

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

December 4, 2012 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by Berndt Leifeld.

III. Roll Call of Directors

Members Present: Donald Brandow, 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: None

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: Ursula Basch (*NYC DEP*), Michael Meyer (*NYC DEP*), and Thomas Stalter (*NYC DEP*)

IV. Review and Approval of November 6, 2012 Board Meeting Minutes

A motion to approve the minutes from the November 6, 2012 board meeting was made by Deborah DeWan and seconded by Berndt Leifeld.

Voice Vote, *carried unanimously*

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**V. Presentation of Communication**

**Finance Report**

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

**Voice Vote, *carried unanimously***

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Executive Director's Report

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

Alan Rosa noted that since the first Tuesday of the month in January falls on New Year's Day, the next committee and board meeting day will be January 8th.

Alan also noted that the members of the Land Committee received a memo addressing the successful litigation for the Town of Andes in a lawsuit filed by Ms. Paula Nelson in regards to her property being included in the hamlet designation area, therefore prohibiting NYCDEP purchase of the property under their buyout program or establishment of a WAC easement. He also noted that this is a great example of the local governments working in favor of the Watershed MOA and the 2010 Land Acquisition Agreement.

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 Martin Donnelly and seconded by Thomas Snow. Voice Vote, carried unanimously*

**Handout Resolution – Future Stormwater Funds Transfer to Septic Program Fund**

A motion to approve Resolution No. 2209 was made by James Eisel and seconded by Michael Triolo.

December 4, 2012

**RESOLUTION NO. 2209**

**ALLOCATION OF FUTURE STORMWATER FUNDS**

**WHEREAS**, CWC manages the Septic Rehabilitation and Replacement Program (CWC Septic Program) under Program contract; and

**WHEREAS**, on August 7, 2012, by Resolution 2151, the CWC Board of Directors approved the Septic Rehabilitation and Replacement Program IV Agreement; and

**WHEREAS**, CWC Septic Program does not currently have sufficient funds to provide for expected reimbursement requests; and

**WHEREAS**, the City of New York has not yet approved the Septic IV Contract; and

**WHEREAS**, the Finance Committee has recommended for Board of Directors approval, transfers up to One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000.00) as needed for CWC Septic Program.

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board approves the One Million Seven Hundred Fifty Thousand Dollar (\$1,750,000.00) transfer as needed; and

**NOW, THEREFORE BE IT FURTHER RESOLVED**, the CWC Board authorizes the Executive Director and the Finance Director to execute the transfers accordingly.

**Voice Vote, carried unanimously**

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Handout Resolution - Septic Reimbursement Over \$20,000 – Darlene Cuturia

A motion to approve Resolution No. 2210 was made by Wayne Marshfield and seconded by Thomas Hynes.

December 4, 2012

RESOLUTION NO. 2210

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

DARLENE CUTURIA

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

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

WHEREAS, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Five Thousand Two Hundred Eighty Dollars (\$25,280.00); and

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

WHEREAS, the CWC staff have determined the contractor’s quote of Twenty-Five Thousand Two Hundred Eighty Dollars (\$25,280.00) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the contractor's quote of Twenty-Five Thousand Two Hundred Eighty Dollars (\$25,280.00) 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 Two Hundred Eighty Dollars (\$25,280.00).

Darlene Cuturia Backup

Ms. Cuturia'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 \$25,280.00.

This system is for a two bedroom house. However, it appears that at least 6 people may be living in the house. CWC previously provided reimbursement for a replacement septic system that was completed in 1999. It appears to have functioned for over 4 years. In 2004, NYCDEP issued a new Notice of Failure for an egregious surface failure. With agreement of CWC Septic Committee, CWC reimbursed for a second design.

The major components of the replacement system will include approximately 355 cubic yards of absorption fill material, one distribution box, 480 lineal feet of Presby system piping and venting, 70 cubic yards of septic system sand, removal of existing absorption fill material, and site restoration. Earlier this year, Presby Environmental offered to provide their materials for a replacement system without cost as part of contractor training.

CWC staff and the homeowner received four quotes in the amounts of \$35,000.00, \$33,900.00, \$33,700.00, and \$25,280.00. The low quote is close to our estimated cost of construction when Presby's contribution is factored into the cost.

The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$25,280.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Karen Boyle - Tab 7**

A motion to approve Resolution No. 2211 was made by Richard Parete and seconded by Berndt Leifeld.

December 4, 2012

**RESOLUTION NO. 2211**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
KAREN BOYLE**

**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 Thirty Thousand Dollars (\$30,000.00), the homeowner shall supply detailed quotes from three unrelated contractors, and CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, CWC staff has reviewed three construction quotes, including the lowest quote for the septic system repair in the amount of Thirty-Two Thousand Nine Hundred Fourteen Dollars and Eighty Cents (\$32,914.80); and

**WHEREAS**, the contractor's quote for this system is more than Thirty Thousand Dollars (\$30,000.00); and

**WHEREAS**, the CWC staff have determined the contractor's quote of Thirty-Two Thousand Nine Hundred Fourteen Dollars and Eighty Cents (\$32,914.80) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor's quote of Thirty-Two Thousand Nine Hundred Fourteen Dollars and Eighty Cents (\$32,914.80) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Thirty-Two Thousand Nine Hundred Fourteen Dollars and Eighty Cents (\$32,914.80).

