

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

March 1, 2011 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by Jeff Graf.

III. Roll Call of Directors

Members Present: Donald Brandow, Deborah Meyer DeWan, Paul R. Dibbell, Martin Donnelly, James Eisel, Michael Flaherty, Jeff Graf (*New York City DEP*), Thomas Hynes, Berndt Leifeld, Georgianna Lepke, Wayne Marshfield, Tina Molé, Thomas Snow (*New York State DEC*) and Leonard Utter.

Members Excused: Michael Shultis

Staff Members Present: Kimberlie Ackerley, Timothy Cox, Nate Hendricks, Diane Galusha, Leo LaBuda, James Martin, Barbara Puglisi, Alan L. Rosa, Phil Sireci, Frieda Suess, and Michael Triolo.

Others Present: Michael Meyer (*New York City DEP*), Shyamal Sengupta.

IV. Review and Approval of February 8, 2011 Board Meeting Minutes

A motion to approve the minutes from the February 8, 2011 board meeting was made by Berndt Leifeld and seconded by Deborah DeWan.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of December 31, 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 the attached draft Policy Guidance document that will be submitted to the Authority Budget Office on March 15th.

Presentation of News Articles

Committee Schedule

There will be a Full Land Committee meeting April 5th at 3:30 p.m. to discuss templates.

Committee Meeting Minutes

VI. Public Discussion

Diane Galusha announced the newest art exhibit, oils on canvas and paper, by George Ballentine. The artist is 89 years, and all of the featured paintings have been done in the past two years. Mr. Ballentine is a resident of Andes who worked on the Pepacton Reservoir during its construction, and also created Ballentine Park in Andes. Martin Donnelly noted that Mr. Ballentine had also landscaped many other properties in the Town of Andes.

VII. Presentation of Resolutions

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**Septic Reimbursement Over \$20,000 – Additional Costs – Michael Creech - Tab 7**

A motion to approve Resolution No.1867 was made by Michael Flaherty and seconded by Thomas Hynes.

February 8, 2011

**RESOLUTION NO. 1867**

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

**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 1632, the CWC Board approved reimbursement to Michael Creech in an amount not to exceed Twenty-Four Thousand Nine Hundred Ninety-Nine Dollars (\$24,999.00); 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 Hundred Forty-Six Dollars and Eighty-Four Cents (\$146.84); 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 One Hundred Forty-Six Dollars and Eighty-Four Cents (\$25,146.84) 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 One Hundred Forty-Six Dollars and Eighty-Four Cents (\$25,146.84) 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 One Hundred Forty-Six Dollars and Eighty-Four Cents (\$25,146.84).

**Michael Creech Backup**

Mr. Creech's property is located in the Town of Jewett, Greene County. CWC Board of Directors previously approved reimbursement for this project at \$24,999.00. The original plan did not include replacing the pipe from the house to the septic tank. During construction it was discovered that the pipe was "necked down" from 4" to 3". The pipe was replaced with all 4". A reasonable and just cost for the additional work CWC Schedule of Values is \$147.84. The Septic Committee recommends that the Board approves an additional reimbursement of \$147.84, for total reimbursement not to exceed \$25,146.84.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$20,000 – Additional Costs – Silvio Dianich - Tab 8

A motion to approve Resolution No. 1868 was made by Michael Flaherty and seconded by Thomas Hynes.

February 8, 2011

RESOLUTION NO. 1868

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

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 1600, the CWC Board approved reimbursement to Silvio Dianich in an amount not to exceed Twenty-Eight Thousand Three Hundred Twenty Dollars (\$28,320.00); 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 Nine Hundred Thirty-Two Dollars (\$932.00); 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-Nine Thousand Two Hundred Fifty-Two Dollars (\$29,252.00) 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-Nine Thousand Two Hundred Fifty-Two Dollars (\$29,252.00) 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 Fifty-Two Dollars (\$29,252.00).

Silvio Dianich Backup

Mr. Dianich’s property is located in the Town of Stamford, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$28,320.00. During installation of the leech field the Engineer noticed an inordinate amount of water in the area. He requested that a curtain drain be installed instead of swale. The Engineer estimated the cost to be \$1,954.00. The actual cost requested for the additional work is \$932.00. This is a fair and reasonable cost according to CWC Schedule of Values. The Septic Committee recommends that the Board approves an additional reimbursement of \$932.00, for total reimbursement not to exceed \$29,252.00.

Voice Vote, carried unanimously

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**Septic III Program Contract Amendment – Cluster Systems - Tab 9**

A motion to approve Resolution No. 1869 was made by James Eisel and seconded by Thomas Snow.

March 1, 2011

**RESOLUTION NO. 1869**  
**CWC BOARD APPROVAL OF SEPTIC III CONTRACT CHANGE ORDER –**  
**CLUSTER SYSTEM COST SHARE**

**WHEREAS**, pursuant to the 2007 EPA FAD, NYCDEP has agreed to provide additional funds in the amount of Two Million Dollars (\$2,000,000) for “cluster systems” (“Cluster System Program”) and Four Million Dollars (\$4,000,000) for septic systems for small businesses, to be defined in a manner consistent with the definition of small business as applied under MOA Paragraph 145; and

**WHEREAS**, the 2007 EPA FAD further provided that the City will work with CWC to develop a range of cost-sharing based on need, etc.(add specific language) and that the City is expected to require a minimum cost share of 25% of the small business’s allocable share of the costs of the cluster system, based on flow; and

**WHEREAS**, by Resolution 1274, the CWC Board of Directors approved the Septic III Program Contract, which provided that a small business included in a Cluster Septic System was required to contribute a minimum cost-share of 25% of its allocable share of the costs of the Cluster Septic System, based on flow, and did not require such cost-share from any other class of users; and

**WHEREAS**, CWC staff recommend and NYCDEP agrees that the CWC Cluster Program Rules, pending CWC Board approval, will include a provision that allows for the formation of sewer districts under New York State Town Law Article 12 for the construction and operation of Cluster Septic Systems in order to effectively administer the Cluster System Program; and

**WHEREAS**, pursuant to New York State Town Law § 202, the expense of the establishment of the sewer district, including construction of the improvements necessitated thereby, shall be apportioned and assessed upon and collected from the benefited properties in just proportion to the amount of benefit which the improvement shall confer upon the same; and

**WHEREAS**, Article 12 of the New York State Town Law prohibits a cost-share requirement on a single user class as suggested in the FAD; and

**WHEREAS**, the CWC Septic Committee recommends that the CWC Board of Directors approve the Change Order in Exhibit A to provide that a small business in a cluster

system shall not be required to provide a 25% cost share for capital costs, unless the only users of the cluster system are small businesses.

**NOW, THEREFORE, BE IT RESOLVED**, the CWC Board of Directors approves the Septic III Program Agreement Change Order in the form attached hereto as **Exhibit A**.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the President of CWC be, and hereby is, authorized to execute the Septic III Program Agreement Change Order in the form attached hereto as **Exhibit A**.

