

**CATSKILL WATERSHED CORPORATION**

**Board of Directors Meeting**

**MINUTES**

**March 6, 2012 @ 1:00 p.m.**

**I. Call to Order**

**II. Pledge of Allegiance:** Led by Tina Molé.

**III. Roll Call of Directors**

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

**Members Excused:** Deborah Meyer DeWan and Thomas Hynes

**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:** Peter Manning, Michael Meyer (*NYC DEP*), and Thomas Stalter (*NYC DEP*).

**IV. Review and Approval of February 7, 2012 Board Meeting Minutes**

A motion to approve the minutes from the February 7, 2012 board meeting was made by Berndt Leifeld and seconded by Jeff Graf.

**Voice Vote, carried unanimously**

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of January 31, 2012 was made by James Eisel and seconded by Richard Parete.

**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 asked all members to take note of the two enclosed employee disclosures.*

**Presentation of News Articles**

**Committee Schedule**

**Committee Meeting Minutes**

**VI. Public Discussion**

**VII. Presentation of Resolutions**

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*A motion to waive Rule 14 was made by Michael Flaherty and seconded by Wayne Marshfield. Voice Vote, carried unanimously.*

**Handout Resolution – Small Business Septic Reimbursement - Ulla Lee (Degree Ulster 2)**

A motion to approve Resolution No. 2050 was made by Tina Molé and seconded by Paul Dibbell.

March 6, 2012

**RESOLUTION NO. 2050**

**BOARD APPROVAL OF SMALL BUSINESS SEPTIC PROGRAM APPLICATION –  
ULLA LEE (DEGREE ULSTER 2)**

**WHEREAS**, pursuant to the 2007 Filtration Avoidance Determination issued by the United States Environmental Protection Agency (2007 FAD) and the Septic System Rehabilitation and Replacement III Program Contract with New York City Department of Environmental Protection, the Catskill Watershed Corporation (“CWC”) shall act as program manager for the Small Business Septic Program and implement the Small Business Septic Program consistent with the terms of said contract; and

**WHEREAS**, pursuant to section 13:01:09 of the CWC Small Business Septic Rehabilitation and Replacement Program Rules, if the total amount requested for reimbursement is more than Twenty Thousand Dollars (\$20,000.00) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, pursuant to the 2007 FAD and Section 13:01:02 of the CWC Small Business Septic Rehabilitation and Replacement Program Rules, CWC shall provide 75% reimbursement of eligible costs; and

**WHEREAS**, pursuant to Section 13:01:02 of the CWC Small Business Septic Rehabilitation and Replacement Program Rules, the maximum amount of CWC reimbursement shall not exceed Forty Thousand Dollars (\$40,000.00); and

**WHEREAS**, CWC staff has reviewed four construction quotes submitted by unrelated contractors for the small business septic system replacement, with the lowest quote in the amount of Thirty-Six Thousand One Hundred Fifteen Dollars (\$36,115.00); and

**WHEREAS**, the CWC staff have determined the contractor’s quote of Thirty-Six Thousand One Hundred Fifteen Dollars (\$36,115.00) to be a reasonable cost for this system in accordance with

our schedule of values and 75% of that quote is Twenty-Seven Thousand Eighty-Six Dollars and Twenty-Five Cents (\$27,086.25); and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving reimbursement in an amount not to exceed Twenty-Seven Thousand Eighty-Six Dollars and Twenty-Five Cents (\$27,086.25) 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 Eighty-Six Dollars and Twenty-Five Cents (\$27,086.25), contingent upon NYC DEP staff providing information on the design to and reviewing with NYS DOH staff during the right of objection period, as defined under Watershed MOA paragraph 107.

**Ulla Lee (Degree Ulster 2) Backup**

Ms. Lee's property is located in the Town of Shandaken, Ulster County. Businessowner and CWC staff received four quotes from unrelated contractors for \$60,901.78, \$58,784.00, \$54,253.00, and \$36,115.00. The lowest quote of \$36,115.00 is within 10% of CWC Schedule of Values. CWC reimbursement is limited to 75% of eligible costs. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$27,086.25), contingent upon NYC DEP staff providing information on the design to and reviewing with NYS DOH staff during the right of objection period, as defined under Watershed MOA paragraph 107.

***Voice Vote, carried unanimously***

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**Septic Reimbursement Over \$20,000 – Herbert Brooks - Tab 7**

A motion to approve Resolution No. 2051 was made by Michael Flaherty and seconded by Paul Dibbell.

March 6, 2012

**RESOLUTION NO. 2051**

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

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

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

**WHEREAS**, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-One Thousand Six Hundred Fifty Dollars (\$21,650.00); 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-One Thousand Six Hundred Fifty Dollars (\$21,650.00) 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-One Thousand Six Hundred Fifty Dollars (\$21,650.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-One Thousand Six Hundred Fifty Dollars (\$21,650.00).

