

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

December 2, 2014 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by Timothy Cox.

III. Roll Call of Directors

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

Members Excused:

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

Others Present: Aaron Bennet (*Ulster County Dept of Environment*), James Bogner (*New York City DEP*), Karen Rauter (*Sullivan County SWCD*), Michael Meyer (*New York City DEP*) and Mark Vian(*New York City DEP*)

IV. Review and Approval of November 4, 2014 Board Meeting Minutes

A motion to approve the minutes from the November 4, 2014 board meeting was made by James Eisel and seconded by Berndt Leifeld.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of September 30, 2014 was made by James Eisel and seconded by Martin Donnelly.

**Voice Vote, carried unanimously**

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Executive Director's Report

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

Presentation of News Articles

Committee Schedule

Committee Meeting Minutes

VI. Public Discussion

Mark Vian (NYCDEP Stream Program) and Karen Rauter (Sullivan County Soil & Water Conservation District) presented a power point regarding updates to the Ashokan Stream Management Programs from the past 12 months. Copy of the power point is attached.

VII. Presentation of Resolutions

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*A motion to waive Rule 14 was made by Mark McCarthy and seconded by Richard Parete.*

**Voice Vote, carried unanimously**

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Handout Resolution – Amendment to Agreement with Lamont Engineers – South Kortright – Additional Funds

A motion to approve Resolution No. 2595 was made by James Eisel and seconded by Martin Donnelly.

December 2, 2014

RESOLUTION NO. 2595

COMMUNITY WASTEWATER MANAGEMENT PROGRAM
AMENDMENT TO AGREEMENT WITH LAMONT ENGINEERS FOR ADDITIONAL
SOUTH KORTRIGHT PRECONSTRUCTION PHASE ENGINEERING SERVICES
AND CONSTRUCTION PHASE SERVICES

WHEREAS, by Resolution Number 617, on August 26, 2003 the Catskill Watershed Corporation (CWC) Board of Directors authorized the President to execute the Community Wastewater Management Program (CWMP) Contract with New York City Department of Environmental Protection (NYCDEP); and

WHEREAS, by Resolution Number 969, on February 28, 2006, the CWC Board of Directors approved a Change Order with NYCDEP to the CWMP (CWMP Change Order) to provide, in part, an additional Two Million Dollars (\$2,000,000.00) for inclusion of a sixth community in the Program pursuant to the order provided in the Watershed MOA Paragraph 122 (c); and

WHEREAS, by Resolution Number 1249, on November 27, 2007, the CWC Board of Directors approved the CWMP II Contract to provide an additional Thirty-Seven Million Two Hundred

Thousand Dollars (\$37,200,000.00) to provide for full funding for a project in three additional communities; and

WHEREAS, the Town of Stamford agreed to participate in the Study Phase of the CWMP for the Hamlet of South Kortright as the seventeenth community; and

WHEREAS, by Resolution Number 1859, on January 4, 2011, the CWC Board of Directors approved the project and total block grant for the Hamlet of South Kortright for Four Million Nine Hundred Thousand Dollars (\$4,900,000.00) to provide for the design and construction to pump to the Village of Hobart Wastewater Treatment Plant; and

WHEREAS, pursuant to both the CWMP I and CWMP II Contracts, CWC and NYCDEP must agree upon the project and block grant amount for each participating community; and

WHEREAS, by Resolution Number 2018, on December 6, 2011, the CWC Board of Directors approved an amendment with Lamont Engineers for Preconstruction Phase Engineering Services for the South Kortright CWMP Project for a not-to-exceed amount of Six Hundred Fifty-Two Thousand Eighty-Two Dollars (\$652,082.00); and

WHEREAS, by a letter dated November 18, 2014, Lamont Engineers submitted a proposal for additional Preconstruction Phase Engineering Services in the amount of One Hundred Eighty-One Thousand Three Hundred Ninety-Four Dollars and Sixty-Three Cents (\$181,394.63) for additional and out of scope services and a proposal for Construction Phase Engineering Services in the amount of Four Hundred Forty-Seven Thousand Seven Hundred Thirty-Six Dollars (\$447,736.00); and