**Voice Vote, carried unanimously**

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Small Business Septic Program Rule Change – Priority Area - Tab 10

A motion to approve Resolution No. 1870 was made by Wayne Marshfield and seconded by Paul Dibbell.

March 1, 2011

RESOLUTION NO. 1870

CWC SMALL BUSINESS SEPTIC PROGRAM RULE CHANGE – PRIORITY AREAS

WHEREAS, pursuant to the 2007 EPA FAD, NYCDEP has agreed to provide additional funds in the amount of Two Million Dollars (\$2,000,000.00) for “cluster systems” and Four Million Dollars (\$4,000,000.00) for septic systems for small businesses, to be defined in a manner consistent with the definition of small business as applied under MOA Paragraph 145; and

WHEREAS, pursuant to the 2007 FAD, NYCDEP has agreed to provide an additional \$20,000,000.00 for continuation of the Septic Program, together with the funds provided for cluster systems and septic systems for small business to be collectively known as “Septic III” Program; and

WHEREAS, by Resolution 1274, the CWC Board of Directors authorized the President to execute the Septic III Program contract; and

WHEREAS, by Resolution 1441, the CWC Board of Directors approved the CWC Small Business Septic Program Rules, which included a priority area for eligible failed systems of 60 day travel time, and/or located within 100 feet from a watercourse, and/or 500 feet away from a Reservoir or Reservoir Stem; and

WHEREAS, CWC Septic Committee recommend and NYCDEP agrees that the CWC Small Business Septic Program Rules be amended as provided in Attachment A to expand eligibility to failed systems that are located within 250 feet from a watercourse.

NOW, THEREFORE BE IT RESOLVED, that the CWC Board of Directors adopts the attached Small Business Program Rule Change (Attachment A), as per the Committee’s recommendation.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Small Business Septic Program Rules may be amended from time to time by the CWC Board of Directors after consultation with and approval of NYCDEP.

ATTACHMENT A

Underline is proposed addition
~~Strikethrough~~ is proposed deletion

13:00:02:01 Inspection, Repair and Reimbursement in Priority Areas

2. Inspection and Repair Priorities
 - A. The majority of program funds will be dedicated to a program for inspection and repair of Small Business septic systems within Priority Areas inside the West of Hudson Watershed, using the following priority criteria in descending order of importance:
 - 1) Small Business septic systems located within the 60 day travel time as identified by the NYCDEP Land Acquisition Program
 - 2) Small Business septic systems located a) within ~~100~~ 250 feet of a watercourse, and/or b) within 500 feet of a reservoir or reservoir stem.

Voice Vote, carried unanimously

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**Future Stormwater – Robinson Terrace - Tab 11**

A motion to approve Resolution No. 1871 was made by Michael Flaherty and seconded by James Eisel.

March 1, 2011

**RESOLUTION NO. 1871**

BOARD REVIEW OF FUTURE STORMWATER PROGRAM APPLICATION FOR  
ROBINSON TERRACE 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 Stamford Society Foundation, Inc. (Robinson Terrace) has applied for reimbursement of eligible project costs in the not-to-exceed amount of One Hundred Forty-Eight Thousand Nine Hundred Nineteen Dollars and Forty-Five Cents (\$148,919.45) for design and construction of new stormwater controls related to the building of a new 60 bed Adult Care Facility; 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 Forty-Eight Thousand Nine Hundred Nineteen Dollars and Forty-Five Cents (\$148,919.45); 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 Forty-Eight Thousand Nine Hundred Nineteen Dollars and Forty-Five Cents (\$148,919.45).

### **CWC Future Stormwater Controls Program**

#### **Stamford Society Foundation, Town of Stamford, Delaware County, New York:**

The Stamford Society Foundation, Inc. is building a new 60 bed adult care facility located on Buntline Drive in the Village of Stamford, Delaware County. 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 \$148,919.45 to the Stamford Society Foundation, Inc. for its SWPPP costs solely attributable to the Watershed Regulations and not otherwise required by State or federal law.

*Jeff Graf noted that this is a “not-to-exceed” item, and DEP and CWC are continuing discussions to go over details of eligible costs.*

*James Eisel asked if the project would cost more than this resolution authorizes.*

*Jeff responded that it will cost less.*

**Voice Vote, carried unanimously**

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Future Stormwater – New York Land and Lakes Design Costs - Tab 12

A motion to approve Resolution No. 1872 was made by Michael Flaherty and seconded by Deborah DeWan.

March 1, 2011

RESOLUTION NO. 1872

BOARD REVIEW OF NEW YORK LAND & LAKES DEVELOPMENT, LLC
MCMURDY BROOK FARM SUBDIVISION FUTURE STORMWATER PROGRAM
APPLICATION FOR REIMBURSEMENT

WHEREAS, the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA”) paragraph 128 directs the Catskill Watershed Corporation (CWC) to establish a program to pay for the reasonable and proper cost to design, implement, permit, construct and maintain new stormwater measures pursuant to stormwater pollution prevention plans required by the 18-39(b)(3) and 18-39(e) of the watershed regulations; and

WHEREAS, Section 145 (ii) of the Watershed MOA and the West of Hudson Future Stormwater Program Rules provides for payment of eligible project cost for small business, (50% by NYC and 50% by CWC); and

WHEREAS, New York Land & Lakes Development, LLC has applied for reimbursement of eligible design costs in the amount of Thirty Thousand Four Hundred Twenty Dollars and Thirty-Two Cents (\$30,420.32) for the design of an eligible project; and

WHEREAS, the CWC share of stormwater funding is 50% of the eligible costs for this project; and

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

WHEREAS, recommended eligible costs equal a not-to-exceed amount of Fifteen Thousand Two Hundred Ten Dollars and Sixteen Cents (\$15,210.16), represent 50% of the total eligible cost; and

WHEREAS, the CWC Wastewater Committee recommended that the application be approved by the CWC Board.

NOW, THEREFORE, LET IT BE RESOLVED, that the CWC Board of Directors has reviewed the attached application, staff recommendation and supporting documentation

and approves reimbursement in a total not-to-exceed amount of Fifteen Thousand Two Hundred Ten Dollars and Sixteen Cents (\$15,210.16).

Backup
New York Land & Lakes Development, LLC
McMurdy Brook Road Subdivision

New York Land & Lakes Development was required to comply with the Watershed Rules and Regulations enforced by the NYCDEP. NYCDEP solely required a Stormwater Pollution Prevention Plan (SWPPP) as the project is part of development that qualifies as a common plan of sale, requiring an SWPPP under the Watershed Rules and Regulations, but NYSDEC did not require an SWPPP in this case. The NYCDEP SWPPP approval was issued on January 6, 2010.

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

	Requested	Recommend Funding
RETTEW Engineering	\$ 30,420.32	\$ 15,210.16
Total Recommended Funding		\$30,420.32
	50%	\$15,210.16

Recommend funding 50% of eligible SWPPP costs \$15,210.16

New York Land & Lakes Development, LLC is eligible to apply to NYCDEP to seek reimbursement for up to 50% of these costs. New York Land & Lakes Development, LLC will seek reimbursement from NYCDEP.

