

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

June 7, 2016 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by Thomas Snow, Jr.

III. Roll Call of Directors

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

Members Excused: Mark McCarthy.

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: Michael Meyer (*New York City DEP*), John Schwartz (*New York City DEP*), Thomas Stalter (*New York City DEP*), and Renee VanSchaack (*Greene County IDA*).

IV. Review and Approval of May 3, 2016 Board Meeting Minutes

A motion to approve the minutes from the May 3, 2016 board meeting was made by Berndt Leifeld and seconded by Richard Parete.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of March 31, 2016 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.

Committee Schedule

Committee Meeting Minutes

VI. Presentation of Resolutions

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**Septic Reimbursement Over \$25,000 – Timothy Brand – Tab 6**

A motion to approve Resolution No. 2880 was made by Wayne Marshfield and seconded by Tina Molé.

June 7, 2016

**RESOLUTION NO. 2880**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:  
TIMOTHY BRAND**

**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 Seventy Dollars (\$29,070.00); 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 Seventy Dollars (\$29,070.00) 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 Seventy Dollars (\$29,070.00) 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 Seventy Dollars (\$29,070.00).

**Timothy Brand Backup**

Mr. Brand’s property is located in the Town of Prattsville, Greene County. Homeowner and CWC staff received a quote from a contractor in the amount of \$29,070.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, one pump station, 15 lineal feet of 4” gravity piping, 95 lineal feet of forcemain, one distribution box, 378 cubic yards of absorption fill material, one effluent filter, 290 lineal feet of absorption trench, 120 lineal feet of curtain drain, 65 lineal feet of outlet piping, and complete 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 \$29,070.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – James Butler – Tab 7

A motion to approve Resolution No. 2881 was made by Wayne Marshfield and seconded by Tina Molé.

June 7, 2016

RESOLUTION NO. 2881

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:
JAMES BUTLER**

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

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

WHEREAS, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Six Thousand Eight Hundred Seventy-Four Dollars and Six Cents (\$26,874.06); and

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

WHEREAS, the CWC staff have determined the contractor’s quote of Twenty-Six Thousand Eight Hundred Seventy-Four Dollars and Six Cents (\$26,874.06) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Twenty-Six Thousand Eight Hundred Seventy-Four Dollars and Six Cents (\$26,874.06) 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 Eight Hundred Seventy-Four Dollars and Six Cents (\$26,874.06).

James Butler Backup

Mr. Butler’s property is located in the Town of Hunter, Greene County. Homeowner and CWC staff received a quote from a contractor in the amount of \$26,874.06. This system is for a three

bedroom house. The major components for this system include a 1,000 gallon septic tank, 94 lineal feet of 4" gravity piping, one distribution box, 305 cubic yards of absorption fill material, 75 cubic yards of random fill material, one effluent filter, 700 square feet of absorption bed, 140 lineal feet of curtain drain, tree removal, plumbing change to avoid a pump, and site restoration. The quote is within 10% of the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$26,874.06.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Claire Davis – Tab 8**

A motion to approve Resolution No. 2882 was made by Wayne Marshfield and seconded by Tina Molé.

June 7, 2016

**RESOLUTION NO. 2882**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:  
CLAIRE DAVIS**

**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 Fifty Dollars (\$29,950.00); 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 Fifty Dollars (\$29,950.00) 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 Fifty Dollars (\$29,950.00) 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 Fifty Dollars (\$29,950.00).

**Claire Davis Backup**

Ms. Davis’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 \$29,950.00. This system is for a five bedroom house. The major components for this system include two 1,000 gallon septic tanks, 65 lineal feet of 4” gravity piping, 310 lineal feet of forcemain, 117 cubic yards of absorption fill material, one effluent filter, four peat modules, 120 lineal feet of curtain drain, and 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 \$29,950.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$25,000 – Maureen Knipper – Tab 9

A motion to approve Resolution No. 2883 was made by Wayne Marshfield and seconded by Tina Molé.

June 7, 2016

RESOLUTION NO. 2883

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:
MAUREEN KNIPPER**

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 Eighty-Four Dollars and Eighty-Five Cents (\$29,084.85); 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 Eighty-Four Dollars and Eighty-Five Cents (\$29,084.85) 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 Eighty-Four Dollars and Eighty-Five Cents (\$29,084.85) 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 Eighty-Four Dollars and Eighty-Five Cents (\$29,084.85).

Maureen Knipper Backup

Ms. Knipper’s property is located in the Town of Kortright, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$29,084.85. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, one siphon chamber, 65 lineal feet of 4” gravity piping, 80 lineal feet of Schedule 80 piping, one distribution box, 240 cubic yards of absorption fill material, one effluent filter, 225 lineal feet of absorption trench, 100 lineal feet of curtain drain, 160 lineal feet of swale, 65 lineal feet of 18” culvert piping, tree removal, temporary access road, and complete site restoration. The quote is within 10% of the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$29,084.85.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Michael Pellettier – Tab 10**

A motion to approve Resolution No. 2884 was made by Wayne Marshfield and seconded by Tina Molé.

June 7, 2016

**RESOLUTION NO. 2884**

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

**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-Eight Thousand Three Hundred Dollars (\$28,300.00); 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-Eight Thousand Three Hundred Dollars (\$28,300.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor's quote of Twenty-Eight Thousand Three Hundred Dollars (\$28,300.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Eight Thousand Three Hundred Dollars (\$28,300.00).

**Michael Pellettier Backup**

Mr. Pellettier's property is located in the Town of Jewett, Greene County. Homeowner and CWC staff received a quote from a contractor in the amount of \$28,300.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, one pump station, 60 lineal feet of 4" gravity piping, 70 lineal feet of forcemain, one distribution box, 350 cubic yards of absorption fill material, one effluent filter, 244 square feet of absorption bed, 165 lineal feet of curtain drain, 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 \$28,300.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$25,000 – Brian Powers – Tab 11

A motion to approve Resolution No. 2885 was made by Wayne Marshfield and seconded by Tina Molé.

June 7, 2016

RESOLUTION NO. 2885

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:
BRIAN POWERS**

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 Five Hundred Fifty Dollars (\$25,550.00); 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 Five Hundred Fifty Dollars (\$25,550.00) 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 Five Hundred Fifty Dollars (\$25,550.00) 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 Five Hundred Fifty Dollars (\$25,550.00).

Brian Powers Backup

Mr. Powers' property is located in the Town of Windham, Greene County. Homeowner and CWC staff received a quote from a contractor in the amount of \$25,550.00. This system is for a four bedroom house. The major components for this system include a 1,000 gallon septic tank, 15 lineal feet of 4" gravity piping, 60 lineal feet of forcemain, four peat modules, one effluent filter, and extensive site restoration. The quote is within 10% of the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$25,550.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Florence Schetzel – Tab 12**

A motion to approve Resolution No. 2886 was made by Wayne Marshfield and seconded by Tina Molé.

June 7, 2016

**RESOLUTION NO. 2886**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:  
FLORENCE SCHETZEL**

**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-Seven Thousand Ninety Dollars (\$27,090.00); 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-Seven Thousand Ninety Dollars (\$27,090.00) 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-Seven Thousand Ninety Dollars (\$27,090.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Seven Thousand Ninety Dollars (\$27,090.00).

