

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

December 3, 2013 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by Tina Molé.

III. Roll Call of Directors

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

Members Excused: Deborah Meyer DeWan.

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: Deborah Keesler (*New York City DEP*) and Mark McCarthy (*Supervisor, Town of Neversink*).

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

A motion to approve the minutes from the November 5, 2013 board meeting was made by James Eisel and seconded by Thomas Hynes.

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, 2013 was made by Martin Donnelly and seconded by James Eisel.

**Voice Vote, carried unanimously**

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Executive Director's Report

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

Wayne Marshfield said that Alan's reminder for the confidentiality of the Board Book was worthy of note.

Presentation of News Articles

Committee Schedule

Committee Meeting Minutes

VI. Public Discussion

Deborah Keesler (New York City DEP) presented a power point explaining the design and process of building the UV Filtration System near the Kenisco Reservoir. Copy of presentation is attached.

VII. Presentation of Resolutions



Septic Reimbursement Over \$20,000 – Virginia Curto - Tab 7

A motion to approve Resolution No. 2403 was made by Richard Parete and seconded by Robert Pelham

December 3, 2013

RESOLUTION NO. 2403

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:
VIRGINIA CURTO**

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-One Thousand Seven Hundred Ninety-Four Dollars and Seventy Cents (\$21,794.70); 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-One Thousand Seven Hundred Ninety-Four Dollars and Seventy Cents (\$21,794.70) 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-One Thousand Seven Hundred Ninety-Four Dollars and Seventy Cents (\$21,794.70) 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-One Thousand Seven Hundred Ninety-Four Dollars and Seventy Cents (\$21,794.70).

Virginia Curto Backup

Ms. Curto’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 \$21,794.70. This system is for a two bedroom house. The major components for this system include a 1,000 gallon septic tank, 35 lineal feet of Schedule 40 4” gravity piping, 295 lineal feet of 2” forcemain, 15 cubic yards of absorption fill material, two peat modules, 15 lineal feet of SDR PVC 35 sleeve, and temporary access road. 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 \$21,794.70.

Voice Vote, carried unanimously



Septic Reimbursement Over \$20,000 – John Houschmand - Tab 8

A motion to approve Resolution No. 2404 was made by Richard Parete and seconded by Robert Pelham

December 3, 2013

RESOLUTION NO. 2404

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:
JOHN HOUSHMAND**

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 Thirty Thousand Dollars (\$30,000.00), the homeowner shall supply detailed quotes from three unrelated contractors, and CWC staff shall forward the design with recommendation to the CWC Board for approval; and

WHEREAS, CWC staff has reviewed three construction quotes, including the lowest quote for the septic system repair in the amount of Thirty-Nine Thousand Nine Hundred Ninety-Nine Dollars (\$39,999.00); and

WHEREAS, the contractor’s quote for this system is more than Thirty Thousand Dollars (\$30,000.00); and

WHEREAS, the CWC staff have determined the contractor’s quote of Thirty-Nine Thousand Nine Hundred Ninety-Nine Dollars (\$39,999.00) 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 Thirty-Nine Thousand Nine Hundred Ninety-Nine Dollars (\$39,999.00) 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-Nine Thousand Nine Hundred Ninety-Nine Dollars (\$39,999.00).

John Houschmand Backup

Mr. Houschmand’s property is located in the Town of Stamford, Delaware County. Homeowner and CWC staff received four quotes from unrelated contractors for \$51,225.00, \$50,500.00, \$49,000.00, \$48,911.64, and \$39,999.00. This system is for a five bedroom house. The major components for this system include a 1,500 gallon septic tank, 1,000 gallon pump station, 175 lineal feet of 4” gravity piping, 575 lineal feet of forcemain, one distribution box, 440 cubic yards of absorption fill material, 320 lineal feet of absorption trench, two cleanouts, water line crossing, 600 lineal feet of temporary access road, and site restoration. The lowest quote is within 10% of the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$39,999.00.

