

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

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

I. Call to Order

II. Pledge of Allegiance: Led by Wayne Marshfield.

III. Roll Call of Directors

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

Members Excused: *Vacancy (Sullivan County)*

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

Others Present: Karen Rauter (*Sullivan County Soil and Water Conservation District*), *NYS Senator James Seward* and Mark Vian (*NYCDEP Stream Management*)..

IV. Review and Approval of October 1, 2013 Board Meeting Minutes

A motion to approve the minutes from the October 1, 2013 board meeting was made by Thomas Snow and seconded by Deborah DeWan.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of August 31, 2013 was made by James Eisel and seconded by Tina Molé.

**Voice Vote, carried unanimously**

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Executive Director's Report

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

Presentation of News Articles

Committee Schedule

Committee Meeting Minutes

VI. Public Discussion

Jeff Graf introduced Karen Rauter (Sullivan County Soil and Water Conservation District) and Mark Vian (NYCDEP Stream Management) gave a presentation updating the Board on the Rondout – Neversink Stream Management Program. Copy of the power point is attached.

VII. Presentation of Resolutions

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**Septic Reimbursement Over \$20,000 – Robert Brenner - Tab 7**

A motion to approve Resolution No. 2388 was made by Berndt Leifeld and seconded by Wayne Marshfield.

November 5, 2013

**RESOLUTION NO. 2388**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
ROBERT BRENNER**

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

**WHEREAS**, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty Thousand Dollars (\$20,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Nine Thousand Seven Hundred Fifty-Two Dollars and Nine Cents (\$29,752.09); and

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

**WHEREAS**, the CWC staff have determined the contractor’s quote of Twenty-Nine Thousand Seven Hundred Fifty-Two Dollars and Nine Cents (\$29,752.09) 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 Seven Hundred Fifty-Two Dollars and Nine Cents (\$29,752.09) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Nine Thousand Seven Hundred Fifty-Two Dollars and Nine Cents (\$29,752.09).

**Robert Brenner Backup**

Mr. Brenner’s property is located in the Town of Neversink, Sullivan County. This site has numerous buildings and structures. Most do not seem to have any certificate of occupancies and the dates of construction are convoluted. Therefore, only the “main house” is included in this project. Homeowner and CWC staff received a quote from a contractor in the amount of \$29,752.09. This system is for a four bedroom house. The major components for this system include a 1,250 gallon septic tank, a pump chamber, 84 lineal feet of 4” gravity piping, 248 lineal feet of forcemain, one distribution box, 445 cubic yards of absorption fill material, one effluent filter, 188 lineal feet of absorption trench, 120 lineal feet of improved swale, and site restoration. The quote does not exceed CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$29,752.09.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$20,000 – Brenda Clark- Tab 8

A motion to approve Resolution No. 2389 was made by Berndt Leifeld and seconded by Wayne Marshfield.

November 5, 2013

RESOLUTION NO. 2389

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:
BRENDA CLARK**

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

WHEREAS, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty Thousand Dollars (\$20,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

WHEREAS, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Six Thousand Nine Hundred Ninety-One Dollars (\$26,991.00); and

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

WHEREAS, the CWC staff have determined the contractor's quote of Twenty-Six Thousand Nine Hundred Ninety-One Dollars (\$26,991.00) 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-Six Thousand Nine Hundred Ninety-One Dollars (\$26,991.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Six Thousand Nine Hundred Ninety-One Dollars (\$26,991.00).

Brenda Clark Backup

Ms. Clark's property is located in the Town of Neversink, Sullivan County. Homeowner and CWC staff received a quote from a contractor in the amount of \$26,991.00. This system is for a three bedroom house. The major components for this system include a 1,500 gallon septic tank, 135 lineal feet of 4" gravity piping, 35 lineal feet of 4" gravity piping for outlet of curtain drain, 180 cubic yards of absorption fill material, 3 distribution boxes, 396 square feet of sand filter, 200 lineal feet of absorption trench, 100 lineal feet of curtain drain, a temporary access road, and site restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$26,991.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Alan Davis - Tab 9**

A motion to approve Resolution No. 2390 was made by Berndt Leifeld and seconded by Wayne Marshfield.

