

**CATSKILL WATERSHED CORPORATION**

**Board of Directors Meeting**

**MINUTES**

**September 4, 2012 @ 1:00 p.m.**

**I. Call to Order**

**II. Special Election Results**

*Timothy Cox announced the election of Town of Halcott Supervisor Innes Kasanof, as Greene County Board Member, pursuant to CWC Board policy and as a result of a special election to fill the seat currently held by Michael Flaherty. She will be taking her seat at the regularly scheduled Board of Directors meeting on October 2, 2012.*

**III. Pledge of Allegiance:** Led by Michael Flaherty.

**IV. 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, and Michael Triolo.

**Members Excused:** Thomas Snow (*New York State DEC*)

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

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

**V. Review and Approval of August 7, 2012 Board Meeting Minutes**

A motion to approve the minutes from the August 7, 2012 board meeting was made by Berndt Leifeld and seconded by Michael Triolo.

**Voice Vote, carried unanimously**

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**VI. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of July 31, 2012 was made by James Eisel and seconded by Martin Donnelly.

**Voice Vote, carried unanimously**

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**Executive Director's Report**

The Executive Director's Report was presented as outlined in the board packet.

**Presentation of News Articles**

**Committee Schedule**

**Committee Meeting Minutes**

**VII. Public Discussion**

*Diane Galusha announced the third workshop in a series sponsored by CWC for town and village elected officials, entitled "Basic Environmental Compliance: A Primer for Towns", to be held at the Town of Middletown Town Hall on Friday, October 12, 2012, from 1:30 to 4:30 pm. The series has been provided in lieu of Local Government Day, which will be revisited next year.*

*Mike Flaherty was addressed by several Board members, thanking him for almost fourteen years of service on the CWC Board of Directors and to the people of the NYC Watershed. Mike expressed his gratitude for the opportunity to serve and his fondness for fellow members and staff.*

**VIII. Presentation of Resolutions**

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**Handout Resolution – CWMP II – Trout Creek – Construction Phase – Lamont Engineering Services**

A motion to waive Rule 14 was made by Wayne Marshfield and seconded by James Eisel.

A motion to approve Resolution No. 2157 was made by Michael Triolo and seconded by Tina Molé.

September 4, 2012

**RESOLUTION NO. 2157**

**COMMUNITY WASTEWATER MANAGEMENT PROGRAM CONTRACT WITH  
LAMONT ENGINEERS FOR TROUT CREEK CONSTRUCTION PHASE  
ENGINEERING SERVICES**

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

**WHEREAS**, the Town of Tompkins agreed to participate in the CWC CWMP for a wastewater project for the Hamlet of Trout Creek; and

**WHEREAS**, by Resolution Number 1878, the CWC Board of Directors approved a continuation of the consultant contract with Lamont Engineers for Pre-Construction Phase Engineering Services for Trout Creek in the CWC CWMP; and

**WHEREAS**, the CWMP contract requires Lamont Engineers to submit a proposal for review and approval prior to the commencement of each engineering phase; and

**WHEREAS**, upon completion of the Pre-Construction Phase, Lamont Engineers submitted a proposal for Construction Phase Engineering Services that includes assistance to the Town of Tompkins for the Trout Creek CWMP Project on project start-up, Construction Administration, and Construction Observation, totaling Three Hundred Eighty Thousand Three Hundred Five Dollars (\$380,305.00); and

**WHEREAS**, CWC staff and the CWC Wastewater/Stormwater Committee have reviewed the proposal from Lamont Engineers for Trout Creek Construction Phase Engineering Services and find it reasonable; and

**WHEREAS**, the CWC Wastewater/Stormwater Committee recommend that the CWC Board of Directors approve funding for Construction Phase Engineering Services by Lamont Engineers for costs as described in Attachment A for the Trout Creek CWMP in an amount not to exceed Three Hundred Eighty Thousand Three Hundred Five Dollars (\$380,305.00).

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors approves a contract with Lamont Engineers for Construction Phase Engineering Services for the Trout Creek CWMP project as described in Attachment A in an amount not to exceed Three Hundred Eighty Thousand Three Hundred Five Dollars (\$380,305.00).

#### **Attachment A**

##### **CWC Community Wastewater Management Program (CWMP) Town of Tompkins Hamlet of Trout Creek CWMP Project**

The Town of Tompkins has agreed to participate in the Study Phase and Pre-Construction Phase of Community Wastewater Management Program for the Hamlet of Trout Creek. CWC's consultant, Lamont Engineers, has completed the Study Phase and is nearing completion of the Pre-Construction Phase. The project was put to bid in August and bids were opened on August 23, 2012. Lamont Engineers is working with the lowest apparent bidder to finalize paperwork and contracts.