WHEREAS, CWC staff has reviewed the proposal from Lamont Engineers for additional Preconstruction Phase Engineering Services and Construction Phase Engineering Services for the South Kortright CWMP; and

WHEREAS, the CWC Wastewater Committee has reviewed the documentation and recommend approving an amendment with Lamont Engineers to include the additional Preconstruction Phase Engineering Services for the Hamlet of South Kortright not to exceed One Hundred Eighty-One Thousand Three Hundred Ninety-Four Dollars and Sixty-Three Cents (\$181,394.63) and Construction Phase Engineering Services not to exceed Four Hundred Forty-Seven Thousand Seven Hundred Thirty-Six Dollars (\$447,736.00) for a total not-to-exceed amount of One Million Two Hundred Eighty-One Thousand Two Hundred Twelve Dollars and Sixty-Three Cents (\$1,281,212.63).

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves amendment with Lamont Engineers, PC to include additional Preconstruction Phase Engineering Services and Construction Phase Engineering Services for the Hamlet of South Kortright to their existing CWMP contract in an amount not to exceed One Million Two Hundred Eighty-One Thousand Two Hundred Twelve Dollars and Sixty-Three Cents (\$1,281,212.63).

NOW, THEREFORE BE IT FURTHER RESOLVED, approval of the proposal under the CWMP by the CWC Board of Directors constitutes a preliminary decision under the 1997 Watershed Memorandum of Agreement and the decision will become final without any further action by the CWC Board of Directors unless an objection is timely filed with the Watershed Protection and Partnership Council.

Voice Vote, carried unanimously

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**Handout Resolution – Amended CWMP Block Grant – South Kortright**

A motion to approve Resolution No. 2596 was made by Mark McCarthy and seconded by James Eisel.

December 2, 2014

**RESOLUTION NO. 2596**

**APPROVAL OF AMENDED COMMUNITY WASTEWATER MANAGEMENT PROGRAM BLOCK GRANT FOR THE HAMLET OF SOUTH KORTRIGHT**

**WHEREAS**, by Resolution Number 617, on August 26, 2003 the Catskill Watershed Corporation (CWC) Board of Directors authorized the President to execute the Community Wastewater Management Program (CWMP) Contract with New York City Department of Environmental Protection (NYCDEP); and

**WHEREAS**, by Resolution Number 969, on February 28, 2006, the CWC Board of Directors approved a Change Order with NYCDEP to the CWMP (CWMP Change Order) to provide, in part, an additional Two Million Dollars (\$2,000,000.00) for inclusion of a sixth community in the Program pursuant to the order provided in the Watershed MOA Paragraph 122 (c); and

**WHEREAS**, by Resolution Number 1249, on November 27, 2007, the CWC Board of Directors approved the CWMP II Contract to provide an additional Thirty-Seven Million Two Hundred Thousand Dollars (\$37,200,000.00) to provide for full funding for a project in the Hamlet of Ashland and three additional communities; and

**WHEREAS**, the Town of Stamford agreed to participate in the study phase of the CWMP for the Hamlet of South Kortright; and

**WHEREAS**, by Resolution Number 1859, on January 4, 2011, the CWC Board of Directors approved the project and total block grant for the Hamlet of South Kortright for Four Million Nine Hundred Thousand Dollars (\$4,900,000.00) to provide for the design and construction to pump wastewater to the Village of Hobart Wastewater Treatment Plant; and

**WHEREAS**, costs to complete the South Kortright project exceed the remaining Block Grant Amount by approximately Nine Hundred Thousand Dollars (\$900,000.00) based upon the low bid results for three (3) construction contracts; and

**WHEREAS**, CWC staff and the CWC Stormwater/Wastewater Committee recommend that the CWC Board approve an increase in the South Kortright Block Grant Amount up to Nine Hundred Thousand Dollars (\$900,000.00) in order to complete the South Kortright CWMP Project as proposed and approve a revised Block Grant Amount not to exceed Five Million Eight Hundred Thousand Dollars (\$5,800,000.00); and