November 5, 2013

**RESOLUTION NO. 2390**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
ALAN 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 Thousand Dollars (\$20,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Two Thousand Nine Hundred Ninety Dollars (\$22,990.00); and

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

**WHEREAS**, the CWC staff have determined the contractor's quote of Twenty-Two Thousand Nine Hundred Ninety Dollars (\$22,990.00) 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-Two Thousand Nine Hundred Ninety Dollars (\$22,990.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Two Thousand Nine Hundred Ninety Dollars (\$22,990.00).

**Alan Davis Backup**

Mr. Davis' property is located in the Town of Olive, Ulster County. Homeowner and CWC staff received a quote from a contractor in the amount of \$22,990.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, 20 lineal feet of 4" gravity piping, 70 lineal feet of forcemain, 35 cubic yards of fill material, 20 cubic yards of additional stone, 3 peat modules, and tree removal. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$22,990.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$20,000 – Scott Fox - Tab 10

A motion to approve Resolution No. 2391 was made by Berndt Leifeld and seconded by Wayne Marshfield.

November 5, 2013

RESOLUTION NO. 2391

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:
SCOTT FOX**

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

WHEREAS, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty

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

WHEREAS, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Six Thousand Six Hundred Twelve Dollars (\$26,612.00); and

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

WHEREAS, the CWC staff have determined the contractor's quote of Twenty-Six Thousand Six Hundred Twelve Dollars (\$26,612.00) 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-Six Thousand Six Hundred Twelve Dollars (\$26,612.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Six Thousand Six Hundred Twelve Dollars (\$26,612.00).

Scott Fox Backup

Mr. Fox's property is located in the Town of Hamden, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$26,612.00. This system is for a nine bedroom house. The major components for this system include two 1,500 gallon septic tanks, 340 lineal feet of Schedule 40 4" gravity piping, 18 lineal feet of Schedule 80 4" gravity piping, one distribution box, 260 cubic yards of absorption fill material, 300 lineal feet of Geo-flow piping, 27 cubic yards of NYSDOT C-33 sand, 105 lineal feet of swale, five cleanouts, and extensive site restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$26,612.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Robert Frunzi - Tab 11**

A motion to approve Resolution No. 2392 was made by Berndt Leifeld and seconded by Wayne Marshfield.

November 5, 2013

**RESOLUTION NO. 2392**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
ROBERT FRUNZI**

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

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

**WHEREAS**, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty Thousand Dollars (\$20,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Three Thousand Five Hundred Thirty-Three Dollars (\$23,533.00); and

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

**WHEREAS**, the CWC staff have determined the contractor's quote of Twenty-Three Thousand Five Hundred Thirty-Three Dollars (\$23,533.00) 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-Three Thousand Five Hundred Thirty-Three Dollars (\$23,533.00) 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-Three Thousand Five Hundred Thirty-Three Dollars (\$23,533.00).

**Robert Frunzi Backup**

Mr. Frunzi's property is located in the Town of Neversink, Sullivan County. Homeowner and CWC staff received a quote from a contractor in the amount of \$23,533.00. This system is for a three bedroom house. The major components for this system include an existing 1,000 gallon septic tank, a siphon chamber, 10 lineal feet of 4" gravity piping, 130 lineal feet of forcemain, one distribution box, 220 cubic yards of absorption fill material, 9 cubic yards of NYSDOT C-33 sand, 252 square feet of Eljen in-drain system, and access road, and site restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$23,533.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$20,000 – Angel Lee - Tab 12

A motion to approve Resolution No. 2393 was made by Berndt Leifeld and seconded by Wayne Marshfield.

November 5, 2013

RESOLUTION NO. 2393

BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:
ANGEL LEE

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

WHEREAS, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty Thousand Dollars (\$20,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

WHEREAS, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Eight Thousand Seventeen Dollars (\$28,017.00); and

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

WHEREAS, the CWC staff have determined the contractor’s quote of Twenty-Eight Thousand Seventeen Dollars (\$28,017.00) 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 Seventeen Dollars (\$28,017.00) 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 Seventeen Dollars (\$28,017.00).

Angel Lee Backup

Ms. Lee’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 \$28,017.00. This system is for a four bedroom house. The major components for this system include a 1,250 gallon septic tank, 180 lineal feet of 4” gravity piping, one distribution box, 465 cubic yards of absorption fill material, one effluent filter, 330 lineal feet of absorption trench, 145 lineal feet of curtain drain, and major site restoration. The quote does not exceed CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$28,017.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Additional Cost – Peter Weir - Tab 13**

A motion to approve Resolution No. 2394 was made by Thomas Hynes and seconded by Tina Molé.

