

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

June 5, 2012 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by Jeff Graf.

III. Roll Call of Directors

Members Present: Donald Brandow, Deborah Meyer DeWan, Martin Donnelly, James Eisel, Michael Flaherty, Jeff Graf (*New York City DEP*), Thomas Hynes, Berndt Leifeld, Georgianna Lepke, Wayne Marshfield, Tina Molé, Richard Parete, Robert Pelham, Thomas Snow (*New York State DEC*) and Michael Triolo.

Members Excused: None

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

Others Present: Michael Meyer (*NYC DEP*), Mike Riciardella, Matt Riciardella, and Thomas Stalter (*NYC DEP*).

IV. Review and Approval of May 1, 2012 Board Meeting Minutes

A motion to approve the minutes from the May 1, 2012 board meeting was made by Berndt Leifeld and seconded by Thomas Hynes.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of March 31, 2012 was made by James Eisel and seconded by Michael Triolo.

**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 a replacement resolution for Tab 11 was handed out due to an error in the amount of reimbursement. In discussion, the tour of the Daniel Pierce Library in Grahamsville was rescheduled to

Tuesday, June 19th. Those attending will meet at CWC to carpool at 11:00. Alan thanked Martin Donnelly, Mike Brandow, and Mark McCarthy (T. of Neversink Supervisor) for their kind words regarding the Reservoir Boating Program.

Presentation of News Articles

Committee Schedule

Committee Meeting Minutes

VI. Public Discussion

Diane Galusha announced the newest art exhibit made up of various paintings by the East Branch Plein-Air group, which will be on display at CWC for one month. These works are available for bid, and will be auctioned in August to raise money for a planning consultant for the NYS Highway 30 scenic by-way.

Mike Riciardella addressed the Board regarding his loan application to renovate Al's Restaurant that was denied by the Board on May 1, 2012. Mr. Riciardella stated he wished to appeal the Board's denial and noted his 25 years experience in the restaurant business, three current successful businesses, as well as his existing loan with CWC, which he has never been late on a payment for. He continued that in regards to the Phoenicia sewer project, he has maintained the systems at his existing restaurants since the 1970s, and has followed the legal procedures each time. He noted that Al's Restaurant is not in a flood plain, and the system has been upgraded, has a reserve system for the building, and has a separate system for outside facilities.

Berndt Leifeld asked if the current SPDES permit would cover any expansion in usage. Mike replied that the 10,000 gallons per day would suffice until the Town sewer system is created. He has a desire to expand the business to catering and outdoor weddings.

Matt Riciardella, Mike's son, stated that he understands the concerns about the risk of investing in restaurants, but that their three successful, thriving businesses should be a consideration in their favor. They have available the marketing plans and financial projections for The Phoenician (as the name will be changed to), and they are willing to answer any questions that the Board may have in reconsidering their application.

Georgianna Lepke noted that their appeal should be presented to the Economic Development Committee for review.

VII. Presentation of Resolutions

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**Handout Resolution – 2012 Insurance Premiums**

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

A motion to approve Resolution No. 2110 was made by James Eisel and seconded by Michael Triolo.

June 5, 2012

**RESOLUTION NO. 2110**

**CWC INSURANCE PREMIUM**

**WHEREAS**, the Board of Directors must approve an expense greater than Ten Thousand Dollars (\$10,000); and

**WHEREAS**, the Finance Department has received a Nineteen Thousand Eight Hundred Ninety-Four Dollars and Ninety Cents (\$19,894.90) invoice for the General Liability, Automobile insurance, Worker Compensation and Excess Liability insurance; and

**WHEREAS**, the Finance Department anticipates the Directors and Officers insurance premium not to exceed Twelve Thousand Dollars (\$12,000.00).

**NOW, THEREFORE BE IT RESOLVED**, the Board of Director's approves the Executive Director to pay the insurance premium of a Nineteen Thousand Eight Hundred Ninety-Four Dollars and Ninety Cents (\$19,894.90) and the Directors and Officers insurance not to exceed Twelve Thousand Dollars (\$12,000.00).

