

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

April 1, 2014 @ 2:10 p.m.

I. Call to Order

II. Roll Call of Directors

Members Present: Donald Brandow, 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:

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

Others Present: Ursula Basch (*New York City DEP*), Jeffrey Graf (*New York City DEP*), Michael Meyers (*New York City DEP*), and John Schwartz (*New York City DEP*).

III. Review and Approval of March 4, 2014 Board Meeting Minutes

A motion to approve the minutes from the March 4, 2014 board meeting was made by Berndt Leifeld and seconded by Tina Molé.

Voice Vote, carried unanimously

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**IV. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of January 31, 2014 was made by James Eisel and seconded by Martin Donnelly.

**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

V. Public Discussion

VI. Presentation of Resolutions

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**Septic Reimbursement Over \$20,000 – Kevin Tyler - Tab 7**

A motion to approve Resolution No. 2447 was made by Tina Molé and seconded by Wayne Marshfield.

April 1, 2014

**RESOLUTION NO. 2447**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
KEVIN TYLER**

**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 has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Four Thousand Six Hundred Dollars (\$24,600.00); and

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

**WHEREAS**, the CWC staff have determined the contractor’s quote of Twenty-Four Thousand Six Hundred Dollars (\$24,600.00) 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-Four Thousand Six Hundred Dollars (\$24,600.00) 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-Four Thousand Six Hundred Dollars (\$24,600.00).

**Kevin Tyler Backup**

Mr. Tyler’s property is located in the Town of Olive, Ulster County. Homeowner and CWC staff received a quote from a contractor in the amount of \$24,600.00. This system is for a two bedroom house. The major components for this system include one siphon chamber, 60 lineal feet of 4” gravity piping, one distribution box, 315 cubic yards of absorption fill material, 160 lineal feet of absorption trench, 70 lineal feet of curtain drain, 50 lineal feet of swale, temporary access, tree removal, and site restoration with seeding and mulch. 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 \$24,600.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$20,000 – Additional Cost – James Alexander - Tab 8

A motion to approve Resolution No. 2448 was made by Martin Donnelly and seconded by Robert Pelham.

April 1, 2014

RESOLUTION NO. 2448

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

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 reimbursement to James Alexander for tank replacement in an amount not to exceed Two Thousand Seven Hundred Seventy-Seven Dollars (\$2,770.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner in the amount of Seventeen Thousand Eight Hundred Fifty Dollars (\$17,850.00); 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 Seventeen Thousand Eight Hundred Fifty Dollars (\$17,850.00); and

WHEREAS, CWC staff have determined that Twenty Thousand Six Hundred Twenty Dollars (\$20,620.00) 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 Thousand Six Hundred Twenty Dollars (\$20,620.00) 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 Thousand Six Hundred Twenty Dollars (\$20,620.00).

James Alexander Backup

Mr. Alexander's property is located in the Town of Stamford, Delaware County. Staff previously approved reimbursement for tank replacement in the amount of \$2,770.00. Homeowner and CWC staff received a quote from a contractor in the additional amount of \$17,850.00. This system is for a two bedroom house. The major components for this system include a 1,000 gallon septic tank (previously reimbursed), a pump chamber, 17 lineal feet of 4" gravity piping, 43 lineal feet of 2" forcemain, one distribution box, 145 cubic yards of absorption fill material, 144 square feet of Eljen in-drain units, 5 cubic yards of C-33 sand, 90 lineal feet of curtain drain, and extensive site restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve additional reimbursement in the amount of \$17,850.00, for total reimbursement in an amount not to exceed \$20,620.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Additional Cost – Frances Spadafora - Tab 9**

A motion to approve Resolution No. 2449 was made by Martin Donnelly and seconded by Robert Pelham.

April 1, 2014

**RESOLUTION NO. 2449**

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

**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 2323, the CWC Board approved reimbursement to Frances Spadafora in an amount not to exceed Twenty-Six Thousand Two Hundred Dollars (\$26,200.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for swale and curtain drain in the amount of One Thousand One Hundred Ninety-Seven Dollars and Twenty-Seven Cents (\$1,197.27); 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 One Thousand One Hundred Ninety-Seven Dollars and Twenty-Seven Cents (\$1,197.27); and

**WHEREAS**, CWC staff have determined that Twenty-Seven Thousand Three Hundred Ninety-Seven Dollars and Twenty-Seven Cents (\$27,397.27) 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-Seven Thousand Three Hundred Ninety-Seven Dollars and Twenty-Seven Cents (\$27,397.27) 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 Three Hundred Ninety-Seven Dollars and Twenty-Seven Cents (\$27,397.27).