November 5, 2013



**RESOLUTION NO. 2394**

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

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

**WHEREAS**, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty Thousand Dollars (\$20,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, by Resolution Number 2182, the CWC Board approved reimbursement to Peter Weir in an amount not to exceed Thirty-One Thousand Nine Hundred Fifty-Nine Dollars (\$31,959.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the engineer for installation of curtain drain in the amount of Two Thousand Eight Hundred Forty-Eight Dollars (\$2,848.00); and

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

**WHEREAS**, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be Two Thousand Eight Hundred Forty-Eight Dollars (\$2,848.00); and

**WHEREAS**, CWC staff have determined that Thirty-Four Thousand Eight Hundred Seven Dollars (\$34,807.00) is a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving total reimbursement of Thirty-Four Thousand Eight Hundred Seven Dollars (\$34,807.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Thirty-Four Thousand Eight Hundred Seven Dollars (\$34,807.00).

**Peter Weir Backup**

Mr. Weir’s property is located in the Town of Olive, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$31,959.00. During construction the design engineer requested that the contractor install a curtain drain to alleviate the wet conditions on the site. This was corroborated by the design engineer in writing. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$2,848.00. The Septic

Committee recommends that the Board approves an additional reimbursement of \$2,848.00, for total reimbursement not to exceed \$34,807.00.

**Voice Vote, carried unanimously**

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Future Stormwater – Additional Funds – Gerardo Mato - Tab 14

A motion to approve Resolution No. 2395 was made by Robert Pelham and seconded by Richard Parete.

November 5, 2013

RESOLUTION NO. 2395

**BOARD REVIEW OF ADDITIONAL FUNDING FOR THE GERARDO MATO
FUTURE STORMWATER PROJECT**

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 solely required by the 18-39(b)(3) and 18-39(e) of the watershed regulations and not otherwise required by State or federal law; and

WHEREAS, by Resolution Number 2000, the CWC Board of Directors approved an application by Gerardo Mato for funding of eligible costs in the not-to-exceed amount of Sixty-Three Thousand Five Hundred Dollars (\$63,500.00) for the implementation of an eligible project; and

WHEREAS, by Resolution Number 2248, the CWC Board of Directors approved an application by Gerardo Mato for additional funding of eligible costs in the not-to-exceed amount of Twenty-Eight Thousand One Hundred Nine Dollars and Eleven Cents (\$28,109.11), for a total not-to-exceed amount of Ninety-One Thousand Six Hundred Nine Dollars and Eleven Cents (\$91,609.11), for the implementation of an eligible project; and

WHEREAS, Gerardo Mato requested additional funding to pay for the additional costs incurred to complete the project in an amount not to exceed Sixty-Five Thousand Six Hundred Seventy-Four Dollars and Ninety-Five Cents (\$65,674.95); and

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

WHEREAS, upon review of the information and staff recommendation, the CWC Wastewater/Stormwater Committee recommends that the CWC Board of Directors approve an amended not-to-exceed amount of Sixty-Five Thousand Six Hundred Seventy-Four Dollars and Ninety-Five Cents (\$65,674.95) for the Gerardo Mato Future Stormwater Project.

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 in the amount of Sixty-Five Thousand Six Hundred Seventy-Four

Dollars and Ninety-Five Cents (\$65,674.95) for a total not-to-exceed amount of One Hundred Fifty-Seven Thousand Two Hundred Eighty-Four Dollars and Six Cents (\$157,284.06).

Backup

Gerardo Mato's Property

Gerardo Mato's property is located on Tap Jam Road in the Town of Windham, Greene County. The detention pond that was installed over a year ago is no longer holding water due to shale. The NYC DEP has now required that it be lined. Both the NYCDEP and NYSDEC issued violations on this site. He was required to comply with the Watershed Rules and Regulations enforced by the NYCDEP. All stormwater controls were required by NYCDEP. Erosion and Sediment control was required by NYSDEC. CWC will be reimbursing 100% of eligible costs.