The Community Wastewater Management Program requires that Lamont Engineers submit a proposal for review and approval by CWC prior to the commencement of each engineering phase. Lamont Engineers has submitted a proposal for Construction Phase Engineering Services that includes assistance to the Town of Tompkins on Trout Creek CWMP Project for project start-up, Construction Administration, and Construction Observation, totaling Three Hundred Eighty Thousand Three Hundred Five Dollars (\$380,305.00).

CWC staff and the CWC Wastewater/Stormwater Committee have reviewed the proposal for Trout Creek Construction Phase Engineering Services and the Wastewater/Stormwater Committee recommends that the CWC Board of Directors approve the not-to-exceed amount of Three Hundred Eighty Thousand Three Hundred Five Dollars (\$380,305.00).

**Voice Vote, carried unanimously**

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**Septic Appeal – Adam Turba - Tab 7**

A motion to approve Resolution No. 2158 was made by Robert Pelham and seconded by Tina Molé.

September 4, 2012

**RESOLUTION NO. 2158**

**SEPTIC PROGRAM APPEAL – ADAM TURBA**

**WHEREAS**, pursuant to 1997 New York City Watershed Memorandum of Agreement (“MOA”) paragraph 124 and Program Contracts with the New York City Department of Environmental Protection (“NYCDEP”), the Catskill Watershed Corporation (“CWC”) established a Septic System Rehabilitation and Replacement Program (“Septic Program”) to replace or repair eligible septic systems, serving existing one or two family residences with less than 1000 gallons per day flow in the New York City Watershed West of the Hudson River; and

**WHEREAS**, the CWC staff reviewed a request for eligibility from Adam Turba for construction of a new septic under the CWC Septic Program; and

**WHEREAS**, CWC staff reviewed the application and determined the system is not eligible because it will serve a new residence constructed after November 2, 1995; and

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

**WHEREAS**, Adam Turba submitted an appeal and letter requesting the cost of constructing the new septic system be eligible for reimbursement under the CWC Septic Program; and

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

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

**WHEREAS**, the CWC Septic Committee has reviewed Mr. Turba’s Appeal pursuant to the criteria and procedure established by the CWC Article 2-A, 2:01:10 and 2:01:09; and

**WHEREAS**, the Septic Committee recommends that the CWC Board of Directors deny the appeal because pursuant to CWC Septic Program Rules § 2:00:01 (19), residences constructed after November 2, 1995 are not eligible for the CWC Septic Program.

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



Denies the Appeal



Grants the Appeal

**Adam Turba Septic Appeal**

Mr. Adam Turba owns property in the Town of Shandaken. It is currently assessed by the Town as a seasonal residence (not constructed for year-round occupancy).

CWC staff determined the property ineligible. The applicant is rehabilitating an older house on the property, including moving the house to new foundation, construction a new addition to the original structure, new insulation, new windows, new siding, new plumbing, new electric, etc.

CWC Septic Program Rules provide that only houses constructed before November 2, 1995 are eligible. The Rules also state that “residence does not include a building that was substantially improved over 75% of its market value after November 2, 1995, or a structure that was not used as a residence for a period of a least three or more years prior to application for enrollment in the Septic Program”.

CWC determined the property is ineligible due to the significant reconstruction, renovations and the addition. Mr. Turba’s appeal is attached.

CWC Septic Committee recommends the Board deny Mr. Turba’s appeal.

***Voice Vote, carried unanimously***

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**Septic Reimbursement Over \$20,000 – Anthony Athansakes - Tab 8**

A motion to approve Resolution No. 2159 was made by Berndt Leifeld and seconded by Michael Flaherty.

September 4, 2012

**RESOLUTION NO. 2159**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
ANTHONY ATHANASAKES**

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

manager for the Septic Program and implement the Septic Program consistent with the terms of said contracts; and

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

**WHEREAS**, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Seven Thousand Two Hundred Thirty-Four Dollars (\$27,234.00); and

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

**WHEREAS**, the CWC staff have determined the contractor's quote of Twenty-Seven Thousand Two Hundred Thirty-Four Dollars (\$27,234.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor's quote of Twenty-Seven Thousand Two Hundred Thirty-Four Dollars (\$27,234.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Seven Thousand Two Hundred Thirty-Four Dollars (\$27,234.00).