**Frances Spadafora Backup**

Mr. Spadafora's property is located in the Town of Andes, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$26,200.00. During construction the Engineer requested that an additional 115 lineal feet of curtain drain and 160 lineal feet of Swale be added. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$1,197.27. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,197.27, for total reimbursement not to exceed \$27,397.27.

***Voice Vote, carried unanimously***

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Future Stormwater – Cannie D's – O&M - Tab 10

A motion to approve Resolution No. 2450 was made by Thomas Snow and seconded by Richard Parete.

RESOLUTION NO. 2450
CANNIE D'S CORNER CORPORATION
FUTURE STORMWATER MAINTENANCE

WHEREAS, pursuant to Paragraph 128 of the 1997 New York City Watershed (“Watershed MOA”), the Catskill Watershed Corporation (“CWC”) is the program manager for the Future Stormwater Program; and

WHEREAS, the Future Stormwater Program is intended to reimburse applicants for costs associated solely from requirements of New York City Department of Environmental Protection Watershed Regulations that are not also State or Federal requirements; and

WHEREAS, interest from earnings on Future Stormwater Funds can be used to reimburse applicants for maintenance costs associated with previously approved applications; and

WHEREAS, on January 25, 2005, by Resolution Number 799, the CWC Board of Directors approved the Future Stormwater Application of Cannie D’s Corner Corporation for 50% reimbursement of eligible costs in an amount not to exceed Twenty-Nine Thousand Seven Hundred Seventy-Two Dollars and Twenty-Nine Cents (\$29,772.29) (the “Cannie D’s Future Stormwater Project”); and

WHEREAS, on August 22, 2006, by Resolution Number 1052, the CWC Board of Directors approved operation and maintenance costs for Cannie D’s Corner Corporation for 50% reimbursement of eligible costs in an amount not to exceed Ten Thousand Dollars (\$10,000.00); and

WHEREAS, on March 3, 2009, by Resolution Number 1485, the CWC Board of Directors approved additional operation and maintenance costs for Cannie D’s Corner Corporation for 50% reimbursement of eligible costs in an amount not to exceed Ten Thousand Dollars (\$10,000.00); and

WHEREAS, on May 3, 2011, by Resolution Number 1900, the CWC Board of Directors approved additional operation and maintenance costs for Cannie D’s Corner Corporation for 50% reimbursement of eligible costs with a total contract amount not to exceed Twenty Thousand Dollars (\$20,000.00); and

WHEREAS, CWC staff recommended an additional Twenty Thousand Dollars (\$20,000) for operation and maintenance costs with a total contract amount of Sixty Thousand Dollars (\$60,000.00); and

WHEREAS, CWC staff have reviewed the invoices and quotes and have determined that costs are reasonable and justified; and

WHEREAS, the CWC Wastewater/Stormwater Committee has reviewed the CWC staff recommendation and recommends that the CWC Board of Directors authorize the President and/or Executive Director to enter into a contract with Cannie D’s Corner Corporation for

reimbursement of stormwater maintenance for a total not-to-exceed amount of Sixty Thousand Dollars (\$60,000.00).

NOW THEREFORE BE IT RESOLVED, that the CWC Board of Directors authorizes the President and/or Executive Director to execute a contract with Cannie D's Corner Corporation for a total not-to-exceed amount of Sixty Thousand Dollars (\$60,000.00) for maintenance costs associated with the Cannie D's Future Stormwater project.

BACKGROUND

Cannie D's Corner Corporation, Neversink

Cannie D's was constructed in 2004. It is a gas station and convenience store. The owner, Meigan Dean, and their engineer, Henry Illing, PE applied for DEP approval and were required to design and construct stormwater measures as part of the application. The stormwater best management practices (BMP's) included an oil/water separator, gutters, catch basins, and constructed wetlands. As a small business, Cannie D's Corner Corporation is eligible to apply to CWC and NYCDEP to seek reimbursement for maintenance costs and each organization is responsible for up to 50% of these costs.

The CWC Wastewater/Stormwater Committee recommends a Future Stormwater Reimbursement contract for operation and maintenance of this project for an amount not to exceed \$60,000.00. This contract can be revised if and when additional funds are required.

Voice Vote, carried unanimously

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**CWC President's Compensation 2014 - Tab 11**

A motion to approve Resolution No. 2451 was made by James Eisel and seconded by Berndt Leifeld.

