

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

January 3, 2012 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by Berndt Leifeld.

III. Roll Call of Directors

Members Present: 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, Richard Parete, Thomas Snow (*New York State DEC*) and Leonard Utter.

Members Excused: Donald “Mike” Brandow

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

Others Present: Michael Meyer (*NYC DEP*), Thomas Stalter (*NYC DEP*)

IV. Review and Approval of December 6, 2011 Board Meeting Minutes

A motion to approve the minutes from the December 6, 2011 board meeting was made by Jeff Graf and seconded by Wayne Marshfield.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of October 31, 2011 was made by James Eisel and seconded by Martin Donnelly.

**Voice Vote, carried unanimously**

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Executive Director’s Report

The Executive Director’s Report was presented as outlined in the board packet.
Alan Rosa noted the included article on the study done in Vermont following Hurricane Irene.

Tim Cox noted that a handout summary regarding the NYC DEP 2011 Long-Term Watershed Protection Plan has been provided to all Board members. This summarized over 80 pages regarding proposed funding and funding dates for each of the Programs executed by the CWC.

Presentation of News Articles

Committee Schedule

Committee Meeting Minutes

VI. Public Discussion

VII. Presentation of Resolutions

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**Septic Reimbursement Over \$20,000 – Marilyn Festa - Tab 7**

A motion to approve Resolution No. 2025 was made by Jeff Graf and seconded by Wayne Marshfield.

January 3, 2012

**RESOLUTION NO. 2025**

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

**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 Nine Hundred Dollars (\$25,900.00); 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 Nine Hundred Dollars (\$25,900.00) 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 Nine Hundred Dollars (\$25,900.00) 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 Nine Hundred Dollars (\$25,900.00).

**Marilyn Festa Backup**

Ms. Festa’s property is located in the Town of Roxbury, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$25,900.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, 70 lineal feet of 4” gravity piping, 90 lineal feet of 2” forcemain, 85 cubic yards of fill material, 25 cubic yards of stone, three peat modules, clearing, 135 lineal feet of swale, and restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$25,900.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$20,000 – Bonita Lurie - Tab 8

A motion to approve Resolution No. 2026 was made by Leonard Utter and seconded by Deborah DeWan.

January 3, 2012

RESOLUTION NO. 2026

BOARD APPROVAL OF SEPTIC CONSTRUCTION REIMBURSEMENT OVER \$20,000: BONITA LURIE

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, 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 (\$30,000) CWC staff request homeowner obtain three quotes from unrelated contractors and then forward the design with recommendation to the CWC Board for approval; and

WHEREAS, CWC staff received a quote from the homeowner and her contractor for Thirty-Two Thousand Five Hundred Dollars (\$32,500) for construction of a septic system and requested homeowner to obtain two additional quotes from unrelated contractors; and

WHEREAS, CWC staff reviewed the septic design for this system and determined that a reasonable cost pursuant to CWC Schedule of Values for this project is Twenty-Nine Thousand Seven Hundred Twenty-Eight Dollars (\$29,728.00); and

WHEREAS, homeowner did not obtain two additional quotes, construction was commenced and completed, and homeowner is requesting reimbursement of Thirty Three Thousand One Hundred Forty-Five Dollars (\$33,145.00); and

WHEREAS, CWC Septic Committee recommends CWC Board of Directors approve reimbursement at CWC Schedule of Values for this project at Twenty-Nine Thousand Seven Hundred Twenty-Eight Dollars (\$29,728.00).

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 Seven Hundred Twenty-Eight Dollars (\$29,728.00).

Bonita Lurie Backup

Ms. Lurie's property is located in the Town of Middletown, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$32,500. This exceeded the CWC Schedule of Values estimate of \$29,728 for this system. Consistent with CWC Septic Program Rules, CWC staff requested the homeowner obtain two additional quotes. Unbeknown to staff, construction was started and completed. Homeowner is now requesting reimbursement of \$33,145.00 and has already paid her contractor \$15,000.00. CWC Septic Committee recommend homeowner be reimbursed the amount of CWC Schedule of Values, \$29,728.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 –Michael Merritt - Tab 9**

A motion to approve Resolution No. 2027 was made by James Eisel and seconded by Wayne Marshfield.