**Florence Schetzel Backup**

Ms. Schetzel'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 \$27,090.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, one siphon chamber, 75 lineal feet of 4" gravity piping, one distribution box, 278 cubic yards of absorption fill material, one effluent filter, 275 lineal feet of absorption trench, tree removal, temporary access road, and complete site restoration. The quote is within 10% of the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$27,090.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$25,000 – Additional Funds – Daniel Hutchby – Tab 13

A motion to approve Resolution No. 2887 was made by Richard Parete and seconded by Berndt Leifeld.

June 7, 2016

RESOLUTION NO. 2887

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

WHEREAS, pursuant to the Watershed Memorandum of Agreement and the Septic System Rehabilitation and Replacement Program Contracts with New York City Department of Environmental Protection, the Catskill Watershed Corporation ("CWC") shall act as program

manager for the Septic Program and implement the Septic Program consistent with the terms of said contracts; and

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

WHEREAS, CWC staff previously approved Septic Program reimbursement for Daniel Hutchby in the amount of Twenty-One Thousand Eight Hundred Dollars (\$21,800.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for the septic system repair in the amount of Three Thousand Eight Hundred Ninety-Nine Dollars and Sixty Cents (\$3,899.60); and

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

WHEREAS, the CWC staff have determined the contractor's total invoices of Twenty-Five Thousand Six Hundred Ninety-Nine Dollars and Sixty Cents (\$25,699.60) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the total reimbursement of Twenty-Five Thousand Six Hundred Ninety-Nine Dollars and Sixty Cents (\$25,699.60) 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 Six Hundred Ninety-Nine Dollars and Sixty Cents (\$25,699.60).

Daniel Hutchby Backup

Mr. Hutchby's property is located in the Town of Middletown, Delaware County. CWC staff previously approved reimbursement for replacement of the septic system at \$21,800.00. Shortly after completion of the project it became apparent that there was a problem with surface water flooding. The quote includes installation of 160 lineal feet of curtain drain to prevent water from reaching the septic system and site restoration. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$3,899.60. The Septic Committee recommends that the Board approves an additional reimbursement of \$3,899.60, for total reimbursement not to exceed \$25,699.60.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Additional Funds – Cheryl Raaymann – Tab 14**

A motion to approve Resolution No. 2888 was made by Richard Parete and seconded by Berndt Leifeld.

June 7, 2016

**RESOLUTION NO. 2888**

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

**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 Cheryl Raaymann in the amount of Twenty-Four Thousand Six Hundred Twenty Dollars and Twenty Cents (\$24,620.21); 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 One Thousand Six Hundred Thirty-Two Dollars and Sixty Cents (\$1,623.60); 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-Six Thousand Two Hundred Forty-Three Dollars and Eighty-One Cents (\$26,243.81) 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-Six Thousand Two Hundred Forty-Three Dollars and Eighty-One Cents (\$26,243.81) 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 Two Hundred Forty-Three Dollars and Eighty-One Cents (\$26,243.81).

**Cheryl Raaymann Backup**

Ms. Raaymann’s property is located in the Town of Walton, Delaware County. CWC staff previously approved reimbursement for replacement of the septic system at \$24,620.21. During construction it became apparent that the house connection could not be made in the original location. The contractor had to drill a new hole through the concrete foundation, and 40 lineal feet of venting was added to the high vent to ensure positive air flow and to prevent odors. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$1,623.60. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,623.60, for total reimbursement not to exceed \$26,243.81.

***Voice Vote, carried unanimously***

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Future Stormwater – Additional Cost – 3115 Route 28, LLC – Tab 15

A motion to approve Resolution No. 2889 was made by Richard Parete and seconded by Robert Pelham.

June 7, 2016

RESOLUTION NO. 2889

**BOARD REVIEW OF ADDITIONAL FUNDS FOR 3115 ROUTE 28, LLC
FUTURE STORMWATER PROGRAM APPLICATION FOR REIMBURSEMENT**

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, by Resolution Number 2555, the CWC Board of Directors approved an application by 3115 Route 28, LLC in the amount of Six Thousand Two Hundred Fifty Dollars (\$6,250.00) for design of stormwater controls required solely by NYCDEP Watershed Regulations at property located in the Town of Olive; and

WHEREAS, 3115 Route 28, LLC has applied for additional funding of eligible implementation costs in the amount of Twenty-Three Thousand Two Hundred Fifty Dollars (\$23,250.00) for implementation of new stormwater controls related to the construction of a new parking lot and building extension; and

WHEREAS, the CWC share of stormwater funding is 50% of the eligible costs for this project because 3115 Route 28, LLC is a small business under Watershed MOA Paragraph 145; and

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

WHEREAS, CWC staff recommended reimbursement of additional eligible stormwater implementation costs in a not-to-exceed amount of Twenty-Three Thousand Two Hundred Fifty Dollars (\$23,250.00); 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 additional funding for implementation costs in the amount of Twenty-Three Thousand Two Hundred Fifty Dollars (\$23,250.00) for total reimbursement of Twenty-Nine Thousand Five Hundred Dollars (\$29,500.00).

Future Stormwater Program Application - 3115 Route 28, LLC

Walter Grabowski, owner of 3115 Route 28, LLC, is constructing a parking lot and building extension in Shokan, Town of Olive, Ulster County. Mr. Grabowski has submitted an estimate for implementation of the NYC DEP only required SWPPP. 3115 Route 28, LLC is a small business with under 100 employees and therefore is eligible for 50% reimbursement of eligible costs from the CWC and are eligible to apply to the NYC DEP for the remaining 50%.

Per the CWC Future Stormwater Program Rules a retainage will be held until Construction Acceptance is received from NYCDEP.

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

Total Eligible Costs	\$46,500.00
NYCDEP 50% Share	\$23,250.00

Recommended CWC funding 50% of eligible SWPPP costs \$23,250.00

3115 Route 28, LLC 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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**Future Stormwater – Additional Cost – Masserson Holdings, LLC (Stratton Falls) – Tab 16**

A motion to approve Resolution No. 2890 was made by Thomas Hynes and seconded by Wayne Marshfield.

June 7, 2016

**RESOLUTION NO. 2890**

**BOARD REVIEW OF ADDITIONAL FUNDS FOR  
MASSERSON HOLDINGS, LLC (STRATTON FALLS)  
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**, by Resolution Number 2834, the CWC Board of Directors approved an application by Masserson Holdings, LLC in the amount of Twenty Thousand Nine Hundred Seventy-Seven Dollars and Twenty-Five Cents (\$20,977.25) for design of stormwater controls required solely by NYCDEP Watershed Regulations at property located in the Town of Roxbury; and

**WHEREAS**, Masserson Holdings, LLC has requested implementation funding in the amount of One Hundred Twenty-Nine Thousand Nine Hundred Forty-Five Dollars and Fifty Cents (\$129,945.50), representing 50% of the total cost of New York City Department of Environmental Protection's requirements for implementation of new stormwater controls; and

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

**WHEREAS**, CWC staff has reviewed the application of Masserson Holdings, LLC and recommend the additional funding of eligible costs in an amount not to exceed One Hundred Twenty-Nine Thousand Nine Hundred Forty-Five Dollars and Fifty Cents (\$129,945.50), 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 additional funding for implementation costs in the amount of One Hundred Twenty-Nine Thousand Nine Hundred Forty-Five Dollars and Fifty Cents (\$129,945.50), for total reimbursement in the not-to-exceed amount of One Hundred Fifty Thousand Nine Hundred Twenty-Two Dollars and Seventy-Five Cents (\$150,922.75).

