

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

January 3, 2017 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by James Eisel.

III. Roll Call of Directors

Members Present: Martin Donnelly, James Eisel, Thomas Hynes, Berndt Leifeld, Mark McCarthy, Tina Molé, Richard Parete, John Schwartz (*New York City DEP*), Thomas Snow (*New York State DEC*), and Michael Triolo.

Members Excused: Donald Brandow, Innes Kasanof, Wayne Marshfield, and Robert Pelham.

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

Others Present: Bruce Dolph, Chair (*Coalition of Watershed Towns*), Dean Frazier, Commissioner (*Delaware County Watershed Affairs*), Michael Meyer (*New York City DEP*), and Molly Oliver (*Delaware County Watershed Affairs*).

A moment of silence was observed in honor of the passing of Town of Woodstock Supervisor Jeremy Wilber.

IV. Review and Approval of December 6, 2016 Board Meeting Minutes

A motion to approve the minutes from the December 6, 2016 board meeting was made by Berndt Leifeld and seconded by Thomas Hynes.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of October 31, 2016 was made by James Eisel and seconded by Mark McCarthy.

**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.

Committee Schedule

Timothy Cox announced that there will be a Governance meeting in February to discuss the Annual Measuring Report required by the Authorities Budget Office.

Committee Meeting Minutes

VI. Public Discussion

VII. Presentation of Resolutions

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**Septic Reimbursement Over \$25,000 – James Barnhart – Tab 6**

A motion to approve Resolution No. 2988 was made by Richard Parete and seconded by Thomas Snow.

January 3, 2017

**RESOLUTION NO. 2988**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:  
JAMES BARNHART**

**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-Five Thousand Dollars (\$25,000) 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 Three Hundred Twenty-Six Dollars and Eighty-Five Cents (\$27,326.85); and

**WHEREAS**, the contractor’s quote for this system is more than Twenty-Five Thousand Dollars (\$25,000); and

**WHEREAS**, the CWC staff have determined the contractor’s quote of Twenty-Seven Thousand Three Hundred Twenty-Six Dollars and Eighty-Five Cents (\$27,326.85) 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 Three Hundred Twenty-Six Dollars and Eighty-Five Cents (\$27,326.85) 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 Three Hundred Twenty-Six Dollars and Eighty-Five Cents (\$27,326.85).

**James Barnhart Backup**

Mr. Barnhart’s property is located in the Town of Walton, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$27,326.85. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, 120 lineal feet of 4” gravity piping, 170 lineal feet of forcemain, 95 cubic yards of random fill material, 160 cubic yards of absorption fill material, one effluent filter, 3 peat modules, and extensive site restoration. The quote does not exceed the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$27,326.85.

*Tina Molé disclosed to the Board that she is relative of the recipient.*

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – Thomas Katz – Tab 7 – Withdrawn, No Action Taken

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**Septic Reimbursement Over \$25,000 – Galina Rechetniak– Tab 8**

A motion to approve Resolution No. 2989 was made by Martin Donnelly and seconded by Richard Parete.

January 3, 2017

**RESOLUTION NO. 2989**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:  
GALINA RECHETNIAK**

**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-Five Thousand Dollars (\$25,000) 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 Eight Hundred Twenty-Four Dollars and Fifty Cents (\$28,824.50); and

**WHEREAS**, the contractor’s quote for this system is more than Twenty-Five Thousand Dollars (\$25,000); and

**WHEREAS**, the CWC staff have determined the contractor’s quote of Twenty-Eight Thousand Eight Hundred Twenty-Four Dollars and Fifty Cents (\$28,824.50) 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 Eight Hundred Twenty-Four Dollars and Fifty Cents (\$28,824.50) 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 Eight Hundred Twenty-Four Dollars and Fifty Cents (\$28,824.50).

**Galina Rechetniak Backup**

Ms. Rechetniak’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 \$28,824.50. This system is for a five bedroom house. The major components for this system include a 1,500 gallon septic tank, one siphon chamber, 175 lineal feet of 4” gravity piping, one distribution box, 345 cubic yards of absorption fill material, one effluent filter, 420 lineal feet of absorption trench, 90 lineal feet of curtain drain, and site restoration. The quote does not exceed the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$28,824.50.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$25,000 – Additional Cost – Ralph Castelli – Tab 9

A motion to approve Resolution No. 2990 was made by Berndt Leifeld and seconded by Thomas Hynes.