**Anthony Athanasakes Backup**

Mr. Athanasakes' property is located in the Town of Shandaken, Ulster County. Homeowner and CWC staff received a quote from a contractor in the amount of \$27,234.00. This system is for a eight bedroom house. The major components for this system include two 1,250 gallon septic tanks in series, one flout chamber, 130 lineal feet of 4" gravity piping, three distribution boxes, 75 cubic yards of crushed stone, one effluent filter, two 1,000 square foot absorption beds, additional excavation for the depth of the beds, and site 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 \$27,234.00.

**Voice Vote, carried unanimously**

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**Septic Reimbursement Over \$20,000 – Patrick McLaughlin - Tab 9**

A motion to approve Resolution No. 2160 was made by Berndt Leifeld and seconded by Michael Flaherty.

September 4, 2012

**RESOLUTION NO. 2160**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
PATRICK MCLAUGHLIN**

**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 Fifty-Seven Dollars (\$24,457.00); 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 Fifty-Seven Dollars (\$24,457.00) 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 Fifty-Seven Dollars (\$24,457.00) 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 Fifty-Seven Dollars (\$24,457.00).

**Patrick McLaughlin Backup**

Mr. McLaughlin’s property is located in the Town of Halcott, Greene County. Homeowner and CWC staff received a quote from a contractor in the amount of \$24,457.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, a siphon chamber, 40 lineal feet of 4” gravity piping, one distribution box, 410 cubic yards of absorption fill material, effluent filter, 250 lineal feet of absorption trench, 80 lineal feet of curtain drain, and extensive site 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 \$24,457.00.

***Voice Vote, carried unanimously***

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**Septic Reimbursement Over \$20,000 – Thomas Price - Tab 10**

A motion to approve Resolution No. 2161 was made by Berndt Leifeld and seconded by Michael Flaherty.

September 4, 2012

**RESOLUTION NO. 2161**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
THOMAS PRICE**

**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 Seven Hundred Forty Dollars (\$26,740.00); 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-Six Thousand Seven Hundred Forty Dollars (\$26,740.00) 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-Six Thousand Seven Hundred Forty Dollars (\$26,740.00) 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-Six Thousand Seven Hundred Forty Dollars (\$26,740.00).

**Thomas Price Backup**

Mr. Price’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 \$26,740.00. This system is for a three bedroom house. The major components for this system include a 1,250 gallon septic tank, 70 lineal feet of 4” gravity piping, one distribution box, 475 cubic yards of absorption fill material, 318 lineal feet of absorption trench, tree removal, and extensive site 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 \$26,740.00.

***Voice Vote, carried unanimously***

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September 4, 2012

**RESOLUTION NO. 2162**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
ROBERT PROUDMAN**

**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 Three Hundred Sixty Dollars and Seventy-Two Cents (\$21,360.72); 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 Three Hundred Sixty Dollars and Seventy-Two Cents (\$21,360.72) 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 Three Hundred Sixty Dollars and Seventy-Two Cents (\$21,360.72) 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 Three Hundred Sixty Dollars and Seventy-Two Cents (\$21,360.72).

**Robert Proudman Backup**

Mr. Proudman’s property is located in the Town of Conesville, Schoharie County. Homeowner and CWC staff received a quote from a contractor in the amount of \$21,360.72. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, pump station, 15 lineal feet of 4” gravity piping, 340 lineal feet of force main, one distribution box, 308 cubic yards of absorption fill material, 275 lineal feet of absorption trench, 180 lineal feet of curtain drain, and extensive site 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 \$21,360.72.

***Voice Vote, carried unanimously***

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**Septic Reimbursement Over \$20,000 – Roger Sackett - Tab 12**

A motion to approve Resolution No. 2163 was made by Berndt Leifeld and seconded by Michael Flaherty.

September 4, 2012

**RESOLUTION NO. 2163**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
ROGER SACKETT**

**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 Eight Hundred Eighty-Seven Dollars and Seventy Cents (\$26,887.70); 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 Eight Hundred Eighty-Seven Dollars and Seventy Cents (\$26,887.70) 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 Eight Hundred Eighty-Seven Dollars and Seventy Cents (\$26,887.70) 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-Six Thousand Eight Hundred Eighty-Seven Dollars and Seventy Cents (\$26,887.70).

