rehabilitation and Replacement Program Contracts with New York City Department of Environmental Protection, the Catskill Watershed Corporation (“CWC”) shall act as program manager for the Septic Program and implement the Septic Program consistent with the terms of said contracts; and

WHEREAS, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty-Five Thousand Dollars (\$25,000.00) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

WHEREAS, by Resolution Number 2687, the CWC Board approved reimbursement to Margaret Owen in an amount not to exceed Thirty Thousand Four Hundred Fifty-One Dollars (\$30,451.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for the septic system repair in the amount of Three Thousand Five Hundred Eighty-Nine Dollars (\$3,589.00); and

WHEREAS, the total contractor’s invoices for this system is more than Twenty-Five Thousand Dollars (\$25,000.00); and

WHEREAS, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be Three Thousand Five Hundred Eighty-Nine Dollars (\$3,589.00); and

WHEREAS, CWC staff have determined that Thirty-Four Thousand Forty Dollars (\$34,040.00) is a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving total reimbursement of Thirty-Four Thousand Forty Dollars (\$34,040.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Thirty-Four Thousand Forty Dollars (\$34,040.00).

Margaret Owen Backup

Ms. Owen’s property is located in the Town of Olive, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$30,451.00. During construction the contractor was directed by the project engineer to install an additional 110 lineal feet of schedule 40 piping, 100 lineal feet of swale, 24 cubic yards of fill material, and 44 cubic yards of additional stone for the curtain drain. The additional costs were corroborated in writing by the engineer. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$3,589.00. The Septic

Committee recommends that the Board approves an additional reimbursement of \$3,589.00, for total reimbursement not to exceed \$34,040.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Additional Cost – Thomas Paul – Tag 11**

A motion to approve Resolution No. 2794 was made by Jeffrey Graf and seconded by Thomas Snow.

January 5, 2016

**RESOLUTION NO. 2794**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE  
OVER \$25,000 – ADDITIONAL COSTS:  
THOMAS PAUL**

**WHEREAS**, pursuant to the Watershed Memorandum of Agreement and the Septic System Rehabilitation and Replacement Program Contracts with New York City Department of Environmental Protection, the Catskill Watershed Corporation (“CWC”) shall act as program manager for the Septic Program and implement the Septic Program consistent with the terms of said contracts; and

**WHEREAS**, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty-Five Thousand Dollars (\$25,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, CWC Staff previously approved Septic Program reimbursement for Thomas Paul in the amount of Twenty-Four Thousand Nine Hundred Twelve Dollars (\$24,912.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for the septic system repair in the amount of Three Hundred Dollars (\$300.00); and

**WHEREAS**, the total contractor’s invoices for this system is more than Twenty-Five Thousand Dollars (\$25,000.00); and

**WHEREAS**, the CWC staff have determined the contractor’s total invoices of Twenty-Five Thousand Two Hundred Twelve Dollars (\$25,212.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the total reimbursement of Twenty-Five Thousand Two Hundred Twelve Dollars (\$25,212.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Five Thousand Two Hundred Twelve Dollars (\$25,212.00).

**Thomas Paul Backup**

Mr. Paul’s property is located in the Town of Hurley, Ulster County. CWC staff previously approved reimbursement for replacement of the septic system at \$24,912.00. During construction an electric pole guy wire would need to be removed and replaced to facilitate the construction of the new septic field. The project engineer corroborated the need. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$300.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$300.00, for total reimbursement not to exceed \$25,212.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$25,000 – Additional Cost – Jens Sirset – Tab 12

A motion to approve Resolution No. 2795 was made by Jeffrey Graf and seconded by Thomas Snow.