January 3, 2017

RESOLUTION NO. 2990

**BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC CONSTRUCTION
OVER \$25,000:
RALPH CASTELLI**

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-Five Thousand Dollars (\$25,000.00) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

WHEREAS, on September 6, 2016, by Resolution Number 2930, the CWC Board approved reimbursement to Ralph Castelli in an amount not to exceed Twenty-Seven Thousand Three Hundred Ninety-Five Dollars (\$27,395.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for the septic system repair in the amount of One Thousand Eight Hundred Ninety-Six Dollars (\$1,896.00); and

WHEREAS, the total contractor's invoices for this system is more than Twenty-Five Thousand Dollars (\$25,000.00); and

WHEREAS, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be One Thousand Eight Hundred Ninety-Six Dollars (\$1,896.00); and

WHEREAS, CWC staff have determined that Twenty-Nine Thousand Two Hundred Ninety-One Dollars (\$29,291.00) 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 Two Hundred Ninety-One Dollars (\$29,291.00) 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 Two Hundred Ninety-One Dollars (\$29,291.00).

Ralph Castelli Backup

Mr. Castelli's property is located in the Town of Neversink, Sullivan County. CWC Board of Directors previously approved reimbursement for this project at \$27,395.00. During construction temporary access road and additional site restoration were required. The design engineer has corroborated the need in writing. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$1,896.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,896.00, for total reimbursement not to exceed \$29,291.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Additional Cost – Elaine Mayes – Tab 10**

A motion to approve Resolution No. 2991 was made by Berndt Leifeld and seconded by Thomas Hynes.

January 3, 2017

**RESOLUTION NO. 2991**

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

**OVER \$25,000:**  
**ELAINE MAYES**

**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-Five Thousand Dollars (\$25,000.00) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, on July 7, 2015, by Resolution Number 2700, the CWC Board approved reimbursement to Elaine Mayes in an amount not to exceed Twenty-Eight Thousand Fifty Dollars (\$28,050.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for the septic system repair in the amount of Two Thousand Four Hundred Seventy-Eight Dollars and Twenty-Five Cents (\$2,478.25); and

**WHEREAS**, the total contractor’s invoices for this system is more than Twenty-Five Thousand Dollars (\$25,000.00); and

**WHEREAS**, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be Two Thousand Four Hundred Seventy-Eight Dollars and Twenty-Five Cents (\$2,478.25); and

**WHEREAS**, CWC staff have determined that Thirty Thousand Five Hundred Twenty-Eight Dollars and Twenty-Five Cents (\$30,528.25) is a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving total reimbursement of Thirty Thousand Five Hundred Twenty-Eight Dollars and Twenty-Five Cents (\$30,528.25) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Thirty Thousand Five Hundred Twenty-Eight Dollars and Twenty-Five Cents (\$30,528.25).

**Elaine Mayes Backup**

Ms. Mayes’ property is located in the Town of Roxbury, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$28,050.00. During construction several large rocks were encountered which required 40 lineal feet of perimeter drain to be redirected and 45 cubic yards of random fill material to be used to insure proper cover over the septic tank. The design engineer has corroborated the need for the additional work. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$2,478.25. The Septic Committee recommends that the Board approves an additional reimbursement of \$2,478.25, for total reimbursement not to exceed \$30,528.25.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$25,000 – Additional Cost – Nelson Ohl – Tab 11

A motion to approve Resolution No. 2992 was made by Berndt Leifeld and seconded by Thomas Hynes.

January 3, 2017

RESOLUTION NO. 2992

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE
OVER \$25,000 – ADDITIONAL COSTS:
NELSON OHL**

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-Five Thousand Dollars (\$25,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

WHEREAS, CWC staff previously approved Septic Program reimbursement for Nelson Ohl in the amount of Twenty-Three Thousand Two Hundred Dollars (\$23,200.00); 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 Two Thousand Seven Hundred Ninety-Eight Dollars (\$2,798.00); and

WHEREAS, the total contractor’s invoices for this system is more than Twenty-Five Thousand Dollars (\$25,000.00); and

WHEREAS, the CWC staff have determined the contractor’s total invoices of Twenty-Five Thousand Nine Hundred Ninety-Eight Dollars (\$25,998.00) 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 total reimbursement of Twenty-Five Thousand Nine Hundred Ninety-Eight Dollars (\$25,998.00) 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 Nine Hundred Ninety-Eight Dollars (\$25,998.00).