**Herbert Brooks Backup**

Mr. Brooks' property is located in the Town of Shandaken, Ulster County. Homeowner and CWC staff received a quote from a contractor in the amount of \$21,650.00. This system was build and paid for by the owner in 2010. Based on the 2010 Schedule of Values the cost of construction appears to be reasonable and just. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$21,650.00.

***Voice Vote, carried unanimously***

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**Septic Reimbursement Over \$20,000 – Michael Fiore - Tab 8**

A motion to approve Resolution No. 2052 was made by Michael Flaherty and seconded by Paul Dibbell.

March 6, 2012

**RESOLUTION NO. 2052**

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

**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 Forty Dollars (\$22,040.00); 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 Forty Dollars (\$22,040.00) 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 Forty Dollars (\$22,040.00) 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 Forty Dollars (\$22,040.00).

**Michael Fiore Backup**

Mr. Fiore's property is located in the Town of Windham, Greene County. Homeowner and CWC staff received a quote from a contractor in the amount of \$22,040.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, pump station, 20 lineal feet of 4" gravity piping, 40 lineal feet of 2" forcemain, 12t cubic yards of additional fill material, three peat modules, 130 lineal feet of curtain drain, several large trees removed, 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 \$22,040.00.

***Voice Vote, carried unanimously***

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**Septic Reimbursement Over \$20,000 – Susan Laporte - Tab 9**

A motion to approve Resolution No. 2053 was made by Michael Flaherty and seconded by Paul Dibbell.

March 6, 2012

**RESOLUTION NO. 2053**

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

**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-Four Thousand Eight Hundred Eighty-Five Dollars (\$24,885.00); 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-Four Thousand Eight Hundred Eighty-Five Dollars (\$24,885.00) 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-Four Thousand Eight Hundred Eighty-Five Dollars (\$24,885.00) 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-Four Thousand Eight Hundred Eighty-Five Dollars (\$24,885.00).

**Susan Laporte Backup**

Ms. Laporte's property is located in the Town of Hurley, Ulster County. Homeowner and CWC staff received a quote from a contractor in the amount of \$24,885.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, 100 lineal feet of 4" gravity piping, one distribution box, 535 cubic yards of fill material, 250 lineal feet of absorption trench, 225 lineal feet of swale, and extensive restoration. The quote does not exceed CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$24,885.00.

**Voice Vote, carried unanimously**

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**Septic Reimbursement Over \$20,000 – Additional Costs – Elizabeth Bonaventura - Tab 10**

A motion to approve Resolution No. 2054 was made by Leonard Utter and seconded by Paul Dibbell.

March 6, 2012

**RESOLUTION NO. 2054**

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

**WHEREAS**, pursuant to the Watershed Memorandum of Agreement and the Septic System Rehabilitation and Replacement Program Contracts with New York City Department of

Environmental Protection, the Catskill Watershed Corporation (“CWC”) shall act as program manager for the Septic Program and implement the Septic Program consistent with the terms of said contracts; and

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

**WHEREAS**, CWC Staff previously approved Septic Program reimbursement for Elizabeth Bonaventura in the amount of Nineteen Thousand Nine Hundred Twenty-Two Dollars and Fifty-Eight Cents (\$19,922.58); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for the septic system repair in the amount of One Thousand Six Hundred Forty Dollars and Seventy-Six Cents (\$1,640.76); and

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

**WHEREAS**, the CWC staff have determined the contractor’s total invoices of Twenty-One Thousand Five Hundred Sixty-Three Dollars and Thirty-Four Cents (\$21,563.34) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor’s total invoice of Twenty-One Thousand Five Hundred Sixty-Three Dollars and Thirty-Four Cents (\$21,563.34) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-One Thousand Five Hundred Sixty-Three Dollars and Thirty-Four Cents (\$21,563.34).

**Elizabeth Bonaventura Backup**

Ms. Bonaventura’s property is located in the Town of Halcott, Greene County. CWC staff previously approved reimbursement for this project at \$19,922.58. During construction the design engineer instructed the contractor to install a 120 lineal feet curtain drain. CWC staff received a quote from the contractor for the additional work in the amount of \$1,640.76. This quote does not exceed CWC Schedule of Values. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,640.76, for total reimbursement not to exceed \$21,563.34.

***Voice Vote, carried unanimously***

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**Septic Reimbursement Over \$20,000 – Additional Costs – Charlotte Clark - Tab 11**

A motion to approve Resolution No. 2055 was made by Leonard Utter and seconded by Paul Dibbell.