April 1, 2014

**RESOLUTION NO. 2451**

**PRESIDENT'S COMPENSATION**

**WHEREAS**, pursuant to the Board Policies and Procedures, the Board of Directors shall act upon the joint Finance and Policy Committee recommendation regarding the compensation of the President at the next regularly scheduled Board meeting following the Annual Board meeting; and

**WHEREAS**, by Resolutions Number 1715, 1889, 2075, and 2303, CWC Board of Directors directed that the President receive an annual salary of Fifteen Thousand Four Hundred Fifty Dollars (\$15,450.00) plus out of pocket expenses including mileage; and

**WHEREAS**, the joint CWC Finance and Policy Committee recommend that the President receive an annual salary of Fifteen Thousand Four Hundred Fifty Dollars (\$15,450.00) plus out of pocket expenses, including mileage; and

**NOW, THEREFORE BE IT RESOLVED**, that the Board directs that the President receive an annual salary of Fifteen Thousand Four Hundred Fifty Dollars (\$15,450.00) plus out of pocket expenses including mileage.

**Voice Vote, carried unanimously**

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SBDC Counselor Funding 2014 - Tab 12

A motion to approve Resolution No. 2452 was made by Richard Parete and seconded by Robert Pelham.

April 1, 2014

RESOLUTION NO. 2452

AUTHORIZATION FOR CWC TO PROVIDE PARTIAL FUNDING FOR A FULL-TIME SMALL BUSINESS DEVELOPMENT CENTER COUNSELOR

WHEREAS, the Catskill Watershed Corporation (“CWC”) is a not for profit corporation whose purpose as described in its Certificate of Incorporation is, in part, the public purpose of “relieving and reducing adult unemployment, promoting and providing for additional and maximum adult employment, bettering and maintaining adult job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs”; and

WHEREAS, the 1997 Watershed Memorandum of Agreement (“MOA”) recognized that “the goals of drinking water protection and economic vitality within the watershed communities are not inconsistent”; and

WHEREAS, a need for business plan development, management consultation, business training seminars, workshops; conferences and targeted research in support of small business concerns is an identified need within the West of Hudson Watershed (“WOH”); and

WHEREAS, the Small Business Development Center (SBDC) is a network of host institutions which contributes to stability and economic growth by providing management consultation; business training seminars; workshops; conferences and targeted research in support of small business concerns; and

WHEREAS, pursuant to Resolution Number 278, on July 27, 1999 the CWC Board of Directors approved the authorization for CWC to act as an Outreach Center of the Mid- Hudson Regional SBDC Program; and

WHEREAS, pursuant to Resolution Number 468, on November 27, 2001 the CWC Board of Directors, approved matching funding for a full time counselor in the amount of Thirty-Two Thousand Dollars (\$32,000.00); and

WHEREAS, pursuant to Resolution Number 592, on May 27, 2003 the CWC Board of Directors, approved matching funding for a full time counselor in the amount of Thirty-Five Thousand Dollars (\$35,000.00); and

WHEREAS, pursuant to Resolution Number 753, on September 28, 2004 the CWC Board of Directors, approved matching funding for a full time counselor in the amount of Thirty-Five Thousand Dollars (\$35,000.00); and

WHEREAS, thereafter on an annual basis and pursuant to Resolution Numbers 903, 1064, 1214, 1284, 1487, 1697, 1890, 2026, and 2226, the CWC Board of Directors approved matching funding for a full time counselor in the amount of Forty Thousand Dollars (\$40,000.00); and

WHEREAS, the Economic Development Committee recommends that CWC enter into a one year contract with Ulster County Community College to provide Forty Thousand Dollars (\$40,000.00) in matching funds for 2014 provided that the SBDC counselor is a full-time counselor whose territory includes the WOH.

NOW, THEREFORE BE IT RESOLVED, the CWC Board authorizes the President and/or the Executive Director to execute a contract for Forty Thousand Dollars (\$40,000.00) with Ulster County Community College to partially fund the personnel costs of a full-time counselor whose territory includes the WOH.

NOW, THEREFORE BE IT FURTHER RESOLVED, approval of this resolution 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.

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 Thomas Snow and seconded by James Eisel.

**Voice Vote, carried unanimously**

A motion to resume the regular meeting was made by Mike Brandow and seconded by Innes Kasanof.

**Voice Vote, carried unanimously**

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CFF REDI Fund Loan – Black Bear Lodge, LLC – Tab 13

A motion to approve Resolution No. 2453 was made by Richard Parete and seconded by Innes Kasanof.