**WHEREAS**, pursuant to both the CWMP I and CWMP II Contracts, CWC and NYCDEP must agree upon the block grant amount for each participating community and is reviewing this request.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the South Kortright Project and revised Block Grant Amount for the not to exceed amount of Five Million Eight Hundred Thousand Dollars (\$5,800,000.00) and that such approval is contingent upon NYCDEP approval of the revised Block Grant Amount.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of Block Grants under the CWMP by the CWC Board of Directors constitutes a preliminary decision under the 1997 Watershed Memorandum of Agreement and the decision will become final without any further action by the CWC Board of Directors unless an objection is timely filed with the Watershed Protection and Partnership Council.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – John Cianci – Tab 7

A motion to approve Resolution No. 2597 was made by Wayne Marshfield and seconded by Robert Pelham.

December 2, 2014

RESOLUTION NO. 2597

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:
JOHN CIANCI**

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 (\$25,000.00) 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 Six Hundred Eighty Dollars and Eighty Cents (\$25,680.80); and

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

WHEREAS, the CWC staff have determined the contractor’s quote of Twenty-Five Thousand Six Hundred Eighty Dollars and Eighty Cents (\$25,680.80) 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 Six Hundred Eighty Dollars and Eighty Cents (\$25,680.80) 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 Eighty Dollars and Eighty Cents (\$25,680.80).

John Cianci Backup

Mr. Cianci’s property is located in the Town of Bovina, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$25,680.80. This system is for a four bedroom house. The major components for this system include a 1,250 gallon septic tank, one siphon chamber, 207 lineal feet of 4” gravity piping, one distribution box, 350 cubic yards of absorption fill material, one effluent filter, 275 lineal feet of absorption trench, 75 lineal feet of curtain drain, 128 lineal feet of swale, road crossing, and restoration. The quote does not exceed the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$25,680.80.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Stanley Fancher – Tab 8**

A motion to approve Resolution No. 2598 was made by Wayne Marshfield and seconded by Robert Pelham.

December 2, 2014

**RESOLUTION NO. 2598**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:  
STANLEY FANCHER**

**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 (\$25,000.00) 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 Twenty-Seven Dollars and Sixty-Eight Cents (\$29,927.68); and

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

**WHEREAS**, the CWC staff have determined the contractor's quote of Twenty-Nine Thousand Nine Hundred Twenty-Seven Dollars and Sixty-Eight Cents (\$29,927.68) 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 Twenty-Seven Dollars and Sixty-Eight Cents (\$29,927.68) 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 Twenty-Seven Dollars and Sixty-Eight Cents (\$29,927.68).

**Stanley Fancher Backup**

Mr. Fancher's property is located in the Town of Conesville, Schoharie County. Homeowner and CWC staff received a quote from a contractor in the amount of \$29,927.68. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, one pump chamber, 20 lineal feet of 4" gravity piping, 75 lineal feet of 2" forcemain, one distribution box, 507cubic yards of absorption fill material, one effluent filter, 275 lineal feet of absorption trench, 260 lineal feet of curtain drain, and extensive 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 \$29,927.68.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – Howard Werner – Tab 9

A motion to approve Resolution No. 2599 was made by Wayne Marshfield and seconded by Robert Pelham.

December 2, 2014

RESOLUTION NO. 2599

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:
HOWARD WERNER**

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 (\$25,000.00) 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 Six Hundred Dollars (\$29,600.00); and

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

WHEREAS, the CWC staff have determined the contractor's quote of Twenty-Nine Thousand Six Hundred Dollars (\$29,600.00) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the contractor's quote of Twenty-Nine Thousand Six Hundred Dollars (\$29,600.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Nine Thousand Six Hundred Dollars (\$29,600.00).

Howard Werner Backup

Mr. Werner'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 \$29,600.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, 240 lineal feet of 4" gravity piping, one distribution box, one effluent filter, 250 lineal feet of absorption trench, 130 lineal feet of curtain drain, stump removal from the basal area, 30 feet of road crossing, access road, and restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$29,600.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Additional Cost – Eugene Knoth – Tab 10**

A motion to approve Resolution No. 2600 was made by Berndt Leifeld and seconded by Tina Molé.