**Future Stormwater Program Application – Masserson Holdings, LLC (Stratton Falls)**

Gregory Henderson, owner of Masserson Holdings, LLC, submitted an application as a small business for 50% funding from CWC for NYC DEP stormwater requirements on his subdivision. This site has stormwater requirements for both City and State. Funding requested is for the increased size of the stormwater treatment structures because of NYC DEP's additional requirements. The engineer determined that the size of the structures increased by 67% making 67% of the construction costs eligible for reimbursement. Per the CWC Future Stormwater Program Rules a retainage will be held until Construction Acceptance is received from NYCDEP.

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

|                      |              |
|----------------------|--------------|
| Total Eligible Costs | \$259,891.00 |
|----------------------|--------------|

NYCDEP 50% Share

\$129,945.50

Recommended CWC funding 50% of eligible SWPPP costs \$129,945.50

Masserson Holdings, LLC 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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Stormwater Retrofit – South Kortright Central School – Design Funding – Tab 17

A motion to approve Resolution No. 2891 was made by James Eisel and seconded by Innes Kasanof.

June 7, 2016

RESOLUTION NO. 2891

**BOARD REVIEW OF STORMWATER RETROFIT PROGRAM APPLICATION
FOR SOUTH KORTRIGHT CENTRAL SCHOOL
DESIGN**

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

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

WHEREAS, pursuant to the CWC Program Rules as adopted by the CWC Board of Directors, the CWC staff and NYCDEP staff must evaluate grant requests and issue funding recommendations to the CWC Wastewater Committee, which shall issue recommendations to the CWC Board of Directors; and

WHEREAS, CWC and NYCDEP staff have jointly reviewed and recommend the South Kortright Central School request to fund a design to retrofit runoff from the existing building, bus garage and parking lots in the not-to-exceed amount of Sixty-Two Thousand Nine Hundred Forty-Four Dollars and One Cent (\$62,944.01), and have presented their recommendations to the CWC Wastewater Committee; and

WHEREAS, South Kortright Central School requested that CWC coordinate the design and construction of the project; and

WHEREAS, the CWC Stormwater/Wastewater Committee recommends that the CWC Board of Directors approve entering into an agreement with South Kortright Central School for CWC to

coordinated design and construction of the South Kortright Central School Stormwater Retrofit Project; and

WHEREAS, the South Kortright Central School has already been working with Keplinger Freeman Associates to apply for the funding of this project; and

WHEREAS, the CWC Stormwater/Wastewater Committee further recommends that the CWC Board of Directors approve entering into an agreement with Keplinger Freeman Associates to design the South Kortright Central School Stormwater Retrofit Project in an amount not to exceed Sixty-Two Thousand Nine Hundred Forty-Four Dollars and One Cent (\$62,944.01).

NOW THEREFORE BE IT RESOLVED, that the CWC Board of Directors approves entering into an agreement with South Kortright Central School for CWC to coordinate design and construction of the South Kortright Central School Stormwater Retrofit Project.

NOW THEREFORE LET IT BE FURTHER RESOLVED, that the CWC Board of Directors approves entering into an agreement with Keplinger Freeman Associates to design the South Kortright Central School Stormwater Retrofit Project in an amount not to exceed Sixty-Two Thousand Nine Hundred Forty-Four Dollars and One Cent (\$62,944.01).

Voice Vote, carried unanimously

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**FHMIP – GNH Lumber Purchase of Relocation Property – Tab 18**

A motion to approve Resolution No. 2892 was made by Thomas Snow and seconded by Thomas Hynes.

June 7, 2016

**RESOLUTION NO. 2892**

**CWC REVIEW OF FLOOD HAZARD MITIGATION PROGRAM APPLICATION  
FOR GNH LUMBER – PURCHASE OF RELOCATION PROPERTY**

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

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

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



Hudson watershed communities and adversely impacted water quality in the West of Hudson Watershed; and

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

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

**WHEREAS**, on February 2, 2016, by Resolution 2813, the CWC Board of Directors approved an application by the Town of Windham for funding for the Relocation Feasibility Study for the GNH Lumber Relocation Project; and

**WHEREAS**, GNH Lumber submitted an application requesting funding not to exceed Two Hundred Thirty-Five Thousand Dollars (\$235,000.00) for purchase of real property within the Town of Windham to relocate out of the floodplain; and

**WHEREAS**, upon CWC staff recommendation and review of the application and supporting documentation, the CWC Wastewater/Stormwater Committee recommends that the CWC Board of Directors approves funding in an amount not to exceed Two Hundred Thirty-Five Thousand Dollars (\$235,000.00) for the purchase of real property within the Town of Windham to relocate out of the floodplain.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the application, staff recommendation and supporting documentation and approves funding for the GNH Lumber Relocation Project in an amount not to exceed Two Hundred Thirty-Five Thousand Dollars (\$235,000.00) for the purchase of relocation property in the Town of Windham.

**NOW THEREFORE, LET IT BE FURTHER RESOLVED**, that the CWC Board of Directors authorizes the Executive Director, if requested, to purchase such real property and hold title to it in the name of CWC or entity formed by CWC to hold such property, and transfer title to such real property to GNH Lumber at a later date, and without cost, to allow the applicant to relocate within the Town of Windham and outside of the floodplain.

### **Relocation Feasibility for GNH Lumber Relocation Project**

GNH Lumber, with the assistance of the Greene County IDA, has identified relocation property within the Town of Windham.

The Local Flood Analysis (LFA) completed and accepted by the Town of Windham identified a floodplain enhancement project on property currently owned by GNH Lumber. The LFA indicates that lowering the elevation in this area will reduce flood elevations elsewhere in the hamlet. GNH Lumber is also an anchor business and has been flooded previously. In February, 2016, the CWC Board approved the maximum of \$15,000 to the Town of Windham to assist in

the completion of a feasibility study for relocating GNH Lumber to a different property within the Town. Although the feasibility study will be complete in July or August of 2016, GNH Lumber and Greene County IDA have identified suitable relocation property that is for sale now. The owner is anxious to sell and has recently sold the remaining adjacent lots. In order TO ensure the property is available for relocation, GNH Lumber requested that CWC provide a grant now for the purchase. It may be necessary for CWC to hold title to the property until GNH Lumber is ready to relocate. If owned by GNH, deed covenants imposed by CWC will require GNH Lumber to relocate to the site and maintain a business there for five (5) years.

CWC Stormwater/Wastewater Committee recommends that the CWC approve the application for an amount not to exceed \$235,000.

*David Warne asked if there is provision establishing that CWC will be holding title to the property until the decision to relocate has been finalized.*

*Alan Rosa confirmed that there will be provision through an entity such as the County IDA for CWC to hold title.*

*Timothy Cox also noted that the contract secures CWC's authority to own the property.*

**Voice Vote, carried unanimously**

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FHMIP Program Rules Amendment – Oil Tank Anchoring – Tab 19

A motion to approve Resolution No. 2893 was made by James Eisel and seconded by Robert Pelham.