Voice Vote, carried unanimously

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**Future Stormwater – Town of Bovina Highway Garage – O&M - Tab 13**

A motion to approve Resolution No. 1873 was made by James Eisel and seconded by Michael Flaherty.

March 1, 2011

**RESOLUTION NO. 1873**

**TOWN OF BOVINA HIGHWAY GARAGE**

**FUTURE STORMWATER MAINTENANCE**

**WHEREAS**, pursuant to Paragraph 128 of the 1997 New York City Watershed (“Watershed MOA”), the Catskill Watershed Corporation (“CWC”) is the program manager for the Future Stormwater Program; and

**WHEREAS**, the Future Stormwater Program is intended to reimburse applicants for costs associated solely from requirements of New York City Department of Environmental Protection Watershed Regulations that are not also State or Federal requirements; and

**WHEREAS**, interest from earnings on Future Stormwater Funds can be used to reimburse applicants for maintenance costs associated with previously approved applications; and

**WHEREAS**, by Resolution Numbers 1546, 1577 and 1692, the CWC Board of Directors approved the Future Stormwater Application from the Town of Bovina for 100% reimbursement of eligible costs in an amount not to exceed Three Hundred Forty Thousand One Hundred Forty-Eight Dollars (\$340,148.00) (the “Town of Bovina Highway Garage Future Stormwater Project”); and

**WHEREAS**, CWC Wastewater/Stormwater Committee has reviewed the CWC staff recommendation and recommend that the CWC Board of Directors authorize the President and/or Executive Director to enter a contract with Town of Bovina for reimbursement of stormwater maintenance in an amount not to exceed Twenty Thousand Dollars (\$20,000.00) for a period of two years.

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors authorizes the President and/or Executive Director to execute a contract the Town of Bovina in an amount not to exceed Twenty Thousand Dollars (\$20,000.00) for maintenance costs associated with the Town of Bovina Highway Future Stormwater Project.

**CWC Future Stormwater O&M  
Town of Bovina Highway Garage  
Background**

The Town of Bovina Highway Garage Future Stormwater Project consisted of the installation of several stormwater best management practices, including a stormfilter. CWC staff received a quote from Contech (the manufacturer of the stormfilter) to have maintenance done through Contech on the stormfilter. CWC staff recommends a total not to exceed cost of \$20,000 for a period of two years. CWC Stormwater/Wastewater Committee recommends that the Board of Directors approve a total not to exceed cost of \$20,000.

**Voice Vote, carried unanimously**

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Stormwater Retrofit – Glenford/Wittenberg Road Design Costs - Tab 14

A motion to approve Resolution No. 1874 was made by Deborah DeWan and seconded by Paul Dibbell.

March 1, 2011

RESOLUTION NO. 1874

BOARD REVIEW OF STORMWATER RETROFITS PROGRAM APPLICATION

FOR THE TOWN OF HURLEY FOR GLENFORD-WITTENBERG ROAD

STORMWATER 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 Retrofits Program (Program) Rules that provides for payment of eligible project costs; and

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

WHEREAS, CWC staff reviewed a voucher for the Town of Hurley Glenford-Wittenberg Road Stormwater Project for design costs in the amount of Two Thousand Six Hundred Eighteen Dollars (\$2,618.00) for a total project cost of Three Thousand Eighty Dollars (\$3,080.00) with a local match of Four Hundred Sixty-Two Dollars (\$462.00); 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 for the Town of Hurley for the Glenford-Wittenberg Road Stormwater Project in an amount not to exceed Two Thousand Six Hundred Eighteen Dollars (\$2,618.00).

NOW, THEREFORE BE IT FURTHER RESOLVED, approval of the grant by the CWC Board of Directors constitutes a preliminary decision under the Watershed MOA

and 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.

**Town of Hurley
Glenford-Wittenberg Road
Stormwater Retrofits Program
Application for Construction Grant**

The Town of Hurley requested grant funding in an amount not to exceed \$2,618.00 from the CWC Stormwater Retrofit Program. This grant is to fund previous preliminary design work for Glenford-Wittenberg Road, Glenview Drive, and Upper Glenview Drive located in the Town of Hurley. Brinnier & Larios, P.C. conducted the preliminary design work for the site. This work was done in 2007. The town transferred the project to Ulster County, paid the bill but never submitted this bill for payment from the CWC. The CWC Wastewater/Stormwater Committee recommends that the CWC Board of Directors approve reimbursing the Town.

Voice Vote, *carried unanimously*

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**Stormwater Retrofit – Sugar Maples – O&M - Tab 15**

A motion to approve Resolution No. 1875 was made by Michael Flaherty and seconded by Paul Dibbell.

March 1, 2011

**RESOLUTION NO. 1875**

**BOARD REVIEW OF GREENE COUNTY SOIL & WATER CONSERVATION  
DISTRICT REQUEST OF OPERATION & MAINTENANCE FUNDS FOR THE  
SUGARMAPLES STORMWATER SYSTEM IMPROVEMENTS PROJECT**

**WHEREAS**, Paragraph 125 of the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA) authorizes 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 to the extent such BMP's are necessary to correct or reduce existing erosion and/or pollutant loading; and

**WHEREAS**, pursuant to the CWC Program Rules as adopted by the CWC Board of Directors, Stormwater Retrofit projects are eligible for maintenance funds totaling 17.6% of the CWC Stormwater Retrofit grant funds actually utilized, for regular periodic inspections, additional inspections before and after heavy storm events, periodic removal of debris and excavation of sediment from BMPs, and necessary repairs as needed to preserve the function of the BMPs; and

**WHEREAS**, pursuant to Resolution Number 1405, the CWC Board of Directors approved funding to the Greene County Soil & Water Conservation District in an amount not to exceed One Hundred Fifty-Three Thousand Five Hundred Three Dollars (\$153,503.00) for a Stormwater Retrofit Project; and

**WHEREAS**, the Greene County Soil & Water Conservation District requested maintenance funds for this project in the amount of 17.6% of the CWC Stormwater Retrofit Funds expended on this project for a total of Twenty Thousand Five Hundred Fifty-Four Dollars and Fifty Cents (\$20,554.50); and

**WHEREAS**, any required operation and maintenance costs not covered by CWC funding shall be the responsibility of the project owner and/or project sponsor; and

**WHEREAS**, the CWC Wastewater Committee has reviewed the request and recommend that the CWC Board of Directors authorize the President and/or Executive Director to enter into a contract with the Greene County Soil & Water Conservation District to provide maintenance funds in the amount of Twenty Thousand Five Hundred Fifty-Four Dollars and Fifty Cents (\$20,554.50), representing 17.6% of the total CWC Stormwater Retrofit Funds expended on this 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 FURTHER RESOLVED**, the CWC Board of Directors authorizes the President and/or Executive Director to execute an Operation and Maintenance Contract with the Greene County Soil & Water Conservation District for Twenty Thousand Five Hundred Fifty-Four Dollars and Fifty Cents (\$20,554.50).

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of an application by the CWC Board of Directors constitutes a preliminary decision under the Watershed MOA and 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.