**Roger Sackett Backup**

Mr. Sackett’s property is located in the Town of Kortright, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$26,887.70. This system is for a five bedroom house. The major components for this system include a 1,500 gallon septic tank, 285 lineal feet of 4” gravity piping, one distribution box, 355 cubic yards of absorption fill material, one effluent filter, 350 lineal feet of absorption trench, one cleanout, 177 lineal feet of swale, and site 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 \$26,887.70.

**Voice Vote, carried unanimously**

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**Septic Reimbursement Over \$20,000 – Ross Singer - Tab 13**

A motion to approve Resolution No. 2164 was made by Berndt Leifeld and seconded by Michael Flaherty.

September 4, 2012

**RESOLUTION NO. 2164**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
ROSS SINGER**

**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 Seventy Dollars and Sixty-Two Cents (\$24,070.62); 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 Seventy Dollars and Sixty-Two Cents (\$24,070.62) 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 Seventy Dollars and Sixty-Two Cents (\$24,070.62) 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 Seventy Dollars and Sixty-Two Cents (\$24,070.62).

**Ross Singer Backup**

Mr. Singer’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 \$24,070.62. This system is for a three

bedroom house. The major components for this system include a 25 lineal feet of 4” gravity piping, one distribution box, 535 cubic yards of absorption fill material, one effluent filter, 275 lineal feet of absorption trench, tree removal, and site 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 \$24,070.62.

**Voice Vote, carried unanimously**

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**Septic Reimbursement Over \$20,000 – Additional Costs – Borislav Bilash - Tab 14**

A motion to approve Resolution No. 2165 was made by Jeffrey Graf and seconded by Deborah DeWan.

September 4, 2012

**RESOLUTION NO. 2165**

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

**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 1974, the CWC Board approved reimbursement to Borislav Bilash in an amount not to exceed Thirty-Five Thousand Dollars (\$35,000.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for curtain drain extension in the amount of Six Hundred Eighty-Eight Dollars (\$688.00); 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 Six Hundred Eighty-Eight Dollars (\$688.00); and

**WHEREAS**, CWC staff have determined that Thirty-Five Thousand Six Hundred Eighty-Eight Dollars (\$35,688.00) 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 Thirty-Five Thousand Six Hundred Eighty-Eight Dollars (\$35,688.00) 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 Thirty-Five Thousand Six Hundred Eighty-Eight Dollars (\$35,688.00).

**Borislav Bilash Backup**

Mr. Bilash's property is located in the Town of Jewett, Greene County. CWC Board of Directors previously approved reimbursement for this project at \$35,000.00. During construction the design engineer requested that the contractor extend the curtain drain an additional 50 feet. The contractor completed the additional work and requested payment in the amount of \$688.00. This amount does not exceed CWC Schedule of Values. The Septic Committee recommends that the Board approves an additional reimbursement of \$688.00, for total reimbursement not to exceed \$35,688.00.

**Voice Vote, carried unanimously**

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**Septic Reimbursement Over \$20,000 – Additional Costs – Robert Cronk - Tab 15**

A motion to approve Resolution No. 2166 was made by Jeffrey Graf and seconded by Deborah DeWan.

September 4, 2012

**RESOLUTION NO. 2166**

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

**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 Robert Cronk in the amount of Nineteen Thousand Five Hundred Dollars (\$19,500.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for the septic system repair in the amount of Twelve Thousand Nine Hundred Eighty-Eight Dollars (\$12,988.00); 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 Thirty-Two Thousand Four Hundred Eighty-Eight Dollars (\$32,488.00) 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 total invoice of Thirty-Two Thousand Four Hundred Eighty-Eight Dollars (\$32,488.00) 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 Thirty-Two Thousand Four Hundred Eighty-Eight Dollars (\$32,488.00).

**Robert Cronk Backup**

Mr. Cronk's property is located in the Town of Roxbury, Delaware County. This system was previously approved for reimbursement in the amount of \$19,500.00. This system was mistakenly planned for a three bedroom house instead of four. At the July 2011 Septic Committee meeting an upgrade to accommodate the additional bedroom was approved. Between the summer floods and winter, construction of the upgrade was delayed. This file was also lost in the flood. Mr. Cronk's preferred contractor submitted a quote of \$8,938.00 to complete the upgrade. This contractor began the work before the approval of the quote. Upon beginning the work, DEP inspectors noted that a biomat had developed between the Eljen units and the sand and had clogged the system. Manufacturer's representatives were brought in to evaluate the problem. They tested a grab sample of the sand and found it to be slightly outside of specifications. Eljen has agreed to replace the units free of charge and would like to use this project as an opportunity to train contractors on installation of Eljen systems. A fair and reasonable cost of upgrading the system to four bedrooms has been determined to be \$8,938.00. Additional funds for system repair and the training exercise are \$4,050.00. Total costs are \$12,988.00, for a total not to exceed amount of \$32,488.00. This amount is fair and reasonable according to CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve total reimbursement in an amount not to exceed \$32,488.00.