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

Funding	Requested	Recommend
Additional SWPPP Design and Implementation funding	\$ 65,674.95	\$ 65,674.95
Total Recommended Additional Funding	\$65,674.95	
Total Previous Funding	\$91,609.11	

Voice Vote, carried unanimously

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**Future Stormwater – Additional Funds – O'Connor Hospital (Andes Clinic) - Tab 15**

A motion to approve Resolution No. 2396 was made by James Eisel and seconded by Robert Pelham.

November 5, 2013

**RESOLUTION NO. 2396**

**BOARD REVIEW OF ADDITIONAL FUNDING FOR THE O'CONNOR HOSPITAL  
FUTURE STORMWATER PROJECT**

**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 solely required by the 18-39(b)(3) and 18-39(e) of the watershed regulations and not otherwise required by State or federal law; and

**WHEREAS**, by Resolution Number 2247, the CWC Board of Directors approved an application by O'Connor Hospital for funding of eligible design and construction costs in the not-to-exceed amount of Eighty-Three Thousand Six Hundred Eighteen Dollars and Two Cents (\$83,618.02); and

**WHEREAS**, by Resolution Number 2348, the CWC Board of Directors approved an application by O'Connor Hospital for additional funding of eligible design and construction costs in the not-to-exceed amount of Nine Thousand Six Hundred Fifty-Eight Dollars (\$9,658.00); and

**WHEREAS**, O'Connor Hospital has requested additional funding to pay for the additional costs incurred to complete the project in an amount not to exceed Three Thousand One Hundred Ninety-Seven Dollars and Ninety-Four Cents (\$3,197.94); and

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

**WHEREAS**, upon review of the information and staff recommendation, the CWC Wastewater/Stormwater Committee recommends that the CWC Board of Directors approve an amended not-to-exceed amount of Ninety-Six Thousand Four Hundred Seventy-Three Dollars and Ninety-Six Cents (\$96,473.96) for the O'Connor Hospital Andes Clinic Future Stormwater Project.

**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 in the amount of Three Thousand One Hundred Ninety-Seven Dollars and Ninety-Four Cents (\$3,197.94) for a total not-to-exceed amount of Ninety-Six Thousand Four Hundred Seventy-Three Dollars and Ninety-Six Cents (\$96,473.96).

**Backup**

**O'Connor Hospital Andes Clinic**

O'Connor Hospital built a clinic in the Hamlet of Andes, Delaware County. O'Connor Hospital was required to design and construct new stormwater control measures to control stormwater runoff for the new clinic.

O'Connor Hospital was required to comply with the Watershed Rules and Regulations enforced by the NYCDEP. The NYCDEP Stormwater Pollution Prevention Plan (SWPPP) approval was issued on July 9, 2012.

CWC staff recommended additional reimbursement of eligible stormwater costs to the CWC Wastewater/Stormwater Committee. The CWC Wastewater/Stormwater Committee recommends additional reimbursement of Three Thousand One Hundred Ninety-Seven Dollars and Ninety-Four Cents (\$3,197.94) for a total not-to-exceed amount of Ninety-Six Thousand Four Hundred Seventy-Three Dollars and Ninety-Six Cents (\$96,473.96) to O'Connor Hospital for its SWPPP costs solely attributable to the Watershed Regulations and not otherwise required by State or federal law.

***Voice Vote, carried unanimously***

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Future Stormwater – Additional Funds – Windham Carwash, LLC - Tab 16

A motion to approve Resolution No. 2397 was made by Tina Molé and seconded by Thomas Hynes.

RESOLUTION NO. 2397

**BOARD REVIEW OF ADDITIONAL FUNDING FOR THE WINDHAM CARWASH,
LLC FUTURE STORMWATER PROJECT**

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 solely required by the 18-39(b)(3) and 18-39(e) of the watershed regulations and not otherwise required by State or federal law; 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 2349, the CWC Board of Directors approved an application by Windham Carwash, LLC for funding of eligible design and construction costs in the not-to-exceed amount of One Hundred Twelve Thousand Five Hundred Dollars (\$112,500.00), representing 50% of the total eligible cost; and

WHEREAS, Windham Carwash, LLC has requested additional funding to pay for the additional costs incurred to complete the project in an amount not to exceed Sixteen Thousand Five Hundred Twenty-Two Dollars and Seven Cents (\$16,522.07); and

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

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

WHEREAS, upon review of the information and staff recommendation, the CWC Wastewater/Stormwater Committee recommends that the CWC Board of Directors approve an amended not-to-exceed amount of Sixteen Thousand Five Hundred Twenty-Two Dollars and Seven Cents (\$16,522.07) for the Windham Carwash, LLC Future Stormwater Project.

