

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

March 1, 2016 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by Jeffrey Graf.

III. Roll Call of Directors

Members Present: Donald Brandow, 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:

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: Alicia Terry (*Schoharie County Planning & Development*), Mike Meyer (*NYCDEP*)

IV. Review and Approval of February 2, 2016 Board Meeting Minutes

A motion to approve the minutes from the February 2, 2016 board meeting was made by Wayne Marshfield and seconded by James Eisel.

Voice Vote, carried unanimously

V. Presentation of Communication

Finance Report

A motion to approve the financial reports as of December 31, 2015 was made by James Eisel and seconded by Wayne Marshfield.

Voice Vote, carried unanimously

Executive Director's Report

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

Committee Schedule

Committee Meeting Minutes

VI. Public Discussion

VII. Presentation of Resolutions

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*A motion to waive Rule 14 was made by Robert Pelham and seconded by Tina Molé.*

*Voice Vote, carried unanimously*

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Handout Resolution – CWC External Audit Firm – Additional Funds

A motion to approve Resolution No. 2819 was made by James Eisel and seconded by Richard Parete.

March 1, 2016

RESOLUTION NO. 2819

CATSKILL WATERSHED CORPORATION EXTERNAL AUDIT FIRM

WHEREAS, the Catskill Watershed Corporation (CWC) is required by contracts to submit financial statements audited by an independent certified public accountant for the preceding fiscal year to the New York City Department of Environmental Protection within ninety (90) days of the end of the CWC fiscal year; and

WHEREAS, the CWC Policies and Procedures requires that the CWC Board of Directors must approve an expense greater than Ten Thousand Dollars (\$10,000.00); and

WHEREAS, the CWC Board previously approved Sickler, Torchia, Allen & Churchill, CPAs, P.C.'s engagement letter not to exceed Eighteen Thousand Seven Hundred Forty-Seven Dollars (\$18,747.00); and

WHEREAS, Sickler, Torchia, Allen & Churchill, CPAs, P.C. incurred out of pocket expenses totaling Thirty-Eight Dollars (\$38.00); and

WHEREAS, the Finance Committee recommends the CWC Board to approve the additional costs and amend the contract for a total cost not to exceed Eighteen Thousand Seven Hundred Eighty-Five Dollars (\$18,785.00).

NOW, THEREFORE BE IT RESOLVED, the CWC Board of Directors approves the Executive Director to amend Sickler, Torchia, Allen & Churchill, CPAs, P.C.'s contract for a total cost not to exceed Eighteen Thousand Seven Hundred Eighty-Five Dollars (\$18,785.00).

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Michael Colao – Tab 6**

March 1, 2016

**RESOLUTION NO. 2820**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:  
MICHAEL COLAO**

**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-Nine Thousand Nine Hundred Ninety-Nine Dollars (\$29,999.00); 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-Nine Thousand Nine Hundred Ninety-Nine Dollars (\$29,999.00) 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 contractor’s quote of Twenty-Nine Thousand Nine Hundred Ninety-Nine Dollars (\$29,999.00) 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 Nine Hundred Ninety-Nine Dollars (\$29,999.00).

**Michael Colao Backup**

Mr. Colao’s property is located in the Town of Colchester, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$29,999.00. This system is for a four bedroom house. The major components for this system include a 1,250 gallon septic tank, 45 lineal feet of 4” gravity piping, 103 lineal feet of forcemain, 223 cubic yards of absorption fill material, 220 cubic yards of random fill material, three peat modules, 85 lineal feet of curtain drain, 45 lineal feet of curtain drain outlet, and removal of several trees. The quote does not exceed the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$29,999.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – Stacey Heston – Tab 7

A motion to approve Resolution No. 2821 was made by Tina Molé and seconded by Robert Pelham.

March 1, 2016

RESOLUTION NO. 2821

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:
ROBERT EXUM**

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-Nine Thousand Nine Hundred Sixty-Five Dollars (\$29,965.00); 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-Nine Thousand Nine Hundred Sixty-Five Dollars (\$29,965.00) 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 contractor’s quote of Twenty-Nine Thousand Nine Hundred Sixty-Five Dollars (\$29,965.00) 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 Nine Hundred Sixty-Five Dollars (\$29,965.00).

