

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

March 5, 2013 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by James Eisel.

III. Roll Call of Directors

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

Members Excused: None

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

Others Present: Mariane Kiraly (*Cornell Cooperative Extension of Delaware County*), Michael Meyer (*NYC DEP*), Thomas Stalter (*NYC DEP*).

IV. Review and Approval of February 5, 2013 Board Meeting Minutes

A motion to approve the minutes from the February 5, 2013 board meeting was made by Berndt Leifeld and seconded by Thomas Snow.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of January 31, 2013 was made by James Eisel and seconded by Jeff Graf.

**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.

Wayne Marshfield inquired about the recent Planning Workshop held in Delhi. Alan Rosa replied that with 50 registrants (full capacity) and an additional (approximate) 5 people turned away, it was successful.

Presentation of News Articles

Committee Schedule

Committee Meeting Minutes

VI. Public Discussion

VII. Presentation of Resolutions

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**Septic Reimbursement Over \$20,000 – Additional Cost – Anthony Athanasakes - Tab 7**

A motion to approve Resolution No. 2254 was made by Wayne Marshfield and seconded by Tina Molé.

March 5, 2013

**RESOLUTION NO. 2254**

**BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC CONSTRUCTION  
OVER \$20,000:  
ANTHONY ATHANASAKES**

**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 Thousand Dollars (\$20,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, by Resolution Number 2159, the CWC Board approved reimbursement to Charlotte Clark in an amount not to exceed Twenty-Seven Thousand Two Hundred Thirty-Four Dollars (\$27,234.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for connection of an additional line from the washing machine in the amount of Two Thousand Three Hundred Dollars (\$2,300.00); and

**WHEREAS**, the total contractor’s invoices for this system is more than Twenty Thousand Dollars (\$20,000); and

**WHEREAS**, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be Two Thousand Three Hundred Dollars (\$2,300.00); and

**WHEREAS**, CWC staff have determined that Twenty-Nine Thousand Five Hundred Thirty-Four Dollars (\$29,534.00) 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 Twenty-Nine Thousand Five Hundred Thirty-Four Dollars (\$29,534.00) 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 Five Hundred Thirty-Four Dollars (\$29,534.00).

**Anthony Athanasakes Backup**

Mr. Athanasakes' property is located in the Town of Shandaken, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$27,234.00. During construction it was discovered that an additional line for the washing machine was not connected to the septic system. The project engineer requested that the contractor connect the second line. In addition, the engineer requested some unsuitable material encountered be removed and regraded on another portion of the property. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$2,300.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$2,300.00, for total reimbursement not to exceed \$29,534.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$20,000 – Additional Cost – Darlene Cuturia - Tab 8

A motion to approve Resolution No. 2255 was made by Wayne Marshfield and seconded by Tina Molé.

March 5, 2013

RESOLUTION NO. 2255

**BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC CONSTRUCTION
OVER \$20,000:
DARLENE CUTURIA**

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 Thousand Dollars (\$20,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

WHEREAS, by Resolution Number 2210, the CWC Board approved reimbursement to Darlene Cuturia in an amount not to exceed Twenty-Five Thousand Two Hundred Eighty Dollars (\$25,280.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for additional materials and labor in the amount of Three Thousand Three Hundred Seventy-Four Dollars (\$3,374.00); and

WHEREAS, the total contractor's invoices for this system is more than Twenty Thousand Dollars (\$20,000); and

WHEREAS, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be Three Thousand Three Hundred Seventy-Four Dollars (\$3,374.00); and

WHEREAS, CWC staff have determined that Twenty-Eight Thousand Six Hundred Fifty-Four Dollars (\$28,654.00) 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 Twenty-Eight Thousand Six Hundred Fifty-Four Dollars (\$28,654.00) 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-Eight Thousand Six Hundred Fifty-Four Dollars (\$28,654.00).