Voice Vote, carried unanimously



Septic Reimbursement Over \$20,000 – John Sweeney - Tab 9

A motion to approve Resolution No. 2405 was made by Richard Parete and seconded by Robert Pelham

December 3, 2013

RESOLUTION NO. 2405

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

JOHN SWEENEY

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-One Thousand Four Hundred Ninety-One Dollars and Sixty Cents (\$21,491.60); 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-One Thousand Four Hundred Ninety-One Dollars and Sixty Cents (\$21,491.60) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the contractor's quote of Twenty-One Thousand Four Hundred Ninety-One Dollars and Sixty Cents (\$21,491.60) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-One Thousand Four Hundred Ninety-One Dollars and Sixty Cents (\$21,491.60).

John Sweeney Backup

Mr. Sweeney'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 \$21,491.60. This system is for a four bedroom house. The major components for this system include a 1,250 gallon septic tank, 10 lineal feet of 4" gravity piping, 180 lineal feet of 2" forcemain, 88 cubic yards of fill material, 20 cubic yards of additional stone, three peat modules, and tree removal. 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 \$21,491.60.

Voice Vote, carried unanimously



Septic Reimbursement Over \$20,000 – Additional Cost – Paul Casadonte - Tab 10

A motion to approve Resolution No. 2406 was made by Wayne Marshfield and seconded by Innes Kasanof.

December 3, 2013

RESOLUTION NO. 2406

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

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 2307, the CWC Board approved reimbursement to Paul Casadonte in an amount not to exceed Twenty-Two Thousand Six Hundred Dollars (\$22,600.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for gutter flow remediation in the amount of Two Hundred Forty-Seven Dollars (\$247.00); 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 Hundred Forty-Seven Dollars (\$247.00); and

WHEREAS, CWC staff have determined that Twenty-Two Thousand Eight Hundred Forty-Seven Dollars (\$22,847.00) 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-Two Thousand Eight Hundred Forty-Seven Dollars (\$22,847.00) 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 Eight Hundred Forty-Seven Dollars (\$22,847.00).

Paul Casadonte Backup

Mr. Casadonte's property is located in the Town of Woodstock, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$22,600.00. During excavation a gutter drain was encountered. The drain originally pointed toward the new septic field. The contractor redirected the gutter drain and ran an additional 60 lineal feet of 4" piping to change the direction of the gutter flow. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$247.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$247.00, for total reimbursement not to exceed \$22,847.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Additional Cost – Michael Congelosi - Tab 11**

A motion to approve Resolution No. 2407 was made by Wayne Marshfield and seconded by Innes Kasanof.

December 3, 2013

**RESOLUTION NO. 2407**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE  
OVER \$20,000 – ADDITIONAL COSTS:  
MICHAEL CONGELOSI**

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

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

**WHEREAS**, CWC Staff previously approved Septic Program reimbursement for Michael Congelosi in the amount of Nineteen Thousand Eight Hundred Thirty-Nine Dollars (\$19,839.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for the septic system repair in the amount of Eighteen Thousand One Hundred Thirty-Four Dollars (\$18,134.00); and

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

**WHEREAS**, the CWC staff have determined the contractor’s total invoices of Thirty-Seven Thousand Nine Hundred Seventy-Three Dollars (\$37,973.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor’s total invoice of Thirty-Seven Thousand Nine Hundred Seventy-Three Dollars (\$37,973.00) 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-Seven Thousand Nine Hundred Seventy-Three Dollars (\$37,973.00).

**Michael Congelosi Backup**

Mr. Congelosi’s property is located in the Town of Neversink, Sullivan County. CWC staff previously approved reimbursement for this project at \$19,839.00. At the August 2013 Septic Committee meeting, the Committee agreed to fund engineer’s recommendation to correct the failing condition with the express position that this is the final amount of monies to be expended on this project. CWC staff received a quote from a contractor in the amount of \$18,134.00. This quote is within 10% of the CWC Schedule of Values. The Septic Committee recommends that the Board approves an additional reimbursement of \$18,134.00, for total reimbursement not to exceed \$37,973.00.