Nelson Ohl Backup

Mr. Ohl’s property is located in the Town of Windham, Greene County. CWC staff previously approved reimbursement for replacement of the septic system at \$23,200.00. During

construction the design engineer requested additional cut/fill to insure positive drainage, and risers were installed with the septic tank to facilitate future maintenance pump outs. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$2,798.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$2,798.00, for total reimbursement not to exceed \$25,998.00.

Voice Vote, carried unanimously

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**Small Business Septic – Additional Reimbursement – Alpine Inn – Tab 12**

A motion to approve Resolution No. 2993 was made by Thomas Hynes and seconded by Richard Parete.

January 3, 2016

**RESOLUTION NO. 2993**

**BOARD APPROVAL OF SMALL BUSINESS SEPTIC PROGRAM –  
ADDITIONAL REIMBURSEMENT - ALPINE INN**

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

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

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

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

**WHEREAS**, on February 4, 2014, by Resolution Number 2434, the CWC Board of Directors approved reimbursement to the Alpine Inn of 75% of eligible costs capped at the amount of Forty Thousand Dollars (\$40,000.00) pursuant to the CWC Small Business Septic Program Rules; and

**WHEREAS**, on March 1, 2016, by Resolution Number 2825, the CWC Board of Directors approved an amendment to the Small Business Septic Program Rules that removed the cap on eligible reimbursement for systems that received construction approval from NYCDEP on or after January 1, 2016; and



**WHEREAS**, the Alpine Inn has completed construction of the septic system on December 6, 2016 and is therefore eligible for reimbursement without regard to the previous cap of Forty Thousand Dollars (\$40,000.00); and

**WHEREAS**, CWC staff previously reviewed and provided reimbursement of 75% of eligible design costs submitted by the engineer in the amount of Three Thousand Three Hundred Eighty-Five Dollars (\$3,385.00); and

**WHEREAS**, during construction, the Alpine Inn incurred additional eligible construction costs in the amount of Three Thousand Dollars (\$3,000.00) and additional eligible design costs in the amount of One Thousand Four Hundred Dollars (\$1,400.00), all of which are in agreement with CWC Schedule of Values, for total costs of Fifty Eight Thousand Fifty Dollars (\$58,050.00); and

**WHEREAS**, the CWC staff have determined the costs incurred of Fifty Eight Thousand Fifty Dollars (\$58,050.00) to be a reasonable cost for this system in accordance with our schedule of values and 75% of such costs is Forty-Three Thousand Five Hundred Thirty-Seven Dollars and Fifty Cents (\$43,537.50); and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving additional reimbursement of Three Thousand Five Hundred Thirty-Seven Dollars and Fifty Cents (\$3,537.50), for total reimbursement in an amount not to exceed Forty-Three Thousand Five Hundred Thirty-Seven Dollars and Fifty Cents (\$43,537.50) 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 additional reimbursement of Three Thousand Five Hundred Thirty-Seven Dollars and Fifty Cents (\$3,537.50) for total not-to-exceed reimbursement amount of Forty-Three Thousand Five Hundred Thirty-Seven Dollars and Fifty Cents (\$43,537.50).

**Alpine Inn Backup**

The Alpine Inn's property is located in the Town of Shandaken, Ulster County. The CWC Board previously approved reimbursement of \$40,000.00 based upon design costs of \$4,500.00 and construction costs of \$49,150.00. 75% of eligible costs was \$40,237.50. At the time of the approval by the CWC Board, CWC reimbursement was capped at \$40,000.00. CWC Board removed the cap on reimbursement under the Small Business Septic Program in January, 2016 for systems receiving NYCDEP construction approval on or after January 1, 2016. NYCDEP approved construction for this system on December 6, 2016. Following CWC Board approval of reimbursement, the Owner incurred additional design costs of \$1,400.00 and additional construction costs of \$3,000.00 for total eligible costs of \$52,150, 75% of which is \$43,537.50. CWC Septic Committee recommends approving additional reimbursement of \$3,537.50, for total reimbursement of \$43,537.50.