Robert Exum Backup

Mr. Exum’s property is located in the Town of Windham, Greene County. Homeowner and CWC staff received a quote from a contractor in the amount of \$29,965.00. This system is for a three bedroom house. The major components for this system include a siphon chamber, 70 lineal feet of 4” gravity piping, one distribution box, 390 cubic yards of absorption fill material, 250 lineal feet of absorption trench, 165 lineal feet of curtain drain, temporary access, 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 \$29,965.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Richard Maurer – Tab 8**

A motion to approve Resolution No. 2820 was made by Tina Molé and seconded by Robert Pelham.

March 1, 2016

**RESOLUTION NO. 2822**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:  
RICHARD MAURER**

**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-Five Thousand Seven Hundred Eighty-Six Dollars (\$25,786.00); 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-Five Thousand Seven Hundred Eighty-Six Dollars (\$25,786.00) 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 contractor’s quote of Twenty-Five Thousand Seven Hundred Eighty-Six Dollars (\$25,786.00) 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 Seven Hundred Eighty-Six Dollars (\$25,786.00).

**Richard Maurer Backup**

Mr. Maurer’s property is located in the Town of Roxbury, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$25,786.00. This system is for a

two bedroom house. The major components for this system include a 1,000 gallon septic tank, one pump chamber, 30 lineal feet of 4” gravity piping, 45 lineal feet of forcemain, one distribution box, 290 cubic yards of absorption fill material, 160 lineal feet of absorption trench, 135 lineal feet of curtain drain, temporary access, decommission of an old steel dry well, and extensive site restoration. The quote does not exceed the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$25,786.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – Additional Cost – James Minasian – Tab 9

A motion to approve Resolution No. 2823 was made by Wayne Marshfield and seconded by Thomas Hynes.

March 1, 2016

RESOLUTION NO. 2823

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

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 James Minasian in the amount of Two Thousand Nine Hundred Forty-Five Dollars (\$2,945.00) for an emergency tank replacement; 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 Twenty-Six Thousand Eight Hundred Dollars (\$26,800.00); 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-Nine Thousand Seven Hundred Forty-Five Dollars (\$29,745.00) 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 Seven Hundred Forty-Five Dollars (\$29,745.00) 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 Seven Hundred Forty-Five Dollars (\$29,745.00).

James Minasian Backup

Mr. Minasian's property is located in the Town of Harpersfield, Delaware County. This system is for a three bedroom home. CWC staff previously approved reimbursement for replacement of the septic tank at \$2,945.00. The major components for this system include a pump station, 140 lineal feet of gravity piping, one distribution box, 383 cubic yards of absorption fill material, 280 lineal feet of absorption trench, 125 lineal feet of curtain drain, 80 lineal feet of curtain drain outlet piping, and extensive site restoration. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$26,800.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$26,800.00, for total reimbursement not to exceed \$29,745.00.

Voice Vote, carried unanimously

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**Septic Maintenance Appeal – Louis Vanacore – Denied – Tab 10**

A motion to approve Resolution No. 2824 was made by Wayne Marshfield and seconded by Jeffrey Graf.

March 1, 2016

**RESOLUTION NO. 2824**

**SEPTIC MAINTENANCE PROGRAM APPEAL – LOUIS VANACORE**

**WHEREAS**, pursuant to 2002 Filtration Avoidance Determination and Program Contracts with the New York City Department of Environmental Protection (“NYCDEP”), the Catskill Watershed Corporation (“CWC”) established a Septic Maintenance Program to provide reimbursement for pump-out of septic systems constructed with reimbursement from the CWC Septic Rehabilitation and Replacement Program or constructed after 1996 and serving one or two family residences with less than 1,000 gallons per day flow in the New York City Watershed West of the Hudson River; and

**WHEREAS**, the CWC Septic Maintenance Program Rules as adopted by the CWC Board of Directors provide for reimbursement of fifty percent (50%) of eligible costs;