Darlene Cuturia Backup

Ms. Cuturia's property is located in the Town of Olive, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$25,280.00. Presby Corporation donated the materials for this project. The additional costs include retrofitting the existing pump station into an auxiliary septic tank. The tank was excavated and raised one foot in elevation to accommodate gravity flow. It was also fitted with an effluent filter. In addition, the engineer directed the contractor to install a curtain drain directly upslope of the new system and run beyond the system to an existing drainage ditch. Also, due to the site being so small, the neighbor allowed the contractor to stage the project on their property. Equipment, material, sand, absorption fill were temporarily stored on the neighbor's property. Therefore, the contractor had to restore the area disturbed on the neighbor's property. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$3,374.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$3,374.00, for total reimbursement not to exceed \$28,654.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Additional Cost – Ann McInnis - Tab 9**

A motion to approve Resolution No. 2256 was made by Wayne Marshfield and seconded by Tina Molé.

March 5, 2013

**RESOLUTION NO. 2256**

**BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC CONSTRUCTION  
OVER \$20,000:  
ANN MCINNIS**

**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 Thousand Dollars (\$20,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, by Resolution Number 1931, the CWC Board approved reimbursement to Ann McInnis in an amount not to exceed Twenty-One Thousand One Hundred Ninety Dollars (\$21,190.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for additional machinery and time in the amount of Four Thousand Eight Hundred Eighty-Five Dollars (\$4,885.00); and

**WHEREAS**, the total contractor’s invoices for this system is more than Twenty Thousand Dollars (\$20,000); and

**WHEREAS**, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be Four Thousand Eight Hundred Eighty-Five Dollars (\$4,885.00); and

**WHEREAS**, CWC staff have determined that Twenty-Six Thousand Seventy-Five Dollars (\$26,075.00) 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 Twenty-Six Thousand Seventy-Five Dollars (\$26,075.00) 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-Six Thousand Seventy-Five Dollars (\$26,075.00).

**Ann McInnis Backup**

Ms. McInnes' property is located in the Town of Shandaken, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$21,190.00. Due to a weight limit restriction on a town bridge the contractor had to haul small loads across the bridge, doubling the haul time and adding machine time to the project. In addition, the contractor had to utilize a larger machine to deliver the tank sections to the site. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$4,885.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$4,885.00, for total reimbursement not to exceed \$26,075.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$20,000 – Additional Cost – Patrick McLaughlin - Tab 10

A motion to approve Resolution No. 2257 was made by Wayne Marshfield and seconded by Tina Molé.

March 5, 2013

RESOLUTION NO. 2257

**BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC CONSTRUCTION
OVER \$20,000:
PATRICK MCLAUGHLIN**

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 Thousand Dollars (\$20,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

WHEREAS, by Resolution Number 2160, the CWC Board approved reimbursement to Patrick McLaughlin in an amount not to exceed Twenty-Four Thousand Four Hundred Fifty-Seven Dollars (\$24,457.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for additional fill material, curtain drain and exterior plumbing in the amount of Three Thousand Nine Hundred Twenty Dollars (\$3,920.00); and

WHEREAS, the total contractor's invoices for this system is more than Twenty Thousand Dollars (\$20,000); and

WHEREAS, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be Three Thousand Nine Hundred Twenty Dollars (\$3,920.00); and

WHEREAS, CWC staff have determined that Twenty-Eight Thousand Three Hundred Seventy-Seven Dollars (\$28,377.00) 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 Twenty-Eight Thousand Three Hundred Seventy-Seven Dollars (\$28,377.00) 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-Eight Thousand Three Hundred Seventy-Seven Dollars (\$28,377.00).

Patrick McLaughlin Backup

Mr. McLaughlin's property is located in the Town of Halcott, Greene County. CWC Board of Directors previously approved reimbursement for this project at \$24,457.00. During construction, due to a variation in the site topography, the project engineer requested that approximately 24 cubic yards of additional fill material be incorporated into the system's basal area. After discovering the correct location of the property line, the engineer also requested that the curtain drain be extended fifty feet. In addition, plumbing under the house had to be changed to avoid installing a pump chamber, which would cost an additional \$4,717.00. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$3,920.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$3,920.00, for total reimbursement not to exceed \$28,377.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Additional Cost - Richard Meislin - Tab 11**

A motion to approve Resolution No. 2258 was made by Wayne Marshfield and seconded by Tina Molé.