*Voice Vote, carried unanimously*



**Septic Reimbursement Over \$20,000 – Additional Cost – Charles Davis - Tab 12**

A motion to approve Resolution No. 2408 was made by Wayne Marshfield and seconded by Innes Kasanof.

December 3, 2013

**RESOLUTION NO. 2408**

**BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC CONSTRUCTION OVER  
\$20,000:  
CHARLES 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**, by Resolution Number 2357, the CWC Board approved reimbursement to Charles Davis in an amount not to exceed Twenty-Six Thousand Eight Hundred Dollars (\$26,800.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for rock removal and additional fill in the amount of Two Thousand Four Hundred Dollars (\$2,400.00); 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 Four Hundred Dollars (\$2,400.00); and

**WHEREAS**, CWC staff have determined that Twenty-Nine Thousand Two Hundred Dollars (\$29,200.00) is a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving total reimbursement of Twenty-Nine Thousand Two Hundred Dollars (\$29,200.00) 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 Two Hundred Dollars (\$29,200.00).



**Charles Davis Backup**

Mr. Davis' property is located in the Town of Olive, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$26,800.00. During construction bedrock was encountered. Also, the engineer requested that a depression adjacent to the upper side of the septic field be filled in to prevent stormwater ponding. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$2,400.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$2,400.00, for total reimbursement not to exceed \$29,200.00.

***Voice Vote, carried unanimously***



**Septic Reimbursement Over \$20,000 – Additional Cost – Elizabeth Gregory - Tab 13**

A motion to approve Resolution No. 2409 was made by Wayne Marshfield and seconded by Innes Kasanof.

December 3, 2013

**RESOLUTION NO. 2409**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE  
OVER \$20,000 – ADDITIONAL COSTS:  
ELIZABETH GREGORY**

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

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

**WHEREAS**, CWC Staff previously approved Septic Program reimbursement for Elizabeth Gregory in the amount of Nineteen Thousand Two Hundred Twenty-One Dollars and Ninety Cents (\$19,221.90); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for the septic system repair in the amount of Three Thousand Thirty-One Dollars (\$3,031.00); and

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

**WHEREAS**, the CWC staff have determined the contractor’s total invoices of Twenty-Two Thousand Two Hundred Fifty-Two Dollars and Ninety Cents (\$22,252.90) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor’s total invoice of Twenty-Two Thousand Two Hundred Fifty-Two Dollars and Ninety Cents (\$22,252.90) 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 Two Hundred Fifty-Two Dollars and Ninety Cents (\$22,252.90).

**Elizabeth Gregory Backup**

Ms. Gregory’s property is located in the Town of Hurley, Ulster County. CWC staff previously approved reimbursement in the amount of \$19,221.90. During construction bedrock was encountered and a rock hammer was utilized for removal. The project engineer has corroborated the need for the rock hammer. In addition, the pump station wiring had to be run an additional 75 feet from its original location. A fair and reasonable cost for the additional work according to CWC Schedule of Values is \$3,031.00, for total reimbursement not to exceed \$22,252.90. The Septic Committee recommends that the Board of Directors approve total reimbursement in an amount not to exceed \$22,252.90.

**Voice Vote, carried unanimously**



**Septic Reimbursement Over \$20,000 – Additional Cost – Joshua Luborsky - Tab 14**

A motion to approve Resolution No. 2410 was made by Wayne Marshfield and seconded by Innes Kasanof.