January 3, 2012

**RESOLUTION NO. 2027**

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

**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-Eight Thousand Three Hundred Twenty-Four Dollars (\$28,324.00); 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-Eight Thousand Three Hundred Twenty-Four Dollars (\$28,324.00) 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-Eight Thousand Three Hundred Twenty-Four Dollars (\$28,324.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Eight Thousand Three Hundred Twenty-Four Dollars (\$28,324.00).

**Michael Merritt Backup**

Mr. Merritt's property is located in the Town of Delhi, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$28,324.00. This system is for a four bedroom house. The major components for this system include a 1,250 gallon septic tank, a pump chamber, 100 lineal feet of 4" gravity piping, 275 lineal feet of forcemain, a distribution box, 380 cubic yards of absorption fill material, 325 lineal feet of absorption trench, 115 lineal feet of swale, sleeve under the driveway, two cleanouts and restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$28,324.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$20,000 – Charles Senterman - Tab 10

A motion to approve Resolution No. 2028 was made by Michael Flaherty and seconded by Paul Dibbell.

January 3, 2012

RESOLUTION NO. 2028

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

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-Seven Thousand Six Hundred Dollars (\$27,600.00); 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-Seven Thousand Six Hundred Dollars (\$27,600.00) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Twenty-Seven Thousand Six Hundred Dollars (\$27,600.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Seven Thousand Six Hundred Dollars (\$27,600.00).

Charles Senterman Backup

Mr. Senterman’s property is located in the Town of Hunter, Greene County. Homeowner and CWC staff received a quote from a contractor in the amount of \$27,600.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, a pump station, 30 lineal feet of 4” gravity piping, 50 lineal feet of forcemain, 430 cubic yards of fill material, 240 lineal feet of absorption trench, and extensive restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$27,600.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Christine Tucciarone - Tab 11**

A motion to approve Resolution No. 2029 was made by Jeff Graf and seconded by Deborah DeWan.

January 3, 2012

**RESOLUTION NO. 2029**

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

**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-Two Thousand One Hundred Fifty-Four Dollars (\$22,154.00); 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-Two Thousand One Hundred Fifty-Four Dollars (\$22,154.00) 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-Two Thousand One Hundred Fifty-Four Dollars (\$22,154.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Two Thousand One Hundred Fifty-Four Dollars (\$22,154.00).

**Christine Tucciarone Backup**

Ms. Tucciarone’s property is located in the Town of Olive, Ulster County. Homeowner and CWC staff received a quote from a contractor in the amount of \$22,154.00. This system is for a three bedroom house. Access to the site is very difficult due to steep slopes and narrow passage. The major components for this system include a pump station, 12 lineal feet of 4” gravity piping, 70 lineal feet of forcemain, one distribution box, 210 cubic yards of fill material, Advanced Enviro-Septic Presby system, 27 cubic yards of approved sand, tree removal, 120 lineal feet of access road, high and low venting system, and restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$22,154.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$20,000 – Additional Costs – Gail Feinstein - Tab 12

A motion to approve Resolution No. 2030 was made by Wayne Marshfield and seconded by Thomas Hynes.

RESOLUTION NO. 2030

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

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 1977, the CWC Board approved reimbursement to Gail Feinstein in an amount not to exceed Twenty-Eight Thousand Eighty-Five Dollars (\$28,085.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner in the amount of Three Hundred Fifty Dollars (\$350.00); and

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

WHEREAS, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be Three Hundred Fifty Dollars (\$350.00); and

WHEREAS, CWC staff have determined that Twenty-Eight Thousand Four Hundred Thirty-Five Dollars (\$28,435.00) is a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving total reimbursement of Twenty-Eight Thousand Four Hundred Thirty-Five Dollars (\$28,435.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Eight Thousand Four Hundred Thirty-Five Dollars (\$28,435.00).