**WHEREAS**, the CWC staff reviewed a request for from Louis Vanacore for a reimbursement for a septic system pump-out and for additional costs of resetting floats in the distribution box and resetting the alarm for the septic system, and found those additional costs to be ineligible; and

**WHEREAS**, Louis Vanacore submitted a letter appealing the determination of ineligibility and returned the reimbursement check; and

**WHEREAS**, the CWC Septic Committee has reviewed Louis Vanacore’s Appeal and recommends denying the appeal.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the Septic Maintenance Program Appeal and makes the following determination:

Denies the Appeal

Grants the Appeal

**Louis Vanacore Septic Maintenance Program Appeal**

Mr. Vanacore owns property in the Town of Olive, Ulster County. The property is eligible for the CWC Septic Program and in 2008 the CWC Board approved total funding of \$27,426.00. The septic design included a pump station and 346 cubic yards of absorption fill material.

In 2015, Mr Vanacore applied to CWC for reimbursement for the cost of a septic pump-out, as well as additional work the septic hauler company billed him for including resetting floats in the distribution box, and resetting the pump station alarm. In addition to the cost of the pump-out, Mr. Vanacore was charged \$200.00 for the additional work.

The CWC Septic Maintenance Program defines eligible costs as a pump-out and routine maintenance. CWC staff approved reimbursement of \$175.00, one-half the costs of a pump-out. CWC staff denied Mr. Vanacore’s request for reimbursement for the additional costs because the work was beyond routine maintenance, and the costs were not deemed fair and reasonable.

The CWC Septic Committee recommends denying the appeal.

***Voice Vote, carried unanimously***

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Small Business Septic Program Rules Amendment – Maximum Reimbursement – Tab 11

A motion to approve Resolution No. 2825 was made by Thomas Snow and seconded by Richard Parete.

March 1, 2016

RESOLUTION NO. 2825
CWC SMALL BUSINESS SEPTIC PROGRAM RULE CHANGE – MAXIMUM
REIMBURSEMENT

WHEREAS, pursuant to the 2007 EPA FAD, NYCDEP has agreed to provide additional funds in the amount of Two Million Dollars (\$2,000,000.00) for “cluster systems” and Four Million

Dollars (\$4,000,000.00) for septic systems for small businesses, to be defined in a manner consistent with the definition of small business as applied under MOA Paragraph 145; and

WHEREAS, pursuant to the 2007 FAD, NYCDEP has agreed to provide an additional Twenty Million Dollars (\$20,000,000.00) for continuation of the Septic Program, together with the funds provided for cluster systems and septic systems for small business to be collectively known as “Septic III” Program; and

WHEREAS, by Resolution Number 1274, the CWC Board of Directors authorized the President to execute the Septic III Program contract; and

WHEREAS, by Resolution Number 1441 on December 2, 2008, the CWC Board of Directors approved the CWC Small Business Septic Program Rules that established a maximum reimbursement of \$40,000 in order to provide eligibility to at least 100 small businesses; and

WHEREAS, the CWC Septic Committee recommends that the CWC Small Business Septic Program Rules be amended, as provided in Attachment A, to remove the maximum reimbursement for repairs or replacements completed on or after January 1, 2016, at the request of the Coalition of Watershed Towns and based upon that twenty-two businesses have been reimbursed under the Program to date.

NOW, THEREFORE BE IT RESOLVED, that the CWC Board of Directors adopts the attached Small Business Program Rule Change (Attachment A), as per the Committee’s recommendation.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Small Business Septic Program Rules may be amended from time to time by the CWC Board of Directors in consultation with NYCDEP.

Attachment A

13:01:02. Small Business Owner Portion of Cost

1. The CWC shall pay 75% of the eligible cost of needed repairs or replacements for eligible septic systems serving a small business. **For repairs or replacements that received construction approval from NYCDEP prior to January 1, 2016,** reimbursement by CWC shall not exceed \$40,000.00, inclusive of construction and engineering fees. In the event the use of the septic system changed to a different activity, eligible costs shall be limited to the cost of repairing or replacing the septic system based upon the original use.