March 6, 2012

**RESOLUTION NO. 2055**

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

**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 1798, the CWC Board approved reimbursement to Charlotte Clark in an amount not to exceed Twenty-Two Thousand Three Hundred Thirty-Eight Dollars and Forty Cents (\$22,338.40); and

**WHEREAS**, by Resolution Number 1961, the CWC Board approved additional reimbursement to Charlotte Clark in an amount of One Thousand Six Hundred Dollars (\$1,600.00), with total reimbursement in an amount not to exceed Twenty-Three Thousand Nine Hundred Thirty-Eight Dollars (\$23,938.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for installation and removal of a temporary roadway in the amount of Two Thousand One Hundred Fifty-One Dollars (\$2,151.00); and

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

**WHEREAS**, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be Two Thousand One Hundred Fifty-One Dollars (\$2,151.00); and

**WHEREAS**, CWC staff have determined that Twenty-Six Thousand Eighty-Nine Dollars and Forty Cents (\$26,089.40) 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-Six Thousand Eighty-Nine Dollars and Forty Cents (\$26,089.40) 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-Six Thousand Eighty-Nine Dollars and Forty Cents (\$26,089.40).



**Charlotte Clark Backup**

Ms. Clark’s property is located in the Town of Olive, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$23,938.40. During construction conditions proved extremely wet and the project engineer corroborated the need, in writing, to install and remove a temporary roadway. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$2,151.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$2,151.00, for total reimbursement not to exceed \$26,089.40.

***Voice Vote, carried unanimously***

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**Septic Reimbursement Over \$20,000 – Additional Costs – Laurel Manly - Tab 12**

A motion to approve Resolution No. 2056 was made by Leonard Utter and seconded by Paul Dibbell.

March 6, 2012

**RESOLUTION NO. 2056**

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

**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 1991, the CWC Board approved reimbursement to Laurel Manly in an amount not to exceed Twenty-One Thousand Five Hundred Twenty-Six Dollars and Fifty-Eight Cents (\$21,526.58); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for removal of trees and brush in the amount of Five Hundred Thirty-Five Dollars (\$535.00); 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 Five Hundred Thirty-Five Dollars (\$535.00); and

**WHEREAS**, CWC staff have determined that Twenty-Two Thousand Sixty-One Dollars and Fifty-Eight Cents (\$22,061.58) is a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving total reimbursement of Twenty-Two Thousand Sixty-One Dollars and Fifty-Eight Cents (\$22,061.58) 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 Sixty-One Dollars and Fifty-Eight Cents (\$22,061.58).

**Laurel Manly Backup**

Ms. Manly’s property is located in the Town of Olive, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$21,526.58. During construction the project engineer requested some small trees and brush be removed to ensure the proper operation of the new system. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$535.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$535.00, for total reimbursement not to exceed \$22,061.58.

**Voice Vote, carried unanimously**

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**Septic Reimbursement Over \$20,000 – Additional Costs – Brittany Reese - Tab 13**

A motion to approve Resolution No. 2057 was made by Leonard Utter and seconded by Paul Dibbell.

March 6, 2012

**RESOLUTION NO. 2057**

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

**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 1980, the CWC Board approved reimbursement to Brittany Reese in an amount not to exceed Twenty-One Thousand One Hundred Four Dollars and Twenty-Six Cents (\$21,104.26); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for additional fill and modification of the curtain drain in the amount of Two Thousand Eight Hundred Forty-Three Dollars and Twenty-Seven Cents (\$2,843.27); and

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

**WHEREAS**, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be Two Thousand Eight Hundred Forty-Three Dollars and Twenty-Seven Cents (\$2,843.27); and

**WHEREAS**, CWC staff have determined that Twenty-Two Thousand Sixty-One Dollars and Fifty-Eight Cents (\$22,061.58) 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-Three Thousand Nine Hundred Forty-Seven Dollars and Fifty-Three Cents (\$23,947.53) 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-Three Thousand Nine Hundred Forty-Seven Dollars and Fifty-Three Cents (\$23,947.53).

**Brittany Reese Backup**

Ms. Reese's property is located in the Town of Olive, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$21,104.26. During construction it was determined that, due to property line constraints, the curtain drain had to be moved and extended 20 lineal feet, and an additional 112 cubic yards of fill was needed. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$2,843.27. The Septic Committee recommends that the Board approves an additional reimbursement of \$2,843.27, for total reimbursement not to exceed \$23,947.53.

***Voice Vote, carried unanimously***

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**Septic Reimbursement Over \$20,000 – Additional Costs – Ralph Taylor - Tab 14**

A motion to approve Resolution No. 2058 was made by Leonard Utter and seconded by Paul Dibbell.

March 6, 2012

**RESOLUTION NO. 2058**

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

**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 1995, the CWC Board approved reimbursement to Ralph Taylor in an amount not to exceed Twenty-Two Thousand Nine Hundred Dollars (\$22,900.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for swale to relieve groundwater in the amount of Five Hundred Dollars (\$500.00); 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 Five Hundred Dollars (\$500.00); and

**WHEREAS**, CWC staff have determined that Twenty-Three Thousand Four Hundred Dollars (\$23,400.00) 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-Three Thousand Four Hundred Dollars (\$23,400.00) 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-Three Thousand Four Hundred Dollars (\$23,400.00).

**Ralph Taylor Backup**

Mr. Taylor’s property is located in the Town of Walton, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$22,900.00. Due to extremely high groundwater, the contractor dug a swale to relieve the water. The design engineer corroborated the need in writing. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$500.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$500.00, for total reimbursement not to exceed \$23,400.00.