June 7, 2016

RESOLUTION NO. 2893

**BOARD APPROVAL OF FLOOD HAZARD MITIGATION PROGRAM RULES
AMENDMENTS**

WHEREAS, the Catskill Watershed Corporation (CWC) is a not-for-profit corporation established to administer Watershed Protection and Partnership Programs as more fully described herein; and

WHEREAS, ninety percent of New York City's water supply originates in the Catskill Mountain region from an area commonly referred to as the West of Hudson portion of the watershed of the New York City water supply (the "West of Hudson Watershed" or "Watershed"), which spans over 1,600 square miles and portions of five counties, forty-one towns, and eight villages; and

WHEREAS, the CWC, City of New York (City), all municipalities in the West of Hudson Watershed, New York State, the federal Environmental Protection Agency, and several environmental organizations recognized that the goals of drinking water protection and economic vitality within the West of Hudson Watershed communities are not inconsistent and under the 1997 New York City Watershed Memorandum of Agreement ("Watershed MOA") agreed to cooperate in the development and implementation of watershed protection programs that

maintain and enhance the quality of the City's drinking water supply system and the economic and social character of the West of Hudson Watershed communities; and

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

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

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

WHEREAS, on May 6, 2014, by Resolution Number 2460, the CWC Board of Directors approved program rules for the CWC Flood Hazard Mitigation Program (the "Program Rules"); and

WHEREAS, the CWC Stormwater/Wastewater Committee recommends the CWC Board approve the attached amendments to the Program Rules to provide that CWC may be an applicant for projects, and also for the eligibility of securing of oil and propane tanks in a floodplain and within a town that has completed a local flood analysis, even if the property is outside of the local flood analysis study area.

NOW, THEREFORE BE IT RESOLVED, that the CWC Board of Directors adopts the attached Flood Hazard Mitigation Program Rules as amended (Attachment A), as per the Committee's recommendation.

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

ATTACHMENT A

17:00:03. Eligible Projects

1. Projects eligible for funding under the Program ("Eligible Projects") must be:
 - a. located wholly in the Watershed; and
 - b. located in a town that has completed an LFA except for:
 - i. Emergency Stream Debris Removal; or
 - ii. Relocation assistance to residential or business property owners participating in the City Flood Buyout Program; or
 - iii. Flood Buyout Activities.
 - c. recommended in a LFA except for:
 - i. Emergency Stream Debris Removal; or

- ii. Anchor Business Relocation Assistance; or
 - iii. Critical Community Facility Relocation Assistance; or
 - iv. Relocation assistance to individual properties participating in the City Flood Buyout Program; or
 - v. Flood Buyout Activities.
 - d. approved by the Town or Village except for:
 - i. Emergency Stream Debris Removal Projects; or
 - ii. Anchor Business Relocation.
 - e. located in a town that has completed a Community Assistance Visit or Community Assistance Contact with the New York State Department of Environmental Conservation within five (5) years of the date of application, and is in good standing with the National Flood Insurance Program, except for:
 - i. Emergency Stream Debris Removal Projects.
2. In addition, Eligible Projects must fall into one of the following categories:
- a. Assistance for relocation of an Anchor Business that has sustained Substantial Damage, or can be shown through records of past damages and/or by the depth-damage functions of FEMA's benefit cost analysis, to have sustained flood related structural damage having a cumulative cost of repairs that exceeds 50% of the current market value of the structure. The Anchor Business must relocate to a location within the same town (unless the requirement to relocate within the same town has been waived by the Town).
 - b. Assistance for relocation of a Critical Community Facility that has sustained Substantial Damage, or can be shown through records of past damages and/or by the depth-damage functions of FEMA's benefit cost analysis, to have sustained flood related structural damage having a cumulative cost of repairs that exceeds 50% of the current market value of the structure. The Critical Community Facility must relocate to a location within the same Town.
 - c. Assistance for relocation of a residence or business to a location within the same town where the need for such relocation is identified by LFA.
 - d. Assistance for relocation of a Critical Community Facility to a location within the same town where the need for such relocation is identified in the LFA to facilitate a flood hazard mitigation project that has a benefit cost ratio greater than 1.0.
 - e. Assistance for the relocation of a residence or business to a location within the same town when the residence or business is purchased pursuant to the City Flood Buyout Program to a location within the same town.
 - f. Alterations to an aspect of public infrastructure identified in the LFA that is expected to reduce water surface elevations, alter flow paths, reduce velocities, and otherwise minimize the potential for flood damage (e.g. enlarging a bridge, installing floodplain drains, but not including road relocation).
 - g. Property Protection measures identified by an LFA.
 - h. Activities identified by an LFA that will eliminate a potential source of manmade pollution that could result from a flood event in the MOA Hamlet studied by an LFA ~~(e.g., the relocation or securing of a fuel tank; does not include pollution clean-up costs).~~
 - h.i. Assistance to secure above ground oil tanks (330 gallons or less) and/or propane tanks (420 gallons or less) recommended by a local flood analysis and located at or below the 500 year flood elevation.

i-j. Emergency Stream Debris removal from stream channels and/or Floodplains following a storm event as described in Section 17.00.09 herein (“Emergency Stream Debris Removal Projects”).

j-k. Stream Related Construction Work identified by LFA.

k-l. Flood Buyout Activities.

17:01:01. Eligible Applicants

The projects for which an applicant may seek funding are set forth in Section 17:00:03.

Applications will be accepted as follows:

1. From towns, villages, ~~or~~ counties, or CWC to implement recommendations of an LFA;
2. From towns, villages, soil and water conservation districts, Cornell Cooperative Extension, counties, or CWC for Flood Buyout Activities;
3. From property owners for:
 - a. Assistance for relocation of Anchor Business or Critical Community Facility; or
 - b. Assistance for relocation to business or property owner participating in the City Flood Buyout Program; or
 - c. Emergency Stream Debris Removal Projects.

17:02:03. Project Costs and Caps

1. Project Costs to be funded under the Program are costs incurred in connection with the implementation of a Selected Project that are determined by CWC in consultation with DEP to be reasonable and necessary and consistent with the restrictions set forth below.
2. To be eligible for payment, Project work must be performed in compliance with all applicable federal, State and local laws, ordinances regulations and/or rules, including the Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources, as amended April 4, 2010.
3. Funds available under any other program, e.g., FEMA or NRCS Emergency Watershed Protection Program, shall be applied before seeking funds under this Program.
4. Project Costs for Relocation Assistance are limited to the following:
 - a. Business (including Anchor Business)
 - i. feasibility studies (including appropriate business analysis), including completing of Full Environmental Assessment Form (FEAF) required for SEQRA compliance and Phase I Environmental Site Assessment (ESA) to a maximum of \$15,000 per project;
 - ii. soft costs incurred in connection with the purchase of the relocation property including an appraisal prepared by an independent licensed appraiser to a maximum of \$10,000 per project; and
 - iii. the appraised land value (absent improvements) of the relocation property to be purchased at a size equal to or smaller than needed to relocate from the former property; and
 - iv. 75% of the costs for wastewater infrastructure for a planned relocation of a business to a maximum of \$50,000 per business.
 - b. Critical Community Facility
 - i. feasibility studies including completing of FEAF required for SEQRA compliance and a Phase I ESA to a maximum of \$10,000 per project; and
 - ii. local match funds required under applicable federal or state programs;
 - iii. and the appraised land value (absent improvements) of the relocation property to be purchased at a size equal to or smaller than needed to relocate from than the former property; and