**Karen Boyle Backup**

Ms. Boyle's property is located in the Town of Hunter, Greene County. Homeowner and CWC staff received three quotes from unrelated contractors for \$35,755.00, \$34,757.00, and \$32,914.80. This system is for a five bedroom house. The major components for this system include a 1,500 gallon septic tank, 25 lineal feet of 4" gravity piping, 30 lineal feet of 2" forcemain, 425 cubic yards of absorption fill material, effluent filter, 5 peat modules, and extensive site restoration. The lowest 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 \$32,914.80.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$20,000 – Frank Carle - Tab 8

A motion to approve Resolution No. 2212 was made by Richard Parete and seconded by Berndt Leifeld.

December 4, 2012

RESOLUTION NO. 2212

BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:
FRANK CARLE

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

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

WHEREAS, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Five Thousand Six Hundred Twenty-Six Dollars (\$25,626.00); and

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

WHEREAS, the CWC staff have determined the contractor’s quote of Twenty-Five Thousand Six Hundred Twenty-Six Dollars (\$25,626.00) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Twenty-Five Thousand Six Hundred Twenty-Six Dollars (\$25,626.00) 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 Six Hundred Twenty-Six Dollars (\$25,626.00).

Frank Carle Backup

Mr. Carle’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 \$25,626.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, pump station, 20 lineal feet of 4” gravity piping, 95 lineal feet of 2” forcemain, one distribution box, 305 cubic yards of absorption fill material, 240 lineal feet absorption trench, tree removal, and a temporary access road. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$25,626.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – James Carolan - Tab 9**

A motion to approve Resolution No. 2213 was made by Richard Parete and seconded by Berndt Leifeld.

December 4, 2012

**RESOLUTION NO. 2213**

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

**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 Nine Hundred Fifty Dollars (\$27,950.00); 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 Nine Hundred Fifty Dollars (\$27,950.00) 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 Nine Hundred Fifty Dollars (\$27,950.00) 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 Fifty Dollars (\$27,950.00).

**James Carolan Backup**

Mr. Carolan’s property is located in the Town of Bovina, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$27,950.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, one siphon chamber, 220 lineal feet of 4” gravity piping, one distribution box, 340 cubic yards of absorption fill material, one effluent filter, 184 lineal feet of absorption trench, temporary access road 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 \$27,950.00.

***Voice Vote, carried unanimously***

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December 4, 2012

RESOLUTION NO. 2214

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

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-Three Thousand Ninety-Eight Dollars (\$23,098.00); 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-Three Thousand Ninety-Eight Dollars (\$23,098.00) 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-Three Thousand Ninety-Eight Dollars (\$23,098.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Three Thousand Ninety-Eight Dollars (\$23,098.00).

Michael Evans Jellen Backup

Mr. Evans’ property is located in the Town of Neversink, Sullivan County. Homeowner and CWC staff received a quote from a contractor in the amount of \$23,098.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, 15 lineal feet of 4” gravity piping, 100 lineal feet of 2” forcemain, 120 cubic yards of absorption fill material, 3 peat modules, 12 cubic yards of crushed stone, 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 \$23,098.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Tania Jellen - Tab 11**

A motion to approve Resolution No. 2215 was made by Richard Parete and seconded by Berndt Leifeld.

December 4, 2012

**RESOLUTION NO. 2215**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
TANIA JELLEN**

**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-Three Thousand Six Hundred One Dollars (\$23,601.00); 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-Three Thousand Six Hundred One Dollars (\$23,601.00) 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-Three Thousand Six Hundred One Dollars (\$23,601.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Three Thousand Six Hundred One Dollars (\$23,601.00).

**Tania Jellen Backup**

Ms. Jellen’s property is located in the Town of Andes, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$23,601.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, one siphon chamber, 187 lineal feet of 4” gravity piping, one distribution box, 300 cubic yards of absorption fill material, one effluent filter, 225 lineal feet of absorption trench, 173 lineal feet of curtain drain, 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 \$23,601.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$20,000 – Joel Sherman - Tab 12

A motion to approve Resolution No. 2216 was made by Richard Parete and seconded by Berndt Leifeld.

December 4, 2012

RESOLUTION NO. 2216

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:
JOEL SHERMAN**

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

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

WHEREAS, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Nine Thousand Nine Hundred Fifty Dollars (\$29,950.00); and

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

WHEREAS, the CWC staff have determined the contractor’s quote of Twenty-Nine Thousand Nine Hundred Fifty Dollars (\$29,950.00) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Twenty-Nine Thousand Nine Hundred Fifty Dollars (\$29,950.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Nine Thousand Nine Hundred Fifty Dollars (\$29,950.00).