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$20,000 – Lydia Campbell - Tab 7

A motion to approve Resolution No. 2111 was made by Richard Parete and seconded by Wayne Marshfield.

June 5, 2012

RESOLUTION NO. 2111

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:
LYDIA CAMPBELL**

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-Nine Thousand Nine Hundred Ninety-Five Dollars (\$29,995.00); 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-Nine Thousand Nine Hundred Ninety-Five Dollars (\$29,995.00) 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-Nine Thousand Nine Hundred Ninety-Five Dollars (\$29,995.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Nine Thousand Nine Hundred Ninety-Five Dollars (\$29,995.00).

Lydia Campbell Backup

Ms. Campbell'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 \$29,995.00. This system is for a four bedroom house. The major components for this system include a 1,250 gallon septic tank, siphon chamber, 135 lineal feet of 4" pvc piping, one distribution box, 450 cubic yards of fill material, effluent filter, 280 lineal feet of absorption trench, 120 lineal feet of curtain drain, temporary access road, and restoration. The quote is slightly lower than CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$29,995.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Dolores Douglas - Tab 8**

A motion to approve Resolution No. 2112 was made by Richard Parete and seconded by Wayne Marshfield.

June 5, 2012

**RESOLUTION NO. 2112**

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

**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-Six Thousand Two Hundred Eighty-Seven Dollars and Sixty Cents (\$26,287.60); 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-Six Thousand Two Hundred Eighty-Seven Dollars and Sixty Cents (\$26,287.60) 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-Six Thousand Two Hundred Eighty-Seven Dollars and Sixty Cents (\$26,287.60) 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 Two Hundred Eighty-Seven Dollars and Sixty Cents (\$26,287.60).

**Dolores Douglas Backup**

Ms. Douglas's property is located in the Town of Stamford, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$26,287.60. This system is for a four bedroom house. The major components for this system include a 1,250 gallon septic tank, siphon chamber, 395 cubic yards of fill material, effluent filter, 325 lineal feet of absorption trench, one cleanout, 190 lineal feet of improved swale, schedule 80 sleeve, 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 \$26,287.60.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$20,000 – Christy Hatch - Tab 9

A motion to approve Resolution No. 2113 was made by Richard Parete and seconded by Wayne Marshfield.

June 5, 2012

RESOLUTION NO. 2113

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:
CHRISTY HATCH**

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 Nine Hundred Sixty-Three Dollars (\$24,963.00); 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 Nine Hundred Sixty-Three Dollars (\$24,963.00) 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 Nine Hundred Sixty-Three Dollars (\$24,963.00) 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 Nine Hundred Sixty-Three Dollars (\$24,963.00).

Christy Hatch Backup

Ms. Hatch'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 \$24,963.00. This system is for a two bedroom house. The major components for this system include a 1,000 gallon septic tank, siphon chamber, 65 lineal feet of 4" gravity piping, one distribution box, 280 cubic yards of absorption fill material, one effluent filter, 250 lineal feet of absorption trench, tree removal, temporary access road, 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 \$24,963.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Sandra O'Connor - Tab 10**

A motion to approve Resolution No. 2114 was made by Richard Parete and seconded by Wayne Marshfield.

June 5, 2012

**RESOLUTION NO. 2114**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
SANDRA O'CONNOR**

**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 Four Hundred Twenty Dollars (\$24,420.00); 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 Four Hundred Twenty Dollars (\$24,420.00) 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 Four Hundred Twenty Dollars (\$24,420.00) 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 Four Hundred Twenty Dollars (\$24,420.00).

**Sandra O’Connor Backup**

Ms. O’Connor’s property is located in the Town of Andes, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$24,420.00. This system is for a three bedroom house. The major components for this system include a pump station, 120 lineal feet of 2” forcemain, one distribution box, 315 cubic yards of absorption fill material, 250 lineal feet of absorption trench, 145 lineal feet of curtain drain, and four foot riser on the existing septic tank. 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 \$24,420.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$20,000 – Demetrios Prousalis - Tab 11

A motion to approve Resolution No. 2115 as revised was made by Richard Parete and seconded by Wayne Marshfield.

