

# CATSKILL WATERSHED CORPORATION

## Board of Directors Meeting

### MINUTES

April 5, 2011 @ 2:00 p.m.

#### I. Call to Order

#### II. Pledge of Allegiance: Led by David Warne.

#### III. Roll Call of Directors

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

**Members Excused: None**

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

**Others Present:** Clayton Brooks, David Brooks (*Town of Denning*), Jeff Graf (*New York City DEP*), Lissa Harris (*Watershed Post*), Dennis Lucas (*Coalition of Watershed Towns/Town of Hunter*), Peter Manning (*Catskill Center for Conservation and Development*), Michael Meyer (*NYC DEP*), Carol Muth (*Town of Jewett*), Bill Rudge (*New York State DEC*), Dan Ruzow (*Whiteman, Osterman and Hanna*), John Schwartz (*New York City DEP*), and Michelle Yost (*Greene County Watershed Assistance Program*).

*Dan Ruzow noted that this spring marked the 20<sup>th</sup> anniversary of the formation of the Coalition of Watershed Towns. Dan recalled that it was in snow storms like today. Dan stated that this first group of towns decided to get together and band together to deal with NYC's proposed watershed regulations. Those towns also discussed a way to form an organization that would be a louder voice than the individual voices of each of the towns. Dan also recalled that at every meeting they were confronted with how to deal with the City, changes in the City's administration and the environmental organizations that they'd never heard from before Dan remarked that it's interesting for him with that history to see this organization with its yearly summary of all of the things that are accomplished, and the level of cooperation that exists between every level to accomplish those goals, is remarkable. Dan stated that this success is a testament to a lot of people working together. Dan continued that Georgie had mentioned the recent negotiations regarding the 2010 Water Supply Permit. Dan noted that the relationships, the trust through the course of dealings, this Board, and also the Coalition Board members, had developed during the course of the MOA. Dan continued that in his judgment, sitting in those rooms, identifying and talking through issues was critical to the success and that's the skill set that the CWC Board because it's developed every month at every meeting, . Dan noted that he is proud to be part of this, and 20 years is a long time to be immersed in watershed issues, whether he wanted to or not. Dan concluded by thanking everyone and remembered how it all started, and how far we have come. Dan thanked the Board for letting him be a part of it.*

*Georgianna recalled three people, Perry Shelton, Clayton Brooks, and Jim Gorman (T. of Neversink former supervisor, since deceased), were part of that early process of organizing the West of Hudson communities.. She continued that it was a dream, and this past 20 years is really what came of that dream. She concluded that she wanted to mention those three people, because sitting in their own homes, they had a dream, and it has worked.*

**IV. Review and Approval of March 1, 2011 Board Meeting Minutes**

A motion to approve the minutes from the March 1, 2011 board meeting was made by Michael Flaherty and seconded by Leonard Utter.

**Voice Vote, carried unanimously**

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of February 28, 2011 was made by James Eisel and seconded by Deborah DeWan.

*James Martin, Finance Director, announced that the 2010 audited financial statements and board letter have been submitted to each Board member.*

**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 that Georgie has made some changes to Committee appointments that have been handed out to all members. He also reminded the Board that Committee Chair elections must be made at the May 3rd meetings. Thomas Snow asked if the Investment Committee was still in existence and simply not regularly noted on the schedule because of the infrequency of the meeting of the committee. Alan confirmed both. He announced that there will be an Investment Committee meeting immediately following the Policy meeting in May.*

**Presentation of News Articles**

**Committee Schedule**

*There will be an Investment Committee meeting on May 3<sup>rd</sup> immediately following the Policy meeting. Georgie noted that Michael Flaherty will be filling in the vacancy in Greene County and the committee assignments were made based on the new Board members. Alan noted that the appointments were made to not allow too many representatives from one individual county on one committee to maintain veto power.*

**Committee Meeting Minutes**

**VI. Public Discussion**

**VII. Presentation of Resolutions**

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A motion to approve Resolution No. 1884 was made by Wayne Marshfield and seconded by Tina Molé.