***Voice Vote, carried unanimously***

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**Future Stormwater – Verona Oil (Windham) - Tab 15**

A motion to approve Resolution No. 2059 was made by James Eisel and seconded by Jeff Graf.

**RESOLUTION NO. 2059**

**BOARD REVIEW OF ADDITIONAL FUNDING FOR VERONA OIL (WINDHAM)  
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 Number 844, the CWC Board of Directors approved an application by Verona Oil (Windham) for funding of eligible design and construction costs in the not-to-exceed amount of One Hundred Forty-Five Thousand Dollars (\$145,000.00) for the design and construction of an eligible project; and

**WHEREAS**, Verona Oil (Windham) was severely impacted by Tropical Storm Irene; and

**WHEREAS**, Verona Oil (Windham) has requested funding to pay for the repair and replacement of grading, blacktop and power brooming in an amount not to exceed Ten Thousand Two Hundred Fifty Dollars (\$10,250.00); 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 Ten Thousand Two Hundred Fifty Dollars (\$10,250.00) for the Verona Oil (Windham) 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 Ten Thousand Two Hundred Fifty Dollars (\$10,250.00).

**Backup**

**Verona Oil (Windham)**

Verona Oil (Windham) was required to comply with the Watershed Rules and Regulations enforced by the NYCDEP. NYCDEP solely required a Stormwater Pollution Prevention Plan (SWPPP) under the Watershed Rules and Regulations.

Verona Oil (Windham) requested the repair funding to pay for the repairs that needed to be done to the parking area that was severely impacted by Tropical Storm Irene. The construction cost is \$10,250.00. The CWC Wastewater Committee recommends that the CWC Board approve the repair funding of \$10,250.00.

**Voice Vote, carried unanimously**

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**Future Stormwater Program Rules Change – Ineligible Costs - Tab 16**

A motion to approve Resolution No. 2060 was made by Berndt Leifeld and seconded by Tom Snow.

March 6, 2012

**RESOLUTION NO. 2060**

**FUTURE STORMWATER PROGRAM RULE CHANGE**  
**INELIGIBLE COSTS**

**WHEREAS**, the 1997 Watershed Memorandum of Agreement (MOA) paragraph 128 directs the Catskill Watershed Corporation (CWC) to establish the West of Hudson Future Stormwater Controls Program (Future Stormwater 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 sections 18-39(b)(3) and 18-39(e) of the New York City Watershed Regulations; and

**WHEREAS**, the CWC Stormwater/Wastewater Committee requested CWC staff draft an amendment to the Future Stormwater Program Rules to provide that costs of preparation of the one page application for funding is an ineligible cost; and

**WHEREAS**, the CWC Stormwater/Wastewater Committee unanimously recommends the attached Program Rule Change.

**NOW, THEREFORE, LET IT BE RESOLVED** that the CWC Board of Directors amends CWC Future Stormwater Program Rules as shown in the attachment to this resolution.

**Attachment A**

**5:00:05. Ineligible Costs**

Ineligible costs include professional fees and costs related to completing the application to request funding, gathering any of the information required by the application, and responding to questions from CWC staff related to the application or any of its required attachments. Applicants are encouraged to contact CWC for assistance with the application.

**Voice Vote, carried unanimously**

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**Establishment of CWC Annual Meeting 2012 - Tab 17**

A motion to approve Resolution No. 2061 was made by James Eisel and seconded by Tina Molé.

**RESOLUTION NO. 2061**

**ESTABLISHMENT OF 2012 ANNUAL MEETING**

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

**WHEREAS**, the CWC Policy Committee recommends having the 2012 annual meeting on April 3, 2012 at CWC offices in Margaretville, New York at 1:00 pm.

**NOW, THEREFORE BE IT RESOLVED**, that April 3, 2012 be the date of the annual membership meeting, to be held at 1:00 P.M. at CWC Offices, Margaretville, New York with the regularly scheduled monthly board meeting to immediately follow.

*Voice Vote, carried unanimously*

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**Small Business Development Center Counselor Approval of Funding - Tab 18**

A motion to approve Resolution No. 2062 was made by Paul Dibbell and seconded by Jeff Graf.

**RESOLUTION NO. 2062**

**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, 1697, and 1890, 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 2011; 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 2011 – 2012 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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**Loan Moratoriums for Businesses Outside of NYC Watershed – Delaware and Ulster Counties - Tab 19**

A motion to approve Resolution No. 2063 was made by Leonard Utter and seconded by Martin Donnelly.