Gail Feinstein Backup

Ms. Feinstein’s property is located in the Town of Roxbury, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$28,085.00. During construction the engineer requested an extra riser and lid for the pump state, additional grading and restoration. A reasonable and just cost for the additional work CWC Schedule of Values is \$350.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$350.00, for total reimbursement not to exceed \$28,435.00.

Voice Vote, *carried unanimously*

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**Septic Program Rules Change – Reimbursement for Repairs Completed Prior to December 31, 2011 - Tab 13**

A motion to approve Resolution No. 2031 was made by Wayne Marshfield and seconded by James Eisel.

January 3, 2012

**RESOLUTION NO. 2031**

**SEPTIC PROGRAM RULE CHANGE FOR REIMBURSEMENT OF PAST REPAIRS OUTSIDE PRIORITY AREAS BEFORE JANUARY 1, 2012**

**WHEREAS**, pursuant to the 1997 Watershed Memorandum of Agreement (Paragraph 124) and the Septic System Rehabilitations and Replacements Program Contract (the “Septic Program”) with NYCDEP, the CWC shall act as program manager for the Septic Program and implement the Septic Program consistent with the terms of said contract and CWC’s Septic Program Rules; and; and

**WHEREAS**, the CWC Septic Program Rules (Article 2-A) established priority areas for the CWC Septic Program, effective on July 1, 1999; and

**WHEREAS**, by Resolution Number 1854, the CWC Board of Directors approved a program rule change to Article 2-A providing for reimbursement to homeowners outside of current priority areas who repaired or replaced their septic system prior to January 1, 2011; and

**WHEREAS**, numerous watershed residents outside of the current CWC Septic Program priority areas have rehabilitated or replaced their septic systems after January 1, 2011; and

**WHEREAS**, the repair or replacement of these septic systems has been and will continue to benefit the water quality in the West of Hudson Watershed; and

**WHEREAS**, the CWC Septic Committee and CWC staff estimate that there is adequate funding and personnel to reimburse those residents who repaired or replaced their septic system between January 1, 2011 and December 31, 2011 regardless of whether or not those systems are located in an existing priority area; and

**WHEREAS**, the CWC Septic Committee recommends that the CWC Board of Directors approve the attached program rule change to reimburse individuals who have repaired or replaced a failed system between July 2, 1999 and December 31, 2011 outside of the existing priority areas.

**NOW, THEREFORE BE IT RESOLVED**, that the CWC Board approves the attached amendment of Article 2A of the CWC Septic Program Rules as described in Attachment A to provide for the reasonable and necessary reimbursement to individuals who repaired or replaced

failed septic systems between July 2, 1999 and December 31, 2011 in areas within the West of Hudson Watershed but outside the CWC Septic Program priority areas.