April 5, 2011

**RESOLUTION NO. 1884**

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

**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-Five Thousand Seven Hundred Fifty Dollars (\$25,750.00); and

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

**WHEREAS**, the CWC staff have determined the contractor’s quote of Twenty-Five Thousand Seven Hundred Fifty Dollars (\$25,750.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Twenty-Five Thousand Seven Hundred Fifty Dollars (\$25,750.00) 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 Seven Hundred Fifty Dollars (\$25,750.00).

**Douglas Bartlett Backup**

Mr. Bartlett’s property is located in the Town of Walton, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$25,750.00. This system is for a five bedroom house. The major components for this system include a 1,000 gallon septic tank, a siphon chamber, 160 lineal feet of gravity piping, 285 cubic yards of absorption fill material, 11 cubic yards of sand, 26 Eljen in-drain units, 140 lineal feet of swale, and a 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 \$25,750.00.

***Voice Vote, carried unanimously***

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**Septic Appeal – Thomas Schaefer - Tab 8**

*Recommendation of the Septic Committee to deny the appeal.*

A motion to approve Resolution No. 1885 was made by Wayne Marshfield and seconded by James Eisel.

April 5, 2011

**RESOLUTION NO. 1885**

**SEPTIC PROGRAM APPEAL – THOMAS SCHAEFER**

**WHEREAS**, pursuant to 1997 New York City Watershed Memorandum of Agreement (“MOA”) paragraph 124 and Program Contracts with the New York City Department of Environmental Protection (“NYCDEP”), the Catskill Watershed Corporation (“CWC”) established a Septic System Rehabilitation and Replacement Program (“Septic Program”) to replace or repair eligible septic systems, serving one or two family residences with less than 1,000 gallons per day flow in the New York City Watershed West of the Hudson River; and

**WHEREAS**, the CWC staff reviewed a request for eligibility from Thomas Schaefer for reimbursement of one hundred percent (100%) of eligible costs to replace a septic system serving a single family residence in the Town of Middletown, Delaware County, under the CWC Septic Program; and

**WHEREAS**, CWC staff and CWC Septic Committee reviewed the application and determined that Thomas Schaefer is only eligible for reimbursement sixty percent (60%) of eligible costs because the property is not his primary residence, for the purposes of the CWC Septic Program, based upon voter enrollment, tax filing, and driver’s license address; and

**WHEREAS**, Thomas Schaefer’s appeal also requests reimbursement for “pump and haul” expenses from 2007 until his septic system is repaired/replaced; and

**WHEREAS**, the CWC Septic Program rules established an appeals process that permits an applicant to appeal to the CWC Board of Directors when the applicant disputes the CWC staff determination; and

**WHEREAS**, Thomas Schaefer timely submitted a letter appealing the determination of ineligibility; and

**WHEREAS**, the Septic Program rules provides that the CWC Board of Directors may reverse the decision to deny reimbursement in whole or in part in the following instances:

- a) The applicant was wrongly deemed ineligible;
- b) The applicant was wrongly denied reimbursement, in whole or in part, based upon an incorrect determination that the work for which reimbursement is sought was not necessary.
- c) The applicant was wrongly denied reimbursement, in whole or in part, based upon an incorrect determination that the cost of the work for which reimbursement is sought is not reasonable.
- d) There are special circumstances involved which warrant eligibility to the program or that warrant reimbursement; and

**WHEREAS**, the CWC Septic Committee has reviewed Thomas Schaefer’s Appeal pursuant to the criteria and procedure established by the CWC Article 2-A, 2:01:10; and

**WHEREAS**, the Septic Committee recommends denying the appeal.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the Septic Reimbursement Program Appeal and makes the following determination:

Denies the Appeal

Grants the Appeal

**Thomas Schaefer Septic Appeal**

Mr. Schaefer owns property in the Town of Ashland, Greene County. A copy of his appeal letter is attached.

The property originally contained a residence that was removed by Mr. Schaefer. He subsequently built another residence on the property. NYCDEP issued to Mr. Schaefer’s attorney, Kevin Young, a letter stating that the new residence could use the original septic system because no change of use had occurred. The septic system is now failing.

Pursuant to the attached appeal letter, Mr. Schaefer seeks reimbursement of 100% of his costs, including pumping and hauling septage from 2007 to present. Mr. Schaefer claims that the CWC Septic Program Rules should reimburse legitimate residents, and not categorize residents as primary or secondary. He notes that he resides at the property six months of each year.

