

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

DRAFT MINUTES

February 8, 2011 @ 1:00 p.m.

(Rescheduled due to weather - original meeting scheduled February 1, 2011)

I. Call to Order

II. Pledge of Allegiance: Led by James Eisel.

III. Roll Call of Directors

Members Present: Donald Brandow, Paul R. Dibbell, James Eisel, Michael Flaherty, Michael Meyer (*New York City DEP*), Thomas Hynes, Berndt Leifeld, Georgianna Lepke, Tina Molé, and Leonard Utter.

Members Excused: Deborah Meyer DeWan, Martin Donnelly, Wayne Marshfield, Michael Shultis, and Thomas Snow (*New York State DEC*).

Staff Members Present: Nate Hendricks, Diane Galusha, Leo LaBuda, James Martin, Alan L. Rosa, Frieda Suess, and Michael Triolo.

Others Present: Sam Conklin (*Del-ARC Photographer*), Thomas Ferrante (*Del-ARC Photographer*), Steve Finkel (*Del-ARC*), Billie Jean Savory (*Del-ARC Photographer*), Thomas Stalter (*NYC DEP*), Rebecca Todd (*Del-ARC Photographer*), and Matt Wilson (*Del-ARC Photographer*).

IV. Review and Approval of January 4, 2011 Board Meeting Minutes

A motion to approve the minutes from the January 4, 2011 board meeting was made by Michael Flaherty and seconded by Paul Dibbell.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of November 30, 2010 was made by James Eisel and seconded by Berndt Leifeld.

**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.

Alan Rosa noted several letters of appreciation from homeowners who have participated in CWC's Septic Rehabilitation and Replacement Program. He also thanked Michael Triolo, Barbara Puglisi,

Philip Sireci, Mary Jane Oppenheimer, Tammy Castillo, Frieda Suess, and Timothy Cox for their hard work in bringing all of the CFF Loan files in-house, providing a considerable amount of savings in this effort. He asked that the Board acknowledge them with a round of applause.

Presentation of News Articles

Committee Schedule

Meeting time for Economic Development should be 1:30pm, and there will be no Public Education meeting in March.

Committee Meeting Minutes

VI. Public Discussion

Diane Galusha introduced Steve Finkle, Community Program of Del-ARC, who introduced five Del-ARC photographers who are displaying their collection, "Picture Our Passion", at CWC through the end of February. Sam Conklin, Thomas Ferrante, Billie Jean Savory, Rebecca Todd, and Matt Wilson participated last month in a photography class with Jill Ribich, a member of the Roxbury community and owner of Catskill Image. She helped mentor, guide, instruct and nurture some goals that these five people set, a passion for photography, and sharing their images here today. Pamela Norris, whose photos are also displayed and participated in the class, passed away recently. She was a wonderful photographer, and was a photographer at many community fairs in the Walton area, and all of them wanted to include her images in this exhibit. Steve noted that the photographers really appreciated the opportunity to share the CWC space with them, and it's been a great experience for them to learn from Jill and share what they've learned with us and others who visit here. He hopes that CWC has an opportunity to learn more about Del-ARC and the folks that they support in the community, but more importantly, the five wonderful people that are here today.

On behalf of the Board, Georgianna Lepke thanked the photographers for sharing their talents with us, and assured that they will be enjoyed by everyone that comes through the building in the month of February.

Steve also thanked the CWC for their Trout in the Classroom Project. Steve said the first year of this program was funded by CWC, and they are doing a second year because they enjoy doing it. He thanked Diane for all of her hard work, support and friendship.

It was noted that all of these works are for sale for a very modest price, and that all proceeds from the sales go to the individual photographer. Proceeds from Pam's photos are donated to the Walton Presbyterian Church.

VII. Presentation of Resolutions

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#### **Septic Reimbursement Over \$20,000 – Additional Costs – Gary Lamont - Tab 7**

A motion to approve Resolution No. 1862 was made by James Eisel and seconded by Leonard Utter.