- iv. 75% of the costs for wastewater infrastructure for a planned relocation of a Critical Community Facility to a maximum of \$50,000.
- c. Residences
 - i. 75% of the costs for planning activities for a Planned Redevelopment Community intended to replace residences recommended for relocation pursuant to a Local Flood Analysis to a maximum of \$20,000 per project; and
 - ii. 75% of costs for wastewater infrastructure for a Planned Redevelopment Community intended to replace residences recommended for relocation pursuant to a Local Flood Analysis up to a maximum of \$250,000 per project; and/or
 - iii. wastewater infrastructure for the planned relocation of a single family residence up to a maximum of \$10,000 per residence at the current (at time of design approval) CWC Schedule of Values established pursuant to the CWC Septic Rehabilitation and Replacement Program Rules, Article 2A, section 2:01:01.
 - iv. up to \$10,000 for the costs of moving a residential structure (not including accessory structures) on a parcel where the City Flood Buyout Program will purchase only a portion of the original parcel and the landowner desires to move the structure from the portion being purchased to a location on the original parcel and outside of the 500 year floodplain.
- 5. Project Costs for the alteration of an aspect of public infrastructure are limited to:
 - a. feasibility studies associated with reducing water surface elevations, altering flow paths, reducing velocities, or otherwise minimizing potential for flood damage up to a maximum of \$20,000 per project;
 - b. design costs up to a maximum of 10% of construction costs; and
 - c. construction costs.
- 6. Project Costs for property protection measures are limited to:
 - a. feasibility studies up to a maximum of \$5,000 per project;
 - b. design costs up to a maximum of 10% of construction costs; and
 - c. 75% of construction costs.
- 7. Project Costs for community-wide activities for the elimination of potential source of manmade pollution are limited to:
 - a. 75% of design costs; and construction; and
 - b. 75% of project implementation costs up to a maximum of \$15,000.
- 8. Project costs to secure oil tanks (330 gallons or less) and propane tanks (420 gallons or less) shall not include pollution clean-up costs, and are as follows:
 - a. Eligible costs are limited to the reasonable and necessary construction costs for securing _____ of oil or propane tank in accordance with CWC preliminary design and shall not exceed _____ 10% of CWC FHMIP Schedule of Values. The CWC FHMIP Schedule of Values shall _____ be annually reviewed by the Executive Director and shall represent the reasonable cost for each component of the work based on the cost of similar work within the West of _____ Hudson Watershed.
 - b. The CWC Executive Director may approve payment of an additional 100% over the _____ CWC FHMIP Schedule of Values upon submission of appropriate demonstration/ _____ documentation that the cost is reasonable and justified.
 - c. Total costs of over \$5,000.00 of eligible oil or propane tank(s) on an individual property _____ must be approved by the CWC Board of Directors.
- 8.9. Project Costs for Stream-related Construction Work are limited to:
 - a. design costs up to a maximum of 10% of construction costs; and

- b. construction costs.
- ~~9.10.~~ 10.10. Project Costs for Emergency Stream Debris Removal Projects are limited to labor, fuel, equipment, disposal tipping fees, and materials necessary for flood-debris removal and site restoration up to a maximum of \$10,000 per property. The maximum of \$10,000 per property may be waived by the CWC Board on a case by case basis.
- ~~10.11.~~ 11.11. Project costs for approved Flood Buyout Activities will be pursuant to a schedule of values to be established by CWC in consultation with DEP.
- ~~11.12.~~ 12.12. CWC Board, in their sole discretion, may approve individual requests to exceed the maximum amounts and/or percentages of costs provided for in sections 1 through 8 above, on the basis of extraordinary water quality or community benefit of the project. All such requests shall be reviewed by CWC staff and provided to DEP staff. CWC staff shall and DEP staff may provide to the Board a written recommendation to partially or wholly approve, or to deny the request.

Voice Vote, carried unanimously

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**FHMIP Contract Amendment Approval – Tab 20**

A motion to approve Resolution No. 2894 was made by Berndt Leifeld and seconded by Martin Donnelly.

June 7, 2016

**RESOLUTION NO. 2894**

**BOARD APPROVAL OF AMENDMENT TO FLOOD HAZARD MITIGATION  
IMPLEMENTATION PROGRAM AGREEMENT**

**WHEREAS**, the Catskill Watershed Corporation (CWC) is a not-for-profit corporation established to administer Watershed Protection and Partnership Programs as more fully described herein; and

**WHEREAS**, ninety percent of New York City’s water supply originates in the Catskill Mountain region from an area commonly referred to as the West of Hudson portion of the watershed of the New York City water supply (the “West of Hudson Watershed” or “Watershed”), which spans over 1,600 square miles and portions of five counties, forty-one towns, and eight villages; and

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

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

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

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

**WHEREAS**, on May 6, 2014, by Resolution Number 2460, the CWC Board of Directors approved program rules for the CWC Flood Hazard Mitigation Program (the “Program Rules”); and

**WHEREAS**, upon request of CWC, NYCDEP has proposed a modification to the Program Agreement to provide eligibility of funding of projects for properties within the West of Hudson Watershed to secure oil and propane tanks serving structures located on properties within the flood plain as defined in the Program Rules, regardless of whether or not the town where such properties are located has completed a local flood analysis; and

**WHEREAS**, the CWC Stormwater/Wastewater Committee recommends the CWC Board of Directors authorize the President to execute the attached change order to the Program Agreement funding of projects for properties within the West of Hudson Watershed to secure oil and propane tanks serving structures located on properties within the flood plain as defined in the Program Rules, regardless of whether or not the town where such properties are located has completed a local flood analysis.

**NOW, THEREFORE BE IT RESOLVED**, that the CWC Board of Directors authorizes the President to execute the attached Change Order to the Flood Hazard Mitigation Implementation Program Contract and all such other instruments, and to perform all such other acts, as may be necessary or desirable in order to carry into effect the Change Order to the Contract on the terms and conditions set forth therein, and in furtherance of the purposes of the Watershed MOA and consistent with all such other Contracts, contracts, policies and/or procedures to which CWC is bound.

**Voice Vote, carried unanimously**

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CWC Insurance Premiums 2016 – Tab 21

A motion to approve Resolution No. 2895 was made by James Eisel and seconded by Martin Donnelly.

June 7, 2016

RESOLUTION NO. 2895

CWC INSURANCE PREMIUMS

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

WHEREAS, the Finance Department has received quotes/premiums for General Liability, Automobile insurance, Workers Compensation, Forced Place, Directors & Officers, Professional Liability and Excess Liability insurance.

NOW, THEREFORE BE IT RESOLVED, the Board of Director’s approves the Executive Director to pay the insurance premiums not to exceed Fifty-Two Thousand Dollars (\$52,000.00).

Voice Vote, carried unanimously

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**New York City Funded Flood Buyout Program – Tab 22**

A motion to approve Resolution No. 2896 was made by Innes Kasanof and seconded by Tina Molé.