***Voice Vote, carried unanimously***

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A motion to approve Resolution No. 2994 was made by Martin Donnelly and seconded by Thomas Snow.

January 3, 2017

RESOLUTION NO. 2994

**SEPTIC PROGRAM RULE CHANGE FOR REIMBURSEMENT OF PAST REPAIRS
OUTSIDE PRIORITY AREAS BEFORE DECEMBER 31, 2016**

WHEREAS, pursuant to the 1997 Watershed Memorandum of Agreement (Paragraph 124) and the Septic System Rehabilitations and Replacements Program Contract (the “Septic Program”) with NYCDEP, the CWC shall act as program manager for the Septic Program and implement the Septic Program consistent with the terms of said contract and CWC’s Septic Program Rules; and; and

WHEREAS, the CWC Septic Program Rules (Article 2-A) established priority areas for the CWC Septic Program, effective on July 1, 1999; and

WHEREAS, by Resolution Number 2423, the CWC Board of Directors approved a program rule change to Article 2-A to provide for reimbursement to homeowners outside of current priority areas who repaired or replaced their septic system prior to December 27, 2013; and

WHEREAS, numerous watershed residents outside of the current CWC Septic Program priority areas have rehabilitated or replaced their septic systems after December 31, 2015; and

WHEREAS, the repair or replacement of these septic systems has been and will continue to benefit the water quality in the West of Hudson Watershed; and

WHEREAS, the CWC Septic Committee and CWC staff estimate that there is adequate funding and personnel to reimburse those residents who repaired or replaced their septic system between December 31, 2015 and December 31, 2016 regardless of whether or not those systems are located in an existing priority area; and

WHEREAS, the CWC Septic Committee recommends that the CWC Board of Directors approve the attached program rule change to reimburse individuals who have repaired or replaced a failed system between July 21, 2008 and December 31, 2016 outside of the existing priority areas.

NOW, THEREFORE BE IT RESOLVED, that the CWC Board approves the attached amendment of Article 2A of the CWC Septic Program Rules as described in Attachment A to provide for the reasonable and necessary reimbursement to individuals who repaired or replaced failed septic systems between July 21, 2008 and December 31, 2016 in areas within the West of Hudson Watershed but outside the CWC Septic Program priority areas.

ATTACHMENT A

Proposed changes are underlined.

Proposed deletions are ~~struck out~~.

2:00:02:01 Reimbursement for Past Completed Repairs

1. The property owner of an eligible septic system within or outside current priority areas can be reimbursed under applicable program rules for eligible costs for repairs/replacement completed on or before ~~December 19, 2015~~December 31, 2016 and as provided below. For reimbursements under this section only, CWC staff need not determine if the system was in failure or reasonably likely to fail prior to the repair/replacement.
 - a. For reimbursement requests received on or after March 2, 2010, an eligible system must have been repaired or replaced between July 21, 2008 and ~~December 27, 2015~~December 31, 2016. To be eligible for reimbursement, all homeowners must either:
 - i. Provide copy of NYCDEP Final Construction Approval; or
 - ii. For repairs/replacement that under the Watershed Regulations do not require NYCDEP Construction approval, such as in-kind septic tank replacements, either:
 1. Notify CWC within a reasonable time prior to such repair/replacement. CWC must witness the installation of repairs/replacements for which reimbursement is requested; or
 2. Submit the following to the CWC Board for approval:
 - a. Sufficient documentation, including invoices and canceled checks, demonstrating that such repair/replacement was completed and paid for; and
 - b. Affidavits signed by the homeowner and contractor, notarized by a notary public, attesting that:
 - i. The work for which reimbursement is requested was completed as described; and
 - ii. Payment was provided to the contractor as described in the documentation.
2. An eligible system repaired or replaced on or after ~~December 28, 2015~~December 31, 2016 will follow Section 2:00:02:03.
3. Every property owner requesting reimbursement under the Septic Program must execute a program participation agreement.