Voice Vote, carried – 13 ayes 1 abstained

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**TLAP – Consultant for Town of Marletown Contract Amendment – Additional Funds – Tab 12**

A motion to approve Resolution No. 2826 was made by Richard Parete and seconded by Berndt Leifeld.

March 1, 2016

**RESOLUTION NO. 2826**

**BOARD APPROVAL OF TLAP CONSULTANT (IMPOUNDMENT) FOR TOWN OF  
MARBLETOWN CONTRACT AMENDMENT**

**WHEREAS**, the Tax Litigation Avoidance Program (the “TLAP”) is a requirement of the December 2010 Water Supply Permit issued by the New York State Department of Environmental Conservation; and

**WHEREAS**, the 2010 Water Supply permit is a continuation of the 1997 Water Supply Permit and enforceable by all signatories to the 1997 New York City Watershed Memorandum of Agreement; and

**WHEREAS**, by Resolution Number 1968, on August 2, 2011, the Catskill Watershed Corporation (CWC) Board of Directors approved execution of the TLAP Program Contract with New York City Department of Environmental Protection (DEP); and

**WHEREAS**, the Town of Marbletown is a named party in a proceeding filed by the City of New York under Article 7 of the Real Property Tax Law contesting the assessments of certain City owned real property within the boundaries of the Assessing Authority; and

**WHEREAS**, by Resolution Number 2224, on December 4, 2012, the CWC Board of Directors approved the Town of Marbletown’s application to participate in TLAP; and

**WHEREAS**, by Resolution Number 2605, on December 2, 2014, the CWC Board of Directors approved entering into an agreement with Industrial Valuation Consultants in an amount not to exceed Twelve Thousand Five Hundred Dollars (\$12,500.00); and

**WHEREAS**, by Resolution Number 2692, the CWC Board of Directors approved entering into an agreement with George E. Sansoucy, PE, LLC to review an impoundment valuation report for an amount not to exceed Twenty Thousand Dollars (\$20,000.00); and

**WHEREAS**, George E. Sansoucy, PE, LLC has identified additional cost items that were not included in a valuation report completed by a consultant hired by the City of New York, and as a result has requested up to an additional Ten Thousand Dollars (\$10,000.00) to complete an inventory of those additional cost items; and

**WHEREAS**, the CWC Land Committee recommends that CWC Board of Directors approve an agreement with George E. Sansoucy, PE, LLC for an additional amount of Ten Thousand Dollars (\$10,000.00), for a total not-to-exceed amount of Thirty Thousand Dollars (\$30,000.00).

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors authorizes the President and/or Executive Director to execute an agreement with George E. Sansoucy, PE, LLC in an amount not to exceed Thirty Thousand Dollars (\$30,000.00) to review a TLAP valuation report pursuant to the applicable generic template.

***Voice Vote, carried unanimously***

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A motion to enter into Executive Session with Alan L. Rosa, Timothy Cox, Barbara Puglisi, Jason Merwin, and Phil Sireci to discuss CFF delinquent loans, new loan applicant financials, and letter from Clark Companies, was made by Mark McCarthy and seconded by Tina Molé.

Voice Vote, carried unanimously

A motion to resume the regular meeting was made by Thomas Hynes and seconded by Berndt Leifeld.

Voice Vote, carried unanimously

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**CFF REDI Loan – Chappie’s Properties, LLC – Tab 13**

A motion to approve Resolution No. 2827 was made by Richard Parete and seconded by Thomas Hynes.

March 1, 2016

**RESOLUTION NO. 2827**  
**APPROVAL OF CHAPPIE’S PROPERTIES LLC**  
**BUSINESS LOAN**

**WHEREAS**, the Catskill Watershed Corporation (CWC) established the REDI Fund Loan Program for the purpose of providing low interest loans to qualified economic development projects in the West of Hudson Watershed to be administered by the CWC in accordance with the Catskill Fund for the Future (CFF) Program Rules; and

**WHEREAS**, Chappie’s Properties, LLC has applied for a One Hundred Ninety-Seven Thousand One Hundred Dollar (\$197,100.00) loan for a term of fifteen (15) years, at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, such that the outstanding principal is fully paid on the one hundred and eightieth (180<sup>th</sup>) payment date, for the purchase of the property at 53535 NYS Route 30, Roxbury, NY; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Staff has reviewed a completed CWC Loan application for Chappie’s Properties, LLC; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for Chappie’s Properties, LLC; and