June 7, 2016

**RESOLUTION NO. 2896**

**CWC BOARD APPROVAL OF AGREEMENT RELATED TO  
2016 AMENDMENT TO WATER SUPPLY PERMIT AUTHORIZING  
A NEW YORK CITY FUNDED FLOOD BUYOUT PROGRAM**

**WHEREAS, on January 21, 1997, the City of New York, Coalition of Watershed Towns, the Catskill Watershed Corporation, several environmental organizations five counties in the West of Hudson Watershed (“the Parties”) among other entities including the State of New York entered into the Watershed Memorandum of Agreement (“Watershed MOA” or “MOA”), which established a partnership in which the parties agreed “to cooperate in the development and implementation of a Watershed Protection Program that maintains and enhances the quality of the New York City drinking water supply system and the economic vitality and social character of the Watershed communities” (“MOA Objectives”); and**

**WHEREAS, among the programs the Parties agreed to in the Watershed MOA is a program for DEP to acquire land in the Watershed for watershed protection (“Land Acquisition Program”), subject to the terms of the Watershed MOA and of the water supply permit issued by NYSDEC on January 21, 1997 (“1997 Water Supply Permit”); and**

**WHEREAS, on December 7, 2010, by Resolution Number 1845, the CWC Board of Directors approved an agreement on the successor to the 1997 Water Supply Permit (the “2010 Water**

Supply Permit”), which established the terms and conditions for DEP’s continuation of the Land Acquisition Program through December 23, 2025; and

**WHEREAS**, the Parties’ agreement to the terms of the 2010 Water Supply Permit was memorialized in an Agreement, one among West of Hudson Watershed Stakeholders and one among certain parties to the Article 78 Proceeding and Declaratory Judgment Action, including NRDC, concerning NYCDEP’s Continuation of its Land Acquisition Program, both dated December 27, 2010 (“2010 LAP Agreements”), which provided, among other things, that the Parties would not oppose the 2010 Water Supply Permit; and

**WHEREAS**, following Hurricane Irene and Tropical Storm Lee in August and September 2011, many of the parties to the 2010 LAP Agreement, among other stakeholders, reached further agreements (“2013 Supplemental LAP Agreements”) in connection with an overall plan to work together to focus existing watershed protection programs on issues relating to severe flooding; and

**WHEREAS**, the 2013 Supplemental LAP Agreement memorialized the Parties’ agreement to modifications of Special Condition 7(b) of the 2010 Water Supply Permit to facilitate the Hurricane Irene Buyout Program, to be implemented in Delaware, Greene, and Ulster Counties, under the Land Acquisition Program, in conjunction with the Federal Emergency Management Agency (“FEMA”) and the New York State Office of Emergency Management (“NYS OEM”). In particular, the modifications allowed for the use of the FEMA procedures for determining the fair market value of properties participating in the Hurricane Irene Buyout Program; and

**WHEREAS**, the modifications also allowed for local communities to take and retain title to properties acquired through that Program, establishing a requirement that in such situations, those communities will grant conservation easements to DEC with certain restrictions, including both the restrictions FEMA requires for all buyout properties (“FEMA Deed Restrictions”) and additional restrictions memorialized in the 2013 Supplemental LAP Agreement; and

**WHEREAS**, the May 2014 Midterm Revisions to the City’s 2007 Filtration Avoidance Determination (“FAD”) require DEP to commit \$15 Million to a New York City-funded flood buyout program (“NYCFFBO Program”) to be implemented in accordance with the conditions of the 2010 Water Supply Permit, as amended. In accordance with the FAD, after extensive negotiations and outreach, Watershed Stakeholders have agreed upon a process for property evaluation and selection, as documented in “NYC-Funded Flood Buyout Program Property Evaluation and Selection Process,” dated June 1, 2016 (“Process Document”), which relies on a further amendment of the 2010 Water Supply Permit, as described below, to allow DEP to implement the NYCFFBO Program in communities that elect to participate in the Program (“Communities”); and

**WHEREAS**, MOA Paragraph 67 prohibits DEP from acquiring property in the West of Hudson watershed with structures other than uninhabitable dwellings or accessory structures unless the property is acquired through an acquisition and relocation program administered pursuant to the Hazard Mitigation Grant Program of the Federal Disaster Assistance Act; and

**WHEREAS**, as set forth in the Process Document, the NYCFFBO Program includes the following acquisition in limited categories, including and limited to Hydraulic Study Properties, CWC’s Flood Hazard Mitigation Implementation Program (“FHMIP”), Individual Buyout

Properties, Individual Buyout Properties presenting an Erosion Hazard, and Individual Buyout Properties presenting an Inundation Hazard; and

**WHEREAS**, on December 23, 2015, CWT submitted to DEP and the regulatory agencies the following list of proposed modifications and enhancements to the Watershed Protection and Partnership Programs (“Supplemental Partnership Programs”), which CWT asserts are critical to the long-term sustainability of the communities, including replenishment of the CWC Future Stormwater Fund, a request that CWC administer the City’s Watershed MOA Paragraph 145 Program for stormwater reimbursement, and a request that the CWC Small Business Septic Program be expanded to upgrades of non-complying regulated activities and to not-for-profit and public entities; and

**WHEREAS**, as set forth below, the Communities have requested, and the City has agreed to, negotiations concerning the Supplemental Partnership Programs, as a condition of the Communities’ agreement to the modification of the 2010 WSP; neither such negotiations, nor the Communities’ and the City’s commitment to those negotiations, independently constitutes a modification of the MOA, and the Parties have not committed to agree to any specific Supplemental Partnership Program Proposal or proposed amendment to the Watershed Regulations; and

**WHEREAS**, the CWC Policy Committee recommend the CWC Board of Directors authorize the President to execute the Agreement related to the 2016 Amendment to the Water Supply Permit Authorizing a New York City funded flood buyout program.

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors authorizes the President of CWC to execute an agreement among certain Watershed MOA signatory parties, including CWC, NYCDEP, the Coalition of Watershed Towns, Delaware County, Town of Hamden, Town of Roxbury, Riverkeeper, New York Public Interest Research Group, Open Space Institute, and Catskill Center for Conservation and Development, agreeing to the Water Supply Permit and its enforceability by all signatories to the Watershed MOA.

***Voice Vote, carried – 11 ayes, 1 absent, 1 vacant, and NYC and NYS abstain***

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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 James Eisel and seconded by Tina Molé.

Voice Vote, carried unanimously

A motion to resume the regular meeting was made by Richard Parete and seconded by Berndt Leifeld.

Voice Vote, carried unanimously

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**CFF REDI Loan – Creative Environments, LLC d/b/a Full Moon Resort – Tab 23**

A motion to approve Resolution No. 2897 was made by Richard Parete and seconded by Tina Molé.