Joel Sherman Backup

Mr. Sherman’s property is located in the Town of Windham, Greene County. Homeowner and CWC staff received a quote from a contractor in the amount of \$29,950.00. This system is for a five bedroom house. The major components for this system include a 1,500 gallon septic tank, 205 lineal feet of 4” gravity piping, one distribution box, 450 cubic yards of absorption fill

material, 480 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 \$29,950.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Additional Cost – Michael Muller - Tab 13**

A motion to approve Resolution No. 2217 was made by Michael Triolo and seconded by Martin Donnelly.

December 4, 2012

**RESOLUTION NO. 2217**

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

**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 2127, the CWC Board approved reimbursement to Michael Muller in an amount not to exceed Twenty-Nine Thousand One Hundred Eighty-Five Dollars (\$29,185.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for tank replacement in the amount of Three Thousand Ninety-Six Dollars (\$3,096.00); 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 Ninety-Six Dollars (\$3,096.00); and

**WHEREAS**, CWC staff have determined that Thirty-Two Thousand Two Hundred Eighty-One Dollars (\$32,281.00) 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-Two Thousand Two Hundred Eighty-One Dollars (\$32,281.00) 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 Two Hundred Eighty-One Dollars (\$32,281.00).

**Michael Muller Backup**

Mr. Muller's property is located in the Town of Roxbury, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$29,185.00. TDuring construction the engineer requested that the septic tank be replaced. The septic tank was not part of the scope of work previously approved. The additional work included installing new septic tank effluent filter and some additional piping. The payment request for the septic tank effluent filter and 62 lineal feet of 4" gravity piping is \$3,096.00, and is reasonable and just according to CWC Schedule of Values. The Septic Committee recommends that the Board approves an additional reimbursement of \$3,096.00 for total reimbursement not to exceed \$32,281.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$20,000 – Additional Cost – Maria Siaflas - Tab 14

A motion to approve Resolution No. 2218 was made by Michael Triolo and seconded by Martin Donnelly.

December 4, 2012

RESOLUTION NO. 2218

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

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 1804, the CWC Board approved reimbursement to Maria Siaflas in an amount not to exceed Twenty-Two Thousand Five Hundred Fifty-Five Dollars (\$22,555.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for additional materials and equipment in the amount of Four Thousand One Hundred Ninety-Five Dollars (\$4,195.00); 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 One Hundred Ninety-Five Dollars (\$4,195.00); and

WHEREAS, CWC staff have determined that Twenty-Six Thousand Seven Hundred Fifty Dollars (\$26,750.00) 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 Fifty Dollars (\$26,750.00) 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 Fifty Dollars (\$26,750.00).

Maria Siaflas Backup

Ms. Siaflas' property is located in the Town of Windham, Greene County. CWC Board of Directors previously approved reimbursement for this project at \$25,555.00. During construction, the engineer requested that the contractor utilize steel plates to protect the well foundation while bringing in the fill material. Also, additional equipment was needed to bring the materials to the site of the raised bed system. An additional 56 cubic yards of fill material was needed to fill holes left by the removal of several very large rocks. A reasonable and just cost for the additional work CWC Schedule of Values is \$4,195.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$4,195.00, for total reimbursement not to exceed \$26,750.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Additional Costs – Richard Zimmerman - Tab 15**

A motion to approve Resolution No. 2219 was made by Michael Triolo and seconded by Martin Donnelly.

December 4, 2012

**RESOLUTION NO. 2219**

**BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC CONSTRUCTION**

**OVER \$20,000:**

**RICHARD ZIMMERMAN**

**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 2190, the CWC Board approved reimbursement to Richard Zimmerman in an amount not to exceed Twenty-Nine Thousand Three Hundred Seventy Dollars (\$29,370.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for additional fill material, repositioning of the absorption field, and relocation of an unforeseen footing drain in the amount of Three Thousand Fifty-Four Dollars and Forty-Five Cents (\$3,054.45); 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 Fifty-Four Dollars and Forty-Five Cents (\$3,054.45); and

**WHEREAS**, CWC staff have determined that Thirty-Two Thousand Four Hundred Twenty-Four Dollars and Forty-Five Cents (\$32,424.45) 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-Two Thousand Four Hundred Twenty-Four Dollars and Forty-Five Cents (\$32,424.45) 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 Twenty-Four Dollars and Forty-Five Cents (\$32,424.45).

**Richard Zimmerman Backup**

Mr. Zimmerman’s property is located in the Town of Middletown, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$29,370.00. During construction, the engineer requested that the contractor install an additional 35 cubic yards of septic fill material, reposition the absorption field, and relocate an unforeseen footing drain. A reasonable and just cost for the additional work CWC Schedule of Values is \$3,054.45. The Septic Committee recommends that the Board approves an additional reimbursement of \$3,054.45, for total reimbursement not to exceed \$32,424.45.

***Voice Vote, carried unanimously***

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CWC Building Flood Insurance - Tab 16

A motion to approve Resolution No. 2220 was made by James Eisel and seconded by Thomas Snow.