Voice Vote, carried unanimously

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### **FHMIP – Village of Walton Water Street Utilities – Additional Funds for Phase I Environmental Site Assessment – Tab 14**

A motion to approve Resolution No. 2995 was made by James Eisel and seconded by Berndt Leifeld.

**RESOLUTION NO. 2995**

**CWC REVIEW OF FLOOD HAZARD MITIGATION PROGRAM APPLICATION  
FOR THE VILLAGE OF WALTON – FEASIBILITY STUDY FOR RELOCATION OF  
WATER STREET UTILITIES – PHASE 1 ENVIRONMENTAL SITE ASSESSMENT**

**WHEREAS**, the Catskill Watershed Corporation (CWC) is a not-for-profit corporation established to administer Watershed Protection and Partnership Programs in the West of Hudson Watershed; and

**WHEREAS**, the CWC, City of New York (City), all municipalities in the West of Hudson Watershed, New York State, the federal Environmental Protection Agency, and several environmental organizations recognized that the goals of drinking water protection and economic vitality within the West of Hudson Watershed communities are not inconsistent and under the 1997 New York City Watershed Memorandum of Agreement (“Watershed MOA”) agreed to cooperate in the development and implementation of watershed protection programs that maintain and enhance the quality of the City’s drinking water supply system and the economic and social character of the West of Hudson Watershed communities; and

**WHEREAS**, extensive flooding resulting from Tropical Storms Irene and Lee, in August and September 2011, respectively, caused catastrophic losses in certain towns and villages within the West of Hudson Watershed which affected the economic and social character of certain West of Hudson watershed communities and adversely impacted water quality in the West of Hudson Watershed; and

**WHEREAS**, as a condition of the 2014 Mid-Term Filtration Avoidance Determination Review, New York City Department of Environmental Protection (NYCDEP) has agreed to fund a Flood Hazard Mitigation Implementation Program to reduce repetitive flood losses that also pose a threat to water quality during storm events through funding certain recommendations of local flood analyses under the NYCDEP Stream Management Program; and

**WHEREAS**, on March 4, 2014, by Resolution Number 2439, the CWC Board of Directors agreed to serve as program manager of such a program to be referred to as the CWC Flood Hazard Mitigation Implementation Program (the “Program”) and approved a Program Agreement with the City; and

**WHEREAS**, as provided in the CWC Flood Hazard Mitigation Implementation Program Rules (Program Rules), as adopted by the CWC Board of Directors, CWC staff must evaluate grant applications and issue funding recommendation to the CWC Wastewater Stormwater Committee, which shall issue recommendations to the CWC Board of Directors; and

**WHEREAS**, the Village of Walton completed a local flood analysis for the West Branch of the Delaware River and on January 5, 2016, by Resolution Number 2800, the CWC Board of Directors approved an application to by Village in an amount not to exceed Twenty Thousand Dollars (\$20,000.00) for the Relocation Feasibility Study for the Village of Walton Water Street Utilities Project; and

**WHEREAS**, the Village of Walton requested additional funding of Nine Thousand Five Hundred Dollars (\$9,500.00) to complete a Phase 1 environmental site assessment as part of the Feasibility Study for the Village of Walton Water Street Utilities Project; and

**WHEREAS**, the CWC Wastewater Committee reviewed the application and recommends the CWC Board of Directors approves additional funding to the Village of Walton in the amount of Nine Thousand Five Hundred Dollars (\$9,500.00) for a total not-to-exceed amount of Twenty-Nine Thousand Five Hundred Dollars (\$29,500.00) for the Feasibility Study for the Village of Walton Water Street Utilities Project, including a Phase I environmental site assessment.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the application, staff recommendation and supporting documentation and approves additional funding to the Village of Walton in the amount of Nine Thousand Five Hundred Dollars (\$9,500.00) for a total not-to-exceed amount of Twenty-Nine Thousand Five Hundred Dollars (\$29,500.00) for the Feasibility Study for the Village of Walton Water Street Utilities Project, including a Phase I environmental site assessment.

**Voice Vote, carried unanimously**

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2017 Legal Services Contract – Outside Collections Counsel – Ganz, Wolkenbreit & Siegfeld – Tab 15

A motion to approve Resolution No. 2996 was made by Richard Parete and seconded by Berndt Leifeld.