**Stormwater Retrofit Program  
Greene County Soil & Water Conservation District  
Stormwater System Improvements Project**

The Greene County Soil & Water Conservation District requested funding to implement a Stormwater Retrofit Project to improve stormwater drainage and runoff quality located in the Hamlet of Maplecrest, Town of Windham. Stormwater management practices to improve water quality include the installation of a bioswale and rain gardens along with the replacement of stormwater conveyance components consisting of catch basins, storm drains, and culverts. The project is now complete.

The actual funds provided on this project were \$116,786.93. The Greene County Soil & Water Conservation District has requested Operation and Maintenance (O&M) funding

for the Stormwater project in an amount not to exceed \$20,554.50. O&M funding is established at 17.6% of actual funds provided by the CWC.

The CWC Wastewater/Stormwater Committee recommends approving the request for O&M funding in a not to exceed amount of Twenty Thousand Five Hundred Fifty-Four Dollars and Fifty Cents (\$20,554.50).

**Voice Vote, carried unanimously**

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LTAP – Town of Windham – GEIS Scope Change - Tab 16

A motion to approve Resolution No. 1876 was made by Michael Flaherty and seconded by Tina Molé.

March 1, 2011

RESOLUTION NO. 1876

**BOARD REVIEW OF LOCAL TECHNICAL ASSISTANCE PROGRAM
AMENDMENT TO AGREEMENT FOR TOWN OF WINDHAM GEIS FUNDING**

WHEREAS, the Catskill Watershed Corporation (CWC) and New York City Department of Environmental Protection (NYCDEP) recognize that the goals of drinking water protection and economic vitality within the West of Hudson Watershed communities are not inconsistent and it is the intention of the Parties to continue the partnership created by the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA) to cooperate in the development and implementation of watershed protection programs that maintain and enhance the quality of the City’s drinking water supply system and the economic and social character of the West of Hudson Watershed communities; and

WHEREAS, in connection therewith, the City agreed to fund a Local Technical Assistance Program to provide support for community planning efforts designed to improve water-quality and enhance the quality of life in the West of Hudson Watershed; and

WHEREAS, CWC agreed to serve as program manager of the Local Technical Assistance Program and to identify projects and allocate and disburse program funds to each project in accordance with this Agreement and agreements with each identified recipient of the funds; and

WHEREAS, by Resolution Number 900, the CWC Board of Directors established the CWC Local Technical Assistance Program (Program) Rules that provides for payment of eligible project costs; and

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

WHEREAS, by Resolution Number 986, the CWC Board of Directors approved funding for the Town of Windham GEIS in an amount not to exceed Fifty Thousand Dollars (\$50,000.00); and

WHEREAS, by Resolution Number 1210, the CWC Board of Directors approved funding for the Town of Windham GEIS in an amount not to exceed One Hundred Sixty-Two Thousand Six Hundred Eleven Dollars (\$162,611.00); and

WHEREAS, by Resolution Number 1372, the CWC Board of Directors approved funding for the Town of Windham GEIS in an amount not to exceed Seventy-Eight Thousand Eight Hundred Forty-Two Dollars and Fifty Cents (\$78,842.50); and

WHEREAS, in November 2010 the Town of Windham completed and adopted the Town of Windham Final Generic Environmental Impact Statement (FGEIS); and

WHEREAS, by the letter dated January 31, 2011, the Town of Windham requests that remaining funds for the Town of Windham GEIS be used to fund a Supplemental Generic Environmental Impact Statement (SGEIS) for a water consolidation project for the Hamlet of Windham, Hamlet of Hensonville, and South Street in the Town of Windham; and

WHEREAS, CWC and NYCDEP have jointly reviewed the request by the Town of Windham to use remaining Windham GEIS funds to complete a SGEIS and have presented their recommendation to the CWC Wastewater/Stormwater Committee; and

WHEREAS, the CWC Wastewater/Stormwater Committee has reviewed and a majority recommended that remaining Windham GEIS funds be used to fund a SGEIS for a water consolidation project for the Town of Windham; 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 an amendment with the Town Windham to use remaining Windham GEIS funds to complete a Supplemental GEIS and authorizes the President and/or Executive Director to execute contracts with the Town of Windham.

**CWC Local Technical Assistance Program (LTAP)
Windham GEIS
Amendment for Supplemental GEIS**

The Town of Windham was awarded \$291,453.50 to complete a Generic Environmental Impact Statement. In November 2010, the Town of Windham completed and adopted the Final GEIS.

The Town of Windham has requested that remaining GEIS funds in the amount of \$114,259.63 be used to fund a Supplemental Generic Environmental Impact Statement (SGEIS) for a water consolidation project including the Hamlet of Windham, Hamlet of Hensonville, and South Street in the Town of Windham.

A majority of the CWC Wastewater/Stormwater Committee recommends that the CWC Board of Directors approve a resolution authorizing the remaining GEIS funds be used to complete a Supplemental GEIS for a water consolidation project in the Town of Windham.

Voice Vote, carried unanimously

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**CWMP – Lamont Engineers Change Order - Boiceville - Tab 17**

A motion to approve Resolution No. 1877 was made by James Eisel and seconded by Tina Molé.

March 1, 2011

**RESOLUTION NO. 1877**

**COMMUNITY WASTEWATER MANAGEMENT PROGRAM**  
**AMENDMENT TO AGREEMENT WITH LAMONT ENGINEERS FOR**  
**BOICEVILLE CONSTRUCTION PHASE ENGINEERING SERVICES**

**WHEREAS**, the Catskill Watershed Corporation (CWC) is the Program Manager for the Community Wastewater Management Program (CWMP) I & II pursuant to contracts with New York City Department of Environmental Protection (NYCDEP); and

**WHEREAS**, the Town of Olive agreed to participate in the CWC CWMP for a wastewater project for the Hamlet of Boiceville; and

**WHEREAS**, by Resolution 991, the CWC Board of Directors approved a continuation of the consultant contract with Lamont Engineers for Pre-Construction Phase tasks for Boiceville in the CWC CWMP; and

**WHEREAS**, by Resolution Number 1449, the CWC Board of Directors approved a continuation of the consultant contract with Lamont Engineers for Boiceville Construction Phase Engineering Services totaling Six Hundred Twenty-Two Thousand Six Hundred Dollars (\$622,600.00); and

**WHEREAS**, Lamont Engineers has requested funding for additional Construction Phase Engineering Services, including construction administration and observation for the Boiceville CWMP project, in the amount of One Hundred Four Thousand Nine Hundred Sixty-Seven Dollars and Fifty Cents (\$104,967.50); and

**WHEREAS**, CWC staff and the CWC Wastewater/Stormwater Committee have reviewed the request from Lamont Engineers for funding of additional Boiceville Construction Phase Engineering Services and find the request reasonable; and

**WHEREAS**, the CWC Wastewater/Stormwater Committee recommend that the CWC Board of Directors approve additional funding for Construction Phase Engineering Services by Lamont Engineers for costs as described in Attachment A for the Boiceville CWMP in an amount not to exceed One Hundred Four Thousand Nine Hundred Sixty-Seven Dollars and Fifty Cents (\$104,967.50).