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 in the amount of Sixteen Thousand Five Hundred Twenty-Two Dollars and Seven Cents (\$16,522.07) for a total not-to-exceed amount of One Hundred Twenty-Nine Thousand Twenty-Two Dollars and Seven Cents (\$129,022.07).

**Future Stormwater Program Application
Windham Carwash, LLC**

Dave Schlowsky is constructing a carwash and storage building in Windham, Greene County. The disturbance is less than 1 acre and within 100 feet of a watercourse. Only NYCDEP stormwater requirements come into play. The voucher method has been requested because the

cost of the stormwater controls would create a financial hardship if he had to wait until completion of the project to get reimbursed. Per the CWC Future Stormwater Program Rules a retainage will be held until Construction Acceptance is received from NYCDEP.

CWC staff recommended additional reimbursement of eligible stormwater costs to the CWC Wastewater/Stormwater Committee. The CWC Wastewater/Stormwater Committee recommends additional reimbursement of Sixteen Thousand Five Hundred Twenty-Two Dollars and Seven Cents (\$16,522.07) for a total not-to-exceed amount of One Hundred Twenty-Nine Thousand Twenty-Two Dollars and Seven Cents (\$129,022.07) to Windham Carwash, LLC for its SWPPP costs solely attributable to the Watershed Regulations and not otherwise required by State or federal law.

Voice Vote, carried unanimously

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**CWC Operating/Program Budget Fiscal Year 2014 - Tab 17**

A motion to approve Resolution No. 2398 was made by Wayne Marshfield and seconded by Jeffrey Graf.

November 5, 2013

**RESOLUTION NO. 2398**

**ADOPTION OF CATSKILL WATERSHED CORPORATION  
OPERATING/PROGRAM BUDGET  
FOR FISCAL YEAR 2014**

**WHEREAS**, the Finance Committee has prepared a budget for Catskill Watershed Corporation (CWC) for the period commencing January 1, 2014 through December 31, 2014; and

**WHEREAS**, the Finance Committee recommends for adoption the proposed budget to the full Board of Directors; and

**WHEREAS**, the total budgeted appropriations have been allocated to the various programs, such as Operating, Septic Program IV, etc., by category as indicated below; and

**WHEREAS**, the appropriations to the following budget categories may be transferred between the categories as indicated below without prior Board approval:

Program Expenses, Occupancy Expenses, Advertising & Printing, Office Supplies, Communications, Grants & Reimbursements, Travel, Conferences & Seminars, Insurance, Repairs & Maintenance, Subscriptions & Publications, Professional Fees, Administration Allocation, Depreciation, Dues, Licenses, & Memberships, Miscellaneous Expense, Contingency, Loan/Fixed Assets.

**NOW, THEREFORE BE IT RESOLVED** that the CWC Board of Directors approves the 2014 fiscal year budget of Thirty-Three Million Eight Hundred Forty-Three Thousand Four Hundred Fifty-Eight Dollars (\$33,843,458.00) presented.

**NOW THEREFORE LET IT BE FURTHER RESOLVED**, that the CWC Board of Directors authorized the Executive Director, in accordance with all other CWC policies and procedures, to incur expenses up to the amount set forth in the attached budget.

**NOW THEREFORE LET IT BE FURTHER RESOLVED**, that CWC Board of Directors authorizes the Executive Director to reallocate funds between specific budgets and categories but may not exceed the total approved budget amount without prior Board approval.

**Voice Vote, carried unanimously**

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CWC Tax Consulting Budget Fiscal Year 2014 - Tab 18

A motion to approve Resolution No. 2399 was made by James Eisel and seconded by Richard Parete.

November 5, 2013

RESOLUTION NO. 2399

**ADOPTION OF CATSKILL WATERSHED CORPORATION
TAX CONSULTING BUDGET
FOR FISCAL 2014**

WHEREAS, the Finance Committee of the Catskill Watershed Corporation (CWC) has prepared a projected budget for CWC's Tax Consulting program expenditures from January 1, 2014 through December 31, 2014; and

WHEREAS, the Finance Committee recommends for adoption the projected Tax Consulting program budget of One Hundred Fifty-Five Thousand Three Hundred Dollars (\$155,300.00) to the full Board of Directors.