December 4, 2012

RESOLUTION NO. 2220

CWC FLOOD INSURANCE PREMIUM

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

WHEREAS, in 2011 Tropical Storm Irene caused extensive damage to the Catskill Watershed Corporation's building and office contents which were not covered under the Corporation's insurance or Federal or State grants; and

WHEREAS, the Finance Committee reviewed a Flood Insurance Quote for Ten Thousand Six Hundred Fifty-Nine Dollars (\$10,659.00) which will insure the CWC's building and contents.

NOW, THEREFORE BE IT RESOLVED, the Board of Director's approves the Executive Director to pay the flood insurance premium of a Ten Thousand Six Hundred Fifty-Nine Dollars (\$10,659.00).

Voice Vote, carried unanimously

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**Executive Director's Salary - Tab 17**

A motion to approve Resolution No. 2221 was made by James Eisel and seconded by Robert Pelham.

December 4, 2012

**RESOLUTION NO. 2221**

**EXECUTIVE DIRECTOR COMPENSATION**

**WHEREAS**, pursuant to the Catskill Watershed Corporation (CWC) Personnel Policies and Procedures, Article 3, the CWC Board of Directors is responsible for hiring the Executive Director; and

**WHEREAS**, the CWC Policy Committee recommends that the CWC Board of Directors be the salary of the current Executive Director be increased by Three Percent (3%) to Ninety-Five Thousand Four Hundred Eighty-One Dollars (\$95,481.00) annually and further recommends that said salary take effect beginning on January 1, 2013.

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors directs the CWC Executive Director and CWC Finance Director to set the salary of the current CWC Executive

Director at Ninety-Five Thousand Four Hundred Eighty-One Dollars (\$95,481.00) per annum to be paid in bi-weekly increments pursuant to CWC Personnel Policies and Procedures and that said salary is to take effect beginning on January 1, 2013.

**Voice Vote, carried unanimously**

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Whiteman, Osterman & Hanna 2013 Contract - Tab 18

A motion to approve Resolution No. 2222 was made by Thomas Snow and seconded by James Eisel.

December 4, 2012

RESOLUTION NO. 2222

**APPROVAL OF LEGAL SERVICES CONTRACT
WITH WHITEMAN, OSTERMAN & HANNA**

WHEREAS, pursuant to the Catskill Watershed Corporation (“CWC”) procurement policy personal service contracts likely to exceed Twenty-Five Thousand Dollars (\$25,000), shall be made on a competitive basis unless specifically exempted by the procurement policies; and

WHEREAS, the CWC Policy committee has reviewed response(s) to a request for proposal for outside counsel to the CWC; and

WHEREAS, Whiteman, Osterman & Hanna has represented CWC as outside counsel since 1996; and

WHEREAS, the CWC Policies and Procedures requires the CWC Board of Directors must approve all contracts for services over Ten Thousand Dollars (\$10,000); and

WHEREAS, the CWC Policy Committee recommends the CWC Board of Directors enter into a contract for legal services with Whiteman, Osterman & Hanna for a period of one year and that pursuant to CWC Fiscal Policies 3-10.06-4, the CWC Board waive the requirement that the contract be bid competitively because of the unique experience provided by Whiteman, Osterman & Hanna.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors approves the firm of Whiteman, Osterman & Hanna as external legal firm for the CWC for a term of one year, commencing on January 1, 2013 and terminating on December 31, 2013 for an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00) at the rates described in Attachment A and that pursuant to CWC Fiscal Policies 3-10.06-4, CWC Board waives the requirement that this contract be competitively bid.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board of Directors approves and authorizes the Executive Director and/or the President to retain Whiteman, Osterman & Hanna for legal services consistent with the attached proposal.

Voice Vote, carried unanimously


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**Tax Consulting – Collection Line Funding - Tab 19**

A motion to approve Resolution No. 2223 was made by Robert Pelham and seconded by Tina Molé.

December 4, 2012

**RESOLUTION NO. 2223**

**APPROVAL OF TAX CONSULTING APPLICATION FOR COLLECTION LINE  
TEMPLATE REPORT AND NEGOTIATIONS**

**WHEREAS**, pursuant to the 1997 Watershed Memorandum of Agreement (MOA), the Tax Consulting Fund Contract with the City of New York and the Catskill Watershed Corporation (CWC) Tax Consulting Program Rules, CWC established the Tax Consulting Program to pay the fees and expenses of professional consultants and/or attorneys retained by counties, towns, villages or inter-municipal corporations in the West of Hudson watershed to review, analyze and/or assist in the administration of real property taxes paid by the City on City-owned lands; and

**WHEREAS**, pursuant to the 2010 Water Supply Permit, and the Tax Litigation Avoidance Program (TLAP) Contract between the City of New York and CWC, CWC is the administrator of TLAP to provide valuation templates for various specialty properties to be used in the creation of a valuation report for a Town and the City to resolve litigation regarding tax assessment of the specialty property; and

**WHEREAS**, the final template to be completed under the TLAP is a collection line template for sewer collection lines serving City-owned wastewater treatment plants in the West of Hudson watershed; and