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors approves an amendment with Lamont Engineers for additional Construction Phase Engineering Services for the Boiceville CWMP project as described in Attachment A in an amount not to exceed One Hundred Four Thousand Nine Hundred Sixty-Seven Dollars and Fifty Cents (\$104,967.50).

#### **Attachment A**

#### **CWC Community Wastewater Management Program (CWMP) Town of Olive Hamlet of Boiceville CWMP Project**

The Town of Olive agreed to participate in the Community Wastewater Management Program for the Hamlet of Boiceville. A large diameter gravity sewer and wastewater treatment plant has been built to service the Hamlet of Boiceville.

CWC's consultant, Lamont Engineers, has provided Construction Phase Engineering Services during construction of the project. Lamont Engineers submitted a request for funding for additional Construction Phase Engineering Services that includes construction administration, construction observation, and treatment plant start-up totaling One Hundred Four Thousand Nine Hundred Sixty-Seven Dollars and Fifty Cents (\$104,967.50).

CWC staff and the CWC Wastewater/Stormwater Committee have reviewed the request for funding for additional Construction Phase Engineering Services for Boiceville and the Wastewater/Stormwater Committee recommends that the CWC Board of Directors approve the not-to-exceed amount of One Hundred Four Thousand Nine Hundred Sixty-Seven Dollars and Fifty Cents (\$104,967.50).