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from Chappie’s Properties, LLC, waiving the participating lender requirement; and

**WHEREAS**, the CWC staff has reviewed and processed this application, and submitted a loan application report to the Board of Directors, attached hereto; and

**WHEREAS**, the Executive Director, pursuant to the CFF Program rules, has evaluated and determined that this loan meets the criteria for a qualified economic development project, said recommendation is attached hereto and made a part hereof; and

**WHEREAS**, pursuant to the CFF Program Contract a condition of CFF loans (and grants) is that the recipient shall comply with all applicable provisions of the New York City Watershed regulations, as well as other applicable laws, rules and regulations; and

**WHEREAS**, prior to closing on this loan, all applicable approvals will have been received by the applicant; and

**WHEREAS**, pursuant to the CFF Program rules only the CWC Board of Directors may make an award from the CFF to an applicant.

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board determines Chappie's Properties, LLC's application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount One Hundred Ninety-Seven Thousand One Hundred Dollars (\$197,100.00) for a term of fifteen (15) years, at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, such that the outstanding principal is fully paid on the one hundred and eightieth (180<sup>th</sup>) payment date.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, the CWC staff is authorized and directed to issue a commitment letter informing the borrower of its intention to issue the loan subject to compliance with all applicable provisions of the New York City Watershed regulations as well as other applicable laws, rules and regulations, completion of the necessary documents, the right of objection and staff is directed to develop the loan agreement, promissory notes and other documentation necessary to effectuate this loan in a form agreed upon by CWC.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that upon said approval of loan documentation, CWC is authorized to close on said loan and disburse proceeds thereof in accordance with the loan documents.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of an application by the Board constitutes a preliminary decision under the MOA. 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.

#### **QEDP Evaluation and CWC Staff Recommendation**

**Purpose: To review the CWC Loan Application of Chappie's Properties LLC**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Chappie's Properties, LLC, located in the Town of Roxbury, NY. Evaluation is based on the Evaluation Criteria established in the Catskill Fund for the Future Program Rules, approved on August 22, 2001 by the CWC Board of Directors.

1. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the property at 53535 NYS Route 30, Roxbury, NY, to be purchased by Chappie's Properties, LLC, is presently in compliance with all applicable environmental statutes and regulations.
2. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the property at 53535 NYS Route 30, Roxbury, NY, to be purchased by Chappie's Properties, LLC, is not subject to any enforcement actions by any regulatory agency.
3. (a) To the best of CWC's knowledge, the project is consistent with historic land use patterns, available infrastructure and sensitivity to the need for water quality protection.

- (i) Chappie’s Properties, LLC, located 53535 NYS Route 30, Roxbury, NY, will maintain its current business.
  - (ii) The project is located in the Town of Roxbury.
  - (iii) The project will utilize a municipal WWTP system.
  - (iv) The project appears to present no threat to water quality.
  - (v) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
  - (vi) Based on NYCDEP the project is not in the 60 day travel time.
  - (vii) There is no impact on Federal or State wetlands.
- (b) The project maintains the character of the Town of Roxbury.
- (i) The project is consistent with current zoning.
  - (ii) The project is compatible with surrounding land uses.
  - (iii) The project will not generate excessive traffic.
  - (iv) The project as described is of such magnitude that it does not appear likely to promote secondary growth and therefore requires not additional review of land use plans or infrastructure.
4. The project is consistent with the West of Hudson Economic Development Study, which has been completed.
5. Not applicable.

**Voice Vote, carried unanimously**

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VIII. Announcements from the Chair:

Michael Triolo reminded the Board that next month is the Annual Meeting of Member Towns, starting at 1:00, and the regularly scheduled Board meeting will commence immediately following the Annual meeting.

IX. Board Member Discussion:

A motion to adjourn was made by Donald ‘Mike’ Brandow and seconded by Berndt Leifeld.

Voice Vote, carried unanimously

X. Adjournment: @ 1:40 p.m.