January 3, 2017

RESOLUTION NO. 2996

**APPROVAL OF LEGAL SERVICES CONTRACT
WITH GANZ WOLKENBREIT & SIEGFELD LLP**

WHEREAS, by Resolution Number 1356, and Resolution Number 1843, CWC Board of Directors approved hiring Ganz Wolkenbreit & Siegfeld LLP as outside collection counsel for the purposes of taking appropriate legal action against borrowers who have defaulted on their Catskill Fund for the Future (CFF) obligations; and

WHEREAS, the CWC Policies and Procedures requires the CWC Board of Directors must approve all contracts for services over Ten Thousand Dollars (\$10,000.00); and

WHEREAS, CWC Economic Development Committee recommends that CWC Board of Directors authorize a contract with Ganz Wolkenbreit & Siegfeld LLP in an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00) for calendar year 2017.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors approves the firm of Ganz Wolkenbreit & Siegfeld LLP as external legal firm for the CWC for a term commencing January 1, 2017 and terminating on December 31, 2017 for an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00).

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Board of Directors approves and authorizes the Executive Director and/or the President to retain Ganz Wolkenbreit & Siegfeld LLP for legal services.

Voice Vote, carried unanimously

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**2017 Legal Services Contract – Outside Counsel – Whiteman, Osterman & Hanna – Tab 16**

A motion to approve Resolution No. 2997 was made by James Eisel and seconded by Martin Donnelly.

January 3, 2017

**RESOLUTION NO. 2997**

**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, 2017 and terminating on December 31, 2017 for an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) at the rates described in Attachment A and that, pursuant to CWC Fiscal Policies 3-10.06-4, the 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.

**WHITEMAN OSTERMAN & HANNA LLP**

**Proposal for Legal Services**

WOH has proposed the following fee structure for the period 1/1/2017 to 12/31/2017. This revised rate structure continues to provide a discount for attorneys' time over our Firm's regular hourly billing rates which currently range from \$155 to \$275 for associates and \$275 to \$460 for partners.

General Legal Advice

Partners

|                      |           |
|----------------------|-----------|
| Daniel A. Ruzow      | \$325/hr. |
| Jonathan P. Nye      | \$300/hr. |
| Norma G. Meacham     | \$300/hr. |
| Terresa M. Bakner    | \$300/hr. |
| Michael G. Sterthous | \$300/hr. |

Associates \$145-\$225/hr.

Paralegal \$110/hr.

Expenses

|                                     |                  |
|-------------------------------------|------------------|
| Telephone, Postage, Federal Express | Billed at Cost   |
| Mileage                             | Current IRS Rate |
| Photocopies                         | \$.20 per Copy   |

**Voice Vote, carried unanimously**

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Personnel Policy Change – Accrual of Vacation Time Clarification – Tab 17

A motion to approve Resolution No. 2998 was made by James Eisel and seconded by Mark McCarthy.

January 3, 2017

RESOLUTION NO. 2998

**AMENDMENT OF CWC PERSONNEL POLICIES –
ACCRUAL OF ADDITIONAL ANNUAL LEAVE FOR LONG TERM EMPLOYEES**

WHEREAS, Board, Personnel and Fiscal Policies and Procedures are necessary for the orderly conduct of the Catskill Watershed Corporation (CWC) and its business affairs; and

WHEREAS, on February 2, 2016, by Resolution Number 2815, the CWC Board of Directors approved a Personnel Policy amendment in Attachment A relating to additional annual leave for individuals who have been employed by CWC for fifteen years or more; and

WHEREAS, the CWC Policy Committee have reviewed and recommends for approval a revision to such policy to provide clarity on accrual of such additional annual leave.

NOW, THEREFORE BE IT RESOLVED, that the Board adopts the attached Personnel Policy revision, and that such policies and procedures shall be further amended from time to time based upon experience and information and as the CWC Board deems necessary.