February 8, 2011

#### **RESOLUTION NO. 1862**

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

**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 1800, the CWC Board approved reimbursement to Gary Lamont in an amount not to exceed Twenty-Four Thousand Four Hundred Dollars (\$24,400.00); 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 One Thousand Four Hundred Seventy-One Dollars (\$1,471.00); and

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

**WHEREAS**, the CWC have determined the contractor’s total invoices of Twenty-Five Thousand Eight Hundred Seventy-One Dollars (\$25,871.00) 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 total contractor’s invoice of Twenty-Five Thousand Eight Hundred Seventy-One Dollars (\$25,871.00) 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 Eight Hundred Seventy-One Dollars (\$25,871.00).

**Gary Lamont Backup**

Mr. Lamont’s property is located in the Town of Delhi, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$24,400.00. During construction the Design Engineer requested that an additional 90 lineal feet of curtain drain and an additional 50 lineal feet of swale be added to insure the system would not be inundated with groundwater. A reasonable and just cost for the additional work as per CWC Schedule of Values is \$1,471.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,471.00, for total reimbursement not to exceed \$25,871.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$20,000 – Additional Costs – Ruth Roney - Tab 8

A motion to approve Resolution No. 1863 was made by James Eisel and seconded by Leonard Utter.

February 8, 2011

RESOLUTION NO. 1863

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

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 approved Septic Program reimbursement for Ruth Roney in the amount of Eighteen Thousand Five Hundred Dollars (\$18,500.00); 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 Two Thousand Five Hundred Four Dollars (\$2,504.00); 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-One Thousand Four Dollars (\$21,004.00) 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 Twenty-One Thousand Four Dollars (\$21,004.00) 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-One Thousand Four Dollars (\$21,004.00).

Ruth Roney Backup

Ms. Roney’s property is located in the Town of Andes, Delaware County. Reimbursement for this project was originally approved in an amount of \$18,500.00. During construction it was determined by the Design Engineer that 100 additional cubic yards of absorption fill material was necessary to complete the system accordingly. A reasonable and just additional cost for the additional work as per CWC Schedule of Values is \$2,504.00. The Septic Committee recommends that the Board of Directors approves an additional reimbursement of \$2,504.00, for total reimbursement not to exceed \$21,004.00.

Voice Vote, carried unanimously

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**Future Stormwater – Delhi Fire District - Tab 9**

A motion to approve Resolution No. 1864 was made by Thomas Hynes and seconded by Paul Dibbell.

February 8, 2011

**RESOLUTION NO. 1864**

**BOARD REVIEW OF FUTURE STORMWATER PROGRAM APPLICATION FOR  
DELHI FIRE DISTRICT STORMWATER CONTROLS**

**WHEREAS**, the 1997 New York City Watershed Memorandum of Agreement (“Watershed MOA”) paragraph 128 (“Future Stormwater Program”) directs the Catskill Watershed Corporation (“CWC”) to establish a program to pay for the reasonable and proper cost to design, implement, permit, construct and maintain new stormwater measures pursuant to stormwater pollution prevention plans solely required by the 18-39(b)(3) and 18-39(e) of the Watershed Regulations and not otherwise required by federal and/or State law with respect to projects West of Hudson; and

**WHEREAS**, the Delhi Fire District has applied for reimbursement of eligible project costs in the not-to-exceed amount of One Hundred Ninety-Seven Thousand Four Hundred Fifty-Four Dollars (\$197,454.00) for design and construction of new stormwater controls related to expanding the parking lot; and

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

**WHEREAS**, CWC staff recommended reimbursement of eligible stormwater costs for a total not-to-exceed amount of One Hundred Ninety-Seven Thousand Four Hundred Fifty-Four Dollars (\$197,454.00); and

**WHEREAS**, the CWC Wastewater/Stormwater Committee recommended that the application be approved by the CWC Board of Directors.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the attached application, staff recommendation and supporting documentation and approves a not-to-exceed amount of One Hundred Ninety-Seven Thousand Four Hundred Fifty-Four Dollars (\$197,454.00).

**CWC Future Stormwater Controls Program**

**Delhi Fire District, Town of Delhi, Delaware County, New York:**

The Joint Delhi Fire District is located on Delview Terrace Ext. in the Village of Delhi, Delaware County.

The District is expanding an existing parking area and adding sidewalks. The District will be required to comply with the Watershed Rules and Regulations because the project is within 100 feet of a watercourse.

