

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

November 6, 2012 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by Innes Kasanof.

III. Roll Call of Directors

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

Members Excused: Donald Brandow

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

Others Present: Dan Ruzow, CWC Outside Counsel

IV. Review and Approval of October 2, 2012 Board Meeting Minutes

A motion to approve the minutes from the October 2, 2012 board meeting was made by Berndt Leifeld and seconded by Deborah DeWan.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of August 31, 2012 was made by James Eisel and seconded by Jeff Graf.

**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

VI. Public Discussion

VII. Presentation of Resolutions

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*A motion to waive Rule 14 was made by Deborah DeWan and seconded by Robert Pelham.*

***Voice Vote, carried unanimously***

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Handout Resolution - Septic Reimbursement Over \$20,000 – Anne Rotella

A motion to approve Resolution No. 2195 was made by Berndt Leifeld and seconded by Robert Pelham.

November 6, 2012

RESOLUTION NO. 2195

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:
ANNE ROTELLA**

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

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

WHEREAS, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Eight Thousand One Hundred Dollars (\$28,100.00); and

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

WHEREAS, the CWC staff have determined the contractor's quote of Twenty-Eight Thousand One Hundred Dollars (\$28,100.00) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the contractor's quote of Twenty-Eight Thousand One Hundred Dollars (\$28,100.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Eight Thousand One Hundred Dollars (\$28,100.00).

Anne Rotella Backup

Ms. Rotella's property is located in the Town of Jewett, Greene County. Homeowner and CWC staff received three quotes from unrelated contractors, with the lowest quote in the amount of \$28,100.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, 30 lineal feet of 4" gravity piping, 350 cubic yards of absorption fill material, 40 cubic yards of graded sand, 210 lineal feet of Presby piping, 20 lineal feet of 2" venting, temporary access road, tree clearing, and restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$28,100.00.

Voice Vote, carried unanimously

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**Handout Resolution - Septic Reimbursement Over \$20,000 - Additional Cost – John Woznick**

A motion to approve Resolution No. 2196 was made by Robert Pelham and seconded by Wayne Marshfield.

November 6, 2012

**RESOLUTION NO. 2196**

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

**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 2151, the CWC Board approved reimbursement to John Woznick in an amount not to exceed Twenty Thousand Four Hundred Twenty-One Dollars (\$20,421.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for an extensive drain system in the amount of Nine Thousand One Hundred Eighty-Nine Dollars (\$9,189.00); 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 Nine Thousand One Hundred Eighty-Nine Dollars (\$9,189.00); and

**WHEREAS**, CWC staff have determined that Twenty-Nine Thousand Six Hundred Ten Dollars (\$29,610.00) 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-Nine Thousand Six Hundred Ten Dollars (\$29,610.00) 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 Six Hundred Ten Dollars (\$29,610.00).

**John Woznick Backup**

Mr. Woznick’s property is located in the Town of Kortright, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$20,421.00. There appears to be a severe water problem on this site and the new system is not functioning as it should. The engineer has proposed an extensive drainage system to keep the surface water away from the system so it will have a chance to operate correctly. The additional work includes installation of a 6 foot deep curtain drain approximately 180 lineal feet long, septic sand, and approximately 10 yards of stone. In addition, the work will require total site restoration. A reasonable and just cost for the additional work

according to CWC Schedule of Values is \$9,189.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$9,189.00, for total reimbursement not to exceed \$29,610.00.

**Voice Vote, carried unanimously**

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Septic Appeal – Leslie Risley - Tab 7

A motion to approve Resolution No. 2197 was made by Wayne Marshfield and seconded by Robert Pelham.