The CWC Septic Program Rules define “primary residence” for the purposes of our program as “a residence occupied by the property owner, based on driver’s license address, voter registration, tax return information, and /or other proof.” Mr. Schaefer did not submit a voter registration, tax return, or driver’s license to indicate the Ashland property is his primary residence. His appeal did contain a copy of a car registration for one of his motor vehicles with his Ashland PO Box. CWC staff verified that tax bills for the property are mailed to his Dix Hills, NY address. CWC staff also verified that Mr. Schaefer did not seek a STAR exemption for his Ashland property but does have STAR exemption on his Dix Hills residence.

CWC Septic Program Rules also limit pump-out reimbursement to one for inspection.

Septic Committee reviewed Mr. Schaefer’s appeal and recommends that the CWC Board deny his appeal and find Mr. Schaefer eligible for 60% reimbursement as a non-primary residence. CWC Septic Committee also recommends that the CWC Board find that pump out costs incurred by Mr. Schaefer are not eligible for reimbursement.

***Voice Vote, carried unanimously***

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**Septic Program Rules Change - Tab 9**

A motion to approve Resolution No. 1886 was made by Thomas Snow and seconded by Deborah DeWan.

April 5, 2011

**RESOLUTION NO. 1886**

**SEPTIC PROGRAM RULE REVISIONS**

**WHEREAS**, the Catskill Watershed Corporation (CWC) is the program manager of the CWC Septic Rehabilitation and Replacement Program (CWC Septic Program); and

**WHEREAS**, CWC staff have reviewed the CWC Septic Program Rules, Article 2A and recommend certain amendments to provide clarity, incorporate long standing policies, as well as remove outdated sections referring to programs, procedures, or priority areas that are no longer relevant to the CWC Septic Program; and

**WHEREAS**, the CWC Septic Committee reviewed the revised CWC Septic Program Rules, Article 2A, attached hereto as Exhibit A, and recommends the CWC Board of Directors approve said revised program rules.

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors approves the attached revised Septic Program Rules, Article 2A.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the CWC Board of Directors may further amend the CWC Septic Program Rules as may be required from time to time.

**Voice Vote, carried unanimously**

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**Cluster System Septic Program Rules Change - Tab 10**

A motion to approve Resolution No. 1887 was made by Michael Flaherty and seconded by Tina Molé.

April 5, 2011

**RESOLUTION NO. 1887**

**CWC BOARD APPROVAL OF CLUSTER SYSTEM PROGRAM RULES**

**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**, by Resolution 1869, the CWC Board of Directors approved a Change Order to the Program Agreement to provide, in compliance with New York State Town Law, 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; and

**WHEREAS**, the CWC Septic Committee has reviewed the CWC Cluster Septic System Program Rules, attached hereto as Exhibit A, and recommends that the CWC Board of Directors adopt same.

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors approves the attached Cluster Septic System Program Rules, Article 15.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the CWC Board of Directors may further amend the CWC Septic Program Rules as may be required from time to time.

*Voice Vote, carried unanimously*

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**Future Stormwater O&M – West Mountain Properties - Tab 11**

A motion to approve Resolution No. 1888 was made by Michael Flaherty and seconded by Leonard Utter.

April 5, 2011

**RESOLUTION NO. 1888**

**WEST MOUNTAIN PROPERTIES, LLC CORPORATION**  
**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 Number 1791, the CWC Board of Directors approved the Future Stormwater Application of West Mountain Properties, LLC (Hobart Quickway) for 50%

reimbursement of eligible costs in an amount not to exceed One Hundred One Thousand One Hundred Sixty Dollars (\$101,160.00) for design and construction costs for the Hobart Quickway; 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 West Mountain Properties, LLC (Hobart Quickway), for reimbursement of stormwater maintenance in an amount not to exceed Twenty Thousand Dollars (\$20,000.00) for a period of up to two years.

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors authorizes the President and/or Executive Director to execute a contract with West Mountain Properties, LLC (Hobart Quickway) in an amount not to exceed Twenty Thousand Dollars (\$20,000.00) for maintenance costs associated with the Hobart Quickway Future Stormwater project for a period of up to two years.