***Voice Vote, carried unanimously***

~~~~~

CWMP II – Trout Creek Pre-Construction Phase Engineering Costs - Tab 18

A motion to approve Resolution No. 1878 was made by Thomas Hynes and seconded by Michael Flaherty.

March 1, 2011

RESOLUTION NO. 1878

COMMUNITY WASTEWATER MANAGEMENT PROGRAM
TROUT CREEK PRECONSTRUCTION PHASE ENGINEERING SERVICES

WHEREAS, by Resolution 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 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 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 Tompkins agreed to participate in the Study Phase of the CWMP for the Hamlet of Trout Creek as the fifteenth community; and

WHEREAS, Lamont Engineers completed the Study Phase as outlined in their Contract with CWC and recommend a total block grant for the Hamlet of Trout Creek of Six Million Five Hundred Thousand Dollars (\$6,500,000.00) to provide for the design and construction of a small diameter gravity sewer and cluster community septic system; 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, the Town of Tompkins by Resolution has agreed to the proposed small diameter gravity sewer and cluster community septic system project for the Hamlet of Trout Creek and continue in the CWMP Pre-Construction Phase; and

WHEREAS, CWC staff has reviewed the proposal from Lamont Engineers for Pre-Construction Phase Engineering Services for the Hamlet of Trout Creek; and

WHEREAS, CWC is satisfied with Lamont Engineers, PC work and completion of the Study Phase for the project in the Hamlet of Trout Creek, and desire to issue an amendment to Lamont Engineers for the Pre-Construction Phase that includes permitting, final design, sewer district formation, sewer use law, bidding, and development of operation and maintenance plans and contracts as well as other necessary actions; and

WHEREAS, the CWC Wastewater Committee has reviewed the documentation and recommend approving an amendment with Lamont Engineers, PC to include the Pre-Construction Phase Engineering Services for the Hamlet of Trout Creek to their existing contract as described in Attachment A in an amount not to exceed Seven Hundred Forty-Nine Thousand One Hundred Thirty-Five Dollars (\$749,135.00); and

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves amendment with Lamont Engineers, PC to include Pre-Construction Phase Engineering Services for the Hamlet of Trout Creek to their existing CWMP contract in an amount not to exceed Seven Hundred Forty-Nine Thousand One Hundred Thirty-Five Dollars (\$749,135.00).

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.

Attachment A

BASIC SERVICES OF ENGINEER

I. **Hamlet of Trout Creek, Town of Tompkins, Delaware County, New York – see Attachment I, herewith for overall project budget summary and detailed breakdown of staff, hours and rates.**

- I.1. **Facility Planning** – develop Preliminary Engineer’s Report design concepts and all design calculations for Facility Plan Report; incorporate geotechnical data, and site selection of wastewater treatment facility location; collection of preliminary data; and assist with Sewer District Formation. This item also includes coordination of document reproduction, submission of Facility Plan to regulatory agencies and response to regulatory agency comments (document reproduction subconsultant costs are included in Section I.16, below).

Total I.1, Facility Planning \$ 30,000

- I.2 Engineer's Project Administration, Communications and Quality Control** - Coordination with permitting and approvals, property acquisition, design and bidding efforts, and CWC, Town and Attorneys and with the various agencies involved including telephone calls, correspondence, meetings, memos and continuous review of staff work and budgets for Quality Control (assumes schedule for project is 78 weeks).

Total I.2, QA/QC \$ 55,000

- I.3. Geotechnical** - collection of data needed during the design phase to supplement existing topographic mapping and soil investigations for the collection system and the three (3) proposed WWTF sites, and coordination with soil boring subcontractor and geotechnical engineering subconsultant (subconsultant costs are included in Section I.16, below). (Initial soil investigations of the WWTF sites are included in Section I.18, below).

Total I.3, Geotechnical \$15,000

I.4. Design Development (to 65%)

- I.4.1. Project Design Development (to 65%) including identification of properties and easements required; site visits and coordination with water system operator to locate existing water system, design development drawings of all facilities including small diameter gravity collection sewers, septic tanks and laterals, coordination of water meter installation for businesses (actual water meter installation to be paid for directly through CWC and is not included in this contract), individual and central pump stations and associated force mains, and three (3) proposed wastewater treatment sites; draft specifications for all facilities; draft detail drawings.
- I.4.2 Prepare and submit 65% Design Development Documents to Regulatory, Review and Approval Agencies, negotiate with NYCDEP and other regulatory agencies regarding comments on 65% submission, respond to comments and incorporate comments into design.

I.4.3 Includes two (2) review meetings with agencies.

I.4.4 Includes one (1) review meeting with Town Board.

A. Collection System/Design Development Drawings and Specifications: collection system plans and profiles on 1"=30' scale, 1' contour maps, collection system pump station designs, pump station site plans, detail drawings, draft specifications and cost estimates (estimate 40 drawings).

Subtotal I.4.A \$ 50,000

B. Wastewater Treatment System Sites/Design Development Drawings and Specifications: Equipment decisions, draft specifications, site plan design and drawings, facility design and drawings (estimate 25 drawings).

Subtotal I.4.B \$30,000

Total I.4, Design Development (to 65%) \$80,000

I.5. Final Design Phase / Contract Drawings

I.5.1 Develop Final Design and prepare Contract Drawings, including drafting and finalization of the detailed contract plans.

I.5.2 Submit Final design (100% complete) submission to NYCDEP, address comments from NYCDEP, make revisions and resubmit for approval (reproduction of documents to be subcontracted).

I.5.3 Attend two (2) Town Board meetings to review design progress. Deliver two (2) copies of the Contract Documents to the Town. Attend one (1) Town Board meeting to present final design and submit final design to funding and regulatory agencies.

I.5.4 Prepare revised opinion of construction costs, if necessary.

\$96,958

Total I.5, Final Design/Contract Drawings

I.6 Project Manual

- I.6.1 Prepare one (1) Project Manual including all specifications and contract bid documents, prepare individual specification sections and bid forms for inclusion in Project Manual, including quantity takeoffs for the collection system. Assumes one (1) prime contract: General Construction.

Total I.6, Project Manual \$40,000

I.7 Bidding and Negotiations Phase

- I.7.1 Assist Town in legal advertising.
- I.7.2 Coordinate reproduction of contract bid documents and distribute bidding documents (Document Reproduction subconsultant costs are included in I.16, below).
- I.7.3 Provide clarifications, as required, to answer technical questions raised by contractors during the bidding periods.
- I.7.4 Issue contract addenda as needed to clarify or amend the contract documents.
- I.7.5 Attend one (1) pre-bid conference and one (1) bid opening (assumes 1 letting).
- I.7.6 Review bids, review low bidders' qualifications, and make recommendation for award of contract.
- I.7.7 Assist with executing contract agreements.

Total I.7, Bidding \$ 20,000

- I.8 Lateral and Grease Trap Design** – meet with property owners to obtain location and rough elevation of existing wells and building sewers for design of septic tanks and laterals from the small diameter gravity collection sewers to structure; develop lateral design sketches for lateral access agreement acquisition, prepare construction details and specifications, and design of grease traps for businesses, if required.

Total I.8. Lateral Program \$ 65,000

- I.9 O&M Analysis and Contract Negotiations** – develop 1st year flow and full flow O&M budgets, analysis of yearly cost to residences and businesses and assist project attorney in negotiations with NYCDEP to obtain approval of O&M Agreement and Budget.

Total I.9, O&M \$ 4,640

- I.10 Assist with Local Board Actions** – prepare for and attend up to 10 Town Board and/or Planning Board meetings to assist with actions the Town Board/Planning Board must take in order to advance the project (SEQRA Negative Declaration, Sewer District Formation, award of Construction Contracts and Subdivision Approval of wastewater treatment plant property).

Total I.10, Board Actions \$ 7,542

SUBTOTAL I.1 through I.10 = \$414,140

(8.6% of construction estimate – see Attachment 1)

- I.11 Permitting and Approvals** - Permitting Applications, Permitting Negotiations, Special Permitting Submissions, and Management of Permit Applications on behalf of the Town (NYSDEC, NYSDOT, USACOE, NYCDEP, Town, etc.).

- A. NYSDEC Article 15 and Army Corps of Engineers (ACOE) Nationwide Permits 12 and 33, Joint Application: Prepare wetlands mapping, calculate temporary and permanent wetland disturbances, prepare and submit applications and appropriate plan,

profile and detail drawings and specifications, obtain jurisdictional determination (assumes that wetlands impacts are avoided and individual permits are not needed).