November 6, 2012

RESOLUTION NO. 2197

SEPTIC PROGRAM APPEAL – LESLIE RISLEY

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

WHEREAS, the CWC staff reviewed a request from Leslie Risley for eligibility under the CWC Septic Program; and

WHEREAS, CWC staff reviewed the application and determined Mr. Risley’s property was not eligible for the CWC Septic Program because the structure was being improved over 75% of its fair market value and was uninhabited for a period of more than three years; 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, Leslie Risley timely submitted an appeal form appealing the determination of ineligibility of the additional design costs; 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 Leslie Risley’s Appeal pursuant to the criteria and procedure established by the CWC Article 2-A, 2:01:10; and

WHEREAS, the Septic Committee recommends that the CWC Board of Directors deny Leslie Risley’s appeal and determine that the property his ineligible for the CWC Septic Program.

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

Denies the Appeal

Grants the Appeal

Leslie Risley – Septic Program Eligibility Appeal

Mr. Risley’s property is located in that Town of Lexington. A copy of his appeal is attached.

The CWC Septic Program Rules § 2:00:01 (19) define an eligible residence as:

a building, including a mixed commercial/residential use building constructed on or before November 2, 1995 and wholly or partially used for living or sleeping by human occupants. 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 at least three or more years prior to application for enrollment in the Septic Program.

According to Greene County records, Mr. Risley purchased this property in October of 2011 for \$7,500.00. The previous owner purchased it for \$2,500.00 in 2005. The property includes a 980 sq. ft. metal Quonset hut and 2.8 acres. The current

assessment on the property (full value) is \$18,500.00 and does not include any value for the Quonset hut, or any other improvement on the property.

Since his purchase, Mr. Risley has redone the interior of the Quonset hut and received a building permit to construct a new bathroom, new electric, and new plumbing. CWC staff determined that the property is not eligible for the CWC Septic Program because Mr. Risley's improvements exceed 75% of the value of the building. During CWC site visits, CWC staff did see any existing septic system. In addition, the Quonset hut was unoccupied for a period of over three years.

The CWC Septic Committee recommends that the appeal be denied.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Additional Cost – Norma Carson - Tab 8**

A motion to approve Resolution No. 2198 was made by Thomas Hynes and seconded by Jeff Graf.

November 6, 2012

**RESOLUTION NO. 2198**

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

**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 1976, the CWC Board approved reimbursement to Norma Carson in an amount not to exceed Twenty-Three Thousand Twenty-Eight Dollars and Ninety-Two Cents (\$23,028.92); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for disposal of an unknown septic tank in the amount of Three Hundred Dollars (\$300.00); and

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

**WHEREAS**, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be Three Hundred Dollars (\$300.00); and

**WHEREAS**, CWC staff have determined that Twenty-Three Thousand Three Hundred Twenty-Eight Dollars and Ninety-Two Cents (\$23,328.92) is a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving total reimbursement of Twenty-Three Thousand Three Hundred Twenty-Eight Dollars and Ninety-Two Cents (\$23,328.92) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Three Thousand Three Hundred Twenty-Eight Dollars and Ninety-Two Cents (\$23,328.92).

**Norma Carson Backup**

Ms. Carson's property is located in the Town of Tompkins, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$23,328.92. During construction an unknown tank was discovered. The contractor filled it in and disposed of it. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$300.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$300.00, for total reimbursement not to exceed \$23,328.92.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$20,000 – Additional Cost – Estate of Francis & Loretta Daniels – Tab 9

A motion to approve Resolution No. 2199 was made by Thomas Hynes and seconded by Jeff Graf.

November 6, 2012

RESOLUTION NO. 2199

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE
OVER \$20,000 – ADDITIONAL COSTS:
ESTATE OF FRANCIS & LORETTA DANIELS**

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 the Estate of Francis and Loretta Daniels in the amount of Sixteen Thousand Dollars (\$16,000.00); 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 Nine Thousand Four Hundred Seventy-Five Dollars (\$9,475.00); 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 Twenty-Five Thousand Four Hundred Seventy-Five Dollars (\$25,475.00) 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 Twenty-Five Thousand Four Hundred Seventy-Five Dollars (\$25,475.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Five Thousand Four Hundred Seventy-Five Dollars (\$25,475.00).