**RESOLUTION NO. 2897**  
**APPROVAL OF CREATIVE ENVIRONMENTS LLC D/B/A FULL MOON**  
**RESORT BUSINESS LOAN**

**WHEREAS**, the CWC established the REDI 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**, on April 2, 2002, by Resolution number 492, the CWC Board of Directors approved a loan to Creative Environments LLC d/b/a Full Moon Resort, for Fifty Eight Thousand Five Hundred Dollars (\$58,500) for a term of fifteen (15) years, at a rate of three and three eighths percent (3.375%), to be amortized in equal monthly payments such that the outstanding principal is fully paid on the last payment date, for building and site upgrades; and

**WHEREAS**, Creative Environments LLC d/b/a Full Moon Resort has applied for a Two Hundred Seventy Five Thousand Dollar (\$275,000.00) loan for a term of fifteen (15) years, at a rate of four percent (3.7%), to be amortized in equal monthly payments such that the outstanding principal is fully paid on the last payment date, to refinance debt; and

**WHEREAS**, Henry Stout, the owner of Creative Environments LLC d/b/a Full Moon Resort, has applied for a Three Hundred Thousand Dollar (\$300,000.00) loan for a term of fifteen (15) years, at a rate of four (3.7%), to be amortized in equal monthly payments such that the outstanding principal is fully paid on the last payment date, to refinance business debt; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Staff has reviewed a completed REDI Fund Loan application for Creative Environments LLC d/b/a Full Moon Resort and Henry Stout; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for Creative Environments LLC d/b/a Full Moon Resort and Henry Stout’s REDI Fund Loan application; and

**WHEREAS**, the CWC Loan Committee has recommended approval of the REDI Fund Loan application from Creative Environments LLC d/b/a Full Moon Resort and Henry Stout; 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 NYCDEP CFF Program Contract and 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 Creative Environments LLC d/b/a Full Moon Resort and Henry Stout's application meets the CWC CFF qualified economic development criteria and approves the loan in the amount of Two Hundred Seventy Five Thousand Dollars (\$275,000.00) and Three Hundred Thousand Dollar (\$300,000.00) respectively, for a term of fifteen (15) years, at a rate of four percent (3.7%), to be amortized in equal monthly payments such that the outstanding principal is fully paid on the last 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.

**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 REDI Fund Loan Application of Creative Environments LLC d/b/a Full Moon Resort**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Creative Environments LLC d/b/a Full Moon Resort, located in the Town of Shandakan, 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, NYCDEP asserts that Creative Environments LLC d/b/a Full Moon Resort is not in compliance with the NYCDEP Watershed Regulations based upon alleged alteration of use of the property. Upgrades to existing septic systems are currently underway and the CWC Small Business Septic Program will provide 75% of eligible costs. A portion of the loan funds will be used to pay for the property owner's share or reimburse for costs already incurred to pay for the septic upgrades.
2. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, Creative Environments LLC d/b/a Full Moon Resort 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) Creative Environments LLC d/b/a Full Moon Resort is an existing business.
  - (ii) The project is located in the Town of Shandakan.
  - (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.
  - (vi) Based on NYCDEP map delineating the 60-day travel time zone, the project is not in a 60-day travel time zone.
  - (vii) There is no impact on Federal or State wetlands.
- (b) The project maintains the character of the Town of Shandakan.
  - (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) To the best of CWC's knowledge, the project will not promote secondary growth.
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 Loan – The Sedgwick House B&B – Tab 24

A motion to approve Resolution No. 2898 was made by Richard Parete and seconded by Wayne Marshfield.

June 7, 2016

RESOLUTION NO. 2898

APPROVAL OF THE SEDGWICK HOUSE B&B

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, The Sedgwick House B&B has applied for a Three Hundred Forty Thousand Dollar (\$340,000.00) loan for a term of fifteen (15) years, with an amortization of twenty (20) 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 (180th) payment date, for the purchase of the real property at 7760 Main Street, Hunter, NY, purchase of equipment, for soft costs, and for working capital; and

WHEREAS, pursuant to the CFF Program rules the CWC Staff has reviewed a completed CWC Loan application for The Sedgwick House B&B; and

WHEREAS, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for The Sedgwick House B&B; and

WHEREAS, the CWC Loan Committee has recommended approval of the CWC Loan application from The Sedgwick House B&B, 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; and

WHEREAS, on May 3,2016, the CWC Board of Directors denied the award of loan in the amount of Three Hundred Forty-Nine Thousand Dollars (\$349,000) and advised that resubmission be contingent on a higher equity contribution; and

WHEREAS, the applicant accepted the request and offered an additional Nine Thousand Dollars (\$9,000.00) of equity towards the project to lower the loan amount.

NOW, THEREFORE BE IT RESOLVED, the CWC Board determines The Sedgwick House B&B's application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of Three Hundred Forty Thousand Dollars (\$340,000.00) for a term of fifteen (15) years, with an amortization of twenty (20) 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 (180th) payment date and further waives the requirement of a participating lender pursuant to CFF Program Rule § 1:05:02.

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 The Sedgwick House B&B

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to The Sedgwick House B&B located in the Town of Hunter, 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 7760 Main Street, Hunter, NY, to be purchased by The Sedgwick House B&B, 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 7760 Main Street, Hunter, NY, to be purchased by The Sedgwick House B&B, 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) The Sedgwick House B&B, located 7760 Main Street, Hunter, NY, will continue operation as a Bed and Breakfast
 - (ii) The project is located in the Town of Hunter.
 - (iii) The project will utilize a WWTP.
 - (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 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 Hunter.
 - (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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A motion to approve Resolution No. 2899 was made by Thomas Snow and seconded by Innes Kasanof.

June 7, 2016

**RESOLUTION NO. 2899**

**APPROVAL OF COLLATERAL CHANGE FOR  
HEART OF THE CATSKILLS COMMUNICATIONS D/B/A MTC CABLE**

**WHEREAS**, the Catskill Watershed Corporation (CWC) is a not-for-profit local development corporation whose purpose is, in part, to act in the public interest by promoting increased employment and encouraging environmentally sound development within the West of Hudson Watershed (WOH); and

**WHEREAS**, to foster the goals of environmentally sound development and increased employment the CWC will from time to time enter into demonstration projects and alliances with other organizations with similar goals that can be replicated throughout the WOH with funding from the Catskill Fund for the Future (CFF); and

**WHEREAS**, the CWC Economic Development Committee has recognized the need to extend broadband internet service to as much of the watershed area as practical to foster economic development, improve educational opportunities and improve the quality of life; and

**WHEREAS**, Margaretville Telephone Company (MTC) has successfully implemented and maintained Direct Subscriber Lines (DSL) and Cable broadband service in over 90% of its service area; and

**WHEREAS**, the deployment of broadband service in un-served and underserved areas has the potential to increase adult employment, improve educational opportunities and improve the quality of life in the watershed community; and

**WHEREAS**, on August 4, 2009, by Resolution Number 1575, the CWC Board of Directors approved an alliance with MTC and M-ARK Project in an amount up to Two Hundred Fifty Thousand Dollars (\$250,000.00) for expansion of broadband internet service to un-served and underserved areas of Schoharie and Delaware Counties; and

**WHEREAS**, on April 6, 2010, by Resolution Number 1721, the CWC Board of Directors under the Catskills Studies Funding Program approved Twenty-Four Thousand Seven Hundred Fifty Dollars (\$24,750.00) to fund environmental, market development feasibility and engineering studies by MTC Cable for the extension of broadband services to the un-served Schoharie County Towns of Gilboa and Conesville, the purpose of which is to improve job opportunities and local employment while protecting the environment; and

**WHEREAS**, on September 3, 2013, by Resolution Number 2372, the CWC Board of Directors, under the Catskills Studies Funding Program, approved MTC's request for a letter of support from the CWC for the MTC Wireless Broadband Project and matching funds from CWC to strengthen their application in the amount of Ten Thousand Dollars (\$10,000.00); and