January 5, 2016

RESOLUTION NO. 2795

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE
OVER \$25,000 – ADDITIONAL COSTS:
JENS SIRSET**

WHEREAS, pursuant to the Watershed Memorandum of Agreement and the Septic System Rehabilitation and Replacement Program Contracts with New York City Department of Environmental Protection, the Catskill Watershed Corporation (“CWC”) shall act as program manager for the Septic Program and implement the Septic Program consistent with the terms of said contracts; and

WHEREAS, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty-Five Thousand Dollars (\$25,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

WHEREAS, CWC Staff previously approved Septic Program reimbursement for Jens Sirset in the amount of Twenty-Four Thousand Eight Hundred Twenty-Five Dollars (\$24,825.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for the septic system repair in the amount of Three Thousand One Hundred Twenty-Three Dollars (\$3,123.00); and

WHEREAS, CWC staff authorized an additional payment of One Hundred Seventy Five Dollars (\$175.00) to the maximum of Twenty-Five Thousand Dollars (\$25,000.00) and the remaining unpaid amount of the additional invoice of Two Thousand Nine Hundred Forty-Eight Dollars (\$2,948.00) requires CWC Board approval; and

WHEREAS, the remainder of the total contractor's invoices for this system is more than Twenty-Five Thousand Dollars (\$25,000.00); and

WHEREAS, the CWC staff have determined the contractor's total invoices of Twenty-Seven Thousand Nine Hundred Forty-Eight Dollars (\$27,948.00) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the total reimbursement of Twenty-Seven Thousand Nine Hundred Forty-Eight Dollars (\$27,948.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Seven Thousand Nine Hundred Forty-Eight Dollars (\$27,948.00).

Jens Sirset Backup

Mr. Sirset's property is located in the Town of Windham, Greene County. CWC staff previously approved reimbursement for replacement of the septic system at \$24,825.00. During construction the engineer requested an additional 56 lineal feet of Schedule 40 piping and 48 lineal feet of sleeve be installed. In addition, several trees were removed that were not in the original quote. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$3,123.00. CWC staff authorized the additional \$175.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$2,948.00, for total reimbursement not to exceed \$27,948.00.

Voice Vote, carried unanimously

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**Septic Program Rules Change – Reimbursement Extension – Tab 13**

A motion to approve Resolution No. 2796 was made by Martin Donnelly and seconded by Robert Pelham.

January 5, 2016

**RESOLUTION NO. 2796**

**SEPTIC PROGRAM RULE CHANGE FOR REIMBURSEMENT OF PAST  
REPAIRS OUTSIDE PRIORITY AREAS BEFORE DECEMBER 31, 2015**

**WHEREAS**, pursuant to the 1997 Watershed Memorandum of Agreement (Paragraph 124) and the Septic System Rehabilitations and Replacements Program Contract (the “Septic Program”) with NYCDEP, the CWC shall act as program manager for the Septic Program and implement the Septic Program consistent with the terms of said contract and CWC’s Septic Program Rules; and; and

**WHEREAS**, the CWC Septic Program Rules (Article 2-A) established priority areas for the CWC Septic Program, effective on July 1, 1999; and

**WHEREAS**, by Resolution Number 2423, the CWC Board of Directors approved a program rule change to Article 2-A to provide for reimbursement to homeowners outside of current priority areas who repaired or replaced their septic system prior to December 27, 2013; and

**WHEREAS**, numerous watershed residents outside of the current CWC Septic Program priority areas have rehabilitated or replaced their septic systems after December 31, 2014; and

**WHEREAS**, the repair or replacement of these septic systems has been and will continue to benefit the water quality in the West of Hudson Watershed; and

**WHEREAS**, the CWC Septic Committee and CWC staff estimate that there is adequate funding and personnel to reimburse those residents who repaired or replaced their septic system between December 31, 2014 and December 31, 2015 regardless of whether or not those systems are located in an existing priority area; and

**WHEREAS**, the CWC Septic Committee recommends that the CWC Board of Directors approve the attached program rule change to reimburse individuals who have repaired or replaced a failed system between July 21, 2008 and December 31, 2015 outside of the existing priority areas.

**NOW, THEREFORE BE IT RESOLVED**, that the CWC Board approves the attached amendment of Article 2A of the CWC Septic Program Rules as described in Attachment A to provide for the reasonable and necessary reimbursement to individuals who repaired or replaced failed septic systems between July 21, 2008 and December 31, 2015 in areas within the West of Hudson Watershed but outside the CWC Septic Program priority areas.

#### ATTACHMENT A

Proposed changes are underlined.  
Proposed deletions are ~~struck out~~.