#### BACKGROUND

#### **West Mountain Properties, LLC (Hobart Quickway)**

The Hobart Quickway was constructed in 2010; it is a gas station and convenience store. The owners applied for DEP approval and were required to design and construct stormwater measures as part of the application. The stormwater best management practices (BMP's) included a sand filter, storm drain, catch basins, and constructed wetlands. As a small business, West Mountain Properties, LLC (Hobart Quickway) is eligible to apply to CWC and NYCDEP to seek reimbursement for maintenance costs and each organization is responsible for up to 50% of these costs.

The CWC Wastewater/Stormwater Committee recommends a Future Stormwater Reimbursement contract for operation and maintenance of this project for an amount not to exceed Twenty Thousand Dollars (\$20,000) for a period of up to two years. This contract can be revised if and when additional funds are required.

**Voice Vote, carried unanimously**

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#### **CWC President's Salary - Tab 12**

A motion to approve Resolution No. 1889 was made by James Eisel and seconded by Paul Dibbell.

April 5, 2011

#### **RESOLUTION NO. 1889**

#### **PRESIDENT'S COMPENSATION**

**WHEREAS**, pursuant to the Board Policies and Procedures, the Board of Directors shall act upon the joint Finance and Policy Committee recommendation regarding the compensation of the President at the next regularly scheduled Board meeting following the Annual Board meeting; and



**WHEREAS**, by Resolution Number 1715, CWC Board of Directors directed that the President receive an annual salary of Fifteen Thousand Four Hundred Fifty Dollars (\$15,450.00) plus out of pocket expenses including mileage; and

**WHEREAS**, the joint CWC Finance and Policy Committee recommend that the President receive an annual salary of Fifteen Thousand Four Hundred Fifty Dollars (\$15,450.00) plus out of pocket expenses, including mileage; and

**NOW, THEREFORE BE IT RESOLVED**, that the Board directs that the President receive an annual salary of Fifteen Thousand Four Hundred Fifty Dollars (\$15,450.00) plus out of pocket expenses including mileage.

**Voice Vote, carried unanimously**

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**SBDC Counselor Funding - Tab 13**

A motion to approve Resolution No. 1890 was made by Deborah DeWan and seconded by Paul Dibbell.

April 5, 2011

**RESOLUTION NO. 1890**

**AUTHORIZATION FOR CWC TO PROVIDE PARTIAL FUNDING FOR A FULL-TIME SMALL BUSINESS DEVELOPMENT CENTER COUNSELOR**

**WHEREAS**, the Catskill Watershed Corporation (“CWC”) is a not for profit corporation whose purpose as described in its Certificate of Incorporation is, in part, the public purpose of “relieving and reducing adult unemployment, promoting and providing for additional and maximum adult employment, bettering and maintaining adult job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs”; and

**WHEREAS**, the 1997 Watershed Memorandum of Agreement (“MOA”) recognized that “the goals of drinking water protection and economic vitality within the watershed communities are not inconsistent”; and

**WHEREAS**, a need for business plan development, management consultation, business training seminars, workshops; conferences and targeted research in support of small business concerns is an identified need within the West of Hudson Watershed (“WOH”); and

**WHEREAS**, the Small Business Development Center (SBDC) is a network of host institutions which contributes to stability and economic growth by providing management consultation; business training seminars; workshops; conferences and targeted research in support of small business concerns; and

**WHEREAS**, pursuant to Resolution Number 278, approved July 27, 1999, the authorization was given for CWC to act as an Outreach Center of the Mid- Hudson Regional SBDC Program; and

**WHEREAS**, pursuant to Resolution Number 468, the CWC Board of Directors on November 27, 2001, approved matching funding for a full time counselor in the amount of \$32,000; and

**WHEREAS**, pursuant to Resolution Numbers 592 and 753, the CWC Board of Directors approved matching funding for a full time counselor in the amount of \$35,000 for the years 2003 and 2004; and

**WHEREAS**, by Resolution Numbers 903, 1064, 1214, 1487, and 1697, the CWC Board of Directors approved matching funding for a full time counselor in the amount of \$40,000 per year for the years 2005 through 2010; and

**WHEREAS**, the Economic Development Committee recommends that CWC enter into a one year contract with Ulster County Community College to provide Forty Thousand Dollars (\$40,000) in matching funds for 2010 – 2011 provided that the SBDC counselor is a full-time counselor whose territory includes the WOH.