- B. Stormwater Pollution Prevention Plan (SWPPP), NYCDEP Stormwater Pollution Permit (include NYCDEP Crossing Piping and Diversion Permit) and NYSDEC General Permit GP-0-10-001 Notice of Intent (NOI): Attend one pre-application meeting with NYCDEP, design stormwater management controls for the WWTF and develop erosion and sediment control strategy for the construction and operation of the collection and conveyance system, prepare and submit Stormwater Pollution Prevention Plan (SWPPP) to NYCDEP, including all necessary calculations, plans, profiles and detail drawings and other related appendices, meet with NYCDEP to review comments on SWPPP and revise and resubmit SWPPP. Prepare and submit NOI to NYSDEC.
- C. NYSDEC State Pollution Discharge Elimination System (SPDES) Permit: Coordinate with NYSDEC to obtain discharge limits for WWTF, prepare and submit SPDES permit application on behalf of the Town.
- D. New York State Department of Transportation (NYSDOT) Highway Work Permit: meet with NYSDOT onsite, develop traffic maintenance and control plan, NYSDOT Highway Crossing Detail drawings, submit NYSDOT Highway Work Permit application, address NYSDOT comments and revise and resubmit drawings.
- E. New York State Department of Transportation (NYSDOT) Driveway Permit: meet with NYSDOT onsite, design driveway entrance per NYSDOT standards, submit NYSDOT Driveway Permit application including design plans and details, address NYSDOT comments and revise and resubmit drawings.
- F. Delaware River Basin Commission (DRBC): Submit application for DRBC approval of new discharge to groundwater.
- G. Delaware County Department of Public Works Highway Work Permit: Highway Work Permit application, address comments and revise and resubmit drawings.

- H. Town Permits, as applicable (potential Town permits: Town building and floodplain work permit, Town Highway Work Permit): Prepare and submit applications and appropriate drawings and specifications.

Total I.11 Permitting and Approvals \$50,000

- I.12 Environmental Review** - Complete Part I of the Full Environmental Assessment Form (EAF) for an Unlisted Action and provide supporting documentation, including correspondence with involved and interested agencies and required field investigations (including wetlands delineation and location and endangered species investigation subcontractor), assist Town in completing Parts 2 and 3 of the Full EAF in conjunction with the Project Attorney (budget assumes additional Archeological investigations beyond a Phase 1A/1B study are not required, a Negative Declaration is issued, and an Environmental Impact Statement is not required). (Subconsultant costs are included in I.16, below.)

Total Environmental Review \$ 20,000

- I.13 Archeology Coordination** – coordinate with archeology subcontractor to complete Phase 1A/1B Archeological investigations (subconsultant costs are included in I.16, below).

Total Archeology Coordination \$ 5,000

SUBTOTAL I.11 through I.13 = \$75,000

**(Engineering Support for SEQRA,
Archeology Coordination, Permitting
and Approvals – see Attachment 1)**

- I.14 Easement Descriptions** – Prepare easement maps for main line sewers, and develop written easement descriptions (not surveyed descriptions) based on minimal form easement developed by Project Attorney (includes approximately 35 easements for main line sewers, 53 easements for septic tank and lateral locations and 3 main pump station easements).

Total I.14, Easement Descriptions \$ 20,000

I.15 Property and Easement Acquisition Support – one (1) meeting with the community to present easements, mailing of easements, up to twenty (20) meetings and correspondence with property owners to answer questions/concerns about easements, negotiations, clarifications, plan changes and resubmission of easements to property owners (includes approximately 35 easements for main line sewers, 53 easements for septic tank and lateral locations and 3 main pump station easements), contact property owner(s) of WWTP property(s) to be surveyed (assumes 3, 3-10 acre WWTF sites consisting of 3 separate properties), coordinate work with surveyor and review of property survey(s) and subdivision maps (Subconsultant costs are included in I.16, below).

Total I.15, Property Acquisition \$30,000

SUBTOTAL I.14 through I.15 = \$ 50,000

(Engineering Support for Property Acquisition – see Attachment 1)

I.16 Subcontracts – Pre-Construction – Subcontracted services as follows:

Document Reproduction – Reproduction of bidding documents (assumes 80 sets), Facility Plan, 65% design plans and specifications, final design plans and specifications, bidding documents.

\$ 9,900

Geotechnical Subcontractor - Soil investigations, Geoprobos, soil tests and perc tests, GPS rental.

\$ 23,700

Surveying Subcontractor – to locate utilities, wells, selected property corners, elevation data at crossings, soil boring locations and establish benchmarks. Complete WWTF property surveys and preparation of subdivision maps.

\$14,000

Electrical Engineer Subcontractor – electrical 65% design plans and specifications, and final design plans and specifications; and assistance with bidding.

\$ 11,000

Geotechnical Engineer Subcontractor – review soil boring and geo-probe information, report of finding, and recommendations.

\$2,500

Wetland Subcontractor – Delineate wetlands for collection system, and 3 proposed WWTF sites.

\$ 6,600

Endangered Species Subcontractor – Phase 1 endangered species investigations

\$2,200

Archeology Subcontractor - Phase 1A/1B study of the collection system and 3 proposed WWTF sites.

\$30,000

Total I.16, Subcontracts–Pre-Construction \$ 99,900

I.17 Legal Services - SEQRA and Permitting assistance, land acquisition transactions and special land acquisition negotiations, easement filing, easement negotiations and eminent domain proceedings, O&M Agreement, Town contracts, creation of Sewer District, and Sewer Use Ordinance.

Total I.17, Legal Work Summary – see Attachment 1 \$ 85,000

I.18 WWTF Siting Alternatives – Coordinate pre-design soil investigations of the three (3) proposed WWTF sites, including soil borings, percolation tests and deep test pits.

Total I.18, WWTF Siting Alternatives \$23,595

I.19 NYCDEP Request for Sand Filter Reserve Area – as requested by NYCDEP, locate a potential sand filter building and prepare and submit schematic drawing to NYCDEP and CWC.

**Total I.19, NYCDEP Request for Sand Filter Reserve Area
\$ 1,500**

**TOTAL PRE-CONSTRUCTION ENGINEERING
AND LEGALS SERVICES**

TROUT CREEK CWMP \$ 749,135

I.20 Engineering Contingency – Pre-Construction
Services \$ 53,230

TOTAL PRE-CONSTRUCTION ENGINEERING AND
LEGAL SERVICES;
TROUT CREEK CWMP,
INCLUDING CONTINGENCY \$ 802,365

Voice Vote, carried unanimously

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**Tax Consulting – Contract Amendment 2010 Services - Beebe - Tab 19**

A motion to approve Resolution No. 1879 was made by Thomas Hynes and seconded by Martin Donnelly.

March 1, 2011

**RESOLUTION NO. 1879**

**TAX ADVISORY GROUP CONTRACT AMENDMENT**

**ROBERT BEEBE**

**WHEREAS**, pursuant to the 1997 Watershed Memorandum of Agreement, the Tax Consulting Fund Contract with the City of New York (City) and the Catskill Watershed Corporation (CWC) Tax Consulting Program Rules, CWC established the Tax Consulting Program to pay the fees and expenses of professional consultants and/or

attorneys retained by CWC or counties, towns, villages or inter-municipal corporations in the West of Hudson watershed to review, analyze and/or assist in the administration of real property taxes paid by the City on City-owned lands; and

**WHEREAS**, pursuant to the Tax Consulting Program Rules Section 6:00:03, CWC formed the Tax Advisory Group to advise the CWC Board on the use of tax consulting fund; and

**WHEREAS**, CWC contracted with the Robert Beebe, Esq on an annual basis since 1999 to serve on the Tax Advisory Group (TAG); and

**WHEREAS**, by Resolution Number 1841 the CWC Board of Directors (West of Hudson Members Only) approved an additional Ten Thousand Dollars (\$10,000.00), for a total amount not to exceed Nineteen Thousand Dollars (\$19,000.00), for services rendered until December 31, 2010, and that amount has been exhausted; and

**WHEREAS**, as a member of TAG, Mr. Beebe provided assistance to CWC during negotiations regarding the 2010 Water Supply Permit and discussions regarding templates applicable to City owned reservoirs, dams, and wastewater treatment plants; and

**WHEREAS**, for services through December 31, 2010, and following CWC Board approval of the aforementioned Resolution 1841, CWC staff received an additional invoice from Mr. Beebe for additional services of approximately Eighteen Thousand Four Hundred Dollars (\$18,400.00); and

**WHEREAS**, CWC staff have reviewed the additional charges and find them eligible for payment if the contract amount is increased; and

**WHEREAS**, members of the CWC Land Committee (West of Hudson Members Only) recommend that the CWC Board of Directors (West of Hudson Members Only) increase the TAG contract with the Law Offices of Robert Beebe by Eighteen Thousand Four Hundred Dollars (\$18,400.00), for a total contract amount not to exceed Thirty-Seven Thousand Four Hundred Dollars (\$37,400.00).

**NOW, THEREFORE BE IT RESOLVED**, that the CWC Board of Directors (West of Hudson Members Only) authorizes an amended contract with Robert Beebe under the CWC Tax Consulting Program Fund to review, analyze and/or assist in the administration of real property taxes paid by the City on City-owned lands for a total amount not to exceed Thirty Seven Thousand Four Hundred Dollars (\$37,400.00) and authorizes the President and/or the Executive Director to execute a contract to effectuate the purposes of this resolution.

*Georgianna Lepke asked Tim Cox to provide some background on the resolution. Tim noted that Mr. Beebe was consulted extensively last year as he represented several of the towns on coming up with the draft templates for the new Tax Litigation Avoidance Program. CWC staff recommended that the Board increase his contract amount last December with the understanding that no further invoices were due.,*