NOW, THEREFORE BE IT RESOLVED that the CWC Board of Directors approves the 2014 projected Tax Consulting program budget as presented.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the CWC Board of Directors authorized the Executive Director, in accordance with all other CWC policies and procedures, to incur expenses up to the projected program budget amounts.

Voice Vote (WOH members only), carried unanimously

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**Agreement to Amendment Request to 2010 Water Supply Permit - Tab 19**

A motion to approve Resolution No. 2400 was made by Jeffrey Graf and seconded by Martin Donnelly.

November 5, 2013

**RESOLUTION NO. 2400**

**BOARD AUTHORIZATION FOR EXECUTION OF AGREEMENT RELATED TO  
REQUESTED AMENDMENT TO 2010 WATER SUPPLY PERMIT**

**WHEREAS**, a purpose of the Catskill Watershed Corporation (CWC) is to administer Watershed Protection and Partnership Programs which are “necessary to maintain and enhance water quality in the West of Hudson Watershed and the economic and social character of the Watershed communities, and that benefit the West of Hudson Watershed;” and

**WHEREAS**, a further purpose of the CWC is to make decisions on funding and implementation of the Watershed Protection and Partnership Programs consistent with the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA); and

**WHEREAS**, the 1997 Water Supply Permit issued by the New York State Department of Environmental Conservation (DEC) to the New York City Department of Environmental Protection (NYCDEP) authorizes, among other things, the purchase of lands by NYCDEP in the West of Hudson Watershed (the “Land Acquisition Program”); and

**WHEREAS**, the Watershed Protection and Partnership Programs administered by CWC are an integral component of the 1997 Water Supply Permit; and

**WHEREAS**, the Watershed Protection and Partnership Programs are also a condition of the 2007 Filtration Avoidance Determination (FAD); and

**WHEREAS**, the 1997 Water Supply Permit expired in January, 2012 and the 2007 FAD expires in May, 2017; and

**WHEREAS**, by Resolution Number 1683, the CWC Board of Directors authorized the Executive Director and/or his representatives as deemed necessary to participate in discussions including West of Hudson communities, environmental groups, the federal Environmental Protection Agency, State agencies, as well as NYCDEP, regarding the terms and conditions of a Water Supply Permit that would authorize purchases of land by NYCDEP in the West of Hudson Watershed until 2022; and

**WHEREAS**, by Resolution Number 1845, the CWC Board of Directors authorized 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 a new 2010 Water Supply Permit issued by New York State Department of Environmental Conservation (NYS DEC) and its enforceability by all signatories to the Watershed MOA (2010 LAP Agreement); 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, worked to develop ways to focus existing watershed protection programs on issues relating to severe flooding, which can affect both water quality and the viability of watershed communities; and

**WHEREAS**, federal rules regarding the appraisal of fair market value of and restrictions on use of flood buyout lands differ from the conditions of the 2010 Water Supply Permit and 2010 LAP Agreement; and



**WHEREAS**, the Counties of Delaware, Greene, and Ulster reached agreement with DEP for DEP’s acquisition of certain damaged properties in connection with a federal and State buyout program (“Hurricane Irene Buyout Program”), to be implemented in Delaware, Greene, and Ulster Counties, under the Land Acquisition Program; and

**WHEREAS**, DEP requested that NYS DEC revise the 2010 Water Supply Permit to provide that federal rules will be followed and will apply to appraisal of market value of flood buyout properties, and where title of a 2010 Irene Buyout Program property is held by a local community, the community shall give to NYS DEC a conservation easement that differs from that required by the 2010 Water Supply Permit; and

**WHEREAS**, the CWC Policy Committee has reviewed the proposed amendment and proposed agreement (Attachment A) and recommend the CWC Board of Directors authorize the President and/or Executive Director to execute same.

**NOW THEREFORE BE IT RESOLVED**, the CWC Board of Directors authorizes the President or Executive Director 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 proposed amendment to the 2010 Water Supply Permit and its enforceability by all signatories to the Watershed MOA.

**Voice Vote, carried unanimously**

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A motion to waive Rule 14 was made by Jeffrey Graf and seconded by Martin Donnelly.