Estate of Francis and Loretta Daniels Backup

The Daniels’ Estate property is located in the Town of Middletown, Delaware County. This system was previously approved for reimbursement in the amount of \$16,000.00. During construction rock was encountered. In the interest of minimizing the amount of rock removal the tanks were raised in elevation. As a result, the amount of covering over the pipe crossing the driveway was compromised. The piping was changed from Schedule 40 to Schedule 80, a much heavier pipe. In addition, to provide work space to remove the rock the tanks were relocated, resulting in another 55 lineal feet of piping. Approximately six days of rock removal was required to install the septic system. The cost of the additional repairs is \$9,475.00. The Septic Committee recommends that the Board of Directors approve additional reimbursement in the amount of \$9,475.00, for total reimbursement not to exceed \$25,475.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Additional Cost – Florence Keahey – Tab 10**

A motion to approve Resolution No. 2200 was made by Thomas Hynes and seconded by Jeff Graf.

November 6, 2012

**RESOLUTION NO. 2200**

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

**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 1978, the CWC Board approved reimbursement to Florence Keahey in an amount not to exceed Twenty-Five Thousand Six Hundred Fifty Dollars (\$25,650.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for additional select material in the amount of One Thousand One Hundred Forty-Eight Dollars (\$1,148.00); 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 One Hundred Forty-Eight Dollars (\$1,148.00); and

**WHEREAS**, CWC staff have determined that Twenty-Six Thousand Seven Hundred Ninety-Eight Dollars (\$26,798.00) 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-Six Thousand Seven Hundred Ninety-Eight Dollars (\$26,798.00) 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 Ninety-Eight Dollars (\$26,798.00).

**Florence Keahey Backup**

Ms. Keahey's property is located in the Town of Shandaken, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$25,650.00. During construction the engineer requested that some additional select material be utilized around the Eljen in-drain units. The contractor used approximately 42 additional cubic yards of select material. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$1,148.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,148.00, for total reimbursement not to exceed \$26,798.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$20,000 – Additional Cost – Joan Kutcher - Tab 11

A motion to approve Resolution No. 2201 was made by Thomas Hynes and seconded by Jeff Graf.

November 6, 2012

RESOLUTION NO. 2201

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

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 2077, the CWC Board approved reimbursement to Joan Kutcher in an amount not to exceed Thirty-Three Thousand Thirty-One Dollars (\$33,031.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for rock removal and additional installation of piping in the amount of Three Thousand Five Hundred Seventy-Four Dollars (\$3,574.00); 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 Five Hundred Seventy-Four Dollars (\$3,574.00); and

WHEREAS, CWC staff have determined that Thirty-Six Thousand Six Hundred Five Dollars (\$36,605.00) 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-Six Thousand Six Hundred Five Dollars (\$36,605.00) 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-Six Thousand Six Hundred Five Dollars (\$36,605.00).

Joan Kutcher Backup

Ms. Kutcher's property is located in the Town of Jewett, Greene County. CWC Board of Directors previously approved reimbursement for this project at \$33,031.00. The previous resolution did not include the cost of the septic tank. In addition, rock was encountered and approximately 30 lineal feet of 4" piping was required. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$3,574.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$3,574.00, for total reimbursement not to exceed \$36,605.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Additional Cost – Michael Puryear – Tab 12**

November 6, 2012

**RESOLUTION NO. 2202**

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

**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 2079, the CWC Board approved reimbursement to Michael Puryear in an amount not to exceed Twenty-One Thousand Four Hundred Dollars (\$21,400.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for installation of swale in the amount of Six Hundred Dollars (\$600.00); 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 Dollars (\$600.00); and

**WHEREAS**, CWC staff have determined that Twenty-Two Thousand Dollars (\$22,000.00) 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-Two Thousand Dollars (\$22,000.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Two Thousand Dollars (\$22,000.00).