December 3, 2013

**RESOLUTION NO. 2410**

**BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC CONSTRUCTION OVER**

**\$20,000:**

**JOSHUA LUBORSKY**

**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 2078, the CWC Board approved reimbursement to Joshua Luborsky in an amount not to exceed Twenty-Seven Thousand Five Hundred Dollars (\$27,500.00); and

**WHEREAS**, by Resolution Number 2148, the CWC Board approved additional reimbursement to Joshua Luborsky in an amount of One Thousand Eight Hundred Fifty Dollars (\$1,850.000), for a total not to exceed amount of Twenty-Nine Thousand Three Hundred Fifty Dollars (\$29,350.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for grading and materials in the amount of One Thousand Eight Hundred Twenty-Three Dollars (\$1,823.00); 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 One Thousand Eight Hundred Twenty-Three Dollars (\$1,823.00); and

**WHEREAS**, CWC staff have determined that Thirty-One Thousand One Hundred Seventy-Three Dollars (\$31,173.00) 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-One Thousand One Hundred Seventy-Three Dollars (\$31,173.00) 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-One Thousand One Hundred Seventy-Three Dollars (\$31,173.00).

**Joshua Luborsky Backup**

Mr. Luborsky's property is located in the Town of Shandaken, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$29,350.00. After several months the system started to experience problems functioning during wet periods or during heavy rainfall events. The contractor and the engineer began to visit the site during these events. It was determined that during these events surface water and temporarily high ground water was causing the problems. The solution was to install a deep curtain drain to intercept the water during these periods and direct it away from the system. In addition, the topography was changed to insure that surface running water was directed away from the system. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$1,823.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,823.00, for total reimbursement not to exceed \$31,173.00.

***Voice Vote, carried unanimously***

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Future Stormwater – Additional Cost – Prattsville Plaza - Tab 15

A motion to approve Resolution No. 2411 was made by Tina Molé and seconded by Thomas Snow.

December 3, 2013

RESOLUTION NO. 2411

**BOARD REVIEW OF ADDITIONAL FUNDING
FOR JGJMS, LLC (PRATTSVILLE PLAZA)
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 2192, the CWC Board of Directors approved an application by JGJMS, LLC (Prattsville Plaza) for funding of eligible design and construction costs in the not-to-exceed amount of Two Hundred Twenty Thousand Six Hundred Seventy-Three Dollars and Fifty-Four Cents (\$220,673.54), representing 50% of the total eligible cost; and

WHEREAS, JGJMS, LLC (Prattsville Plaza) has requested additional funding to pay for the additional costs incurred to complete the project in an amount not to exceed Thirty-Nine Thousand Two Hundred Forty-Eight Dollars and Eighty Cents (\$39,248.80); and

WHEREAS, the CWC share of stormwater funding is 50% of the eligible costs for this project because JGJMS, LLC (Prattsville Plaza) 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 Thirty-Nine Thousand Two Hundred Forty-Eight Dollars and Eighty Cents (\$39,248.80) for the JGJMS, LLC (Prattsville Plaza) 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 Thirty-Nine Thousand Two Hundred Forty-Eight Dollars and Eighty Cents (\$39,248.80) for a total not-to-exceed amount of Two Hundred Fifty-Nine Thousand Nine Hundred Twenty-Two Dollars and Thirty-Four Cents (\$259,922.34).

Future Stormwater Program Application
JGJMS, LLC (Prattsville Plaza)

James Eisel, Jr. and Jason Eisel are constructing a new building next to the Great American in Prattsville, Greene County. This is to be a strip mall style building and is less than 1 acre of disturbance 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 would create a financial hardship if they had to wait until the project was completed to get reimbursed. Per the CWC Future Stormwater Program Rules a retainage will be held until Construction Acceptance is received from NYCDEP.

It should be noted that the applicant received a notice of violation on November 8, 2013 from NYCDEP for failing to timely construct the stormwater measures. CWC Future Stormwater Program Rules and our funding agreement do require that applicants comply with the Watershed Regulations. The change in design and additional funding for a precast tank, if purchased and installed in a timely fashion, and following a to be agreed-upon construction schedule will bring the applicant into compliance.