## ATTACHMENT A

**Proposed changes are underlined.**

**Proposed deletions are ~~struck out~~.**

### **2:00:02:01 Reimbursement of Repaired Failures:**

- 1) An eligible septic system will be funded under applicable program rules depending on the date of the inspection of the system resulting in the issuance of a NOV/NOF by NYCDEP and/or the date of repair/replacement as provided below. The applicable rules shall be determined by the following:
  - a) An NOV/NOF issued due to an inspection scheduled before January 1, 1999 will follow Article 2 of the CWC Program Rules. This includes applications for reimbursement for work done between November 2, 1995 and January 21, 1997.
  - b) An NOV/NOF issued due to a inspection scheduled between January 1, 1999 and July 1, 1999 will follow Article 2 of the CWC Program Rules except the Coordinator program will not be available, and the following limits will also apply:
    - i) Any eligible septic system that receives a Notice of Priority List Failure due to inspection scheduled between January 1, 1999 and July 1, 1999 shall be eligible for reimbursement payment in the year 1999 for reasonable costs incurred in response to the Notice of Priority List Failure. The CWC may pay a portion of reasonable and necessary costs of improvements made to such eligible septic system. Section 2:01:05 and 2:01:06 further clarifies eligible costs.
    - ii) Any eligible septic system that receives a Notice of Failure due to inspection scheduled between January 1, 1999 and July 1, 1999, that has not been identified as a priority shall be eligible for reimbursement payment of reasonable costs incurred in response to the Notice of Failure. Payment shall not occur before the year 2000. The CWC may pay a portion of reasonable and necessary costs of improvements made to such eligible septic system. Section 2:01:05 and 2:01:06 further clarifies eligible costs.
  - c) An eligible system repaired or replaced between July 2, 1999 and December 31, ~~2010~~2011:
    - ± Any eligible system that has not been identified as a priority shall be eligible for reimbursement payment for reasonable costs incurred between July 1, 1999 and December 31, ~~2010~~2011. The CWC, upon receipt of a copy of NYCDEP Final Construction Approval, may pay a portion of reasonable and necessary costs of improvements made to such eligible septic system. Section 2:01:05 and 2:01:06 further clarifies eligible costs.
  - f) An eligible system repaired or replaced on or after January 1, ~~2011~~2012 will follow Article 2-A of the CWC program rules, as follows.
  - g) The CWC Board may allocate additional funds to reimburse homeowners outside of the priority area(s) under consideration for repair and replacement of septic systems.

***Voice Vote, carried unanimously***

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A motion to approve Resolution No. 2032 was made by Jeff Graf and seconded by Berndt Leifeld.

January 3, 2012

RESOLUTION NO. 2032

**BOARD REVIEW OF ADDITIONAL FUNDING FOR COPPERHOOD INN & SPA FUTURE
STORMWATER PROJECT**

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

WHEREAS, by Resolution Numbers 282 and 361, the CWC Board of Directors approved an application by Copperhood Inn & Spa for funding of eligible design and construction costs in the not-to-exceed amount of Six Thousand Eight Hundred Ninety-Seven Dollars (\$6,897.00) for the design and construction of an eligible project; and

WHEREAS, Copperhood Inn & Spa was severely impacted by Tropical Storm Irene; and

WHEREAS, Copperhood Inn & Spa has requested funding to pay for the repair and replacement of a 20ft. culvert pipe and riprap in an amount not to exceed Twelve Thousand One Hundred Five Dollars (\$12,105.00); and

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

WHEREAS, upon review of the information and staff recommendation, the CWC Wastewater/Stormwater Committee recommends that the CWC Board of Directors approve repair funding in a not-to-exceed amount of Twelve Thousand One Hundred Five Dollars (\$12,105.00) for the Copperhood Inn & Spa Future Stormwater Project.

NOW, THEREFORE, LET IT BE RESOLVED, that the CWC Board of Directors has reviewed the request, staff recommendation and supporting documentation and approves repair funding in the amount of Twelve Thousand One Hundred Five Dollars (\$12,105.00).

Backup
Copperhood Inn & Spa

Copperhood Inn & Spa 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 within 100 feet of a watercourse, requiring a SWPPP under the Watershed Rules and Regulations.

Copperhood Inn & Spa requested the repair funding to pay for the repairs that need to be done to the culvert pipe and rip-rap that were severely impacted by Tropical Storm Irene. The construction estimate (not including culvert) is \$11,300.00. The owner purchased the culvert pipe for construction at a cost of \$805.00. The CWC Wastewater Committee recommends that the CWC Board approve the repair funding of \$12,105.00.

Voice Vote, carried unanimously

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**2012 Outside Counsel - Tab 15**

A motion to approve Resolution No. 2033 was made by Martin Donnelly and seconded by James Eisel.