**Michael Puryear Backup**

Mr. Puryear’s property is located in the Town of Olive, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$21,400.00. During construction the project engineer requested that a swale be added to help portect the new septic system from surface water. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$600.00. The Septic Committee recommends

that the Board approves an additional reimbursement of \$600.00, for total reimbursement not to exceed \$22,000.00.

A motion to approve Resolution No. 2202 was made by Thomas Hynes and seconded by Jeff Graf.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$20,000 – Additional Cost – Patrick Schaaffe – Tab 13

A motion to approve Resolution No. 2203 was made by Thomas Hynes and seconded by Jeff Graf.

November 6, 2012

RESOLUTION NO. 2203

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

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 2128, the CWC Board approved reimbursement to Charlotte Clark in an amount not to exceed Twenty-Four Thousand Eight Hundred Dollars (\$24,800.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for tank and piping replacement in the amount of Two Thousand Six Hundred Fifty-Four Dollars (\$2,654.00); and

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

WHEREAS, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be Two Thousand Six Hundred Fifty-Four Dollars (\$2,654.00); and

WHEREAS, CWC staff have determined that Twenty-Seven Thousand Four Hundred Fifty-Four Dollars (\$27,454.00) 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 Four Hundred Fifty-Four Dollars (\$27,454.00) 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 Four Hundred Fifty-Four Dollars (\$27,454.00).

Patrick Schaaffe Backup

Mr. Schaaffe's property is located in the Town of Roxbury, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$24,800.00. During construction the design engineer discovered that the existing tank, which originally was believed to not need replacing, was found to be leaking across a seam. The engineer directed the contractor to replace the septic tank and 26 lineal feet of undersized piping from the house to the tank. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$2,654.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$2,654.00, for total reimbursement not to exceed \$27,454.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Additional Cost – William Schapp – Tab 14**

A motion to approve Resolution No. 2204 was made by Thomas Hynes and seconded by Jeff Graf.

November 6, 2012

**RESOLUTION NO. 2204**

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

**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 William Schapp in the amount of Seventeen Thousand One Hundred Eighty-Two Dollars (\$17,182.00); 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 Three Thousand Ninety-Six Dollars (\$2,654.00); 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 Twenty Thousand Two Hundred Seventy-Eight Dollars (\$20,278.00) 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 Twenty Thousand Two Hundred Seventy-Eight Dollars (\$20,278.00) 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 Thousand Two Hundred Seventy-Eight Dollars (\$20,278.00).

**William Schapp Backup**

Mr. Schapp’s property is located in the Town of Denning, Delaware County. This system was previously approved for reimbursement in the amount of \$17,182.00. The cost of installing the septic tank in 2008 was inadvertently overlooked. The cost of installing the tank at that time was \$3,096.00. The Septic Committee recommends that the Board of Directors approve additional reimbursement in the amount of \$3,096.00, for total reimbursement not to exceed \$20,278.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$20,000 – Additional Cost – Richard Vizzini – Tab 15

A motion to approve Resolution No. 2205 was made by Thomas Hynes and seconded by Jeff Graf.

November 6, 2012

RESOLUTION NO. 2205

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

RICHARD VIZZINI

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 2079, the CWC Board approved reimbursement to Richard Vizzini in an amount not to exceed Twenty-Three Thousand Three Hundred Twenty-Nine Dollars (\$23,329.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for rock excavation in the amount of Six Thousand Three Hundred Forty-Two Dollars (\$6,342.00); 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 Thousand Three Hundred Forty-Two Dollars (\$6,342.00); and

WHEREAS, CWC staff have determined that Twenty-Nine Thousand Six Hundred Seventy-One Dollars (\$29,671.00) 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-Nine Thousand Six Hundred Seventy-One Dollars (\$29,671.00) 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 Six Hundred Seventy-One Dollars (\$29,671.00).