December 2, 2014

**RESOLUTION NO. 2600**

**BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC CONSTRUCTION  
OVER \$25,000:  
EUGENE KNOTH**

**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 (\$25,000.00) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, by Resolution Number 2521, the CWC Board approved reimbursement to Eugene Knoth in an amount not to exceed Twenty-Three Thousand Eight Hundred Sixty Dollars (\$23,860.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for ground stabilization for use of heavy machinery in the amount of One Thousand Two Hundred Eighteen Dollars (\$1,218.00); and

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

**WHEREAS**, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be One Thousand Two Hundred Eighteen Dollars (\$1,218.00); and

**WHEREAS**, CWC staff have determined that Twenty-Five Thousand Seventy-Eight Dollars (\$25,078.00) is a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving total reimbursement of Twenty-Five Thousand Seventy-Eight Dollars (\$25,078.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Five Thousand Seventy-Eight Dollars (\$25,078.00).

**Eugene Knoth Backup**

Mr. Knoth's property is located in the Town of Shandaken, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$23,860.00. During construction 48 cubic yards of shale was brought in to stabilize the ground for use of heavy equipment. Also, a small shed was relocated to allow for incorporation of the shale. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$1,218.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,218.00 for total reimbursement not to exceed \$25,078.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$25,000 – Additional Cost – David Mulford – Tab 11

A motion to approve Resolution No. 2601 was made by Berndt Leifeld and seconded by Tina Molé.

RESOLUTION NO. 2601

**BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC CONSTRUCTION
OVER \$25,000:
DAVID MULFORD**

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 (\$25,000.00) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

WHEREAS, by Resolution Number 2549, the CWC Board approved reimbursement to David Mulford in an amount not to exceed Twenty-Eight Thousand Three Hundred Dollars (\$28,300.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for inclusion of an existing second sewer line in the amount of Five Hundred Dollars (\$500.00); and

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

WHEREAS, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be Five Hundred Dollars (\$500.00); and

WHEREAS, CWC staff have determined that Twenty-Eight Thousand Eight Hundred Dollars (\$28,800.00) is a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving total reimbursement of Twenty-Eight Thousand Eight Hundred Dollars (\$28,800.00) 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 Eight Hundred Dollars (\$28,800.00).

David Mulford Backup

Mr. Mulford’s property is located in the Town of Windham, Greene County. CWC Board of Directors previously approved reimbursement for this project at \$28,300.00. During construction a second sewer line was discovered. The second line was followed back to the house. A portion of the existing concrete wall was removed and repaired to make the connection. In addition, another connection to this line was made to include the washer. A

reasonable and just cost for the additional work according to CWC Schedule of Values is \$500.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$500.00 for total reimbursement not to exceed \$28,800.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Additional Cost – Lynda Rutherford – Tab 12**

A motion to approve Resolution No. 2602 was made by Berndt Leifeld and seconded by Tina Molé.

December 2, 2014

**RESOLUTION NO. 2602**

**BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC CONSTRUCTION  
OVER \$25,000:  
LYNDA RUTHERFORD**

**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 (\$25,000.00) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, by Resolution Number 2536, the CWC Board approved reimbursement to Lynda Rutherford in an amount not to exceed Twenty-Two Thousand Three Hundred Seventy-Seven Dollars and Seventy-Four Cents (\$22,377.74); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for rock removal and back fill in the amount of Five Thousand Two Hundred Forty-Two Dollars (\$5,242.00); and

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

**WHEREAS**, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be Five Thousand Two Hundred Forty-Two Dollars (\$5,242.00); and

**WHEREAS**, CWC staff have determined that Twenty-Seven Thousand Six Hundred Nineteen Dollars and Seventy-Four Cents (\$27,619.74) is a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving total reimbursement of Twenty-Seven Thousand Six Hundred Nineteen Dollars and Seventy-Four Cents (\$27,619.74) 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 Six Hundred Nineteen Dollars and Seventy-Four Cents (\$27,619.74).