**WHEREAS**, on July 1, 2014, by Resolution Number 2516, the CWC Board of Directors, under the Catskills Studies Funding Program, approved Delaware County Broadband Initiative (DCBI) request for a letter of support from the CWC for the MTC Wireless Broadband Project and matching funds from CWC to provide broadband to un-served and underserved residences and businesses in Delaware County and strengthen their application in the amount of Twenty-Five Thousand Dollars (\$25,000.00); and

**WHEREAS**, on September 1, 2015, by Resolution Number 2737, the CWC Board of Directors approved a loan to the Heart of the Catskills Communications, Inc. d/b/a MTC Cable for a One Million One Hundred Thousand Dollar (\$1,100,000.00) for a term of five (5) years, interest only for the first twenty-four months, at a rate of two percent (2.0%), such that the outstanding principal is fully paid on the sixtieth (60<sup>th</sup>) payment date, for the purpose of fulfilling their grant obligations; and

**WHEREAS**, on April 5, 2016, by Resolution 2839 the CWC Board of Directors approved a loan to the Heart of the Catskills Communications, Inc. d/b/a MTC Cable for Four Million Three Hundred Twenty Two Thousand Dollar One Hundred Twenty Three Dollars and no cents (\$4,322,123.00) for a term of fifteen (15) years, interest only for the first twenty-four months, at a rate of two percent (2.0%), such that the outstanding principal is fully paid on the one hundred eightieth (180<sup>h</sup>) payment date, for the purpose of fulfilling their broadband grant obligations; and

**WHEREAS**, the Catskill Fund for the Future Program Rules section 1:02:04 require that a material change, including a change in collateral coverage, to a previously approved loan requires CWC Board review and approval; and

**WHEREAS**, Heart of the Catskills Communications, Inc. d/b/a MTC Cable requests that the terms of the loan allow for a shared first position with USDA as originally approved, and also a possible future bank loan of up to Four Million Dollars (\$4,000,000.00) and such bank loan would have to also be approved by USDA and the Public Service Commission, and such request if approved will result in a change to the collateral coverage of the loan.

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board approves the request of Heart of the Catskills Communications, Inc. d/b/a MTC Cable for amended term sheet as attached hereto as Attachment A.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, the CWC staff is authorized and directed to issue an amended 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, 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.

**QEDP Evaluation and CWC Staff Recommendation**

**Purpose: To review the CWC Loan Application of Heart of the Catskills Communications, Inc. d/b/a MTC Cable**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Heart of the Catskills Communications, Inc. d/b/a MTC Cable located in the Village of Margaretville, 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 579 Main Street, Margaretville, NY, owned by Heart of the Catskills Communications, Inc. d/b/a MTC Cable, 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 579 Main Street, Margaretville, NY, owned by Heart of the Catskills Communications, Inc. d/b/a MTC Cable, 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) Heart of the Catskills Communications, Inc. d/b/a MTC Cable will fulfill its broadband grant obligations and provide broadband service to unserved and underserved residents and businesses.
  - (ii) The project is located in the Village of Margaretville.
  - (iii) The project will utilize a municipal waste water treatment 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 in the 60 day travel time.
  - (vii) There is no impact on Federal or State wetlands.(b) The project maintains the character of the Village of Margaretville.
  - (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 -12 ayes, 1 absent, 1 vacant, Wayne Marshfield abstained**

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A motion to waive Rule 14 was made by James Eisel and seconded by Richard Parete.

Voice Vote, carried unanimously

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**Handout Resolution – Town of Neversink 2011 Flood Grant – Baseball Field**

June 7, 2016

**RESOLUTION NO. 2900**

**2011 CFF FLOOD RECOVERY GRANT**  
**TOWN OF NEVERSINK**

**WHEREAS**, by Resolution Number 1985, CWC established the 2011 Flood Recovery Grant Program to assist businesses within the West of Hudson Watershed (WOH WATERSHED) that sustained structural damage as a result of Tropical Storms Irene and/or Lee; and

**WHEREAS**, by Resolution Number 1985, CWC Board of Directors allocated Five Million Dollars (\$5,000,000) to the 2011 Flood Recovery Grant Program on the basis of allocation percentages defined in CWC By-Laws including Two Hundred Forty-Five Thousand Dollars (\$245,000.00) for Sullivan County; and

**WHEREAS**, by Resolution Number 2015, on May 1, 2012 the CWC Board of Directors, at the request of the Town of Neversink to provide funding to a not for profit to replace a baseball field destroyed by Tropical Storm Irene, approved an amendment to CFF Program Rules to provide eligible for a not for profit located in the Town of Neversink for up to Thirty Thousand Dollars (\$30,000.00); and

**WHEREAS**, by Resolution Number 2879, the CWC Board of Directors authorized the Executive Director and/or President to execute an agreement with the Town of Neversink to provide up to Thirty Thousand Dollars (\$30,000.00) under the 2011 Flood Recovery Grant Program for the replacement of a ballfield destroyed by Tropical Storm Irene; and

**WHEREAS**, the Town of Neversink has informed CWC that Town of Neversink funds, not the funds of a not for profit, were used to construct the replacement baseball field and accompanying structures, with a not for profit having a lease with the Town of Neversink for ongoing maintenance of the field; and

**WHEREAS**, CWC staff recommend the CWC Board amend the Catskill Fund for the Future Program Rules, as provided for in attachment A, and authorize the CWC Executive Director to directly reimburse the Town of Neversink for up to Thirty Thousand Dollars (\$30,000.00) under the 2011 Flood Recovery Grant Program for the replacement of a baseball field destroyed by Tropical Storm Irene.

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors approves the attached program rule change and authorizes the Executive Director and/or President to execute an agreement with the Town of Neversink to provide up to Thirty Thousand Dollars (\$30,000.00) under the 2011 Flood Recovery Grant Program for the replacement of a baseball field destroyed by Tropical Storm Irene.

**ATTACHMENT A**

**Chapter 1:19 2011 Flood Recovery Program Grants**

1:19:01Definitions

Business – business shall mean a person, partnership, joint venture, corporation, cooperative or other for-profit that owns and/or operates a business that is located in a watershed town in Schoharie County or in the West of Hudson Watershed in Delaware, Greene, Sullivan or Ulster Counties and identified by the watershed town where it is located for inclusion in the 2011 Flood Recovery Program, ~~or a not for profit located in~~ the Town of Neversink in Sullivan County **directly for replacement of a baseball field damaged by Tropical Storm Irene or Lee.**

Businesses are limited to one per parcel of property. Business that is operated over two or more tax lots shall be limited to one reimbursement in an amount not to exceed \$30,000. Business shall not include a not for profit organization, and/or a business seeking reimbursement for damage to residential properties, including apartments or trailer parks. Business shall also not include multi-state franchise or chain stores.

**Voice Vote, carried unanimously**

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VII. Public Discussion

Diane Galusha announced that the Board photograph will be taken at the July 5th Board meeting.

Leslie Zucker (Cornell Cooperative Extension of Ulster County) and Adam Doan (Ulster County Soil and Water Conservation District) reviewed the Ashokan Stream Management Program (SMP) accomplishments of 2015 and goals for 2016. Copy of the presentation is attached.

VIII. Announcements from the Chair:

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: @ 2:21 p.m.