June 5, 2012

RESOLUTION NO. 2115

BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:
DEMETRIOS PROUSALIS

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 Forty-Three Thousand Nine Hundred Seventy-Two Dollars (\$43,972.00); 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 pro-rated cost of Twenty-Nine Nine Hundred One Dollars (\$29,901.00) of the contractor’s quote 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-Nine Nine Hundred One Dollars (\$29,901.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Nine Nine Hundred One Dollars (\$29,901.00).

Demetrios Prousalis Backup

Mr. Prousalis’s property is located in the Town of Neversink, Sullivan County. There are two dwellings on the property. Homeowner and CWC staff received a quote from a contractor in the amount of \$43,972.00 for the entire system. CWC normally pays for 100% of one and 60% of the second dwelling. However, the second dwelling was constructed on or after December 1997. Therefore, the second dwelling is not eligible for funding. The cost has been prorated to \$29,901, slightly above 2/3 of the cost. The quote appears to be within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$29,901.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – John Schaumloffel - Tab 12**

A motion to approve Resolution No. 2116 was made by Richard Parete and seconded by Wayne Marshfield.



**RESOLUTION NO. 2116**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
JOHN SCHAUMLOFFEL**

**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 Six Hundred Twenty-Three Dollars and Eighty Cents (\$22,623.80); 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 Six Hundred Twenty-Three Dollars and Eighty Cents (\$22,623.80) 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 Six Hundred Twenty-Three Dollars and Eighty Cents (\$22,623.80) 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 Six Hundred Twenty-Three Dollars and Eighty Cents (\$22,623.80).

**John Schaumloffel Backup**

Mr. Schaumloffel’s property is located in the Town of Hamden, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$22,623.80. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, siphon chamber, 125 lineal feet of 4” gravity piping, one distribution box, 225 lineal feet of absorption trench, 115 lineal feet of curtain drain, one cleanout, and restoration. The quote is slightly below CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$22,623.80.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$20,000 – James Seganti - Tab 13

A motion to approve Resolution No. 2117 was made by Richard Parete and seconded by Wayne Marshfield.

June 5, 2012

RESOLUTION NO. 2117

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:
JAMES SEGANTI**

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 Three Hundred Dollars (\$24,300.00); 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 Three Hundred Dollars (\$24,300.00) 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 Three Hundred Dollars (\$24,300.00) 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 Three Hundred Dollars (\$24,300.00).

James Seganti Backup

Mr. Seganti’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 \$27,300.00. This system is for a three bedroom house. The major components for this system include a pump chamber, 25 lineal feet of 4” pvc piping, 90 lineal feet of 2” forcemain, one distribution box, 375 cubic yards of fill material, one effluent filter, 275 lineal feet of absorption trench, and extensive site restoration. The quote is more than 10% higher than estimated cost according to CWC Schedule of Values. After some negotiations the contractor lowered his quote to \$24,000.00. This 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 \$24,300.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Additional Costs – Douglas Doyle - Tab 14**

A motion to approve Resolution No. 2118 was made by Jeff Graf and seconded by Deborah DeWan.

June 5, 2012

**RESOLUTION NO. 2118**

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

**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 1956, the CWC Board approved reimbursement to Douglas Doyle in an amount not to exceed Twenty-One Thousand Two Hundred Twenty-Four Dollars and Seventy Cents (\$21,224.70); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for soils replacement, compaction grading and location adjustments due to damage sustained during Hurricane Irene in the amount of One Thousand Dollars (\$1,000.00); 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 One Thousand Dollars (\$1,000.00); and

**WHEREAS**, CWC staff have determined that Twenty-Two Thousand Two Hundred Twenty-Four Dollars and Seventy Cents (\$22,224.70) 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 Two Hundred Twenty-Four Dollars and Seventy Cents (\$22,224.70) 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 Two Hundred Twenty-Four Dollars and Seventy Cents (\$22,224.70).