**Lynda Rutherford Backup**

Ms. Rutherford's property is located in the Town of Hurley, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$22,377.74. The Project Engineer corroborated the need to remove rock encountered during construction. In addition, 52 cubic yards of backfill and restoration was required. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$5,242.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$5,242.00, for total reimbursement not to exceed \$27,619.74.

***Voice Vote, carried unanimously***

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LTAP Program Rule Change – Sustainable Communities – Tab 13

A motion to approve Resolution No. 2603 was made by Jeffrey Graf and seconded by Martin Donnelly.

December 2, 2014

RESOLUTION NO. 2603

APPROVAL OF LOCAL TECHNICAL ASSISTANCE PROGRAM RULE CHANGE – SUSTAINABLE COMMUNITIES

WHEREAS, the Catskill Watershed Corporation (“CWC”) has agreed to serve as program manager of a Local Technical Assistance Program (“LTAP”) and to identify projects and allocate and disburse program funds; and

WHEREAS, the CWC Board of Directors passed Resolution Number 900 approving the CWC LTAP Program Rules; and

WHEREAS, as a condition of the 2013 Filtration Avoidance Determination Modification, New York City Department of Environmental Protection (DEP) agreed to fund a Flood Hazard Mitigation Program consisting of funding through the Stream Management Program to undertake a Local Flood Analysis (LFA) to identify the causes of flooding and recommend possible mitigation projects, as well as funding the Flood Hazard Mitigation Implementation Program (FHMIP) at CWC to provide grants to undertake certain categories of projects ; and

WHEREAS, as a condition to the 2013 Filtration Avoidance Determination Modification, DEP agreed to fund a flood buyout program (DEP Flood Buyout Program) to acquire improved properties that were not eligible or did not participate in the federal or State flood buyout

program, but if vacated and returned to a natural floodplain would help mitigate flooding in other areas, or otherwise protect water quality; and

WHEREAS, by Resolution Number 2439, on March 4, 2014 the CWC Board of Directors approved the Flood Hazard Mitigation Implementation Program Agreement and between CWC and DEP and agreed to administer such program; and

WHEREAS, by Resolution Numbers 2460 and 2524, the CWC Board of Directors approved FHMIP Rules, including providing eligibility for certain costs for relocations of businesses and residences, including those recommended by an LFA; and

WHEREAS, by Resolution Number 2574, on October 7, 2014 the CWC Board of Directors approved changes to the FHMIP Rules to accept applications from property owners participating in the DEP Flood Buyout Program, to provide assistance in relocating within the same town outside of areas studies by an LFA; and

WHEREAS, the CWC Wastewater/Stormwater Committee recommends adoption of the Local Technical Assistance Program Rule Change (Attachment A) to provide planning assistance to towns or villages who have completed or are undertaking an LFA to update zoning code or maps, or update that municipality's comprehensive plan to provide for relocations of residences and businesses under the DEP Flood Buyout Program.

NOW, THEREFORE BE IT RESOLVED, that the CWC Board of Directors adopts the attached Local Technical Assistance Program Rule Change, as per the Committee's recommendation.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Local Technical Assistance Program Rules may be amended from time to time by the CWC Board of Directors after consultation with and approval of DEP.

Voice Vote, carried unanimously

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**2014 External Audit – Tab 14**

A motion to approve Resolution No. 2604 was made by James Eisel and seconded by Martin Donnelly.

December 2, 2014

**RESOLUTION NO. 2604**

**CATSKILL WATERSHED CORPORATION EXTERNAL AUDIT FIRM**

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

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

**WHEREAS**, the Finance Department has received an engagement letter from Sickler, Torchia, Allen & Churchill, CPAs, P.C. for (external & investment) audit & tax services for the year ending December 31, 2014 totaling Eighteen Thousand Four Hundred Seventy Dollars (\$18,470.00); and

**WHEREAS**, the Finance Committee recommends the CWC Board to approve a contract not to exceed Eighteen Thousand Four Hundred Seventy Dollars (\$18,470.00), for external/investment audit & tax services for the year ending December 31, 2014.