**WHEREAS**, Robert Beebe currently represents the Towns of Hunter, Middletown, Roxbury and Shandaken in the West of Hudson Watershed that have current assessment disputes with the City of New York regarding valuation of collection lines serving City-owned wastewater treatment plants; and

**WHEREAS**, Robert Beebe submitted the attached proposal to CWC for funding the collection line template and his negotiations on behalf of the above referenced towns for the amount of Forty-Five Thousand Dollars (\$45,000.00); and

**WHEREAS**, the CWC Land Committee (West of Hudson Members Only) recommend that CWC Board of Directors (West of Hudson Members only) approve a contract with Robert Beebe of up to Forty Five Thousand Dollars (\$45,000.00) from the CWC Tax Consulting Program Fund with the following conditions: that upon payment of the engineering costs for preparation of the report, CWC receive a copy of the engineering report, that CWC will not provide for payment of Robert Beebe’s attorneys fees in this matter unless the matters are settled by March 31, 2013, and that CWC retains authority to review, modify, and approve the generic template line template required under TLAP.

**NOW, THEREFORE BE IT RESOLVED**, that the CWC Board (West of Hudson Members Only) authorizes the Executive Director to enter into an agreement with the Law Offices of Robert Beebe for up to Forty-Five Thousand Dollars (\$45,000.00) from the CWC Tax Consulting Program Fund provided that CWC receive a copy of the engineering valuation report prepared for the Law Offices of Robert Beebe, and that except for the cost of said report, no other fees are paid to the Law Offices of Robert Beebe unless the matters of Hunter, Middletown, Shandaken, and Roxbury are settled by March 31, 2013.

**Voice Vote, carried unanimously**

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TLAP Participation – Town of Marbletown - Tab 20

A motion to approve Resolution No. 2224 was made by Richard Parete and seconded by Berndt Leifeld.

December 4, 2012

RESOLUTION NO. 2224

BOARD APPROVAL OF TOWN OF MARBLETOWN PARTICIPATION IN TLAP

WHEREAS, the Tax Litigation Avoidance Program (the “TLAP”) is a requirement of the December 2010 Water Supply Permit issued by the New York State Department of Environmental Conservation; and

WHEREAS, the 2010 Water Supply permit is a continuation of the 1997 Water Supply Permit and enforceable by all signatories to the 1997 New York City Watershed Memorandum of Agreement; and

WHEREAS, by Resolution Number 1968, the Catskill Watershed Corporation (CWC) Board of Directors approved execution of the TLAP Program Contract with New York City Department of Environmental Protection; and

WHEREAS, pursuant to the TLAP Program Contract, CWC jointly with NYCDEP developed a TLAP Participating Community Agreement to be executed by CWC and an eligible assessing authority that desires to participate in TLAP; and

WHEREAS, the Town of Marbletown is a named party in a proceeding filed by the City of New York under Article 7 of the Real Property Tax Law contesting the assessments of certain City owned real property within the boundaries of the Assessing Authority; and

WHEREAS, after receipt and review of the TLAP Participating Community Agreement and generic templates relevant to the assessment of certain City owned property within the Assessing Authority, the Town of Marbletown passed a resolution to participate in the TLAP.

NOW THEREFORE BE IT RESOLVED, that the CWC Board of Directors authorizes the President and/or Executive Director to execute the TLAP Participation Agreement between CWC and the Town of Marbletown.

Voice Vote, carried unanimously

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**Hodgson Russ – 2013 Contract - Tab 21**

A motion to approve Resolution No. 2225 was made by Michael Triolo and seconded by Deborah DeWan

December 4, 2012

**RESOLUTION NO. 2225**  
**CWC CLOSING COUNSEL**

**WHEREAS**, the Catskill Watershed Corporation (CWC), pursuant to the 1997 New York City Watershed Memorandum of Agreement, administers the Catskill Fund for the Future (CFF) to provide funding for qualified economic development projects within West of Hudson Watershed towns; and

**WHEREAS**, since 1997, the Environmental Facilities Corporation (EFC) has provided representation of CWC in the closing of CFF loans, including drafting and ensuring proper execution of all necessary documents; and

**WHEREAS**, EFC services under the CFF Program Agreement between CWC, EFC and NYCDEP terminated on April 12, 2012; and

**WHEREAS**, after issuance of a Request for Proposal and review of responses, by Resolution Number 1795, CWC Board of Directors approved the retention of Hodgson Russ LLP to provide representation of CWC for closings of CFF Loans; and

**WHEREAS**, the CWC Economic Development Committee recommend the CWC Board of Directors authorize the President and/or Executive Director to execute an agreement with Hodgson Russ, LLC in an amount not to exceed Seventy Thousand Dollars (\$70,000.00) at the rates specified in Schedule A attached hereto to provide representation of CWC for closings of CFF loans.

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors authorize the President and/or Executive Director to execute an agreement with Hodgson Russ LLP in an amount not to exceed Seventy Thousand Dollars (\$70,000.00) at the rates provided in Schedule A attached hereto to provide representation of CWC for closings of CFF loans.

***Voice Vote, carried unanimously***

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SBDC Counselor Funding 2013 - Tab 22

A motion to approve Resolution No. 2226 was made by Thomas Hynes and seconded by Jeff Graf.