**Douglas Doyle Backup**

Mr. Doyle's property is located in the Town of Gilboa, Schoharie County. CWC Board of Directors previously approved reimbursement for this project at \$21,224.70. Hurricane Irene hit during construction of this system. The site received significant erosion. The project engineer corroborated the damage and described the necessary repairs as soils replacement compaction grading and location adjustments. The contractor requested an additional \$1,000.00 for the repair work. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$1,000.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,000.00, for total reimbursement not to exceed \$22,224.70.

***Voice Vote, carried unanimously***

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Small Business Septic Program – Washington Irving Inn - Tab 15

A motion to approve Resolution No. 2119 was made by Michael Flaherty and seconded by Thomas Snow.

June 5, 2012

RESOLUTION NO. 2119

CWC SMALL BUSINESS SEPTIC PROGRAM– WASHINGTON IRVING INN

WHEREAS, Catskill Watershed Corporation is a not-for-profit local development corporation whose purpose is, in part, administering certain Watershed Protection and Partnership Program as well as reducing and relieving adult unemployment in the West of Hudson Watershed; and

WHEREAS, as a condition of the 2007 Filtration Avoidance Determination, New York City Department of Environmental Protection (NYCDEP) entered into a contract with CWC to in part, fund the CWC Small Business Septic System Rehabilitation and Replacement Program (CWC Small Business Septic Program); and

WHEREAS, the CWC Board of Directors by Resolution Number 1441 reviewed and approved the CWC Small Business Septic Program Rules; and

WHEREAS, the CWC Small Business Septic Program Rules section 13:01:02 provides that CWC shall pay 75% of the eligible costs of needed repairs or replacements for eligible septic systems serving a small business and that reimbursement by CWC shall not exceed Forty Thousand Dollars (\$40,000.00); and

WHEREAS, Washington Irving Inn in the Town of Hunter applied for reimbursement to the CWC Small Business Septic Program; and

WHEREAS, Washington Irving Inn applied to NYCDEP for approval to tie into the Tannersville Wastewater Treatment Plant (WWTP) owned and operated by NYCDEP; and

WHEREAS, Washington Irving Inn received an estimate of Forty-Five Thousand Dollars (\$45,000.00) to construct the lateral line from the Inn to the sewer main; and

WHEREAS, Washington Irving Inn's engineer estimates that an onsite septic system could cost at least Eighty-Thousand Dollars (\$80,000.00); and

WHEREAS, Washington Irving Inn to date has incurred \$18,809.71 in engineering fees, \$17,333.18 in legal fees; and

WHEREAS, the CWC Septic Committee recommends that CWC Board of Directors approve reimbursement of Three Thousand Three Hundred Seventy-Five Dollars (\$3,375.00) for design engineering fees, and upon completion and approval of construction an additional Three Thousand Three Hundred Seventy-Five Dollars (\$3,375.00); and

WHEREAS, the CWC Septic Committee further recommends that CWC reimburse construction costs pursuant to the CWC Small Business Septic Program for up to the maximum allowed of Thirty-Three Thousand Two Hundred Fifty Dollars (\$33,250.00).

NOW THEREFORE BE IT RESOLVED THAT, the CWC Board of Directors authorizes reimbursement of up to Forty Thousand Dollars (\$40,000.00) to the Washington Irving Inn, including Three Thousand Three Hundred Seventy-Five Dollars (\$3,375.00) for design engineering fees, Three Thousand Three Hundred Seventy-Five Dollars (\$3,375.00) for construction supervision costs, and the remainder for reimbursement of 75% of construction costs.

Washington Irving Inn:

The Washington Irving Inn is in our small business program. They are eligible for reimbursement at 75% of reasonable cost, up to a cap of \$40,000.00. They have applied to NYCDEP for approval to hook into the Tannersville WWP, in lieu of constructing an onsite system. To date the Washington Irving has incurred \$18,809.71 in engineering fees, \$17,333.18 in legal fees, and \$5,201.00 in pumpout cost, septic repairs, snow plowing and site testing. NYCDEP approved the design on April 19, 2012. The professional costs are high. Kevin Young, the Inn's attorney, states that this has been a multi-year effort and included an on-site design and negotiations with DEP for the plant hookup agreement. Construction cost for the hookup is estimated at \$45,000.00.