***Voice Vote, carried unanimously***

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**Septic Reimbursement Over \$20,000 – Additional Costs – Phyllis Paperno - Tab 16**

A motion to approve Resolution No. 2167 was made by Jeffrey Graf and seconded by Deborah DeWan.

September 4, 2012

**RESOLUTION NO. 2167**

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

**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 1948, the CWC Board approved reimbursement to Phyllis Paperno in an amount not to exceed Thirty-Five Thousand Dollars (\$35,000.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for correction of unforeseen conditions in the amount of Four Thousand Three Hundred Thirty-Three Dollars (\$4,333.00); 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 Four Thousand Three Hundred Thirty-Three Dollars (\$4,333.00); and

**WHEREAS**, CWC staff have determined that Twenty-Seven Thousand Nine Hundred Thirty-Three Dollars (\$27,933.00) 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-Seven Thousand Nine Hundred Thirty-Three Dollars (\$27,933.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Seven Thousand Nine Hundred Thirty-Three Dollars (\$27,933.00).

**Phyllis Paperno Backup**

Ms. Paperno’s property is located in the Town of Hurley, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$23,600.00. During construction the design engineer requested that the contractor install a 1,000 gallon septic tank, and bring in additional material and topsoil to stabilize a steep slope. During installation a footing drain was interrupted, causing flow of discharge towards the new system. The engineer requested the footing drain be redirected away from the septic field. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$4,333.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$4,333.00, for total reimbursement not to exceed \$27,933.00.

**Voice Vote, carried unanimously**

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**Septic Reimbursement Over \$20,000 – Additional Costs – John Shea - Tab 17**

A motion to approve Resolution No. 2168 was made by Jeffrey Graf and seconded by Deborah DeWan.

September 4, 2012

**RESOLUTION NO. 2168**

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

**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 2008, the CWC Board approved reimbursement to John Shea in an amount not to exceed Twenty-Seven Thousand Dollars (\$27,000.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for curtain drain, tree removal and access materials in the amount of Three Thousand Eight Hundred Sixty-One Dollars (\$3,861.00); and

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

**WHEREAS**, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be Three Thousand Eight Hundred Sixty-One Dollars (\$3,861.00); and

**WHEREAS**, CWC staff have determined that Thirty Thousand Eight Hundred Sixty-One Dollars (\$30,861.00) 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 Thirty Thousand Eight Hundred Sixty-One Dollars (\$30,861.00) 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 Thirty Thousand Eight Hundred Sixty-One Dollars (\$30,861.00).



**John Shea Backup**

Mr. Shea's property is located in the Town of Shandaken, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$27,000.00. During construction the design engineer requested that 130 lineal feet of curtain drain be added to prevent groundwater from approaching the new septic bed, tree removal, and several loads of shale be used to firm up the ground so the trucks could get to the curtain drain area. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$3,861.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$3,861.00, for total reimbursement not to exceed \$30,861.00.

***Voice Vote, carried unanimously***

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**Stormwater Retrofit – Glenford-Wittenberg Road – Additional Costs - Tab 18**

A motion to approve Resolution No. 2169 was made by Michael Flaherty and seconded by Richard Parete.

September 4, 2012

**RESOLUTION NO. 2169**

**BOARD REVIEW OF ADDITIONAL COSTS FOR THE  
GLENFORD-WITTENBERG ROAD  
STORMWATER RETROFIT PROJECT**

**WHEREAS**, Paragraph 125 of the 1997 New York City Watershed Memorandum of Agreement (“MOA”) directs the Catskill Watershed Corporation (“CWC”) to establish a program to pay the costs to design, permit, maintain, implement and construct Stormwater Best Management Practices (BMP’s) to address existing stormwater runoff in concentrated areas of impervious surface in West of Hudson Watershed to the extent such BMP’s are necessary to correct or reduce existing erosion and/or pollutant loading; and