April 1, 2014

RESOLUTION NO. 2453

APPROVAL OF BLACK BEAR LODGE, 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, Black Bear Lodge, LLC has applied for a One Hundred Seventy-Five Thousand Eight Hundred Two Dollar (\$175,802.00) 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 equal monthly payments, such that the outstanding principal is fully paid on the last payment date, for the purchase and renovation of 11985 State Route 23A, Lexington; and

WHEREAS, pursuant to the CFF Program rules the CWC Staff has reviewed a completed CWC Loan application for Black Bear Lodge, LLC; and

WHEREAS, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for Black Bear Lodge, LLC; and

WHEREAS, the CWC Loan Committee has recommended approval of the CWC Loan application from Black Bear Lodge, LLC; and

WHEREAS, the CWC loan Committee recommends that the CWC Board waive the requirement for a participating lender pursuant to CFF Program Rule 1:05:02, due to CWC currently holding a first mortgage on the property and in the opinion of CWC staff only a first lien position adequately protects the interests of CWC; and

WHEREAS, the CWC staff has reviewed and processed this application and submitted a loan application report to the CWC 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 the Black Bear Lodge, LLC application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of One Hundred Seventy-Five Thousand Eight Hundred Two Dollars (\$175,802.00) 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 equal monthly payments, such that the outstanding principal is fully paid on the last payment date, and waives the requirement of a participating lender pursuant to CFF Program Rule

1:05:02, due to CWC currently holding a first mortgage on the property and in the opinion of CWC staff only a first lien position adequately protects the interests of CWC.

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.

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

QEDP Evaluation and CWC Staff Recommendation

Purpose: To review the CWC Loan Application of Black Bear Lodge, LLC

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Black Bear Lodge, LLC, located at 11985 State Route 23A, Lexington, 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 11985 State Route 23A, Lexington, NY, to be purchased by Black Bear Lodge, 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 11985 State Route 23A, Lexington, NY, to be purchased by Black Bear Lodge, 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) Black Bear Lodge, LLC will utilize loan funds to purchase and renovate the property located at 11985 State Route 23A, Lexington.
 - (ii) The project is located in the Town of Lexington.
 - (iii) The project will utilize a septic 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 Lexington.
 - (i) The project will comply with current land use planning in the Town of Lexington and will have planning board approval.
 - (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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**CFF REDI Fund Loan – Peter DiSclafani & Rose-Marie Dorn – Tab 14**

A motion to approve Resolution No. 2454 was made by Berndt Leifeld and seconded by Deborah DeWan.

April 1, 2014

**RESOLUTION NO. 2454**

**APPROVAL OF PETER DISCLAFANI and ROSE-MARIE DORN**

**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**, Peter DiSclafani and Rose-Marie Dorn have applied for an additional Fifty Thousand Dollars (\$50,000.00), to be consolidated with their existing loan, for a total amount of One Hundred Thirteen Thousand Five Hundred Dollars (\$113,500.00), 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 equal monthly payments, such that the outstanding principal is fully paid on the last payment date, to install an in-ground pool and pool enclosure at their motel; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Staff has reviewed a completed CWC Loan application for Peter DiSclafani and Rose-Marie Dorn; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for Peter DiSclafani and Rose-Marie Dorn; and

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from Peter DiSclafani and Rose-Marie Dorn; and

**WHEREAS**, the CWC loan Committee recommends that the CWC Board waive the requirement for a participating lender pursuant to CFF Program Rule 1:05:02, due to CWC currently holding a first mortgage on the property and in the opinion of CWC staff only a first lien position adequately protects the interests of CWC and due to special financial conditions of the applicant; 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 the Peter DiSclafani and Rose-Marie Dorn application meets the CWC CFF qualified economic development criteria and approves of the loan application in the additional amount of Fifty Thousand Dollars (\$50,000.00), to be consolidated with their existing loan, for a total of One Hundred Thirteen Thousand Five Hundred Dollars (\$113,500.00), 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 equal monthly payments, such that the outstanding principal is fully paid on the last payment date, and waives the requirement for a participating lender pursuant to CFF Program Rule 1:05:02, due to CWC currently holding a first mortgage on the property and in the opinion of CWC staff only a first lien position adequately protects the interests of CWC and due to special financial conditions of the applicant.

**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.

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

**Purpose: To review the CWC Loan Application of Peter DiSclafani and Rose-Marie Dorn**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Peter DiSclafani and Rose-Marie Dorn, located in the Town of Shandaken, 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 5355 Rt. 212, Mt. Tremper, NY, owned by Peter DiSclafani and Rose-Marie Dorn, 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 5355 Rt. 212, Mt. Tremper, NY, owned by Peter DiSclafani and Rose-Marie Dorn, 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) Peter DiSclafani and Rose-Marie Dorn will install a in ground pool and pool enclosure.
  - (ii) The project is located in the Town of Shandaken.
  - (iii) The project will utilize a septic 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 Shandaken
  - (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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VII. Announcements from the Chair: None

VIII. Board Member Discussion:

Diane Galusha announced that the CWC Annual Report was available to those who wished to take one. She noted that copies were being mailed this week to all Town and Village Clerks for distribution to the town and village boards and councils.

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

Voice Vote, *carried unanimously*

IX. Adjournment: @ 2:54 p.m.