CWC staff recommended reimbursement of eligible stormwater costs under the voucher method to the CWC Wastewater/Stormwater Committee. The CWC Wastewater/Stormwater Committee

recommends reimbursement of eligible stormwater costs under the voucher method in the not-to-exceed amount of \$197,454.00 to the Delhi Fire District 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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Stormwater Retrofit – Town of Windham Masonic Temple Additional Costs - Tab 10

A motion to approve Resolution No. 1865 was made by Michael Flaherty and seconded by Berndt Leifeld.

February 8, 2011

RESOLUTION NO. 1865

**BOARD REVIEW OF ADDITIONAL COSTS
FOR THE TOWN OF WINDHAM – MASONIC TEMPLE ACCESS ROAD
STORMWATER COLLECTION SYSTEM PROJECT**

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

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

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

WHEREAS, by Resolution Number 1571, the CWC Board of Directors approved the Town of Windham Masonic Temple Access Road Stormwater Retrofit Project for an amount not to exceed Twenty-One Thousand Two Hundred Fifty Dollars (\$21,250.00); and

WHEREAS, the Town of Windham requested additional funding to pay for the additional costs incurred to complete the project in an amount not to exceed One Thousand Two Hundred Twenty-Four Dollars and Ninety Cents (\$1,224.90); 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 Twenty-Two Thousand Four Hundred Seventy-Four Dollars and Ninety Cents (\$22,474.90) for the Town of Windham Masonic Temple Access Road Stormwater Retrofit Project; and

WHEREAS, pursuant to the CWC Program Rules, the CWC Board of Directors has reviewed the attached recommendation and supporting documentation.

NOW, THEREFORE, LET IT BE RESOLVED, the CWC Board of Directors approves funding as per the attached funding limits not to exceed Twenty-Two Thousand Four Hundred Seventy-Four Dollars and Ninety Cents (\$22,474.90).

NOW, THEREFORE BE IT FURTHER RESOLVED, approval of grants 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.

Stormwater Retrofit Program

**Town of Windham Masonic Temple Access Road Stormwater Retrofit Project
Additional Funding**

The Town of Windham implemented a Stormwater Retrofit Project to improve stormwater drainage at the Masonic Temple access road to the Town parking lot.

The scope of this design and construction phase project is to more effectively manage the untreated colloidal that runs off the access road and connect into catch basins previously installed in the parking lot. The project corrected the many drainage issues that existed on this access road.

Town of Windham used highway department personnel and equipment to construct the project. Costs of this force account work exceeded the original budgeted amount. The Town remains required to provide cost share of 15%.

The CWC Wastewater/Stormwater Committee recommends approving the additional funds for design and construction phase costs for a total not-to-exceed amount of Twenty-Two Thousand Four Hundred Seventy-Four Dollars and Ninety Cents (\$22,474.90).

Voice Vote, carried unanimously

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**Establishment of 2011 Annual Meeting - Tab 11**

A motion to approve Resolution No. 1866 was made by James Eisel and seconded by Tina Molé.

February 8, 2011

**RESOLUTION NO. 1866**

**ESTABLISHMENT OF 2011 ANNUAL MEETING**

**WHEREAS**, pursuant to Article II, Section 3 of the CWC By-Laws, Annual meetings of members shall be held on such a date and at such a time as shall be designated from time to time by the Board of Directors; and

**WHEREAS**, the CWC Policy Committee recommends having the 2011 annual meeting on April 5, 2011 at CWC offices in Margaretville, New York at 1:00 pm.

**NOW, THEREFORE BE IT RESOLVED**, that April 5, 2011 be the date of the annual membership meeting, to be held at 1:00 P.M. at CWC Offices, Margaretville, New York with the regularly scheduled monthly board meeting to immediately follow.

**Voice Vote, carried unanimously**

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VIII. Announcements from the Chair: None

IX. Board Member Discussion:

Michael Triolo noted that there were not a lot of changes from last month in the loan report. He noted that foreclosure sale of 137-139 Delaware Avenue, and 141 Delaware Avenue in Walton is complete. CWC, as first mortgagee, was the only bidder.

A motion to adjourn was made by Michael Flaherty and seconded by Paul Dibbell.

Voice Vote, carried unanimously

X. Adjournment: @ 1:14 p.m.