March 5, 2013

**RESOLUTION NO. 2258**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE**

**OVER \$20,000 – ADDITIONAL COSTS:**

**RICHARD MEISLIN**

**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 Thousand Dollars (\$20,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, CWC Staff previously approved Septic Program reimbursement for Richard Meislin in the amount of Two Thousand Five Hundred Seventy-Four Dollars (\$2,574.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for the septic system replacement in the amount of Nineteen Thousand Five Hundred Four Dollars (\$19,504.00); and

**WHEREAS**, the total contractor's invoices for this system is more than Twenty Thousand Dollars (\$20,000); and

**WHEREAS**, the CWC staff have determined the contractor's total invoices of Twenty-Two Thousand Seventy-Eight Dollars (\$22,078.00) 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 total invoice of Twenty-Two Thousand Seventy-Eight Dollars (\$22,078.00) 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-Two Thousand Seventy-Eight Dollars (\$22,078.00).

**Richard Meislin Backup**

Mr. Meislin's property is located in the Town of Olive, Ulster County. CWC staff previously approved reimbursement in the amount of \$2,574.00 for replacement of the septic tank in 2010. This past year Mr. Meislin had to replace the rest of the septic system. A fair and reasonable cost for the replacement of the system according to CWC Schedule of Values is \$19,504.00, for total reimbursement not to exceed \$22,078.00. The Septic Committee recommends that the Board of Directors approve total reimbursement in an amount not to exceed \$22,078.00.

***Voice Vote, carried unanimously***

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Future Stormwater – Scott Jaeger - Tab 12

A motion to approve Resolution No. 2259 was made by Michael Triolo and seconded by Richard Parete.

March 5, 2013

RESOLUTION NO. 2259

**BOARD REVIEW OF FUTURE STORMWATER PROGRAM APPLICATION FOR
SCOTT JAEGER 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, Scott Jaeger has applied for reimbursement of eligible design costs in the amount of Twenty-Seven Thousand Nine Hundred Fifty-Seven Dollars and Forty-Seven Cents (\$27,957.47) for design of new stormwater controls related to the development of a three lot subdivision; 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 design costs for a total not-to-exceed amount of Twenty-Seven Thousand Nine Hundred Fifty-Seven Dollars and Forty-Seven Cents (\$27,957.47); and

WHEREAS, the CWC Wastewater/Stormwater Committee recommended 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 of Twenty-Seven Thousand Nine Hundred Fifty-Seven Dollars and Forty-Seven Cents (\$27,957.47).

CWC Future Stormwater Controls Program

Scott Jaeger – Three Lot Subdivision, Town of Windham, Greene County, New York:

Scott Jaeger is developing a three lot subdivision in the Town of Windham, Greene County. Scott Jaeger was required to design new stormwater control measures to control stormwater runoff for the new subdivision.

The total disturbance is more than two acres and less than five acres. Originally the site only required a basic SWPPP for erosion and sediment control. After a site visit by NYCDEP it was determined that a slope greater than 15% therefore Scott Jaeger was required to comply with the Watershed Rules and Regulations enforced by the NYCDEP. The NYCDEP Stormwater Pollution Prevention Plan (SWPPP) design approval was issued on December 28, 2012.

Scott Jaeger is eligible for 100% reimbursement of eligible costs through the CWC as he is an individual developing a subdivision not a small business.

CWC staff recommended reimbursement of eligible stormwater design costs to the CWC Wastewater/Stormwater Committee. The CWC Wastewater/Stormwater Committee recommends reimbursement of \$27,957.47 to Scott Jaeger for its SWPPP costs solely attributable to the Watershed Regulations and not otherwise required by State or federal law.

Voice Vote, carried unanimously

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**Future Stormwater – Edward Kaplan - Tab 13**

A motion to approve Resolution No. 2260 was made by James Eisel and seconded by Thomas Hynes.