CWC staff recommended additional reimbursement of eligible stormwater costs to the CWC Wastewater/Stormwater Committee. The additional costs are due to going from a poured in place structure to a precast structure, the rental of a crane to set the structure and construction observation costs. The CWC Wastewater/Stormwater Committee recommends additional reimbursement of Thirty-Nine Thousand Two Hundred Forty-Eight Dollars and Eighty Cents (\$39,248.80) for a total not-to-exceed amount of Two Hundred Fifty-Nine Thousand Nine Hundred Twenty-Two Dollars and Thirty-Four Cents (\$259,922.34) to JGJMS, LLC (Prattsville Plaza) for its SWPPP costs solely attributable to the Watershed Regulations and not otherwise required by State or federal law.

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

Total Eligible Costs	\$519,844.68
NYCDEP 50% Share	\$259,922.34

Recommended CWC funding 50% of eligible SWPPP costs \$259,922.34

Voice Vote, carried 13 aye, 1 abstained



2014 – 2015 Cleaning Contract - Tab 16

A motion to approve Resolution No. 2412 was made by James Eisel and seconded by Thomas Hynes.

December 3, 2013

RESOLUTION NO. 2412

CATSKILL WATERSHED CORPORATION
CLEANING AND LANDSCAPING SERVICES

WHEREAS, the CWC Policies and Procedures requires that the CWC Board of Directors must approve an expense greater than Ten Thousand Dollars (\$10,000); and

WHEREAS, the Finance Committee recommends the CWC Board to approve a contract not to exceed Twenty-Three Thousand Six Hundred Dollars (\$23,600.00) for cleaning and landscaping services starting January 1, 2014 and ending December 31, 2015.

NOW, THEREFORE BE IT RESOLVED, the CWC Board of Directors approves the cleaning and landscaping services contract not to exceed Twenty-Three Thousand Six Hundred Dollars (\$23,600.00).

Voice Vote, carried unanimously



2013 Audit and Investment Certification - Tab 17

A motion to approve Resolution No. 2413 was made by James Eisel and seconded by Wayne Marshfield.

December 3, 2013

RESOLUTION NO. 2413

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); and

WHEREAS, the Finance Department has received an engagement letter from Sickler, Torchia, Allen & Churchill, CPAs, P.C. for [external and investment] audit and tax services for the year ending December 31, 2013 totaling Eighteen Thousand Two Hundred Five Dollars (\$18,205.00); and

WHEREAS, the Finance Committee recommends the CWC Board to approve a contract not to exceed Eighteen Thousand Two Hundred Five Dollars (\$18,205.00), for external/investment audit and tax services for the year ending December 31, 2013.

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 and tax services not to exceed Eighteen Thousand Two Hundred Five Dollars (\$18,205.00).

Voice Vote, carried unanimously

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**2014 Outside Counsel Contract - Tab 18**

A motion to approve Resolution No. 2414 was made by Martin Donnelly and seconded by Thomas Snow.

December 3, 2013

**RESOLUTION NO. 2414**

**APPROVAL OF LEGAL SERVICES CONTRACT  
WITH WHITEMAN, OSTERMAN & HANNA**

**WHEREAS**, pursuant to the Catskill Watershed Corporation (“CWC”) procurement policy personal service contracts likely to exceed Twenty-Five Thousand Dollars (\$25,000), shall be made on a competitive basis unless specifically exempted by the procurement policies; and

**WHEREAS**, the CWC Policy committee has reviewed response(s) to a request for proposal for outside counsel to the CWC; and

**WHEREAS**, Whiteman, Osterman & Hanna has represented CWC as outside counsel since 1996; and

**WHEREAS**, the CWC Policies and Procedures requires the CWC Board of Directors must approve all contracts for services over Ten Thousand Dollars (\$10,000); and

**WHEREAS**, the CWC Policy Committee recommends the CWC Board of Directors enter into a contract for legal services with Whiteman, Osterman & Hanna for a period of one year and that, pursuant to CWC Fiscal Policies 3-10.06-4, the CWC Board waive the requirement that the contract be bid competitively because of the unique experience provided by Whiteman, Osterman & Hanna.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors approves the firm of Whiteman, Osterman & Hanna as external legal firm for the CWC for a term of one year, commencing on January 1, 2014 and terminating on December 31, 2014 for an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00) at the rates described in Attachment A and that, pursuant to CWC Fiscal Policies 3-10.06-4, the CWC Board waives the requirement that this contract be competitively bid.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Board of Directors approves and authorizes the Executive Director and/or the President to retain Whiteman, Osterman & Hanna for legal services consistent with the attached proposal.