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board of Directors approves the Executive Director to contract with Sickler, Torchia, Allen & Churchill, CPAs, P.C. for external/investment audit & tax services not to exceed Eighteen Thousand Four Hundred Seventy Dollars (\$18,470.00).

**Voice Vote, carried unanimously**

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TLAP – Marbletown Valuations Contract – Tab 15

A motion to approve Resolution No. 2605 was made by Mark McCarthy and seconded by Tina Molé.

December 2, 2014

RESOLUTION NO. 2605

**BOARD APPROVAL OF TLAP CONSULTANT (LAND) FOR TOWN OF
MARBLETOWN**

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

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

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

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

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

WHEREAS, by request for proposal, CWC solicited the services of a consultant to review a land valuation report based upon the relevant generic template; and

WHEREAS, CWC staff have reviewed the responses and recommend that CWC Board of Directors approve an agreement with Industrial Valuation Consultants in an amount not to exceed Twelve Thousand Five Hundred Dollars (\$12,500.00); and

WHEREAS, the CWC Land Committee recommends that CWC Board of Directors approve an agreement with Industrial Valuation Consultants in an amount not to exceed Twelve Thousand Five Hundred Dollars (\$12,500.00).

NOW THEREFORE BE IT RESOLVED, that the CWC Board of Directors authorizes the President and/or Executive Director to execute an agreement with Industrial Valuation Consultants in an amount not to exceed Twelve Thousand Five Hundred Dollars (\$12,500.00) to review a TLAP valuation report pursuant to applicable generic template.

Voice Vote, carried unanimously

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**CWC Board Support to Designate Yankeetown Pond Parcel as a Public Access Area – Tab 16**

A motion to approve Resolution No. 2606 was made by Berndt Leifeld and seconded by James Eisel.

December 2, 2014

**RESOLUTION NO. 2606**

**CWC BOARD SUPPORT TO DESIGNATE YANKEETOWN POND PARCEL  
AS A PUBLIC ACCESS AREA**

**WHEREAS**, the Catskill Watershed Corporation (CWC) is a not for profit local development corporation whose members include the thirty-nine towns within the West of Hudson Watershed; and

**WHEREAS**, on the Two Hundred Eighty-Seven Thousand Five Hundred (287,500) acres of State owned forest preserve land inside the Catskill State Park, the public may hunt, hike, and fish, limited only by the provisions of the Environmental Conservation Law, including purchase of relevant license(s) and certain setback requirements for the discharge of a firearm; and

**WHEREAS**, the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA) paragraph 72 provides that historic recreational uses, included fishing, hiking, and hunting, will be allowed to continue on newly acquired fee property acquired by New York City Department of Environmental Protection (DEP); and

**WHEREAS**, paragraph 72 of the Watershed MOA also provided that the DEP will consult with New York State Department of Environmental Conservation, United State Environmental Protection Agency, the Sporting Advisory Committee of CWC, and the town or village where the newly acquired parcel is located regarding recreational uses proposed by DEP; and

**WHEREAS**, prior to 2008, DEP required that any individual hunting, hiking, or fishing on DEP property must have an access permit issued by DEP; and

**WHEREAS**, by Resolution Number 439 on August 28, 2001, Resolution Number 742 on September 4, 2004, and Resolution Number 1348 on June 24, 2008, CWC Board of Directors supported DEP allowing all types of hunting, including small game, bear, turkey, and trapping on purchased property, as those uses are consistent with Watershed MOA paragraph 72 requiring that newly acquired lands continue to be open for hunting; and

**WHEREAS**, in 2008, DEP amended the Watershed Recreational Use Regulations providing that properties may be designated as Public Access Areas where individuals could hike, fish, or hunt without the necessity of a DEP access permit; and