*2:00:02:01 Reimbursement for Past Completed Repairs*

1. The property owner of an eligible septic system within or outside current priority areas can be reimbursed under applicable program rules for eligible costs for repairs/replacement completed on or before ~~December 19, 2014~~ **December 31, 2015** and as provided below. For reimbursements under this section only, CWC staff need not determine if the system was in failure or reasonably likely to fail prior to the repair/replacement.
  - a. For reimbursement requests received on or after March 2, 2010, an eligible system must have been repaired or replaced between July 21, 2008 and ~~December 27, 2014~~ **December 31, 2015**. To be eligible for reimbursement, all homeowners must either:
    - i. Provide copy of NYCDEP Final Construction Approval; or
    - ii. For repairs/replacement that under the Watershed Regulations do not require NYCDEP Construction approval, such as in-kind septic tank replacements, either:
      1. Notify CWC within a reasonable time prior to such repair/replacement. CWC must witness the installation of repairs/replacements for which reimbursement is requested; or
      2. Submit the following to the CWC Board for approval:
        - a. Sufficient documentation, including invoices and canceled checks, demonstrating that such repair/replacement was completed and paid for; and
        - b. Affidavits signed by the homeowner and contractor, notarized by a notary public, attesting that:
          - i. The work for which reimbursement is requested was completed as described; and
          - ii. Payment was provided to the contractor as described in the documentation.

Upon receipt of all necessary documentation, and any required CWC Board approval, the CWC may pay a portion of reasonable and necessary costs of improvements made to such eligible septic system.

2. An eligible system repaired or replaced on or after ~~December 28, 2014~~ **December 31, 2015** will follow Section 2:00:02:03.
3. Every property owner requesting reimbursement under the Septic Program must execute a program participation agreement.

**Voice Vote, carried unanimously**

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Future Stormwater – Trec Land Vest, LLC – Tab 14

A motion to approve Resolution No. 2797 was made by James Eisel and seconded by Thomas Hynes.

January 5, 2016

RESOLUTION NO. 2797

**BOARD REVIEW OF FUTURE STORMWATER PROGRAM APPLICATION
FOR TREC LAND VEST, LLC STORMWATER CONTROLS**

WHEREAS, the 1997 New York City Watershed Memorandum of Agreement (“Watershed MOA”) paragraph 128 (“Future Stormwater Program”) directs the Catskill Watershed Corporation (“CWC”) to establish a program to pay for the reasonable and proper cost to design, implement, permit, construct and maintain new stormwater measures pursuant to stormwater pollution prevention plans required by the 18-39(b)(3) and 18-39(e) of the watershed regulations; and

WHEREAS, Section 145(ii) of the Watershed MOA and the West of Hudson Future Stormwater Program Rules provides for payment of eligible project costs required solely by the New York City Department of Environmental Protection (“NYCDEP”) and not otherwise required by State or federal law; and

WHEREAS, Trec Land Vest, LLC has applied for reimbursement of eligible costs in the amount of Ten Thousand Five Hundred Thirty-Eight Dollars and Thirty-Six Cents (\$10,538.36) for design of new stormwater controls related to the addition put on a barn within 100 feet of a watercourse; and

WHEREAS, the CWC share of stormwater funding is 50% of the eligible costs for this project because Trec Land Vest, LLC is a small business under Watershed MOA Paragraph 145; and

WHEREAS, the Future Stormwater Program Rules require that the CWC Board of Directors shall review and approve each application, with attached documentation and staff recommendations; and

WHEREAS, CWC staff recommended reimbursement of eligible stormwater costs for a total not-to-exceed amount of Ten Thousand Five Hundred Thirty-Eight Dollars and Thirty-Six Cents (\$10,538.36); and

WHEREAS, the CWC Wastewater/Stormwater Committee recommends that the application be approved by the CWC Board of Directors.

NOW, THEREFORE, LET IT BE RESOLVED, that the CWC Board of Directors has reviewed the attached application, staff recommendation and supporting documentation and approves payment in the not-to-exceed amount of Ten Thousand Five Hundred Thirty-Eight Dollars and Thirty-Six Cents (\$10,538.36).