March 5, 2013

**RESOLUTION NO. 2260**

**BOARD REVIEW OF EDWARD KAPLAN**  
**FUTURE STORMWATER PROGRAM**  
**APPLICATION FOR REIMBURSEMENT**

**WHEREAS**, the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA”) paragraph 128 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 cost for small business, (50% by NYC and 50% by CWC); and

**WHEREAS**, Edward Kaplan has requested funding in the amount of Eleven Thousand Seven Hundred Twenty-Five Dollars and Twelve Cents (\$11,725.12) for design and construction of new stormwater controls related to the building of his law office in the Village of Hunter; and

**WHEREAS**, the CWC share of stormwater funding is 50% of the eligible costs for this project because Edward Kaplan is a small business under Watershed MOA Paragraph 145; and

**WHEREAS**, CWC staff has reviewed the application of Edward Kaplan and recommend funding of eligible costs in an amount not-to-exceed Five Thousand Eight Hundred Sixty-Two Dollars and Fifty-Six Cents (\$5,862.56), representing 50% of the total eligible cost; and

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

**WHEREAS**, the CWC Wastewater Committee recommended that the application be approved by the CWC Board.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the attached application, staff recommendation and supporting documentation and approves funding in a total not-to-exceed amount of Five Thousand Eight Hundred Sixty-Two Dollars and Fifty-Six Cents (\$5,862.56).

**Future Stormwater Program Application**

**Edward Kaplan**

Edward Kaplan constructed a new building the Village of Hunter, Greene County. The disturbance is less than 1 acre and within 100 feet of a watercourse. Only NYCDEP stormwater requirements come into play. Construction Acceptance was issued on 11/8/12 from the NYCDEP.

CWC Stormwater/Wastewater Committee recommends funding approval on the following costs:

|                      |             |
|----------------------|-------------|
| Total Eligible Costs | \$11,725.12 |
| NYCDEP 50% Share     | \$5,862.56  |
| CWC 50% Share        | \$5,862.56  |

This amount represents 50% of eligible SWPPP costs. Edward Kaplan is also eligible to apply to NYCDEP to seek reimbursement for up to 50% of these costs.

***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 and new loan applicant financials was made by Tina Molé and seconded by Thomas Snow.

Voice Vote, carried unanimously

A motion to resume the regular meeting was made by James Eisel and seconded by Martin Donnelly.

Voice Vote, carried unanimously

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**CFF REDI Loan – J&W Deli, LLC - Tab 14**

A motion to approve Resolution No. 2261 was made by Robert Pelham and seconded by Martin Donnelly.

March 5, 2013

**RESOLUTION NO. 2261**

**APPROVAL OF J & W DELI, 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**, J & W Deli, LLC has applied for a Two Hundred Ninety Thousand Dollar (\$290,000.00) 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, to be amortized in two hundred forty (240) equal monthly payments, with the one hundred and eightieth (180<sup>th</sup>) payment being a balloon payment such that the outstanding principal is fully paid on the one hundred and eightieth (180<sup>th</sup>) payment date, for the refinance of eligible debt, purchase of furniture, fixtures and equipment, and installation of new gas pumps, fuel storage tank and fire suppression system at the property located at 36422 State Highway 23, Grand Gorge, NY; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Staff has reviewed a completed CWC Loan application for J & W Deli, LLC; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for J & W Deli, LLC; and

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from J & W Deli, LLC; 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 that J & W Deli, LLC's application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of Two Hundred Ninety Thousand Dollars (\$290,000.00) 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, to be amortized in two hundred forty (240) equal monthly payments, with the one hundred and eightieth (180<sup>th</sup>) payment being a balloon payment 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 NYSEFC.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that upon said approval of loan documentation CWC, in conjunction with NYSEFC, is authorized to close on said loan and NYSEFC is authorized to 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.

**QEDPEvaluation and CWC Staff Recommendation**

**Purpose: To review the CWC Loan Application of J & W Deli, LLC**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to J & W Deli, 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 36422 State Highway 23, Grand Gorge, NY, owned by J & W Deli, 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 36422 State Highway 23, Grand Gorge, NY, owned by J & W Deli, 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) J &W Deli, LLC owns a commercial property at 36422 State Highway 23, Grand Gorge, NY.
  - (ii) The project is located in the Town of Roxbury.
  - (iii) The project will utilize a municipal sewage 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: None

IX. Board Member Discussion: None

A motion to adjourn was made by Martin Donnelly and seconded by Jeff Graf.

Voice Vote, *carried unanimously*

X. Adjournment: @ 1:42 p.m.