**WHITEMAN OSTERMAN & HANNA LLP**

**Proposal for Legal Services**

WOH has proposed the following fee structure for the period 1/1/2014 to 12/31/2014. This revised rate structure continues to provide a discount for attorneys’ time over our Firm’s regular

hourly billing rates which currently range from \$155 to \$275 for associates and \$275 to \$460 for partners.

General Legal Advice

Partners

|                      |           |
|----------------------|-----------|
| Daniel A. Ruzow      | \$325/hr. |
| Jonathan P. Nye      | \$290/hr. |
| Norma G. Meacham     | \$290/hr. |
| Terresa M. Bakner    | \$290/hr. |
| Michael G. Sterthous | \$290/hr. |

Associates

\$145-\$225/hr.

Paralegal

\$110/hr.

Expenses

|                                     |                  |
|-------------------------------------|------------------|
| Telephone, Postage, Federal Express | Billed at Cost   |
| Mileage                             | Current IRS Rate |
| Photocopies                         | \$.20 per Copy   |

*Timothy Cox noted that because of the familiarity and longevity of Whiteman Osterman & Hanna's representation of CWC, there was no RFQ or RFP for this contract.*

**Voice Vote, carried unanimously**

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2014 Closing Counsel Contract - Tab 19

A motion to approve Resolution No. 2415 was made by James Eisel and seconded by Berndt Leifeld.

December 3, 2013

RESOLUTION NO. 2415

CWC CLOSING COUNSEL

WHEREAS, the Catskill Watershed Corporation (CWC), pursuant to the 1997 New York City Watershed Memorandum of Agreement, administers the Catskill Fund for the Future (CFF) to provide funding for qualified economic development projects within West of Hudson Watershed towns; and

WHEREAS, since 1997, the Environmental Facilities Corporation (EFC) has provided representation of CWC in the closing of CFF loans, including drafting and ensuring proper execution of all necessary documents; and

WHEREAS, EFC services under the CFF Program Agreement between CWC, EFC and NYCDEP terminated on April 12, 2012; and

WHEREAS, after issuance of a Request for Proposal and review of responses, by Resolution Number 1795, CWC Board of Directors approved the retention of Hodgson Russ LLP to provide representation of CWC for closings of CFF Loans for the remainder of the year 2012; and

WHEREAS, by Resolution Number 2225, CWC Board of Directors approved the retention of Hodgson Russ LLP to provide representation of CWC for closings of CFF Loans for the year 2013; and

WHEREAS, the CWC Economic Development Committee recommend the CWC Board of Directors authorize the President and/or Executive Director to execute an agreement with Hodgson Russ, LLC in an amount not to exceed Seventy Thousand Dollars (\$70,000.00) at the rates specified in Schedule A attached hereto, unchanged from 2013, to provide representation of CWC for closings of CFF loans.

NOW THEREFORE BE IT RESOLVED, that the CWC Board of Directors authorize the President and/or Executive Director to execute an agreement with Hodgson Russ LLP in an amount not to exceed Seventy Thousand Dollars (\$70,000.00) at the rates provided in Schedule A attached hereto, to provide representation of CWC for closings of CFF loans.

Barbara Puglisi noted that Hodgson Russ, LLP has been wonderful to work with, responsive and have had CWC's back. Tim also noted that the \$70,000 was a not to exceed amount and the fee schedule was on a per closing basis.

Voice Vote, carried unanimously

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

**IX. Board Member Discussion: None**

A motion to adjourn was made by Richard Parete and seconded by Michael Meyer.

**Voice Vote, carried unanimously**

**X. Adjournment: @ 1:45 p.m.**