**CWC Future Stormwater Controls Program
Trec Land Vest, LLC – Town of Hunter, Greene County**

Trec Land Vest, LLC is a construction company in the Town of Hunter, Greene County. They purchased to old Hunter Drive Inn which required a state SWPPP. A NOV was issued on November 19, 2013 by NYC DEP for clearing and grubbing of a lot resulting in greater than two acres of disturbance at least in part on slopes at or exceeding 15% and was initiated without first obtaining approval from the DEP for a required Stormwater Pollution Prevention Plan (SWPPP). Only minimal reimbursement is recommended because a full State SWPPP was also required. Trec Land Vest, LLC is a small business therefore they are eligible for 50% reimbursement of eligible costs from the CWC and are eligible to apply to the NYC DEP for the remaining 50%.

Total Eligible Costs	\$21,076.72
NYCDEP 50% Share	\$10,538.36

Recommended CWC funding 50% of eligible SWPPP design costs **\$10,538.36**

Voice Vote, carried unanimously

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**Stormwater Retrofit – T. of Windham Planning & Assessment Update – Tab 15**

A motion to approve Resolution No. 2798 was made by Richard Parete and seconded by Innes Kasanof.

January 5, 2016

**RESOLUTION NO. 2798**

**BOARD REVIEW OF STORMWATER RETROFIT PROGRAM APPLICATION  
FOR THE TOWN OF WINDHAM  
STORMWATER INFRASTRUCTURE PLANNING & ASSESSMENT UPDATE PROJECT**

**WHEREAS**, Paragraph 125 of the 1997 New York City Watershed Memorandum of Agreement (MOA) directs the Catskill Watershed Corporation (CWC) to establish a program to pay the costs to design, permit, maintain, implement and construct Stormwater Best Management Practices (BMP’s) to address existing stormwater runoff in concentrated areas of impervious surface in West of Hudson Watershed to the extent such BMP’s are necessary to correct or reduce existing erosion and/or pollutant loading; and

**WHEREAS**, by Resolution Number 265, the CWC Board of Directors established the Stormwater Retrofits Program (Program) Rules that provides for payment of eligible project costs; and

**WHEREAS**, pursuant to the CWC Program rules as adopted by the CWC Board of Directors, the CWC staff and New York City Department of Environmental Protection (NYCDEP) staff must evaluate grant requests and issue funding recommendations to the CWC Wastewater Committee, which shall issue recommendations to the CWC Board of Directors; and

**WHEREAS**, the SW Retrofit Program Rules section 7:00:04 further provides that applications must be submitted by October 1<sup>st</sup>, and further provides that the CWC Board must review applications on the first Tuesday in December; and

**WHEREAS**, the Town of Windham and the Village of Fleischmanns submitted Planning and Assessment applications prior to October 1, 2015; and

**WHEREAS**, NYCDEP requested and received additional information from the applicants and NYCDEP has not had enough time to review; and

**WHEREAS**, by Resolution Number 2770, the CWC Board waived the requirement that applications must be reviewed by the CWC Board on the first Tuesday in December in order to allow NYCDEP additional time to review the applications from the Town of Windham and the Village of Fleischmanns, and that such applications be presented for consideration by the CWC Board of Directors at the regular meeting on January 5, 2016; and

**WHEREAS**, CWC and NYCDEP staff have jointly reviewed the Town of Windham Stormwater Infrastructure Planning and Assessment Update Project and CWC staff recommends funding in an amount not to exceed Forty-Six Thousand Six Hundred Twenty-Five Dollars (\$46,625.00); and

**WHEREAS**, pursuant to the CWC Program Rules, the CWC Board of Directors has reviewed the attached recommendation and supporting documentation.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors approves funding for the Town of Windham Stormwater Infrastructure Planning and Assessment Update Project in an amount not to exceed Forty-Six Thousand Six Hundred Twenty-Five Dollars (\$46,625.00).

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of the grant by the CWC Board of Directors constitutes a preliminary decision under the Watershed MOA and the decision will become final without any further action by the Board unless an objection is timely filed with the Watershed Protection and Partnership Council.

***Voice Vote, carried unanimously***

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Stormwater Retrofit – V. of Fleischmanns Planning & Assessment Update – Tab 16

A motion to approve Resolution No. 2799 was made by Jeffrey Graf and seconded by Wayne Marshfield.