January 3, 2012

**RESOLUTION NO. 2033**

**APPROVAL OF LEGAL SERVICES CONTRACTS**

**WHEREAS**, the CWC Policies and Procedures requires the CWC Board of Directors must approve all contracts for services over Ten Thousand Dollars (\$10,000.00); and

**WHEREAS**, the CWC Policy Committee recommends that CWC Board of Directors authorize a contract with Whiteman, Osterman, and Hanna for outside counsel services in an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00) for calendar year 2012 at same rates charged in 2011; and

**WHEREAS**, CWC Economic Development Committee recommends that CWC Board of Directors authorize a contract with Ganz Wolkenbreit & Friedman, LLP for collection counsel services in an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00) for calendar year 2012 at same rates charged in 2011; and

**WHEREAS**, CWC Economic Development Committee recommends that CWC Board of Directors authorize a contract with Hodgson Russ for closing counsel services for Catskill Fund for the Future matters in an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00) for calendar year 2012 at same rates charged in 2011.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors approves the firm of and authorizes the Executive Director and/or President to execute a contract with of Whiteman, Osterman and Hanna for legal services for CWC for a term commencing January 1, 2012 and

terminating on December 31, 2012 for an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00) at same rates charged in 2011.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors approves the firm of and authorizes the Executive Director and/or President to execute a contract with Hodgson Russ as closing counsel for the CWC for a term commencing January 1, 2012 and terminating on December 31, 2012 for an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00) at same rates charged in 2011.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors approves the firm of and authorizes the Executive Director and/or President to execute a contract with Ganz Wolkenbreit & Friedman, LLP as external collections legal firm for the CWC for a term commencing January 1, 2012 and terminating on December 31, 2012 for an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00) at same rates charged in 2011.

*Voice Vote, carried unanimously*

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Memorandum with NYCDEP for Additional CFF Flood Recovery Grant Program Funding - Tab 16

A motion to approve Resolution No. 2034 was made by James Eisel and seconded by Wayne Marshfield.

January 3, 2012

RESOLUTION NO. 2034

APPROVAL OF MEMORANDUM WITH NYCDEP FOR ADDITIONAL CFF FLOOD RECOVERY GRANT PROGRAM FUNDING

WHEREAS, on and following August 28, 2011 flood waters generated by Tropical Storms Irene and Lee caused catastrophic losses to many businesses in several West of Hudson (WOH) municipalities; and

WHEREAS, watershed communities, local business owners, and state and federal governmental leaders asked CWC for immediate emergency assistance to help rebuild affected businesses so as to restore at least partial normalcy to the communities and businesses affected; and

WHEREAS, at a special Board meeting held on September 13, 2011 and by Resolutions 1985 and 1986, CWC Board of Directors established the 2011 Flood Recovery Grant Program with Five Million Dollars (\$5,000,000) from CFF and allocated those funds amongst the five West of Hudson Watershed Counties to provide grants to businesses in the WOH that sustained structural damage as a result of Tropical Storms Irene and Lee; and

WHEREAS, the City of New York through the New York City Department of Environmental Protection (NYCDEP) desires to supplement the 2011 Flood Recovery Grant Program with an additional One Million Dollars (\$1,000,000.00); and

WHEREAS, CWC staff have reviewed the attached Memorandum of Understanding and recommend the CWC Board of Directors approve its adoption and execution by the CWC President.

NOW, THEREFORE BE RESOLVED, the CWC Board of Directors approves the Memorandum of Understand between NYCDEP and CWC, attached hereto.

NOW THEREFORE BE IT FURTHER RESOLVED, the CWC Board of Directors authorizes the CWC President to execute the attached Memorandum of Understanding with NYCDEP to supplement the 2011 Flood Recovery Grant Funds with an additional One Million Dollars (\$1,000,000.00).