RESOLUTION NO. 2226

AUTHORIZATION FOR CWC TO PROVIDE PARTIAL FUNDING FOR A FULL-TIME SMALL BUSINESS DEVELOPMENT CENTER COUNSELOR

WHEREAS, the Catskill Watershed Corporation (“CWC”) is a not for profit corporation whose purpose as described in its Certificate of Incorporation is, in part, the public purpose of “relieving and reducing adult unemployment, promoting and providing for additional and maximum adult employment, bettering and maintaining adult job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs”; and

WHEREAS, the 1997 Watershed Memorandum of Agreement (“MOA”) recognized that “the goals of drinking water protection and economic vitality within the watershed communities are not inconsistent”; and

WHEREAS, a need for business plan development, management consultation, business training seminars, workshops; conferences and targeted research in support of small business concerns is an identified need within the West of Hudson Watershed (“WOH”); and

WHEREAS, the Small Business Development Center (SBDC) is a network of host institutions which contributes to stability and economic growth by providing management consultation; business training seminars; workshops; conferences and targeted research in support of small business concerns; and

WHEREAS, pursuant to Resolution Number 278, approved July 27, 1999, the authorization was given for CWC to act as an Outreach Center of the Mid- Hudson Regional SBDC Program; and

WHEREAS, pursuant to Resolution Number 468, the CWC Board of Directors on November 27, 2001, approved matching funding for a full time counselor in the amount of \$32,000; and

WHEREAS, pursuant to Resolution Numbers 592 and 753, the CWC Board of Directors approved matching funding for a full time counselor in the amount of \$35,000 for the years 2003 and 2004; and

WHEREAS, by Resolution Numbers 903, 1064, 1214, 1487, 1697, 1890, and 2062, the CWC Board of Directors approved matching funding for a full time counselor in the amount of \$40,000 per year for the years 2005 through 2012; and

WHEREAS, the Economic Development Committee recommends that CWC enter into a one year contract with Ulster County Community College to provide Forty Thousand Dollars (\$40,000) in matching funds for 2012 – 2013 provided that the SBDC counselor is a full-time counselor whose territory includes the WOH.

NOW, THEREFORE BE IT RESOLVED, the CWC Board authorizes the President and/or the Executive Director to execute a contract for Forty Thousand Dollars (\$40,000) with Ulster County Community College to partially fund the personnel costs of a full-time counselor whose territory includes the WOH.

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

Voice Vote, carried unanimously

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

**Voice Vote, carried unanimously**

A motion to resume the regular meeting was made by Wayne Marshfield and seconded by Martin Donnelly.

**Voice Vote, carried unanimously**

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CFF REDI Loan – Duchess Equestrian Farm LLC - Tab 23

A motion to approve Resolution No. 2227 was made by Richard Parete and seconded by Berndt Leifeld.

December 4, 2012

RESOLUTION NO. 2227

APPROVAL OF DUCHESS FARM EQUESTRIAN COMMUNITY 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, Duchess Farm Equestrian Community LLC, has applied for a Four Hundred Fifty Thousand Dollar (\$450,000.00) loan for a term of seven (7) 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 eligible refinance of an equestrian center consisting of a 40 stall horse barn, indoor riding arena and a hay storage barn; and

WHEREAS, pursuant to the CFF Program rules the CWC Staff has reviewed a completed CWC Loan application for Duchess Farm Equestrian Community LLC; and

WHEREAS, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for Duchess Farm Equestrian Community LLC.; and

WHEREAS, the CWC Loan Committee has recommended approval of the CWC Loan application from Duchess Farm Equestrian Community LLC; and

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

WHEREAS, CWC staff recommend waiving the participating lender requirement pursuant to CFF Program Rules section 1:05:02 (j) on the basis that in the opinion of CWC staff only a 1st lien position adequately protects the interests of CWC; 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 Duchess Farm Equestrian Community LLC application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) for a term of seven (7) 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 pursuant to CFF Program Rules 1:05:02 (j).

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 Duchess Farm Equestrian Community LLC

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to **Duchess Farm Equestrian Community LLC** located in the Town of Marbletown, 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 35 Warren Way, High Falls, NY, owned by Duchess Farm Equestrian Community 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 35 Warren Way, High Falls, NY, owned by Duchess Farm Equestrian Community 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) Duchess Farm Equestrian Community LLC constructed a 40 stall horse barn, indoor riding arena and a hay storage barn.
 - (ii) The project is located in the Town of Marbletown.
 - (iii) The project will not utilize a municipal sewage system.
 - (iv) The project appears to present no threat to water quality.
 - (v) The project appears to generate no materials with the potential to degrade water quality that are not 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 Town of Marbletown.
 - (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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**CFR REDI Loan – Liberty Rock Books - Tab 24**

A motion to approve Resolution No. 2228 was made by Michael Triolo and seconded by James Eisel.