January 5, 2016

RESOLUTION NO. 2799

BOARD REVIEW OF STORMWATER RETROFIT PROGRAM APPLICATION
FOR THE VILLAGE OF FLEISCHMANN'S
STORMWATER INFRASTRUCTURE PLANNING & ASSESSMENT UPDATE PROJECT

WHEREAS, Paragraph 125 of the 1997 New York City Watershed Memorandum of Agreement (MOA) directs the Catskill Watershed Corporation (CWC) to establish a program to pay the costs to design, permit, maintain, implement and construct Stormwater Best Management Practices (BMP's) to address existing stormwater runoff in concentrated areas of impervious surface in West of Hudson Watershed to the extent such BMP's are necessary to correct or reduce existing erosion and/or pollutant loading; and

WHEREAS, by Resolution Number 265, the CWC Board of Directors established the Stormwater Retrofits Program (Program) Rules that provides for payment of eligible project costs; and

WHEREAS, pursuant to the CWC Program rules as adopted by the CWC Board of Directors, the CWC staff and New York City Department of Environmental Protection (NYCDEP) staff must evaluate grant requests and issue funding recommendations to the CWC Wastewater Committee, which shall issue recommendations to the CWC Board of Directors; and

WHEREAS, the SW Retrofit Program Rules section 7:00:04 further provides that applications must be submitted by October 1st, and further provides that the CWC Board must review applications on the first Tuesday in December; and

WHEREAS, the Town of Windham and the Village of Fleischmann's submitted Planning and Assessment applications prior to October 1, 2015; and

WHEREAS, NYCDEP requested and received additional information from the applicants and NYCDEP has not had enough time to review; and

WHEREAS, by Resolution Number 2770, the CWC Board waived the requirement that applications must be reviewed by the CWC Board on the first Tuesday in December in order to allow NYCDEP additional time to review the applications from the Town of Windham and the Village of Fleischmann's, and that such applications be presented for consideration by the CWC Board of Directors at the regular meeting on January 5, 2016; and

WHEREAS, CWC and NYCDEP staff have jointly reviewed the Village of Fleischmann's Stormwater Infrastructure Planning and Assessment Update Project and CWC staff recommends funding in an amount not to exceed Forty-Six Thousand Eight Hundred Seventy-Five Dollars (\$46,875.00); and

WHEREAS, pursuant to the CWC Program Rules, the CWC Board of Directors has reviewed the attached recommendation and supporting documentation.

NOW, THEREFORE, LET IT BE RESOLVED, that the CWC Board of Directors approves funding for the Village of Fleischmanns Stormwater Infrastructure Planning and Assessment Update Project in an amount not to exceed Forty-Six Thousand Eight Hundred Seventy-Five Dollars (\$46,875.00).

NOW, THEREFORE BE IT FURTHER RESOLVED, approval of the grant by the CWC Board of Directors constitutes a preliminary decision under the Watershed MOA and the decision will become final without any further action by the Board unless an objection is timely filed with the Watershed Protection and Partnership Council.

Voice Vote, carried unanimously

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**FHMIP – Walton Utilities Relocation Feasibility Study – Tab 17**

A motion to approve Resolution No. 2800 was made by Robert Pelham and seconded by Martin Donnelly.

January 5, 2016

**RESOLUTION NO. 2800**

**CWC REVIEW OF FLOOD HAZARD MITIGATION PROGRAM  
APPLICATION  
FOR THE VILLAGE OF WALTON – FEASIBILITY STUDY FOR  
RELOCATION OF WATER STREET UTILITIES**

**WHEREAS**, the Catskill Watershed Corporation (CWC) is a not-for-profit corporation established to administer Watershed Protection and Partnership Programs in the West of Hudson Watershed; and

**WHEREAS**, the CWC, City of New York (City), all municipalities in the West of Hudson Watershed, New York State, the federal Environmental Protection Agency, and several environmental organizations recognized that the goals of drinking water protection and economic vitality within the West of Hudson Watershed communities are not inconsistent and under the 1997 New York City Watershed Memorandum of Agreement (“Watershed MOA”) agreed to cooperate in the development and implementation of watershed protection programs that maintain and enhance the quality of the City’s drinking water supply system and the economic and social character of the West of Hudson Watershed communities; and

**WHEREAS**, extensive flooding resulting from Tropical Storms Irene and Lee, in August and September 2011, respectively, caused catastrophic losses in certain towns and villages within the West of Hudson Watershed which affected the economic and social character of certain West of Hudson watershed communities and adversely impacted water quality in the West of Hudson Watershed; and