Handout Resolution - Septic Reimbursement Over \$20,000 – Barbara Redfield

A motion to approve Resolution No. 2401 was made by Innes Kasanof and seconded by Thomas Hynes.

November 5, 2013

RESOLUTION NO. 2401

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:
BARBARA REDFIELD**

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

WHEREAS, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty Thousand Dollars (\$20,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

WHEREAS, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Six Thousand Four Hundred Eighty Dollars (\$26,480.00); and

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

WHEREAS, the CWC staff have determined the contractor's quote of Twenty-Six Thousand Four Hundred Eighty Dollars (\$26,480.00) 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-Six Thousand Four Hundred Eighty Dollars (\$26,480.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Six Thousand Four Hundred Eighty Dollars (\$26,480.00).

Barbara Redfield Backup

Ms. Redfield's property is located in the Town of Shandaken, Ulster County. Homeowner and CWC staff received a quote from a contractor in the amount of \$26,480.00. This system is for a six bedroom house. The major components for this system include a 2,000 gallon H2O load septic tank, one siphon chamber, 110 lineal feet of 4" gravity piping, one distribution box, one effluent filter, 1500 square feet of absorption bed, tree removal, topsoil/seed/mulch, and site restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$26,480.00.

Voice Vote, carried unanimously

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A motion to enter into Executive Session with Alan L. Rosa, Timothy Cox, Barbara Puglisi, Jason Merwin, and Phil Sireci to discuss CFF delinquent loans and new loan applicant financials was made by James Eisel and seconded by Thomas Hynes.

***Voice Vote, carried unanimously***

A motion to resume the regular meeting was made by Martin Donnelly and seconded by Berndt Leifeld.

***Voice Vote, carried unanimously***

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CFF REDI Loan – Holly Hunter-Christovao – Modification - Tab 18

A motion to approve Resolution No. 2402 was made by Wayne Marshfield and seconded by Tina Molé.

RESOLUTION NO. 2402
APPROVAL OF THE JOSEPH CHRISTOVAO IV AND
HOLLY HUNTER CHRISTOVAO.
MATERIAL CHANGE

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, on April 24, 2007, pursuant to Resolution Number 1151, the CWC Board of Directors approved a loan to Joseph Christovao IV and Holly Hunter Christovao in the amount of Two Hundred Thirty Thousand Dollars (\$230,000) pursuant to the Walton Flood Relief Loan Program secured by a second mortgage against 4-12 Water Street, Walton, NY, for damages sustained as a result of the June 2006 flood; and

WHEREAS, on June 10, 2010, pursuant to Resolution Number 1751, the CWC Board of Directors approved a loan to Joseph Christovao IV and Holly Hunter Christovao in the amount of Four Hundred Twenty Thousand Dollar (\$420,000.00) secured by first mortgages against 4-12 Water Street and 6 Miller Ave, Walton, NY, to refinance debt and business expansion; and

WHEREAS, Joseph Christovao IV and Holly Hunter Christovao request that CWC provide a release of mortgage on the collateralized property known as 6 Miller Avenue, Walton, NY, pending the sale of same; and

WHEREAS, Joseph Christovao IV and Holly Hunter Christovao further request that the CWC allow the proceeds of said sale to be released to them to be reinvested in the business located at 4-12 Water Street, Walton, NY, which also collateralizes their CWC loan, less CWC fees and costs incurred to date as a result of forced placed insurance by CWC on the 4-12 Water Street property; and

WHEREAS, if the request is granted, CWC would still retain a first mortgage against 4-12 Water Street in the Village of Walton; and

WHEREAS, pursuant to the CFF Program rules the CWC Staff has reviewed the request from Joseph Christovao IV and Holly Hunter Christovao; and

WHEREAS, the CWC Loan Committee has reviewed and processed this request, and submitted the request to the Board of Directors, attached hereto; and

WHEREAS, pursuant to the CFF Program rules only the CWC Board of Directors may make a material change to an approved loan.

NOW, THEREFORE BE IT RESOLVED, the CWC Board approves the release of mortgage with regard to 6 Miller Avenue, Walton, NY, upon sale of same, releasing the proceeds of the sale to Joseph Christovao IV and Holly Hunter Christovao, less fees and costs owed to CWC, for forced placed insurance on 4-12 Water Street and on the condition that proceeds of sale be reinvested in the business located at 4-12 Water Street in Walton, New York.