March 6, 2012

**RESOLUTION NO. 2063**

**MORATORIUM FOR LOANS OUTSIDE OF NEW YORK CITY WATERSHED  
IN DELAWARE AND ULSTER COUNTIES**

**WHEREAS**, the Catskill Watershed Corporation was formed in part to “aiding that part of the Watershed of the City of New York located West of the Hudson River (the ‘West of Hudson



Watershed') by attracting new commerce and industry to such area and by encouraging the development of, or retention of, commerce and industry in such area;" and

**WHEREAS**, CWC is the administrator of the Catskill Fund for the Future, whose purpose is to "assist in the economic revitalization of the Catskill Watershed Communities;" and

**WHEREAS**, businesses inside the West of Hudson Watershed must comply with additional regulatory requirements for stormwater and on-site septic systems due to the New York City Watershed Regulations, promulgated through New York State Department of Health, that are not imposed upon businesses outside of the West of Hudson Watershed; and

**WHEREAS**, businesses outside of the West of Hudson Watershed but within one of the forty-one (41) West of Hudson Watershed towns are also eligible to apply to CWC for an economic development loan from CFF; and

**WHEREAS**, CWC By-Laws provide that "the Catskill Fund for the Future **shall** be allocated in a matter that recognizes the relative size of each County in the West of Hudson Watershed" and "consistent with the following percentages:" (emphasis added)

Delaware	51.47%
Greene	18.63%
Schoharie	4.41%
Sullivan	4.90%
Ulster	20.59%

**WHEREAS**, as of December 31, 2011, the actual percentages of all loans and grants approved by the CWC Board is as follows:

Delaware	52.61%
Greene	8.54%
Schoharie	0.52%
Sullivan	4.33%
Ulster	30.74%
Projects for All Counties	1.04%
Unallocated from original CFF funding	2.21%

**WHEREAS**, percentages of actual loans and grants approved for Delaware and Ulster Counties exceed the allocation allowed under CWC By-Laws; and

**WHEREAS**, CWC Economic Development Committee recommends that CWC Board institute a moratorium on loans to businesses located outside of the New York City Watershed in Delaware and Ulster Counties for any applicants who contact CWC after February 7, 2012; and

**WHEREAS**, CWC Economic Development Committee further recommends that businesses in Delaware and Ulster Counties and inside the West of Hudson New York City Watershed remain eligible to apply for economic development loans from CWC; and

**NOW THEREFORE BE IT RESOLVED**, that CWC Board of Directors approves a moratorium on loans to businesses outside the West of Hudson Watershed in Delaware and Ulster Counties for applicants who contacted CWC after February 7, 2012 until such time, as in the determination of CWC Executive Director, the percentage of allocation for that County complies with the CWC By-Laws.

Alan informed the Board of a phone call from March Gallagher, explaining that she was upset that Ulster County would not be getting any more CFF funds. Alan explained to her that this was a temporary hold on acceptance of new loan and grant applications within Delaware and Ulster counties because the CFF Program was set up with percentage-based requirements within each county and Delaware and Ulster have exceeded those numbers, while Greene, Schoharie, and Sullivan are below their percentages. Once these other counties have increased their CFF funds usage, the percentages will average and Delaware and Ulster will begin receiving CFF loans and grants again. He asked that the Ulster County representatives on the CWC Board reach out to their constituents and fellow government representatives within the county and dispel these concerns, and apprise them of the fact that most of the funds that have been received in Ulster County have been used along the 209 corridor. Also, he asked that they confront the accusation that this moratorium was initiated by NYC. They have nothing to do with this.

**Voice Vote, carried unanimously**

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**CFF Flood Recovery Grants Rule Change – Schoharie County - Tab 20**

A motion to approve Resolution No. 2064 was made by Paul Dibbell and seconded by Leonard Utter.

March 6, 2012

**RESOLUTION NO. 2064**  
**AMENDMENT OF 2011 CFF FLOOD RECOVERY GRANT RULES**  
**FOR BUSINESSES IN SCHOHARIE COUNTY**

**WHEREAS**, by Resolution 1985, CWC established the 2011 Flood Recovery Grant Program to assist businesses within the West of Hudson Watershed (WOH WATERSHED) that sustained structural damage as a result of Tropical Storms Irene and/or Lee; and

**WHEREAS**, CWC By-Laws provide that “the Catskill Fund for the Future shall be allocated in a matter that recognizes the relative size of each County in the West of Hudson Watershed” and “consistent with the following percentages:”

|           |        |
|-----------|--------|
| Delaware  | 51.47% |
| Greene    | 18.63% |
| Schoharie | 4.41%  |
| Sullivan  | 4.90%  |
| Ulster    | 20.59% |

**WHEREAS**, by Resolution 1985, CWC Board of Directors allocated Five Million Dollars (\$5,000,000) to the 2011 Flood Recovery Grant Program on the basis of allocation percentages defined in CWC By-Laws including Two Hundred Twenty Thousand Five Hundred Dollars (\$220,500) for Schoharie County; and

**WHEREAS**, as of December 31, 2011, the actual percentages of all loans and grants approved by the CWC Board is as follows:

|          |        |
|----------|--------|
| Delaware | 52.61% |
| Greene   | 8.54%  |

|                                       |        |
|---------------------------------------|--------|
| Schoharie                             | 0.52%  |
| Sullivan                              | 4.33%  |
| Ulster                                | 30.74% |
| Projects for All Counties             | 1.04%  |
| Unallocated from original CFF funding | 2.21%  |