**WHEREAS**, as a condition of the 2014 Mid-Term Filtration Avoidance Determination Review, New York City Department of Environmental Protection (NYCDEP) has agreed to fund a Flood Hazard Mitigation Implementation Program to reduce repetitive flood losses that also pose a threat to water quality during storm events through funding certain recommendations of local flood analyses under the NYCDEP Stream Management Program; and

**WHEREAS**, by Resolution Number 2439, on March 4, 2014, the CWC Board of Directors agreed to serve as program manager of such a program to be referred to as the CWC Flood Hazard Mitigation Implementation Program (the “Program”) and approved a Program Agreement with the City; and

**WHEREAS**, as provided in the CWC Flood Hazard Mitigation Implementation Program Rules (Program Rules), as adopted by the CWC Board of Directors, CWC staff must evaluate grant applications and issue funding recommendations to the CWC Wastewater Stormwater Committee, which shall issue recommendations to the CWC Board of Directors; and

**WHEREAS**, the Village of Walton completed a local flood analysis for the West Branch of the Delaware River and submitted an application to CWC by December 1, 2015 for funding of relocation of public utilities in the Village and submitted a revised application on November 13, 2015 for the Relocation Feasibility for Village of Walton Water Street Utilities Project; and

**WHEREAS**, upon review of the information and staff recommendation, the CWC Wastewater/Stormwater Committee recommends that the CWC Board of Directors approve an amount not to exceed Twenty Thousand Dollars (\$20,000.00) for the Relocation Feasibility Study for the Village of Walton Water Street Utilities Project.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the application, staff recommendation and supporting documentation and approves funding for the Relocation Feasibility Study for the Village of Walton Water Street Utilities Project in an amount not to exceed Twenty Thousand Dollars (\$20,000.00).

**Relocation Feasibility for Village of Walton Water Street Utilities Project.**

The Village of Walton submitted a revised application on November 13, 2015 requesting \$20,000 for Relocation Feasibility for Village of Walton Water Street Utilities Project. It is recommended by the completed local flood analysis for the West Branch of the Delaware River.

One of the alternatives which was identified in the LFA was to enhance the floodplain south of Water Street. The LFA indicates that removing fill from this area will reduce flood elevations in the area. The area south of Water Street consists of multiple land parcels owned by the Village of Walton, Town of Walton, Delaware County, and a private land owner. Multiple utilities are located within this area. The Village of Walton

has water and sewer lines located in this area. NYSEG, a private utility company has a natural gas main as well as overhead electrical lines throughout the Water Street area. There is also drainage infrastructure that runs from Delaware Street through Water Street to discharge into the Delaware River. Removing fill from the floodplain south of Water Street will provide a larger floodplain to disperse flood waters and lowering the flood elevations in the area. The feasibility study will identify all utilities within the area and what the removal of the fill would have on each. The study will identify a plan to relocate and /or realign each utility to accommodate the lowered grade elevation, and still provide sufficient grade cover and separation for the utility to operate properly without any possible damage. Cost estimates for this work will also be identified CWC staff is treating this application as Public Infrastructure alteration. This project is eligible for study funding. Such a review would be required under the Program Rules for an Alteration to Public infrastructure.

The entire project is located on the Water Street location within the Village of Walton.

CWC staff, in consultation with DEP staff, recommend the CWC Stormwater/Wastewater Committee refer the application to the Board for approval of funding at the requested amount of \$20,000.00.

***Voice Vote, carried unanimously***

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2016 Collections Counsel Services Contract – Ganz, Wolkenbreit & Siegfeld LLP – Tab 18

A motion to approve Resolution No. 2801 was made by James Eisel and seconded by Martin Donnelly.

January 5, 2016

RESOLUTION NO. 2801

**APPROVAL OF LEGAL SERVICES CONTRACT
WITH GANZ WOLKENBREIT & SIEGFELD LLP**

WHEREAS, by Resolution Number 1356, and Resolution Number 1843, CWC Board of Directors approved hiring Ganz Wolkenbreit & Siegfeld LLP as outside collection counsel for the purposes of taking appropriate legal action against borrowers who have defaulted on their Catskill Fund for the Future (CFF) obligations; and

WHEREAS, the CWC Policies and Procedures requires the CWC Board of Directors must approve all contracts for services over Ten Thousand Dollars (\$10,000.00); and

WHEREAS, CWC Economic Development Committee recommends that CWC Board of Directors authorize a contract with Ganz Wolkenbreit & Siegfeld LLP in an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00) for calendar year 2016.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors approves the firm of Ganz Wolkenbreit & Siegfeld LLP as external legal firm for the CWC for a term commencing January 1, 2016 and terminating on December 31, 2016 for an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00).