Georgianna Lepke, on behalf of the residents of the West-of-Hudson Watershed Towns and Villages, thanked the NYC DEP for their continued support in recovery efforts from Tropical Storms Irene and Lee. Jeff Graf noted that the NYC DEP is glad to help and will continue in its efforts to expedite the process for getting the funding available to the public.

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 Michael Flaherty and seconded by James Eisel.

**Voice Vote, carried unanimously**

A motion to resume the regular meeting was made by Thomas Hynes and seconded by Richard Parete.

**Voice Vote, carried unanimously**

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CFF REDI Loan – Birchwood Lodge (Yogi Bear Campsites) - Tab 17

A motion to approve Resolution No. 2035 was made by Martin Donnelly and seconded by Berndt Leifeld.

January 3, 2012

RESOLUTION NO. 2035

APPROVAL OF BIRCHWOOD LODGE INC.

D/B/A YOGI BEAR CAMPGROUNDS

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, Birchwood Lodge Inc., d/b/a Yogi Bear Campgrounds, have applied for a Eight Hundred Seventy Three Thousand Seven Hundred Thirty-Three Dollar (\$873,733.00) loan for a term of fifteen (15) years, at a rate of four percent (4.00%), adjustable every five years to the CWC rate in effect at that time; to be amortized in equal monthly payments, such that the outstanding principal is fully paid on the last payment date; to be used for at the campsite located at 85 Martinfeld Rd., Greenfield Park, NY 12435 in the Town of Wawarsing; and

WHEREAS, pursuant to the CFF Program Rules, the CWC Staff has reviewed a completed CWC Loan Application for Birchwood Lodge Inc., d/b/a Yogi Bear Campgrounds; and

WHEREAS, pursuant to the CFF Program Rules, the CWC Loan Committee has reviewed an underwriting report for Birchwood Lodge Inc., d/b/a Yogi Bear Campgrounds and further recommends that the requirement for a participating lender be waived because only a first lien position on the modular units purchased will sufficiently protect the interests of CWC; and

WHEREAS, the CWC Loan Committee has recommended approval of the CWC Loan Application from Birchwood Lodge Inc., d/b/a Yogi Bear Campgrounds; and

WHEREAS, due to the nature of the collateral the CWC loan committee recommends that the CWC Board of Directors waive the need for an additional lender; and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, the CWC Board of Directors determines that the Birchwood Lodge Inc., d/b/a Yogi Bear Campgrounds application meets the CWC CFF qualified economic-development criteria and approves of the Loan Application of Eight Hundred Seventy Three Thousand Seven Hundred Thirty-Three Dollar (\$873,733.00) loan for a term of fifteen (15) years, at a rate of four percent (4.00%), adjustable every five years to the CWC rate in effect at that time; to be amortized in equal monthly payments, such that the outstanding principal is fully paid on the last payment date and waives the requirement for a participating lender.

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 CWC staff is directed to develop the Loan Agreement, Promissory Notes and other documentation necessary to effectuate this loan.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that upon said approval of loan documentation, CWC is authorized to close on said loan and CWC is further authorized to disburse proceeds thereof in accordance with the loan documents.

NOW, THEREFORE, BE IT FURTHER RESOLVED, approval of a Loan (or Grant) Application by the CWC Board of Directors, constitutes a preliminary decision under the MOA. 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 (WPPC).

QEDP Evaluation and CWC Staff Recommendation

Purpose: to review the CWC Loan Application of Birchwood Lodge inc., d/b/a Yogi Bear Campgrounds

The Executive Director of the CWC makes the following evaluation concerning a REDI- Fund Loan to Birchwood Lodge Inc., d/b/a Yogi Bear Campgrounds, whose offices are located in the Hamlet of Greenfield Park, N.Y. Evaluation is based on the Evaluation Criteria established in the Catskill Fund for the Future Program Rules, adopted on August 22, 2001 by the CWC Board of Directors.