NOW, THEREFORE BE IT FURTHER RESOLVED, the CWC staff is authorized and directed to issue a letter informing Joseph Christovao IV and Holly Hunter Christovao of the approved request, and complete the necessary documents, and other documentation necessary to effectuate this mortgage release.

NOW, THEREFORE BE IT FURTHER RESOLVED, that upon said approval of loan documentation CWC is authorized to execute the mortgage release on said request.

Voice Vote, carried – 12 Aye, 2 Nay

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**VIII. Announcements from the Chair: None**

**IX. Board Member Discussion:**

*Diane Galusha announced a new photo exhibit titled “Swamp Photos” by painter and photographer Ruth Wetzel of Stone Ridge. The artwork will be displayed through the end of the year, and all are available for purchase.*

*Diane mentioned that CWC is sponsoring a training session for Planning Board and Zoning Board of Appeals members on Tuesday, November 19<sup>th</sup>, led by Peter Manning, Consultant, regarding the new EAF forms and the SEQRA process. Registration is available on the CWC website.*

*Diane then stated that the Grass Energy Research Project will be one of the focuses at the Energy Conference this Saturday at the Catskill Center for Conservation and Development. They have one of our grass pellet stoves and they will be demonstrating that. Cornell Cooperative Extension representative will be on hand to speak about that particular alternative form of energy. Tom Snow asked if the CCE had done the air monitoring associated with that program yet. Barbara Puglisi replied that the testing was done here, but the final results have not been published yet.*

*Alan Rosa discussed several issues regarding the Delaware Inn. He noted that the solar panels were not functioning properly to heat the water. A local company specializing in solar has been hired to correct this issue. The panels need to be reinstalled and pipe corrected to prevent leaks and get the system functioning. In addition, the electric hot water tanks in the basement will need to be rewired.*

*Deborah DeWan asked who is legally responsible for these errors, if there is legal recourse, and what the cost-benefit analysis is regarding legal pursuit of those responsible.*

*Timothy Cox stated that because he was directly involved in the project administratively, he would not be able to represent CWC in a legal action. As a result, CWC would have to hire an attorney to handle it.*

*James Eisel opined that the Inn should just be fixed and gotten rid of. CWC should just cut its losses and not spend additional monies paying lawyers.*

*Martin Donnelly pointed out that if an electrical underwriter approved the job, he is then responsible for any electrical discrepancies and would be the one to pursue legally. Once the inspector/underwriter’s seal is on the certificate, the contractor is no longer liable.*

*Alan then explained that while Boyle Excavating was working on the drainage, he discovered that the sewage line needed to be repaired. Alan noted that since Boyle has worked on the drainage issues, there has been no water in the basement.*

*Alan then brought to the attention of the Board a letter from Richard Gulde of Dry Brook Management, owner of the mobile home park in Arkville, expressing his hope that the Board of Directors will consider providing additional funding over the already available \$40,000 under the CWC Small Business Septic Program to aid in constructing laterals for 15 additional lots to connect to the municipal sewer line in Arkville. Three of those lots have existing on-site septic systems and are eligible for the CWC Small Business Septic Program, after the rule change was approved by the CWC Board in July, 2013. Mr. Gulde says in his letter that even with \$40,000 from CWC, he does not have sufficient funds to cover the remainder of the cost of the project. Total project costs will be around \$110,000.*

*Thomas Snow expressed concern that providing assistance to connect these five homes and possibly 15 additional non-existent mobile homes is encouraging development in a floodplain, which contradicts all legal regulations of such areas. Alan Rosa responded that the only damage done to this mobile home park in particular was erosion of the stream bank. No structural damage was caused to this residential area during the Hurricanes Irene and Lee events. Pavilion Road was the mobile home park that was damaged during that time.*

*Deborah DeWan inquired if there is any assistance to be gained elsewhere due to the existence of the low-income housing being provided at the mobile home park.*

*Senator Seward asked that the CWC put Mr. Gulde in touch with him to see if there is any further assistance that can be found for his situation.*

*The Board instructed Timothy Cox to respond to the letter that we have done all that we can under our program.*

A motion to adjourn was made by Berndt Leifeld and was seconded by Richard Parete.

**Voice Vote, carried unanimously**

**X. Adjournment: @ 2:45 p.m.**