Voice Vote, carried unanimously

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**Future Stormwater – Zen Mountain Monastery - Tab 16**

A motion to approve Resolution No. 2120 was made by Deborah DeWan and seconded by Wayne Marshfield.

June 5, 2012

**RESOLUTION NO. 2120**

**BOARD REVIEW OF FUTURE STORMWATER PROGRAM APPLICATION FOR  
ZEN MOUNTAIN MONASTERY STORMWATER CONTROLS**

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

**WHEREAS**, Section 145(ii) of the Watershed MOA and the West of Hudson Future Stormwater Program Rules provides for payment of eligible project costs required solely by the New York City Department of Environmental Protection (“NYCDEP”) and not otherwise required by State or federal law; and

**WHEREAS**, the Zen Mountain Monastery has applied for reimbursement of eligible project costs in the amount of One Hundred Fourteen Thousand Six Hundred Fifty-Six Dollars (\$114,656.00) for design and construction of new stormwater controls related to the construction of the Dragon Hall Library; and

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

**WHEREAS**, CWC staff recommended reimbursement of eligible stormwater costs for a total not-to-exceed amount of One Hundred Fourteen Thousand Six Hundred Fifty-Six Dollars (\$114,656.00); and

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

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the attached application, staff recommendation and supporting documentation and approves payment of One Hundred Fourteen Thousand Six Hundred Fifty-Six Dollars (\$114,656.00).

**CWC Future Stormwater Controls Program**

**Zen Mountain Monastery, Town of Shandaken, Ulster County, New York:**

Zen Mountain Monastery is located on Plank Road in the Town of Shandaken, Ulster County. Zen Mountain Monastery was required to design and construct new stormwater control measures to control stormwater runoff after completion of the new Dragon Hall Library.

Zen Mountain Monastery was required to comply with the Watershed Rules and Regulations enforced by the NYCDEP. The NYCDEP Stormwater Pollution Prevention Plan (SWPPP) approval was issued on August 8, 2011.

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

reimbursement of \$114,656.00 to Zen Mountain Monastery for its SWPPP costs solely attributable to the Watershed Regulations and not otherwise required by State or federal law.

**Voice Vote, carried unanimously**

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Authorization for Auction of Excess Real Property - Tab 17

A motion to approve Resolution No. 2121 was made by James Eisel and seconded by Michael Flaherty.

June 5, 2012

RESOLUTION NO. 2121
AUTHORITIZATION FOR AUCTION OF EXCESS REAL PROPERTY IN VILLAGE
OF WALTON

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, in 2010, CWC brought a foreclosure action and acquired property that formerly secured a CFF loan in the Village of Walton, Delaware County consisting of two buildings and two tax lots, identified as Tax Lots 273.7-7-21 and 273.7-7-22 (the Property); and

WHEREAS, property has been listed with a real estate broker since August, 2011 and CWC has not received any offers on the properties; and

WHEREAS, CWC Fiscal Policies section 3-9.11 provides that CWC Board may dispose of property no longer needed by CWC for any program; and

WHEREAS, CWC Economic Development Committee recommends that CWC Board approve the sale of the property by auction to the highest bidder.

NOW THEREFORE BE IT RESOLVED, that the CWC Board of Directors finds that properties now owned by CWC in the Village of Walton, Tax Lot numbers 273.7-7-21 and 273.7-7-22, are not needed for any program administered by CWC and are therefore excess property.

NOW THEREFORE BE IT FURTHER RESOLVED, that CWC Board of Directors authorizes the President and/or Executive Director to auction the Property, Tax Lot numbers 273.7-7-21 and 273.7-7-22, to the highest bidder at such reserve as they deem appropriate.

Voice Vote, carried unanimously

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A motion to enter into Executive Session with Alan L. Rosa, Timothy Cox, Barbara Puglisi, Jason Merwin, and Phil Sireci to discuss CFF delinquent loans and new loan applicant financials was made by Tina Molé and seconded by Jeff Graf.