1. Based on due inquiry to the NYS DEC, the NYC DEP and to the best of CWC's knowledge, the business located at 85 Martinfeld Rd., Greenfield Park, N.Y., and known as Birchwood Lodge Inc., d/b/a Yogi Bear Campgrounds, and currently owned by Michael Zalkin is presently in compliance with all applicable environmental statutes and regulations.
2. Based on due inquiry to the NYS DEC, the NYC DEP and to the best of CWC's knowledge, the business located at 85 Martinfeld Rd., Greenfield Park, N.Y., and known as Birchwood Lodge Inc., d/b/a Yogi Bear Campgrounds, and currently owned by Michael Zalkin, is not subject to any enforcement actions by any regulatory agency.
3. (a) To the best of CWC's knowledge, the business located at 85 Martinfeld Rd., Greenfield Park, in the Town of Wawarsing, is consistent with historic land-use patterns, available infrastructure and sensitivity to the need for water-quality protection.
 - (i) Birchwood Lodge Inc., d/b/a Yogi Bear Campgrounds will refinance existing debt and purchase new modular lodging units at the campsite located at 85 Martinfeld Rd., Greenfield Park, NY.
 - (ii) The project is located in the Town of Wawarsing.
 - (iii) The project will not utilize a municipal sewage 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 pre-treated prior to release.
 - (vi) Based on NYC DEP, the project is not in the sixty (60)-day travel time.
 - (vii) There is no impact on Federal or State Wetlands.

- (b) The project maintains the character of the Town of Wawarsing.
 - (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 no 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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**CFF REDI Loan – Elm Rock, LLC – Tab 18**

A motion to approve Resolution No. 2036 was made by Deborah DeWan and seconded by Jeff Graf.

January 3, 2012

**RESOLUTION NO. 2036**

**APPROVAL OF ELM ROCK. 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**, Elm Rock, LLC, has applied for a Three Hundred Thousand Dollar (\$300,000.00) 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 equal monthly payments, such that the outstanding principal is fully paid on the last payment date, for the purchase of SparowHawk B &B, located at 4496 Route 209, Stone Ridge, NY; and

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

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

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from Elm Rock, LLC of up to One Hundred Fifty Thousand Dollars (\$150,000.00), pari passu with another lender funding One Hundred Fifty Thousand Dollars (\$150,000.00); 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 Elm Rock, LLC application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of Three Hundred Thousand Dollar (\$300,000.00) 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 equal monthly payments, such that the outstanding principal is fully paid on the last payment date, with CWC's portion to be One Hundred Fifty Thousand Dollars (\$150,000.00), pari passu with another lender funding One Hundred Fifty Thousand Dollars (\$150,000.00).

**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.

**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 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.

#### **QEDPEvaluation and CWC Staff Recommendation**

#### **Purpose: To review the CWC Loan Application of Elm Rock, LLC**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Elm Rock, LLC located in the Town of Marbletown and the Town of Rochester, 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.

4. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the property at 4496 Route 209, Stone Ridge, NY, to be purchased by Elm Rock, LLC, is presently in compliance with all applicable environmental statutes and regulations.
5. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the property at 4496 Route 209, Stone Ridge, NY, to be purchased by Elm Rock, LLC, is not subject to any enforcement actions by any regulatory agency.
6. (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.
  - (vii) Elm Rock, LLC will purchase the SparrowHawk B&B, located at 4496 Stone Ridge, NY.
  - (viii) The project is located in the Town of Marbletown and the Town of Rochester.
  - (ix) The project will not utilize a municipal sewage system.
  - (x) The project appears to present no threat to water quality.
  - (xi) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
  - (xii) 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 Marbletown and the Town of Rochester.
  - (v) The project is consistent with current zoning.
  - (vi) The project is compatible with surrounding land uses.
  - (vii) The project will not generate excessive traffic.
  - (viii) 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:

Thomas Snow announced that the NYS Office of Emergency Management has prepared a Hazard Mitigation Program, which provides for a new flood buy-out program for those areas affected by Tropical Storms Irene and Lee. Tom noted that there is approximately \$150 Million available through this program. Tom continued that either Towns or Counties can apply and will need to formulate or identify areas of priority, broken down into three categories: properties with substantial damages greater than 50% within the flood plains, properties repeatedly damaged within the flood plains, or those properties substantially damaged outside of the flood plains. Tom stated that these properties can be either businesses or residences. Tom noted that at this time, farmland is not included in this

program. Tom concluded that towns or counties must submit letters of intent, noting parcels or partial parcels that may be included in this program, to the OEM no later than February 29th. Tom explained that grant funds will be disbursed to the counties by the EFP. These funds are coming from the Federal Government, and being administered through the State. The Federal Government will provide 75% of the funds, and the State will provide the remaining 25%. OEM's phone number 518-292-2304.

Tom Snow also noted that in response to the resolutions that have been passed by a number of Municipalities and Counties within the damaged areas, there will be another meeting on January 26th to further discuss how and by whom the process will be handled, to ensure that all property owners impacted are included in the list for potential funding through this program. Tom asked that any letters be sent to the OEM office, and all of their contact information is available on their website. Diane Galusha noted that she also forwarded this information to all Supervisors and Mayors within the WOH Watershed. Georgianna Lepke asked who would own the underlying property after a parcel is bought out and the structures removed. Tom responded that it may be the Municipality. Jeff Graf noted that in 1996, the City was invited to participate in buyout in Delaware County, because the Federal Government was going to provide 75% through the State, and the City was asked if they would provide the other 25%. Jeff continued the City worked with the County, but the County organized the whole thing, acquiring the properties, doing the demolitions, and selling the vacant land that remained to the city. Jeff stated that the City is willing to come to the table to discuss doing something similar this time. Georgianna asked who the meeting on the 26th is open to. Tom replied that it would be most of those who attended the previous meeting. Tom explained that these funds would allow a homeowner to sell their damaged property and be able to get a fresh start somewhere out of the flood plain. Some don't have enough money to repair the damages to their home, let alone rebuild a structure with over 50% damage. Jeff pointed out that there is also a provision to build 'higher', or to elevate an existing structure to avoid having to vacate a property.

Tom then noted that the State is in the process of finalizing guidelines for the recently announced \$9 Million Flood Recovery Assistance Funding, and the funds will be broken out to the 37 counties affected by the flooding and included in the Federal declaration, providing approximately \$300 to \$-500 Thousand per county). Tom continued that those funds will be available for stream cleanout and restoration-type needs to continue the recovery efforts. This will most likely be primarily handled through the County Soil and Water Conservation Districts.

Alan Rosa stated that the key to these programs is to have someone central to the Counties sort out and coordinate the many funding sources available, to assist property and business owners in finding the appropriate assistance for their needs. A program that works for one may not be the right program for another. James Eisel noted that the Department of Watershed Affairs in Delaware County is handling this for their constituents. Alan noted that the County has the mitigation plans, stream corridor protection plans, and other information, so it really does need to be directed through the Counties. Tom said that there is a group of representatives from several agencies, including FEMA, Natural Resource Conservation Service, DEC (from a permitting perspective), DEP (for projects in the watershed area), Soil and Water Conservation Districts, OEM, Army Corp. of Engineers, all going out together to the impacted areas and helping identify which funding programs each situation is eligible for to help take care of the immediate needs. This group will be going to the top 12 Counties most impacted, which includes all 5 West of Hudson - Greene County has been finished, and the group will be in Delaware County in two weeks.

Diane Galusha announced the newest display of art is by Sarah Alexander Munoz, a graphic artist from Neversink. Prints are available of any works not available for sale. This display will be shown through March. Diane also stated that if anyone on the Board knows an artist who would like to take advantage of the space to please have them contact her.

A motion to adjourn was made by Michael Flaherty and seconded by Jeff Graf.

Voice Vote, *carried unanimously*

X. Adjournment: @ 2:10 p.m.