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board of Directors approves and authorizes the Executive Director and/or the President to retain Ganz Wolkenbreit & Siegfeld LLP for legal services.

Voice Vote, carried unanimously

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**2016 Legal Services Contract – Whiteman, Osterman & Hanna – Tab 19**

A motion to approve Resolution No. 2802 was made by James Eisel and seconded by Tina Molé.

January 5, 2016

**RESOLUTION NO. 2802**

**APPROVAL OF LEGAL SERVICES CONTRACT  
WITH WHITEMAN, OSTERMAN & HANNA**

**WHEREAS**, pursuant to the Catskill Watershed Corporation (“CWC”) procurement policy personal service contracts likely to exceed Twenty-Five Thousand Dollars (\$25,000), shall be made on a competitive basis unless specifically exempted by the procurement policies; and

**WHEREAS**, the CWC Policy committee has reviewed response(s) to a request for proposal for outside counsel to the CWC; and

**WHEREAS**, Whiteman, Osterman & Hanna has represented CWC as outside counsel since 1996; and

**WHEREAS**, the CWC Policies and Procedures requires the CWC Board of Directors must approve all contracts for services over Ten Thousand Dollars (\$10,000); and

**WHEREAS**, the CWC Policy Committee recommends the CWC Board of Directors enter into a contract for legal services with Whiteman, Osterman & Hanna for a period of one year and that, pursuant to CWC Fiscal Policies 3-10.06-4, the CWC Board waive the requirement that the contract be bid competitively because of the unique experience provided by Whiteman, Osterman & Hanna.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors approves the firm of Whiteman, Osterman & Hanna as external legal firm for the CWC for a term of one year, commencing on January 1, 2016 and terminating on December 31, 2016 for an

amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00) at the rates described in Attachment A and that, pursuant to CWC Fiscal Policies 3-10.06-4, the CWC Board waives the requirement that this contract be competitively bid.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Board of Directors approves and authorizes the Executive Director and/or the President to retain Whiteman, Osterman & Hanna for legal services consistent with the attached proposal.

**WHITEMAN OSTERMAN & HANNA LLP  
Proposal for Legal Services**

WOH has proposed the following fee structure for the period 1/1/2016 to 12/31/2016. This revised rate structure continues to provide a discount for attorneys' time over our Firm's regular hourly billing rates which currently range from \$155 to \$275 for associates and \$275 to \$460 for partners.

General Legal Advice

Partners

|                      |           |
|----------------------|-----------|
| Daniel A. Ruzow      | \$325/hr. |
| Jonathan P. Nye      | \$300/hr. |
| Norma G. Meacham     | \$300/hr. |
| Terresa M. Bakner    | \$300/hr. |
| Michael G. Sterthous | \$300/hr. |

Associates

\$145-\$225/hr.

Paralegal

\$110/hr.

Expenses

|                                     |                  |
|-------------------------------------|------------------|
| Telephone, Postage, Federal Express | Billed at Cost   |
| Mileage                             | Current IRS Rate |
| Photocopies                         | \$.20 per Copy   |

**Voice Vote, carried unanimously**

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VIII. Announcements from the Chair: None

IX. Board Member Discussion:

Deborah DeWan announced her resignation from the CWC Board. She expressed gratitude and admiration for the effectiveness and cooperative spirit of the CWC Board over the years. She stated that she informed the environmental party signatories to the Watershed MOA of her

decision and they would provide a list of possible replacements for the Governor to choose from. Michael Triolo thanked Deborah for her years on the CWC Board from CWC's very beginning, as well as lending to CWC her experience and expertise. The CWC applauded Deborah's contributions to CWC.

A motion to adjourn was made by Berndt Leifeld and seconded by Wayne Marshfield.

Voice Vote, carried unanimously

X. Adjournment: @ 2:00 p.m.