**WHEREAS**, by Resolution Number 265, the CWC Board of Directors established the Stormwater Retrofits Program (Program) Rules that provides for payment of eligible project costs; and

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

**WHEREAS**, by Resolution Number 1301, the CWC Board of Directors approved the application of Ulster County for construction costs for the Glenford-Wittenberg Road Stormwater Retrofit Project in the amount of Two Hundred Twenty Thousand Seven Hundred Forty-Three Dollars and Thirty Cents (\$220,743.30); and

**WHEREAS**, Ulster County requested additional funding for a full time inspector to be onsite due to the damages from Tropical Storms Irene and Lee and to handle the changes that were being made by NYCDEP for an amount not to exceed Four Thousand Eight Hundred Sixty-Nine Dollars and Fifty-Seven Cents (\$4,869.57); and

**WHEREAS**, upon review of the information and staff recommendation, the CWC Wastewater/Stormwater Committee recommends that the CWC Board of Directors approve an amended not to exceed amount of Two Hundred Twenty-Five Thousand Six Hundred Twelve Dollars and Eighty-Seven Cents (\$225,612.87) for the Ulster County Glenford-Wittenberg Road Stormwater Retrofit Project; and

**WHEREAS**, pursuant to the CWC Program Rules, the CWC Board of Directors has reviewed the attached recommendation and supporting documentation.

**NOW, THEREFORE, LET IT BE RESOLVED**, the CWC Board of Directors approves funding as per the attached funding limits in a total not-to-exceed amount of Two Hundred Twenty-Five Thousand Six Hundred Twelve Dollars and Eighty-Seven Cents (\$225,612.87).

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of grants by the CWC Board of Directors constitutes a preliminary decision under the 1997 Watershed Memorandum of Agreement and the decision will become final without any further action by the CWC Board of Directors unless an objection is timely filed with the Watershed Protection and Partnership Council.

**Stormwater Retrofit Program  
Glenford-Wittenberg Road Stormwater Project  
Additional Construction Phase Costs**

Ulster County implemented a Stormwater Retrofit Project to improve stormwater drainage on Glenford-Wittenberg Road in the Town of Hurley to more effectively manage erosion in the area.

Brinnier & Larios, P.C. has conducted preliminary design work for the site and provided a construction cost estimate for the work. Improvements include stabilizing roadside ditches as well as increasing culvert size to accommodate and convey greater runoff, resulting in more effective function of the drainage infrastructure and improvements in water quality of stormwater from the site.

The CWC Board of Directors approved the application for construction phase costs for a not to exceed amount of Two Hundred Twenty Thousand Seven Hundred Forty-Three Dollars and Thirty Cents (\$220,743.30).

During construction Tropical Storms Irene and Lee hit badly damaging the work that had been done just the day before. NYCDEP inspectors had been onsite and made changes to the original plan and therefore the engineering firm requested that one of their inspectors be onsite full time to handle any changes that are being made. This came at an additional cost of \$4,869.57.

Members of the CWC Wastewater/Stormwater Committee recommend approving additional funding for the Ulster County Glenford-Wittenberg Road Stormwater Retrofit Project.

**Voice Vote, carried unanimously**

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**CFF Reallocation of Funding – Water Discovery Center to Time & the Valley Museum - Tab 19**

A motion to approve Resolution No. 2170 as revised was made by Michael Flaherty and seconded by Martin Donnelly.

September 4, 2012

**RESOLUTION NO. 2170**

**APPROVAL OF REALLOCATION OF CFF FUNDING FROM THE CATSKILL  
WATER DISCOVERY CENTER TO TIME & VALLEY MUSEUM**

**WHEREAS**, the Catskill Watershed Corporation (CWC) is a not-for-profit local development corporation whose purpose is, in part, to act in the public interest by promoting increased employment and encouraging environmentally sound development within the West of Hudson Watershed (WOH); and

**WHEREAS**, by Resolution 1150 on April 24, 2007, the CWC Board of Directors allocated One Million Dollars (\$1,000,000) to the Water Discovery Center, to provide funds for the hiring of an executive director and support staff to provide management, strategic direction, fund raising, facilities construction, exhibits, and develop programming for the Center, allocated from the Delaware County portion of CFF; and

**WHEREAS**, no facility was constructed and the Water Discovery Center continues to face challenges in raising the approximately Twenty Million Dollars (\$20,000,000) that would be required to construct and operate their planned facility; and

**WHEREAS**, approximately Two Hundred Thousand Dollars (\$200,000) of CFF funds remains; and

**WHEREAS**, the Time & the Valleys Museum in Grahamsville, New York is creating exhibits featuring the history of the New York City Watershed Agreement; and

**WHEREAS**, the CWC Economic Development Committee recommends reallocating Fifty Thousand Dollars (\$50,000) to the Time & Valley Museum for creation of exhibits regarding the history of the New York City Watershed Agreement; and

**WHEREAS**, the Executive Director, pursuant to the CFF Program Contract and the CFF Program rules, has evaluated and determined that this partnership 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 rules only the CWC Board of Directors may make an award from the CFF.