December 4, 2012

**RESOLUTION NO. 2228**

**APPROVAL OF LIBERTY ROCK BOOKS**

**BUSINESS LOAN MODIFICATION AND CONSOLIDATION**

**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 5, 2009, by Resolution Number 1513, the CWC Board approved a loan to Liberty Rock Books for a Eighty-Three Thousand One Hundred Sixty Dollars (\$83,160.00) for a term of ten (10) 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 based on a 240 month amortization but paid in 119 equal monthly payments and a 120<sup>th</sup> balloon payment, such that the outstanding principal is fully paid on the last payment date, for the purchase and renovation of a building located 698 Main Street, Hobart, NY; and

**WHEREAS**, on May 5, 2009, by Resolution Number 1513, the CWC Board approved an additional loan in the amount of Twenty-Five Thousand Dollars (\$25,000.00) for a term of seven (7) years at 4.00% fixed for the life of the loan to purchase furniture and fixtures; and

**WHEREAS**, Liberty Rock Books has applied for an additional loan in the amount of Sixty Thousand Dollars (\$60,000.00), for a total loan amount of One Hundred Sixty-Eight Thousand One Hundred Sixty Dollars (\$168,160.00) 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 based on a 240 month amortization, interest only for six months and then paid in 174 equal monthly payments and a 180<sup>th</sup> balloon payment, such that the outstanding principal is fully paid on the last payment date, for the renovation of a building located 698 Main Street, Hobart, NY; and

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

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

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from Liberty Rock Books; 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**, CWC staff recommend waiving the participating lender requirement pursuant to CFF Program Rules section 1:05:02 (j) on the basis that in the opinion of CWC staff only a 1<sup>st</sup> lien position adequately protects the interests of CWC; 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 Liberty Rock Books' application meets the CWC CFF qualified economic development criteria and approves of the loan application for the modification and consolidation of three loans for a total amount of One Hundred Sixty-Eight Thousand One Hundred Sixty Dollars (\$168,160.00) 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 based on a 240 month amortization, interest only for six months and then pay in 174 equal monthly payments and a 180<sup>th</sup> balloon payment, such that the outstanding principal is fully paid on the last payment date and further waives the participating lender requirement pursuant to CFF Program Rules section 1:05:02 (j) on the basis that only a 1<sup>st</sup> lien position adequately protects the interests of CWC.

**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 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 Liberty Rock Books**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Liberty Rock Books, located in the Town of Stamford, Village of Hobart, 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 698 Main Street, Hobart, NY, to be purchased by Liberty Rock Books and renovated, 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 698 Main Street, Hobart, NY, to be purchased by Liberty Rock Books, 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) Liberty Rock Books will purchase and renovate the buildings at 698 Main Street, Hobart, NY.
  - (viii) The project is located in the Town of Stamford.
  - (ix) The project will utilize the Hobart, NY WWTP.
  - (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 Stamford.
  - (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 – Six Franklin Road - Tab 25

A motion to approve Resolution No. 2229 was made by Richard Parete and seconded by Michael Triolo.

December 4, 2012

RESOLUTION NO. 2229

APPROVAL OF SIX FRANKLIN ROAD 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, Six Franklin Road LLC has applied for a Ninety Thousand Dollar (\$90,000.00) loan for a term of ten (10) years, at a rate of four percent (4.00%), adjustable every five years to the CWC rate in effect at that time, to be amortized in equal monthly payments, such that the outstanding principal is fully paid on the last payment date, to be used for the purchase of an ultra-sound machine, as well as repair of the parking lot at its business located at 6 Franklin Road in the Town of Walton; and

WHEREAS, pursuant to the CFF Program Rules, the CWC Staff has reviewed a completed CWC Loan Application for Six Franklin Road LLC; and

WHEREAS, pursuant to the CFF Program Rules, the CWC Loan Committee has reviewed an underwriting report for Six Franklin Road LLC; and

WHEREAS, the CWC Loan Committee has recommended approval of the CWC Loan Application from Six Franklin Road LLC; and

WHEREAS, CWC Loan Committee recommends waiving the participating lender requirement pursuant to CFF Program Rules section 1:05:02 (j) on the basis that in the opinion of CWC staff only a 1st lien position adequately protects the interests of CWC; and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, the CWC Board of Directors determines that the Six Franklin Road LLC application meets the CWC CFF qualified economic-development criteria and approves of the loan application in the amount of Ninety Thousand Dollars (\$90,000.00) for a term of ten (10) years, at a rate of four percent (4.00%), adjustable every five years to the CWC rate in effect at that time; to be amortized in equal monthly payments, such that the outstanding principal is fully paid on the last payment date and waives the participating lender requirement pursuant to CFF Program Rules section 1:05:02 (j) on the basis that in the opinion of CWC staff only a 1st lien position adequately protects the interests of CWC.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the CWC Staff is authorized and directed to issue a commitment letter informing the borrower of its intention to issue the loan subject to compliance with all applicable provisions of the New York City Watershed Regulations, as well as other applicable laws, rules and regulations; completion of the necessary

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

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

NOW, THEREFORE, BE IT FURTHER RESOLVED, approval of a Loan (or Grant) Application by the CWC Board of Directors, constitutes a preliminary decision under the MOA. The decision will become final without any further action by the CWC Board of Directors, unless an objection is timely filed with the Watershed Protection and Partnership Council (WPPC).