**WHEREAS**, Schoharie County Watershed Towns have received only ½% of their allocation of Catskill Fund for the Future; and

**WHEREAS**, Schoharie County Watershed Towns have few businesses and/or projects that are eligible to apply for CFF Funding; and

**WHEREAS**, the Town of Gilboa requested that CFF 2011 Flood Recovery Grant Funding be available to a one business in the Town of Gilboa – Nickerson’s Campground – that is outside of the New York City Watershed, but in the Town; and

**WHEREAS**, campers at Nickerson’s Campground patronize businesses in the West of Hudson Watershed, including businesses in the Towns of Prattsville (Greene County) and Roxbury (Delaware County); and

**WHEREAS**, Nickerson’s Campground was damaged as a result of flooding from Tropical Storm Irene and the Town of Gilboa has no other businesses that may be eligible for the CWC 2011 Flood Recovery Grant Program; and

**WHEREAS**, given the small number of eligible businesses in Schoharie County Watershed Towns and the historically low percentage of CFF funding for loans and/or grants in Schoharie County Watershed Towns, the CWC Economic Development Committee recommends amending rules for 2011 CFF Flood Recovery Grant Program as provided in attachment A to allow for the eligibility of businesses located in watershed towns in Schoharie County, regardless of whether or not such business is located within the New York City Watershed.

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors approves the amendment of the 2011 CFF Flood Recovery Grant Program as provided in Attachment A.

**2011 Flood Recovery Program Grant Rules**

**1. Definitions**

- a. Business - business shall mean a person, partnership, joint venture, corporation, cooperative or other for-profit that owns and/or operates a business that is located **in a watershed town in Schoharie County or** in the West of Hudson Watershed **in Delaware, Greene, Sullivan or Ulster Counties** and identified by the watershed town where it is located for inclusion in the 2011 Flood Recovery Program. Businesses are limited to one per parcel of property. Business that is operated over two or more tax lots shall be limited to one reimbursement in an amount not to exceed \$30,000. Business shall not include a not for profit organization, and/or a business seeking reimbursement for damage to residential properties, including apartments or trailer parks. Business shall also not include multi-state franchise or chain stores.
- b. Eligible Expense - actual expenses incurred by a business as defined herein. Reimbursable expense is limited to actual costs of structural repair/replacement

(materials and/or labor costs) due to flood and/or wind damage that occurred between August 28, 2011 and September 9, 2011. Expenses not eligible for reimbursement include but are not limited to labor of property owner or volunteers, donated materials, purchase of inventory, loss income due to damage, expense that is or shall be reimbursable under insurance and/or an approved grant, and any other expense not directly related to repair/replacement of structural damage as described above.

**2. CWC 2011 Flood Recovery Program**

Grant funds are allocated by County as described below. Watershed town supervisors in each County shall allocate the CWC Flood Relief funds to member towns in that County. The Grant money is to the Town for the benefit of flood affected businesses. The Town must execute a contract with CWC. The Business must sign a contract with the Town.

Pursuant to CWC By-Laws as amended January 3, 1997 Article IX section 1 paragraph (b) the grant funds are allocated up to the amounts as follows:

|           |        |             |
|-----------|--------|-------------|
| Delaware  | 51.47% | \$2,573,500 |
| Greene    | 18.63% | \$ 931,500  |
| Schoharie | 4.41%  | \$ 220,500  |
| Sullivan  | 4.90%  | \$ 245,000  |
| Ulster    | 20.59% | \$1,029,500 |

Grant money is only available to for-profit-businesses as defined above located in WOH Towns that experienced structural damage to walls, floors, foundations, windows and fixed improvements caused by the floods precipitated Tropical Storms Irene and Lee not covered by Flood Insurance. Flood insurance claims must be submitted first. Apartment buildings, mobile home parks, national chains and multi-state franchises are not eligible.

Grants will cover the cost to return the building to pre-flood condition minus any insurance proceeds and other grants

Maximum Grant Amount -----\$30,000 per business. No more than one business per parcel.

Invoices are required to be submitted before the check can be disbursed. Grant can be used for uninsured materials, labor or contractor expenses.

Grants will be coordinated with flood insurance, participating agencies and charities.

CWC Staff will contact each affected business and complete paper work. Town supervisor or a designated individual(s) will assist CWC staff determine the validity of each grant application.

Town Supervisor, with Town Board approval, must approve each grant and disbursement request.

Checks will be made out to the affected business and the town (two party). Where the town has secured materials for the benefit of an affected business the town and supplier will be payees on the check.

Businesses receiving funds must sign a contract providing at a minimum indemnity clause for CWC and the participating town and a provision that funds may only be used as defined herein. Business must further agree to permit CWC onsite inspection of property for six months following grant disbursement.