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board authorizes the President and/or the Executive Director to execute a contract for up to Fifty Thousand Dollars (\$50,000) with the Time & Valley Museum for the creation and exhibition of exhibits detailing the history of the New York City Watershed Agreement.

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

**NOW, THEREFORE BE IT FURTHER RESOLVED**, pursuant to Resolution Number 349 the above monies will be removed from the Delaware County portion and be accounted for out of the Sullivan County portion of the CFF.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of this partnership by the Board constitutes a preliminary decision under the 1997 Watershed Memorandum of Agreement and the decision will become final without any further action by the Board unless an objection is timely filed with the Watershed Protection and Partnership Council.

### **QEDP Evaluation and CWC Staff Recommendation**

**Purpose: To review the CWC assistance to Time & Valley Museum**

The Executive Director of the CWC makes the following evaluation concerning an alliance with Time and Valley Museum located in Grahamsville, 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 on State Route 55, Grahamsville, NY 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 State Route 55, Grahamsville, NY 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) The Time and Valley Museum will create and construct exhibits featuring the history of the New York City Watershed and communities lost to the construction of the Reservoir(s).
  - (ii) The project is located on State Route 55, Grahamsville, NY.
  - (iii) The project will utilize a municipal sewage system.
  - (iv) The project appears to present no threat to water quality.
  - (v) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
  - (vi) Based on NYCDEP the project is 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 Neversink.
  - (i) The project is consistent with current zoning.
  - (ii) The project is compatible with surrounding land uses.
  - (iii) The project will not generate excessive traffic.
  - (iv) The project as described is of such magnitude that it does not appear likely to promote secondary growth and therefore requires no additional review of land use plans or infrastructure.
4. The project is consistent with the West of Hudson Economic Development Study, which has been completed.
5. Not applicable.

**Voice Vote, carried unanimously**

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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, new loan applicant financials and to receive legal advice from counsel concerning a contractual matter was made by Tina Molé and seconded by Richard Parete.

**Voice Vote, carried unanimously**

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

**Voice Vote, carried unanimously**

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**CFF REDI Loan – Margaretville Lodging, LLC - Tab 20**

A motion to approve Resolution No. 2171 was made by Michael Flaherty and seconded by Robert Pelham.

September 4, 2012

**RESOLUTION NO. 2171**

**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 Number 506, the CWC Board of Directors approved an application by Margaretville Lodging, LLC for a CFF REDI 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**, on June 5, 2012 by Resolution Number 2122, the CWC Board denied the application of Margaretville Lodging, LLC, 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**, on July 3, 2012, Mr. Molnar appealed to the CWC Board of Directors to reconsider their denial based on his payment history with CWC and his commitment to the community; and

**WHEREAS**, on July 3, 2012, the CWC Board of Directors referred the matter to the CWC Economic Development Committee for further review, in which the Economic Development Committee asked staff to meet with applicant to obtain 2011 financial statements, and to secure additional collateral for the loan; and

**WHEREAS**, on August 7, 2012 CWC staff reported to the Economic Development Committee on their review of 2011 internal financial statements provided by Margaretville Lodging, LLC and also that applicant agreed to a Collateral Assignment of Rents and Leases on 191 Elliot Hills Road Extension, Arkville, NY 12406; and

**WHEREAS**, on August 7, 2012 the Economic Development Committee recommended the loan application of Margaretville Lodging, LLC be reconsidered by the full Board of Directors at the next scheduled meeting; 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 and waives the requirement of a participating lender and equity contribution pursuant to CFF Program Rule §§1:05:02 and 1:05:03.

**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.

**Voice Vote, carried unanimously**

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**CFF REDI Loan – David A. Rikard - Tab 21**

A motion to approve Resolution No. 2172 was made by Berndt Leifeld and seconded by Michael Flaherty.