**Voice Vote, carried unanimously**

A motion to resume the regular meeting was made by James Eisel and seconded by Berndt Leifeld.

**Voice Vote, carried unanimously**

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CFF REDI Loan – Margaretville Lodging, LLC – Tab 18

A motion to approve Resolution No. 2122 was made by Jeff Graf and seconded by Richard Parete.

June 5, 2012

RESOLUTION NO. 2122 - DENIED

**APPROVAL OF MARGARETVILLE LODGING, 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, on May 28, 2002 by Resolution # 506 the CWC Board of Directors approved Margaretville Lodging, LLC for a loan of Two Hundred Forty Thousand Dollars (\$240,000) for a term of fifteen (15) years, at a rate of three and three eighths percent (3.375%) to be amortized in equal monthly payments such that the outstanding principal is fully paid on the last payment date, for funding of the business and property purchase and renovations; and

WHEREAS, Margaretville Lodging, LLC, has applied for a Two Hundred Sixty Thousand Dollar (\$260,000.00) 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 consolidation and refinance of the current CWC mortgage and a second mortgage on the property at 42480 State Highway 28, Margaretville, NY, and for soft costs associated with running the business; and

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

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

WHEREAS, the CWC Loan Committee has recommended approval of the CWC Loan application from Margaretville Lodging, LLC in the amount of Two Hundred Sixty Thousand Dollars (\$260,000.00); 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 Margaretville Lodging, LLC application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of Two Hundred Sixty Thousand Dollars (\$260,000.00) 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 equal monthly payments, such that the outstanding principal is fully paid on the last payment date.

NOW, THEREFORE BE IT FURTHER RESOLVED, the CWC staff is authorized and directed to issue a commitment letter informing the borrower of its intention to issue the loan subject to compliance with all applicable provisions of the New York City Watershed regulations as well as other applicable laws, rules and regulations, completion of the necessary documents, the right of objection and staff is directed to develop the loan agreement, promissory notes and other documentation necessary to effectuate this loan in a form agreed upon.

NOW, THEREFORE BE IT FURTHER RESOLVED, that upon said approval of loan documentation CWC 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.

QEDP Evaluation and CWC Staff Recommendation

Purpose: To review the CWC Loan Application of Margaretville Lodging, LLC

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Margaretville Lodging, LLC located in the Village of Margaretville, NY. Evaluation is

based on the Evaluation Criteria established in the Catskill Fund for the Future Program Rules, approved on August 22, 2001 by the CWC Board of Directors.

1. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the property at 42480 State Highway 28, Margaretville, NY, owned by Margaretville Lodging, LLC, is presently in compliance with all applicable environmental statutes and regulations.
2. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the property at 42480 State Highway 28, Margaretville, NY, owned by Margaretville Lodging, 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) Margaretville Lodging, LLC owns a motel located at 42480 State Highway 28, Margaretville, NY.
 - (ii) The project is located in the Village of Margaretville.
 - (iii) The project will utilize a municipal sewer system.
 - (iv) The project appears to present no threat to water quality.
 - (v) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
 - (vi) Based on NYCDEP the project is not in the 60 day travel time.
 - (vii) There is no impact on Federal or State wetlands.
- (b) The project maintains the character of the Village of Margaretville.
 - (i) The project is consistent with current zoning.
 - (ii) The project is compatible with surrounding land uses.
 - (iii) The project will not generate excessive traffic.
 - (iv) The project as described is of such magnitude that it does not appear likely to promote secondary growth and therefore requires not additional review of land use plans or infrastructure.
4. The project is consistent with the West of Hudson Economic Development Study, which has been completed.
5. Not applicable.

Roll Call Vote, *denied - 3 aye, 12 nay*

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

**IX. Board Member Discussion: None**

A motion to adjourn was made by Thomas Snow and seconded by Thomas Hynes.

**Voice Vote, *carried unanimously***

**X. Adjournment: @ 1:36 p.m.**