Richard Vizzini Backup

Mr. Vizzini’s property is located in the Town of Hurley, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$23,329.00. Reimbursement for rock excavation was inadvertently omitted from the quote for approval. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$6,342.00. The Septic Committee recommends that the Board approves an

additional reimbursement of \$6,342.00, for total reimbursement not to exceed \$29,671.00.

Voice Vote, carried unanimously

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**CWC Operating/Program Budget for Fiscal Year 2013 - Tab 16**

A motion to approve Resolution No. 2206 was made by James Eisel and seconded by Martin Donnelly.

November 6, 2012

**RESOLUTION NO. 2206**

**ADOPTION OF CATSKILL WATERSHED CORPORATION  
OPERATING/PROGRAM BUDGET  
FOR FISCAL YEAR 2013**

**WHEREAS**, the Finance Committee has prepared a budget for Catskill Watershed Corporation (CWC) for the period commencing January 1, 2013 through December 31, 2013; and

**WHEREAS**, the Finance Committee recommends for adoption the proposed budget to the full Board of Directors; and

**WHEREAS**, the total budgeted appropriations have been allocated to the various programs, such as Operating, Septic Program III, etc., by category as indicated below; and

**WHEREAS**, the appropriations to the following budget categories may be transferred between the categories as indicated below without prior Board approval:

Program Expenses, Occupancy Expenses, Advertising & Printing, Office Supplies, Communications, Grants & Reimbursements, Travel, Conferences & Seminars, Insurance, Repairs & Maintenance, Subscriptions & Publications, Professional Fees, Administration Allocation, Depreciation, Dues, Licenses, & Memberships, Miscellaneous Expense, Contingency, Fixed Assets.

**NOW, THEREFORE BE IT RESOLVED** that the CWC Board of Directors approves the 2013 fiscal year budget of Thirty-Three Million Two Hundred Twenty-Five Thousand Seven Hundred Twenty-Eight Dollars (\$33,225,728.00) presented.

**NOW THEREFORE LET IT BE FURTHER RESOLVED**, that the CWC Board of Directors authorized the Executive Director, in accordance with all other CWC policies and procedures, to incur expenses up to the amount set forth in the attached budget.

**NOW THEREFORE LET IT BE FURTHER RESOLVED**, that CWC Board of Directors authorizes the Executive Director to reallocate funds between specific budgets and categories but may not exceed the total approved budget amount without prior Board approval.

*Voice Vote, carried unanimously*

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CWC Tax Consulting Budget for Fiscal Year 2013 – Tab 17

A motion to approve Resolution No. 2207 was made by Robert Pelham and seconded by James Eisel.

November 6, 2012

RESOLUTION NO. 2207

**ADOPTION OF CATSKILL WATERSHED CORPORATION
TAX CONSULTING BUDGET
FOR FISCAL YEAR 2013**

WHEREAS, the Finance Committee of the Catskill Watershed Corporation (CWC) has prepared a projected budget for CWC’s Tax Consulting program expenditures from January 1, 2013 through December 31, 2013; and

WHEREAS, the Finance Committee recommends for adoption the projected Tax Consulting program budget of Two Hundred Fifty-Five Thousand Three Hundred Dollars (\$255,300.00) to the full Board of Directors.

NOW, THEREFORE BE IT RESOLVED that the CWC Board of Directors approves the 2013 projected Tax Consulting program budget as presented.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the CWC Board of Directors authorized the Executive Director, in accordance with all other CWC policies and procedures, to incur expenses up to the projected program budget amounts.

Voice Vote, carried unanimously

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**2012 CWC External Audit Firm – Tab 18**

A motion to approve Resolution No. 2208 was made by Wayne Marshfield and seconded by James Eisel.