QEDP Evaluation and CWC Staff Recommendation

Purpose: to review the CWC Loan Application of Six Franklin Road LLC

The Executive Director of the CWC makes the following evaluation concerning a REDI- Fund Loan to Six Franklin Road LLC, whose offices are located in the Town of Walton, N.Y. Evaluation is based on the Evaluation Criteria established in the Catskill Fund for the Future Program Rules, adopted on August 22, 2001 by the CWC Board of Directors.

7. Based on due inquiry to the NYS DEC, the NYC DEP and to the best of CWC's knowledge, the business located at Six Franklin Road, Walton, NY, and known as Otsego Medical Services P.C. and currently owned by Eric A. Dohner, is presently in compliance with all applicable environmental statutes and regulations.
8. Based on due inquiry to the NYS DEC, the NYC DEP and to the best of CWC's knowledge, the business located at 6 Franklin Road, Walton, NY, and known as Otsego Medical Services P.C. and currently owned by Eric A. Dohner, is not subject to any enforcement actions by any regulatory agency.
9. (a) To the best of CWC's knowledge, the business located at 6 Franklin Road, Walton, NY, is consistent with historic land-use patterns, available infrastructure and sensitivity to the need for water-quality protection.
 - (xiii) 6 Franklin Road LLC will purchase an ultra-sound machine and repair the existing parking lot at the business located at 6 Franklin Road, Walton, NY.
 - (xiv) The project is located in the Town of Walton.
 - (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 pre-treated prior to release.
 - (xviii) Based on NYC DEP, the project is not in the sixty (60)-day travel time.
 - (vii) There is no impact on Federal or State Wetlands.
- (b) The project maintains the character of the Town of Walton.
 - (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 no additional review of land-use plans or infrastructure.
- 4. The project is consistent with the West-of-Hudson Economic-Development Study, which has been completed.
- 5. Not applicable.

Voice Vote, carried unanimously

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**CFF REDI Loan – Vista Property – Collateral Change - Tab 26**

A motion to approve Resolution No. 2230 was made by Innes Kasanof and seconded by Richard Parete.

December 4, 2012

**RESOLUTION NO. 2230**

**APPROVAL OF VISTA PROPERTY GROUP, LLC**

**MATERIAL CHANGE**

**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 or about April 16, 2012, Cutting Edge Motors, Inc. purchased the business Woodstock Harley Davidson, and Harley-Davidson Credit Corporation filed a UCC1 with New York State, Filing Number 201204165434280; and

**WHEREAS**, on May 1, 2012, pursuant to Resolution Number 2109, the Board of Directors approved a loan to Vista Property Group, LLC in the amount of Eight Hundred Sixty Thousand Dollars (\$860,000.00), at a rate of four percent (4%), with a fifteen (15) year term, adjustable every five years to the CWC rate in effect at that time, to be amortized in equal monthly payments, such that the outstanding principal is fully paid on the last payment date, for the purchase of Woodstock Harley Davidson, located at 949 NYS Route 28, Kingston, NY, taking a first lien position against the real property, furniture, fixtures, equipment, inventory, and accounts receivable; and

**WHEREAS**, on May 17, 2012, Vista Property Group, LLC directly purchased the real property from Janice Dordick, in anticipation of the above mortgage closing; and

**WHEREAS**, following the purchase, Harley-Davidson Credit Corporation filed a UCC1 with New York State, Filing Number 201204165434280, taking a first collateral position on furniture, fixtures, equipment, inventory and accounts receivables, and a result Vista Property Group, LLC is requesting that CWC accept second position on furniture, fixtures, equipment, inventory and accounts receivables; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Staff has reviewed the request from Vista Property Group, LLC; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Loan Committee has reviewed said request for Vista Property Group, LLC; and

**WHEREAS**, the CWC Loan Committee has recommended approval of the requested material change; and

**WHEREAS**, the CWC staff has reviewed and processed this request, and submitted the request to the Board of Directors, attached hereto; and

**WHEREAS**, pursuant to the CFF Program rules only the CWC Board of Directors may make a material change to an approved loan.

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board approves the material change to the Vista Property Group, LLC approved loan and authorizes President and/or Executive Director to execute loan and security documents to provide for a UCC lien on furniture, fixtures, equipment, inventory and accounts receivables subordinate to Harley-Davidson Credit Corporation.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, the CWC staff is authorized and directed to issue a letter informing Vista Property Group, LLC of the approved request, and complete the necessary documents, and other documentation necessary to effectuate this mortgage.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that upon said approval of loan documentation CWC is authorized to execute the mortgage on said request.

**Voice Vote, carried unanimously**

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VIII. Announcements from the Chair:

Georgianna Lepke wished everyone a very Happy Holidays, Merry Christmas, and a Happy New Year.

IX. Board Member Discussion: None

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

Voice Vote, carried unanimously

X. Adjournment: @ 1:32 p.m.