ATTACHMENT A

Underlined is proposed change

~~Strikethrough is proposed deletion~~

8. Annual Leave – Accrual and Use

For years 1 through 14 of employment, annual Leave accrues at the rate of 4.6154 hours per bi-weekly pay period (15 days per year). Upon an employee's ~~In addition, employees who have been employed at least~~ 15 years anniversary [hire date], annual leave shall accrue at the rate of 6.1538 per bi-weekly pay period (20 days per year).~~at CWC shall receive an additional 5 days of leave annually on the anniversary of their hire date.~~ Annual leave may be used at any time after the first six-month period and may be accumulated from year to year up to a maximum carry over of 21 days. All employees are reimbursed for unused annual leave at the salary rate he/she is earning at the time of termination of employment.

A medically documented illness occurring during an annual leave period may be covered by utilizing sick leave for those days that the employee was ill during the annual leave, subject to the discretion and approval of the Executive Director.

Voice Vote, carried unanimously

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### Video Production Contract – Vecc Videography – Tab 18

A motion to approve Resolution No. 2999 was made by Michael Triolo and seconded by James Eisel.

January 3, 2017

### RESOLUTION NO. 2999

### BOARD APPROVAL OF VIDEO PRODUCTION CONTRACT

**WHEREAS,** it is incumbent upon the CWC to provide information about its programs, policies and activities to CWC member Towns, partner agencies, West-of-Hudson Watershed residents and businesses, and to the wider public; and

**WHEREAS,** 2017 marks the 20<sup>th</sup> anniversary of the CWC and its delivery of programs and services to CWC member Towns, West-of-Hudson Watershed residents, businesses and other constituents; and

**WHEREAS,** the 20<sup>th</sup> anniversary is a milestone worth celebrating and an opportunity to share CWC accomplishments and inform the public about its programs; and



**WHEREAS**, a Request for Proposal for creation of a series of short videos to mark the anniversary and to profile CWC program beneficiaries was distributed November 23, 2016; and

**WHEREAS**, proposals were reviewed by CWC staff and the CWC Public Education Committee; and

**WHEREAS**, the Public Education Committee recommends hiring Vecc Videography to produce these videos at a cost not to exceed Thirteen Thousand Nine Hundred Fifty Dollars (\$13,950.00).

**NOW, THEREFORE BE IT RESOLVED**, that the CWC Board of Directors approves hiring Vecc Videography and authorizes the CWC Executive Director to sign a contract with the firm for an amount not to exceed Thirteen Thousand Nine Hundred Fifty Dollars (\$13,950.00).

**Voice Vote, carried unanimously**

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Website Development Contract – Silvertop Graphics/Locust Grove Enterprises – Tab 19

A motion to approve Resolution No. 3000 was made by Richard Parete and seconded by Mark McCarthy.

January 3, 2017

RESOLUTION NO. 3000

BOARD APPROVAL OF WEBSITE REDEVELOPMENT CONTRACT

WHEREAS, the Catskill Watershed Corporation maintains a website (www.cwconline.org) to provide information about its programs, policies and activities to CWC member Towns, partner agencies, West-of-Hudson Watershed residents and businesses, and to the wider public; and

WHEREAS, the Catskill Watershed Corporation also maintains a website (www.watershededucators.org) to share watershed education programs and resources with educators in the West-of-Hudson Watershed and in New York City; and

WHEREAS, both websites require reconstruction and updating; and

WHEREAS, a Request for Proposal for website redevelopment was distributed November 23, 2016; and

WHEREAS, proposals were reviewed by CWC staff and the CWC Public Education Committee; and

WHEREAS, the Public Education Committee recommends hiring Silvertop Graphics/Locust Grove Enterprises to redevelop both websites at a cost not to exceed Four Thousand Nine Hundred Seventy-Five Dollars (\$4,975.00).

NOW, THEREFORE BE IT RESOLVED, that the CWC Board of Directors approves hiring Silvertop Graphics/Locust Grove Enterprises and authorizes the CWC Executive Director to sign

a contract with the firm for an amount not to exceed Four Thousand Nine Hundred Seventy-Five Dollars (\$4,975.00).

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 was made by Martin Donnelly and seconded by James Eisel.

**Voice Vote, carried unanimously**

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

**Voice Vote, carried unanimously**

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VIII. Announcements from the Chair:

IX. Board Member Discussion:

A motion to adjourn was made by Berndt Leifeld and seconded by Tina Molé.

Voice Vote, carried unanimously

X. Adjournment: @ 1:25 p.m.