Allocated money not utilized remains with CWC

Participating businesses may also qualify for other CWC programs under current rules or as developed and approved.

**Voice Vote, carried unanimously**

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**CFF Program Rule Change – Enhanced Land Trust Program - Tab 21**

A motion to approve Resolution No. 2065 was made by Berndt Leifeld and seconded by Jeff Graf.

March 6, 2012

**RESOLUTION NO. 2065**

**AMENDMENT OF THE CATSKILL FUND FOR THE FUTURE  
PROGRAM RULES – ENHANCED LAND TRUST PROGRAM**

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

**WHEREAS**, the CWC has adopted program rules consistent with the MOA and the CFF Program Contract to administer this program; and

**WHEREAS**, pursuant to the MOA, the CFF shall be used to make loans and grants to Qualified Economic Development Projects (QEDP's); and

**WHEREAS**, the 2010 Water Supply Permit issued by New York State Department of Environmental Conservation to NYCDEP requires NYCDEP to develop and implement a program to collaborate with land trusts to acquire properties, including but limited to land with habitable dwellings (the “Enhanced Land Trust Program”); and

**WHEREAS**, as part of the Enhanced Land Trust Program and pursuant to a memo developed by the Land Trust Working Group, CFF will receive any “excess funds” as defined by the memo; and

**WHEREAS**, the Economic Development Committee has reviewed proposed Chapter 1:20 providing for the distribution of excess funds received under the Enhanced Land Trust Program; and

**WHEREAS**, the Economic Development Committee recommends CWC Board of Directors approve the amendment to CFF Program rules as provided in Attachment A.

**NOW, THEREFORE BE IT RESOLVED**, that the CWC Board of Directors consistent with the terms of the MOA and the Program Contract, the West of Hudson Economic Development Study and the Economic Development Committee recommendation amends the CWC Program Rules governing the Catskill Fund for the Future in accordance with Attachment A hereto.

## **ATTACHMENT A**

### **Chapter 1:20 – Enhanced Land Trusts Excess Funding**

Purpose: To provide for funding of projects related to flood recovery and flood relief, fish stocking and fish habitat, and/or increasing recreational opportunities and access, from funds received under the Enhanced Land Trusts Program.

#### 1:20:01          Program Funding

Pursuant to the Enhanced Land Trusts Program under the 2010 Water Supply Permit, CFF will receive “excess funds” as defined by the Enhanced Land Trusts Program memo. All excess funds received shall be specifically dedicated to the Enhanced Land Trusts Excess Funding and shall not be used for any other purpose.

#### 1:20:02          Eligibility Requirements

Applicants for Enhanced Land Trusts Program Funding are limited to West of Hudson municipalities, including villages, towns, and counties.

#### 1:20:03          Eligible Projects

Eligible Projects shall be located within the West of Hudson Watershed and also within a town that has agreed to participate in the Enhanced Land Trusts Program under the 2010 Water Supply Permit. Categories of eligible projects include flood recovery and flood relief, fish stocking and fish habitat, and/or increasing recreational opportunities and access.

#### 1:20:04          Project Application

Upon Enhanced Land Trust Program Fund balance reaching Ten Thousand Dollars (\$10,000) or more, CWC shall notify towns and villages that have agreed to participate in the Enhanced Land Trusts Program, and counties wherein same are located, of the amount and availability of funds and invite applications to be made within the next sixty (60) days.

#### 1:20:05          Project Selection

The Board shall approve the applications as requested, approve the application contingent on conditions, or disapprove applications. All projects funded shall meet the requirements of a QEDP as defined in Chapter 1:01. All successful applications must execute an agreement with CWC.

***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 Tina Molé and seconded by Paul Dibbell.

**Voice Vote, carried unanimously**

A motion to resume the regular meeting was made by Wayne Marshfield and seconded by Richard Parete.

**Voice Vote, carried unanimously**

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**CFF REDI Loan – Palace Realty (Cohen’s Bakery) - Tab 22**

A motion to approve Resolution No. 2066 was made by Jeff Graf and seconded by James Eisel.

March 6, 2012

**RESOLUTION NO. 2066**  
**APPROVAL OF PALACE REALTY LLC BUSINESS LOAN**

**WHEREAS**, the CWC established the REDI 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**, Palace Realty, LLC has applied for a Two Hundred Ten Thousand Dollar (\$210,000.00) 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 two hundred forty (240) equal monthly payments, with the one hundred and eightieth (180<sup>th</sup>) payment being a balloon payment such that the outstanding principal is fully paid on the one hundred and eightieth (180<sup>th</sup>) payment date, to refinance a private mortgage and build and equip a prep kitchen to expand the business to include a cafe; and