However, in January CWC received an additional invoice for services rendered through December 31, 2010. Tim noted the invoice was eligible costs if the contract amount was increased. This is the final bill for 2010. Tim also noted that CWC has no contract with Mr. Beebe or any other outside counsel for 2011, besides Whiteman, Osterman and Hanna for the Tax Litigation Avoidance Program for 2011 forward.

**Voice Vote (West of Hudson Members Only), carried unanimously**

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CFF Program Rule Change – Historic Structure Rehabilitation Fund – Tab 20

A motion to approve Resolution No. 1880 was made by Deborah DeWan and seconded by Paul Dibbell.

March 1, 2011

RESOLUTION NO. 1880

**CFF PROGRAM RULE CHANGE – BUSINESS DISTRICT AND HISTORIC
STRUCTURE REHABILITATION FUND**

WHEREAS, pursuant to the New York City Watershed Memorandum of Agreement (Watershed MOA) and a Program Contract with New York City Department of Environmental Protection, the Catskill Watershed Corporation (CWC) shall administer the Catskill Fund for the Future (CFF); and

WHEREAS, by Resolution 1023, the CWC Board established the Business District and Historic Structure Rehabilitation Fund, under the CFF, to rehabilitate salvageable commercial and mixed use structures in the business districts, main streets and gateways of the West of Hudson villages and hamlets; and

WHEREAS, the CFF Program Rules provided that any structures purchased under the Business District and Historic Structure Rehabilitation Fund would remain on the tax rolls during construction; and

WHEREAS, by Resolution 1178, the CWC Board of Directors approved the purchase of the “Olde Delaware Inn” in the Village of Stamford under the Business District and Historic Structure Rehabilitation Fund; and

WHEREAS, following purchase and after selective demolition of certain areas, CWC hired a professional engineer who determined that the structure condition of portions of the building were “tenuous at best” and required immediate attention for construction of a new floor and wall system, and that the extent of the structural damage may not have been determinable at time of CWC purchase; and

WHEREAS, due to the extensive nature of structural reconstruction of the building, construction will not be complete until May, 2011 at the earliest on most of the interior of the building, over four years after acquisition; and

WHEREAS, CWC Finance Committee, recognizing that the purpose of the Business District and Historic Structure Rehabilitation Fund is to return deteriorated commercial structures to viable tax-paying businesses, and that construction periods and construction expenses may exceed original expectations once rehabilitation begins, recommends that until sale, CWC and its subsidiary holding corporations, apply for a not for profit tax exemption for any buildings purchased under the CFF Business District and Historic Structure Rehabilitation Fund as provided for in Attachment A hereto.

NOW THEREFORE BE IT RESOLVED, that the CWC Board of Directors consistent with the recommendation of the CWC Finance Committee amends the CWC Catskill Fund for the Future Program Rules in accordance with Attachment A hereto.

ATTACHMENT A

Underline is proposed addition
Strikethrough is proposed deletion

Chapter 1:17 Business District and Historic Structure Rehabilitation Fund

Purpose: To rehabilitate salvageable commercial and mixed use structures in the business districts, main streets and gateways of the WOH villages and hamlets. Buildings will ~~remain on the tax roles and~~ be sold to private investors on completion to be used for commercial purposes. Building exteriors will be restored, to the degree practical, to preserve the façade's most notable features. Interiors will be restored to preserve distinctive features. HVAC and mechanical systems will be upgraded to meet all current building and fire codes. Telecommunication and computer network wiring may be installed. Utilization of energy savings fixtures may be employed to the maximum extent possible.

1:17:07 Real Estate Taxes

~~CWC subsidiary will enter into a Payment in Lieu of Taxes (PILOT) Agreement during ownership of the property.~~ Where appropriate **CWC may require that purchasers execute a Payment in Lieu of Taxes Agreement and that such agreement** be valid for a period not to exceed ten (10) years from date of CWC sale.

Voice Vote, carried unanimously

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**Handout Resolution – Capital Expense – Tab 20**

*A motion to waive Rule 14 was made by Michael Flaherty and seconded by Paul Dibbell.*

*Voice Vote, carried unanimously*



A motion to approve Resolution No. 1881 was made by James Eisel and seconded by Michael Flaherty.

March 1, 2011

**RESOLUTION NO. 1881**

**CAPITAL EXPENDITURE**

**WHEREAS**, pursuant to Resolution No. 1831 adopting the 2011 budget for the Capital Expenses; and

**WHEREAS**, the Finance Committee would like to purchase two 2011 Ford Fusions; and

**WHEREAS**, the vehicles will be purchased under the State Contract Procurement; and

**WHEREAS**, the total cost of the two Ford Fusions is Thirty-One Thousand Eight Hundred Twenty-Five Dollars (\$31,825.00), which includes delivery charges; and

**WHEREAS**, the Finance Committee would like to sell/trade in one company vehicle to offset the costs of the purchases.

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board approves the purchase of the two Ford Fusions in an amount not to exceed Thirty-One Thousand Eight Hundred Twenty-Five Dollars (\$31,825.00).

**NOW, THEREFORE BE IT FURTHER RESOLVED**, the CWC Board authorizes the Executive Director and President to purchase two Ford Fusions and to execute all necessary documents.

***Voice Vote, carried unanimously***

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A motion to enter into Executive Session with Alan L. Rosa, Timothy Cox, Barbara Puglisi, Phil Sireci, and Michael Triolo to discuss CFF delinquent loans and new loan applicant financials was made by Martin Donnelly and seconded by Berndt Leifeld.

Voice Vote, carried unanimously

A motion to resume the regular meeting was made by James Eisel and seconded by Tina Molé.

Voice Vote, carried unanimously

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**CFF REDI Loan – Jenlid, LLC – Tab 23**

A motion to approve Resolution No. 1882 was made by Tina Molé and seconded by Leonard Utter.

March 1, 2011

**RESOLUTION NO. 1882**  
**APPROVAL OF JENLID, LLC**  
**BUSINESS LOAN**

**WHEREAS**, the Catskill Watershed Corporation (CWC) established the REDI Fund Loan Program for the purpose of providing low interest loans to qualified economic development projects in the West of Hudson Watershed to be administered by the CWC in accordance with the Catskill Fund for the Future (CFF) Program Rules; and

**WHEREAS**, JENLID, LLC has applied for a Two Hundred Twenty-Eight Thousand Dollars And No Cents (\$228,000.00) 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 one hundred and seventy-nine equal monthly payments and payment one hundred eighty (180) being a balloon payment, such that the outstanding principal is fully paid on the last payment date, for the purchase of 10860 County Highway 18, South Kortright, NY, known as The Hidden Inn; and

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

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

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from JENLID, LLC; and

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

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board determines that JENLID, LLC application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of Two Hundred Twenty-Eight Thousand Dollars and No Cents (\$228,000.00) loan for a term of fifteen (15) years based on a twenty year amortization, 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 one hundred seventy nine equal monthly payments and payment one hundred eighty (180) being a balloon payment, 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 in a form agreed upon by NYSEFC.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that upon said approval of loan documentation CWC, in conjunction with NYSEFC, is authorized to close on said loan and NYSEFC 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 JENLID LLC**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to JENLID, LLC, located in the Town of Stamford, 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 10860 County Highway 18, South Kortright, NY, to be purchased by JENLID, 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 10860 County Highway 18, South Kortright, NY, to be

purchased by JENLID, 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) JENLID, LLC will purchase the property at 10860 County Highway 18, South Kortright, NY, and continue its historic use as a restaurant/catering facility
  - (ii) The project is located in the Town of Stamford
  - (iii) The project will initially utilize the current septic system but will attach to the WWTP system when available.
  - (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 Stamford
  - (i) The project is consistent with current zoning.
  - (ii) The project is compatible with surrounding land uses.
  - (iii) The project will not generate excessive traffic.
  - (iv) The project as described is of such magnitude that it does not appear likely to promote secondary growth and therefore requires not additional review of land use plans or infrastructure.
4. The project is consistent with the West of Hudson Economic Development Study, which has been completed.
5. Not applicable.

**Voice Vote (13 aye, 2 nay), carried**

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VIII. Announcements from the Chair: None

IX. Board Member Discussion: None

A motion to adjourn was made by Berndt Leifeld and seconded by Michael Flaherty.

Voice Vote, carried unanimously

X. Adjournment: @ 1:35 p.m.