**RESOLUTION NO. 2208**

**CATSKILL WATERSHED CORPORATION EXTERNAL AUDIT FIRM**

**WHEREAS**, the Catskill Watershed Corporation (CWC) is required by contracts to submit financial statements audited by an independent certified public accountant for the preceding fiscal year to the New York City Department of Environmental Protection within ninety (90) days of the end of the CWC fiscal year; and

**WHEREAS**, the CWC Policies and Procedures requires that the CWC Board of Directors must approve an expense greater than Ten Thousand Dollars (\$10,000.00); and

**WHEREAS**, the Finance Department has received an engagement letter from Sickler, Torchia, Allen & Churchill, CPAs, P.C. for audit & tax services for the year ending December 31, 2012 totaling Fifteen Thousand Four Hundred Twenty Five Dollars (\$15,425.00); and

**WHEREAS**, the Finance Committee recommends the CWC Board to approve a contract not to exceed Fifteen Thousand Four Hundred Twenty Five Dollars (\$15,425.00) for external audit & tax services for the year ending December 31, 2012.

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board of Directors approves the Executive Director to contract with Sickler, Torchia, Allen & Churchill, CPAs, P.C. for external audit & tax services not to exceed Fifteen Thousand Four Hundred Twenty Five Dollars (\$15,425.00).

***Voice Vote, carried unanimously***

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A motion to enter into Executive Session with Alan L. Rosa, Timothy Cox, Nathan Hendricks and Dan Ruzow (*Whiteman, Osterman, Hanna, CWC Outside Counsel*) to discuss attorney/client privilege was made by Tina Molé and seconded by Martin Donnelly.

Voice Vote, carried unanimously

A motion to resume the regular meeting was made by James Eisel and seconded by Thomas Hynes.

Voice Vote, carried unanimously

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

**IX. Board Member Discussion:**

*Georgianna requested a few Board members remain to discuss flood mitigation funding. Dan Ruzow stated that he would be willing to do anything that the Board would like him to do. He noted that he does not have much familiarity with the prior discussions and positions, but that he will learn as much as possible.*

*Tom Snow noted that there appears to be discussion and development of flood mitigation funding between the City and the Soil and Water Conservation Districts.*

*Jeff Graf said that those meetings had been recognized in earlier stakeholders group. He continued that from the large stakeholder group, a much smaller group including the Soil and Water Conservation Districts are best positioned to define a local flood mitigation analysis envisioned by the program. Jeff continued that the smaller group is working on the scoping document, and program rules (which DEP is about 90% done with) that will be forwarded to CWC for consideration. Jeff added that DEP is almost done with review of the contract. Jeff stated that the current efforts are nothing more than trying to substantiate and put forward what was agreed to in those long Stakeholder meetings that went on for a year. DEP has not expended all of this energy to have fun or to slow down the process, but rather to make this a successful program. DEP thinks it can be a successful program.*

*Tom Snow asked when the City believed it would be appropriate to bring in the other entities involved.*

*Jeff responded that there is a meeting scheduled on Friday, November 9<sup>th</sup>. He would confirm with Alan once he returns to the office Wednesday.*

*Georgianna noted that the CWC Board must still vote on whether or not to sign the program contract, and Board members must be comfortable with the program and process, or someone other than CWC could step in to continue the program.*

*Jeff agreed that it is necessary that everyone is in agreement about the contract, but without the key pieces, the contract, program rules and scoping document, he believed that at present the Board is talking in a void.*

*Georgianna Lepke noted that Whiteman, Osterman and Hanna have requested that all fees be increased for 2013. In conversation with Dan Ruzow and the Finance Committee, Dan stated that his CWC rates are approximately 50% of what others are charged. Dan agreed to keep his rates for counsel at the 2012 rate (the only rate he had control over) for the upcoming year.*

*Tim Cox noted that the Nibble Nook Diner short sale is completed and CWC received payment, so that loan is done.*

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

**Voice Vote, carried unanimously**

**X. Adjournment: @ 2:35 p.m.**