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board authorizes the President and/or the Executive Director to execute a contract for Forty Thousand Dollars (\$40,000) with Ulster County Community College to partially fund the personnel costs of a full-time counselor whose territory includes the WOH.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of this resolution 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.

**Voice Vote, carried unanimously**

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**Supporting Operating Structure Changes at the Belleayre Mountain Ski Center - Tab 14**

A motion to approve Resolution No. 1891 was made by James Eisel and seconded by Martin Donnelly.

April 5, 2011

**RESOLUTION NO. 1891**  
**SUPPORTING OPERATING STRUCTURE CHANGES AT THE BELLEAYRE**  
**MOUNTAIN SKI CENTER**

**WHEREAS**, the Catskill Watershed Corporation is a not for profit local development corporation whose members are the forty-one (41) towns who are signatories to the 1997 New York City Watershed Memorandum of Agreement; and

**WHEREAS**, a purpose of CWC is relieving and reducing adult unemployment, and promoting and providing additional and maximum adult employment in the New York City West of Hudson Watershed; and

**WHEREAS**, an additional purpose of CWC under its Certificate of Incorporation is encouraging the development of, or retention of, commerce and industry in the West of Hudson Watershed; and

**WHEREAS**, CWC administers the Catskill Fund for the Future, a revolving loan fund for qualified economic development projects in the forty-one towns wholly or partially in the West of Hudson Watershed; and

**WHEREAS**, tourism is a vital economic component of the Catskill Region economy, accounting for fifteen percent (15%) of all private payroll in the West of Hudson Watershed; and

**WHEREAS**, the four (4) ski centers in the Catskills are a major component of the tourism economy in both the Catskills and West of Hudson Watershed; and

**WHEREAS**, the CWC Catskill Fund for the Future provided grants and loans to numerous businesses in the West of Hudson Watershed that are dependent upon tourism generated by the four ski centers; and

**WHEREAS**, one of the ski centers, Belleayre Mountain Ski Center, in the Town of Shandaken, Ulster County is owned and operated by the New York State Department of Environmental Conservation; and

**WHEREAS**, Belleayre Mountain Ski Center is a major generator of tourism in the Central Catskills in all four seasons; and

**WHEREAS**, a reduction of operations and services at Belleayre Mountain Ski Center will have a severe detrimental impact on the economy of the Central Catskills; and

**WHEREAS**, over one hundred (100) businesses are directly or indirectly dependent on the continued operation of Belleayre Ski Center; and

**WHEREAS**, a reduction of operations at Belleayre Mountain Ski Center will also impact the ability of many of these businesses to make principal and interest payments to CWC and other local financial institutions, thereby reducing the amount of funds available to loan to other businesses in the West of Hudson Watershed; and

**WHEREAS**, the continued uncertainty as to the future of Belleayre Ski Center discourages local business expansion and investment in existing business facilities; and

**WHEREAS**, the lack of investment by businesses will have an escalating detrimental effect on the economy of the region further hastening outward migration of our children and deterioration of the local infrastructure; and

**WHEREAS**, by Resolution Number 1861, on January 4, 2011, the CWC Board of Directors supported continued full operation of Belleayre Mountain Ski center, and also authorized the Executive Director to consult with outside counsel and meet with interested parties to assist in finding an equitable solution to ensure that Belleayre Mountain Ski Center remains in full operation, providing a vital economic benefit to the Central Catskills; and

**WHEREAS**, the CWC Executive Director met with interested parties to assist in finding an equitable solution to ensure that the Belleayre Mountain Ski Center remains in full operation, providing vital economic benefits to tourism in the Central Catskills; and

**WHEREAS**, the interested parties have put forth viable solutions to address the long term operations of Belleayre Ski Center that will be beneficial to the State of New York, the Catskill Region, and the citizens of New York while protecting the integrity of Catskill Park; and

**WHEREAS**, members of the CWC Economic Development Committee find the solutions presented to be reasonable and achievable, and in the best interests of the citizens of the State of New York, and recommend the formation of a regional Recreational Authority to operate Belleayre Ski Center and DEC operated Camping grounds in the Catskill Park, or in the alternative, the permitting of operations at Belleayre Mountain Ski Center.