**WHEREAS**, in 2008, DEP amended the Watershed Recreational Use Regulations to provide that hunting would no longer be limited to white tailed deer, but rather open to the harvest of animals as allowed under New York State Law; and

**WHEREAS**, the United States Census Bureau reports that between 2006 to 2011, the number of women hunters increased by twenty-five percent; and

**WHEREAS**, according to a 2013 National Geographic article, the reasons for the increase of women hunters includes support for sustainable food and agriculture initiatives , harvesting free-range organic meat, as well as spending time with family; and

**WHEREAS**, according to the United States Fish and Wildlife Services, expenditures by individuals hunting in New York State totaled over One Billion Five Hundred Sixty-Four Million Dollars (\$1,564,205,000) in 2011; and

**WHEREAS**, according to the Economic Valuation Study for Public Lands in the Central Catskills, completed in December, 2012 for the Catskill Center Conservation and Development, seventy-percent of the day visitors to public forest preserve and NYCDEP lands in the central Catskills visited for the purpose of fishing, and deer, bear, turkey and small game hunting; and

**WHEREAS**, according to the Economic Valuation Study, of all people visiting the Central Catskills for a single day for any recreational purpose, including skiing, hiking, or scenic railroads, forty-five percent visit the Central Catskills for the purpose of fishing and hunting; and

**WHEREAS**, DEP owns a parcel of land in the Town of Woodstock totaling 828 acres abutting Yankee Town Pond in the New York City Watershed and inside the Catskill State Park; and

**WHEREAS**, pursuant to paragraph 72 of the Watershed MOA historic recreational uses, including fishing, hiking, and hunting, will be allowed to continue on the Yankee Town Pond property; and

**WHEREAS**, the Town of Woodstock recommended that hunting on the Yankeetown Pond Parcel be restricted to big game hunting only, with no small game, turkey hunting or trapping allowed; and



**WHEREAS**, the CWC Sporting Advisory Committee supports the designation of the Yankeetown Pond parcel as a Public Access Area, consistent with other public lands in the Catskill Forest Preserve; and

**WHEREAS**, the CWC Economic Development Committee supports recreational uses on NYCDEP property by residents and the public for their cultural and economic value; and

**WHEREAS**, the CWC Economic Development Committee recommends the CWC Board of Directors approve a resolution supporting DEP designating Yankeetown Pond as a public access area, open for hunting, hiking, and fishing as allowed by New York State law.

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors requests DEP to designate the Yankeetown Pond parcel as a public access area, open to hunting, hiking, and fishing because such uses are consistent with uses allowed on State owned forest preserve within the Catskill State Park and such uses are beneficial to the local economy.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that a copy of this resolution be provided to Commissioner of the DEP and Town Supervisor of the Town of Woodstock.

*Deb DeWan stated that the Town of Woodstock is not opposed to hunting, fishing, trapping, and other recreational uses, but wishes to extend the discharge of a firearm distance from a structure from the current State regulation of 500 ft. to 1,000 ft. from a structure.*

*Jeff Graf responded that while DEP understands the intention of the Town, there must be uniformity in regulations for recreational uses on City-owned lands. Jeff noted it would be extremely difficult to enforce a 1,000 ft. firearm discharge on one parcel out of thousands within the watershed area.*

*Tom Snow stated that if use of this parcel was allowed to be limited, similar allowances would have to be made available to all Towns, and could potentially create a piece-meal situation that would be impossible to maintain or enforce.*

*Alan Rosa noted that the Coalition of Watershed Towns fought many years prior to the MOA to open city-owned lands to recreational use. The parcel in question is 820 acres. It would be very difficult to enforce if DEP agreed to this request for individual properties to have different rules. Alan concluded that recreational use on public lands is vital to economic development in the watershed area, and to create an exception to the rule in the Yankeetown Pond parcel has the potential to limit that growth.*

**Voice Vote, carried 14 Aye, 1 Nay**

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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 Richard Parete and seconded by Mike Brandow.

Voice Vote, carried unanimously

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**CFF REDI Loan – Black Bear Lodge, LLC – Tab 17**

A motion to approve Resolution No. 2607 was made by Wayne Marshfield and seconded by Tina Molé.