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

**WHEREAS**, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for Palace Realty, LLC REDI Fund Loan application; and

**WHEREAS**, the CWC Loan Committee has recommended approval of the REDI Fund Loan application from Palace Realty, 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 NYCDEP CFF Program Contract and 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 Palace Realty, LLC application meets the CWC CFF qualified economic development criteria and approves of the application in the amount of Two Hundred Ten Thousand Dollars (\$210,000.00) 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 two hundred forty (240) equal monthly payments, with the one hundred and eightieth (180<sup>th</sup>) payment being a balloon payment such that the outstanding principal is fully paid on the one hundred and eightieth (180<sup>th</sup>) 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 REDI Fund Loan Application of Palace Realty, LLC**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Palace Realty LLC, located in the Village of Ellenville, 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, Palace Realty, LLC is presently in compliance with all applicable environmental statutes and regulations including the NYCDEP Watershed Regulations.
2. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, Palace Realty, 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) Palace Realty, LLC is an existing business.
  - (ii) The project is located in the Village of Ellenville.
  - (iii) The project will utilize the Village's WWTP
  - (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.
  - (vi) Based on NYCDEP map delineating the 60-day travel time zone, the project is not in a 60-day travel time zone.
  - (vii) There is no impact on Federal or State wetlands.
3. (b) The project maintains the character of the Village of Ellenville.
  - (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) To the best of CWC's knowledge, the project will not promote secondary growth.
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 Modification – Ashokan Center – Additional Funds – Tab 23**

A motion to approve Resolution No. 2067 was made by Berndt Leifeld and seconded by Paul Dibbell.

March 6, 2012

**RESOLUTION NO. 2067**  
**APPROVAL OF ASHOKAN CENTER FOUNDATION, INC.**  
**LOAN MODIFICATION**

**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**, on September 7, 2010, by Resolution Number 1796, the CWC Board of Directors approved to the Ashokan Center Foundation, Inc., for a One Million Dollars (\$1,000,000.00) 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 two hundred forty (240) equal monthly

payments, with the one hundred and eightieth (180<sup>th</sup>) payment being a balloon payment such that the outstanding principal is fully paid on the one hundred and eightieth (180<sup>th</sup>) payment date, for the construction of new facilities to replace its' current campus to conduct environmental education and arts related programs; and

**WHEREAS**, the Ashokan Center Foundation, Inc., has applied for a loan modification in the additional amount of Five Hundred Thousand Dollars (\$500,000.00) 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 two hundred forty (240) equal monthly payments, with interest only for thirty-six (36) months the one hundred and eightieth (180<sup>th</sup>) payment being a balloon payment such that the outstanding principal is fully paid on the one hundred and eightieth (180<sup>th</sup>) payment date, for the construction of new facilities to replace the current campus to conduct environmental education and arts related programs; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Staff has reviewed a completed CWC Loan application for Ashokan Center Foundation, Inc.; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for Ashokan Center Foundation, Inc.; and

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from Ashokan Center Foundation, Inc.; 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 Ashokan Center Foundation, Inc. application meets the CWC CFF qualified economic development criteria and approves of the loan modification application in the additional amount of Five Hundred Thousand Dollars (\$500,000.00), for a total loan amount of One Million Five Hundred Thousand Dollars (\$1,500,000) 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 two hundred forty (240) equal monthly payments, with the one hundred and eightieth (180<sup>th</sup>) payment being a balloon payment such that the outstanding principal is fully paid on the one hundred and eightieth (180<sup>th</sup>) payment date, for the construction of new facilities to conduct environmental education and arts related programs.

**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.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that upon said approval of loan documentation CWC, is authorized to close on said loan and 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.

**OEDP Evaluation and CWC Staff Recommendation**

**Purpose: To review the CWC Loan Application of Ashokan Center Foundation, Inc.**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Ashokan Center Foundation, Inc. located in the Town of Olive, NY. Evaluation is based on the Evaluation Criteria established in the Catskill Fund for the Future Program Rules, approved on August 3, 2010 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 477 Beaverkill Road, Olivebridge, NY to be developed by Ashokan Center Foundation, Inc. as a replacement for its' current campus, 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 477 Beaverkill Road, Olivebridge, NY to be developed by Ashokan Center Foundation, Inc. as a replacement for its' current campus 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.
  - (viii) Ashokan Center Foundation, Inc. will construct and relocate new buildings to be used for environmental education purposes
  - (ix) The project is located in the Town of Olive.
  - (x) The project will not utilize the municipal sewer system.
  - (xi) The project appears to present no threat to water quality.
  - (xii) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
  - (xiii) 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 Olive.
  - (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:**

*Diane Galusha announced that 50 people signed up for the March 22 Disaster Preparedness Workshop, to be held at the Margaretville Fire Hall. There are also 11 people signed up for the Community Planning Session in Grand Gorge on April 10.*

*Barbara Puglisi announced that notice of RFQ for steam cleaning under the Expanded Boating Program will be published in the designated newspapers beginning tomorrow and staff will be attending the informational meetings set up by NYC DEP for later this week. RFQs will be distributed at those meetings.*

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

**Voice Vote, carried unanimously**

**X. Adjournment: @ 1:40 p.m.**