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors supports the solutions developed by the interested parties as further described in the attached to ensure that Belleayre Mountain Ski Center remains in full operation, providing a vital economic benefit to the Central Catskills.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that a copy of this resolution be provided to Governor Andrew Cuomo, New York State Department of Environmental Conservation Commissioner, New York City Department of Environmental Protection Commissioner, Coalition to Save Belleayre, Central Catskills Chamber of Commerce, Senator John Bonacic, Senator Peter Lopez, Assemblyman Kevin Cahill, Assemblyman Clifford Crouch, Assemblywoman Aileen Gunther.

*Thomas Snow stated that the State will abstain.*

*David Warne stated that the City supports the goal of local communities as stakeholders and looking to sustain and define a viable long-term model for Belleayre. Dave continued that the City viewed as a local and state issue and will abstain.*

*Georgie noted that, upon reviewing the resolution, it's addressing Belleayre, but it's also addressing the state campsites, and there are two campsites in Sullivan County, one with the Beaverkill and one is the Mongaup. Georgianna noted that she had not had the opportunity to discuss those campsites with her local government in Sullivan County, so she feels it is necessary to abstain, because the resolution goes further than Belleayre.*

*Deb DeWan stated that the way she views the Resolution, it lays out several options and really gives a process to enable those options to be evaluated, but it doesn't make one specific recommendation. In that regard, she noted that it will have to meet all environmental laws.*

*James Eisel wanted to thank the committee and all staff that were involved in putting this together, as it was a lot of work.*

**Voice Vote, carried 12 aye, 3 abstain**

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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 Michael Flaherty and seconded by Tina Molé.

**Voice Vote, carried unanimously**

A motion to resume the regular meeting was made by James Eisel and seconded by Michael Flaherty.

**Voice Vote, carried unanimously**

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**CFF REDI Loan – Arnold Banker (Peaceful Valley Campsite) – Tab 15**

A motion to approve Resolution No. 1892 was made by Thomas Hynes and seconded by Deborah DeWan.

April 5, 2011

**RESOLUTION NO. 1892**

**APPROVAL OF ARNOLD BANKER**

**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**, Arnold Banker, has applied for a Seven Hundred Fifty Thousand Dollars And No Cents (\$750,000.00) 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 (179) 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 the minority interests of Peaceful Valley Campsites, 485 Banker Road, hamlet of Downsville, Town of Colchester, NY; and

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

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

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from Arnold Banker; 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 the Arnold Banker application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of Seven Hundred Fifty Thousand Dollars And No Cents (\$750,000.00), 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 (179) 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 Hodgson Russ LLP.

**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 Arnold Banker**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Arnold Banker, located in the Town of Colchester, 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 minority interests in the property at 485 Banker Road, Downsville, NY to be purchased by Arnold Banker, 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 485 Banker Road, Downsville, NY to be purchased by Arnold Banker 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) Arnold Banker will purchase the minority interests in the property at 485 Banker Road, Downsville, NY and continue its historic use as a Campground.
  - (ii) The project is located in the Town of Colchester.
  - (iii) The project will utilize the current septic system.
  - (iv) The project appears to present no threat to water quality.

- (v) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
- (vi) Based on NYCDEP the project is not in the 60 day travel time.
- (vii) There is no impact on Federal or State wetlands.
- (b) The project maintains the character of the Town of Colchester.
- c) The project is consistent with current zoning.
  - (i) The project is compatible with surrounding land uses.
  - (ii) The project will not generate excessive traffic.
  - (iii) The project as described is of such magnitude that it does not appear likely to promote secondary growth and therefore requires not additional review of land use plans or infrastructure.
- 4. The project is consistent with the West of Hudson Economic Development Study, which has been completed.
- 5. Not applicable.

**Voice Vote, *carried unanimously***

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

**IX. Board Member Discussion: None**

A motion to adjourn was made by Martin Donnelly and seconded by Berndt Leifeld.

**Voice Vote, *carried unanimously***

**X. Adjournment: @ 3:14 p.m.**