September 4, 2012

**RESOLUTION NO. 2172**  
**APPROVAL OF DAVID A. RIKARD**  
**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**, David A. Rikard has applied for a One Hundred Sixty Thousand Dollar (\$160,000.00) 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 rebuilding of his law office; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Staff has reviewed a completed CWC Loan application for David A. Rikard; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for David A. Rikard.; and

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from David A. Rikard; and

**WHEREAS**, the CWC Loan Committee recommends the CWC Board waive the requirement of a participating lender pursuant to CFF Program Rule § 1:05:02 because only a first position will adequately protect the interests of CWC; and

**WHEREAS**, the CWC Loan Committee recommends the CWC Board waive the requirement of a minimum 10% equity contribution pursuant to CFF Program Rule § 1:05:03 because an equity contribution is not necessary to secure the interest of CWC; 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 David A. Rikard's application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of One Hundred Sixty Thousand Dollars (\$160,000.00) 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 and waives the requirements of a participating lender and equity contribution pursuant to CFF Program Rule §§1:05:02 and 1:05:03.

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

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

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of an application by the Board constitutes a preliminary decision under the MOA. The decision will become final without any further action by the Board unless an objection is timely filed with the Watershed Protection and Partnership Council.

#### **QEDP Evaluation and CWC Staff Recommendation**

##### **Purpose: To review the CWC Loan Application of David A. Rikard**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to David A. Rikard, located in the Town of Prattsville, NY. Evaluation is based on the Evaluation Criteria established in the Catskill Fund for the Future Program Rules, approved on August 22, 2001 by the CWC Board of Directors.

4. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the property at 14306 Main Street, Prattsville, NY, owned by David A. Rikard, 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 14306 Main Street, Prattsville, NY, owned by David A. Rikard, is not subject to any enforcement actions by any regulatory agency.
6. (a) To the best of CWC's knowledge, the project is consistent with historic land use patterns, available infrastructure and sensitivity to the need for water quality protection.

- (vii) David A. Rikard will rebuild an office where his previous home/office sat, which was devastated by flooding.
  - (viii) The project is located in the Town of Prattsville.
  - (ix) The project will utilize a municipal sewage system.
  - (x) The project appears to present no threat to water quality.
  - (xi) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
  - (xii) Based on NYCDEP the project is not in the 60 day travel time.
  - (vii) There is no impact on Federal or State wetlands.
- (b) The project maintains the character of the Town of Prattsville.
- (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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**CFF REDI Loan – Lewis Wendell - Tab 22**

A motion to approve Resolution No. 2173 was made by Wayne Marshfield and seconded by Tina Molé.

September 4, 2012

**RESOLUTION NO. 2173**  
**APPROVAL OF LEWIS WENDELL**  
**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**, Lewis Wendell, applied for a One Hundred Thirty-Five Thousand Dollars (\$135,000.00) CFF REDI loan for a term of fifteen (15) years, interest only for the first six months, 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 acquisition of the building at 53538 State Highway 30, Roxbury, NY; and

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

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

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from Lewis Wendell contingent on Lewis Wendell funding an escrow account totaling ten percent (10%) of the projected renovation costs and ensuring proper grant controls enforced by the M-Ark project for renovations to be completed; 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 Lewis Wendell's application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of One Hundred Thirty-Five Thousand Dollars (\$135,000.00), for a term of fifteen (15) years, interest only for the first six months, 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 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.

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

**Purpose: To review the CWC Loan Application of Lewis Wendell**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Lewis Wendell located in the Town of Roxbury, 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.

7. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the property at 53538 State Highway 30, Roxbury, NY, to be owned by Lewis Wendell, is presently in compliance with all applicable environmental statutes and regulations.
8. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the property at 53538 State Highway 30, Roxbury, NY, to be owned by Lewis Wendell, is not subject to any enforcement actions by any regulatory agency.
9. (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.
  - (xiii) Lewis Wendell will buy and renovate a building for residential and commercial use.
  - (xiv) The project is located in the Town of Roxbury.
  - (xv) The project will utilize a municipal sewage system.
  - (xvi) The project appears to present no threat to water quality.
  - (xvii) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
  - (xviii) 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 Prattsville.
  - (ix) The project is consistent with current zoning.
  - (x) The project is compatible with surrounding land uses.
  - (xi) The project will not generate excessive traffic.
  - (xii) 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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**IX. Announcements from the Chair: None**

**X. Board Member Discussion: None**

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

**Voice Vote, carried unanimously**

**XI. Adjournment: @ 2:42 p.m.**