December 2, 2014

**RESOLUTION NO. 2607**  
**APPROVAL OF BLACK BEAR LODGE, LLC BUSINESS LOAN MODIFICATION**

**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 1, 2014 by Resolution #2453, Black Bear Lodge, LLC was approved for a One Hundred Seventy-Five Thousand Eight Hundred Two Dollar (\$175,802.00) loan for a term of fifteen (15) years, at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, to be amortized in equal monthly payments, such that the outstanding principal is fully paid on the last payment date, for the purchase and renovation of 11985 State Route 23A, Lexington; and

**WHEREAS**, Black Bear Lodge, LLC has applied for a loan modification to increase their loan by approximately Sixty-Two Thousand Dollars (\$62,000.00) to bring the total loan balance to Two Hundred Thirty-Five Thousand Dollars (\$235,000.00) to be reamortized for a term of fifteen (15) years, at a rate of four percent (4.0%) adjustable every five years to the CWC rate in effect at that time, to be amortized in equal monthly payments, such that the outstanding principal is fully paid on the last payment date, for the cost overruns to complete renovations at the property; and

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

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

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from Black Bear Lodge, LLC, contingent on making multiple drawdowns of funds based on completed work listed in a construction schedule; and

**WHEREAS**, the CWC loan Committee recommends that the CWC Board waive the need for a participating lender due to CWC currently holding a first mortgage on the property and the desire keep the first mortgage position; and

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

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board determines that the Black Bear Lodge, LLC application meets the CWC CFF qualified economic development criteria and approves of the loan application of approximately Sixty-Two Thousand Dollars (\$62,000.00) for a total loan amount of Two Hundred Thirty-Five Thousand Dollars (\$235,000.00) for a term of fifteen (15) years, at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, to be amortized in 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 is authorized to disburse proceeds thereof in accordance with the loan documents.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of an application by the Board constitutes a preliminary decision under the MOA. The decision will become final without any further action by the Board unless an objection is timely filed with the Watershed Protection and Partnership Council.

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

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

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Black Bear Lodge, LLC located at 11985 State Route 23A, Lexington, NY. Evaluation is based on the Evaluation Criteria established in the Catskill Fund for the Future Program Rules, approved on August 22, 2001 by the CWC Board of Directors.

1. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the property at 11985 State Route 23A, Lexington, NY, to be purchased by Black Bear Lodge, LLC, is presently in compliance with all applicable environmental statutes and regulations.
2. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the property at 11985 State Route 23A, Lexington, NY, to be purchased by Black Bear Lodge, LLC, is not subject to any enforcement actions by any regulatory agency.

3. (a) To the best of CWC's knowledge, the project is consistent with historic land use patterns, available infrastructure and sensitivity to the need for water quality protection.
  - (i) Black Bear Lodge, LLC will utilize loan funds to purchase and renovate the property located at 11985 State Route 23A, Lexington.
  - (ii) The project is located in the Town of Lexington.
  - (iii) The project will utilize a septic system.
  - (iv) The project appears to present no threat to water quality.
  - (v) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
  - (vi) Based on NYCDEP the project is not in the 60 day travel time.
  - (vii) There is no impact on Federal or State wetlands.
- (b) The project maintains the character of the Town of Lexington.
  - (i) The project will comply with current land use planning in the Town of Lexington and will have planning board approval.
  - (ii) The project is compatible with surrounding land uses.
  - (iii) The project will not generate excessive traffic.
  - (iv) The project as described is of such magnitude that it does not appear likely to promote secondary growth and therefore requires not additional review of land use plans or infrastructure.
4. The project is consistent with the West of Hudson Economic Development Study, which has been completed.
5. Not applicable.

**Voice Vote, carried 13 Aye, 2 Nay**

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VIII. Announcements from the Chair: None

IX. Board Member Discussion: None

A motion to adjourn was made by Robert Pelham and seconded by Innes Kasanof.

Voice Vote, carried unanimously

X. Adjournment: @ 2:32 p.m.