

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

February 7, 2017 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by John Schwartz

III. Roll Call of Directors

Members Present: Donald Brandow, Martin Donnelly, James Eisel, Thomas Hynes, Innes Kasanof, Wayne Marshfield, Mark McCarthy, Tina Molé, Richard Parete, Robert Pelham, John Schwartz (*New York City DEP*), Thomas Snow (*New York State DEC*), and Michael Triolo.

Members Excused: Berndt Leifeld

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

Others Present: Kenneth Kosinski (*New York State DEC*), Michael Meyer (*New York City DEP*) and James Tierney.

IV. Review and Approval of January 3, 2017 Board Meeting Minutes

A motion to approve the minutes from the January 3, 2017 board meeting was made by Mark McCarthy and seconded by Thomas Hynes.

Voice Vote, carried unanimously

V. Presentation of Communication

Finance Report

A motion to approve the financial reports as of November 30, 2016 was made by James Eisel and seconded by Richard Parete.

Voice Vote, carried unanimously

Executive Director's Report

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

Committee Schedule

Committee Meeting Minutes

VI. Public Discussion

VII. Presentation of Resolutions

Due to cancellation of all committee meetings each resolution was briefly explained to all members of the Board and opened to questions prior to voting.

Tabs 6 & 7 were reviewed prior to meeting with Wayne Marshfield and he recommends passing both resolutions today.

Tab 8 was discussed at the January 3, 2017 committee meeting and was recommended to the Board.

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**Septic Reimbursement Over \$25,000 – Thomas Katz – Tab 6**

A motion to approve Resolution No. 3001 was made by Wayne Marshfield and seconded by Tina Molé.

February 7, 2017

**RESOLUTION NO. 3001**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:  
THOMAS KATZ**

**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 Four Hundred Seventy-Three Dollars (\$28,473.00); 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 Four Hundred Seventy-Three Dollars (\$28,473.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Twenty-Eight Thousand Four Hundred Seventy-Three Dollars (\$28,473.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Eight Thousand Four Hundred Seventy-Three Dollars (\$28,473.00).

**Thomas Katz Backup**

Mr. Katz's property is located in the Town of Neversink, Sullivan County. Homeowner and CWC staff received a quote from a contractor in the amount of \$28,473.00. This system is for a three bedroom house. The major components for this system include one pump station, 15 lineal feet of 4" gravity piping, 170 lineal feet of forcemain, one distribution box, 245 cubic yards of absorption fill material, 260 lineal feet of absorption trench, 270 lineal feet of curtain drain, tree removal, and extensive site restoration. The quote is within 10% of the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$28,473.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – Additional Cost – Nelson Bradshaw – Tab 7

A motion to approve Resolution No. 3002 was made by Wayne Marshfield and seconded by Mark McCarthy.

February 7, 2017

RESOLUTION NO. 3002

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

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 Bradshaw in the amount of Twenty-Four Thousand Nine Hundred Dollars (\$24,900.00); 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 Eight Hundred Forty-Four Dollars (\$844.00); 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 Seven Hundred Forty-Four Dollars (\$25,744.00) 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 Seven Hundred Forty-Four Dollars (\$25,744.00) 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 Seven Hundred Forty-Four Dollars (\$25,744.00).

Nelson Bradshaw Backup

Mr. Bradshaw’s property is located in the Town of Jefferson, Schoharie County. CWC staff previously approved reimbursement for replacement of the septic system at \$24,900.00. After construction the design engineer instructed the contractor to install risers on the septic tank to ensure ease of pumping the tank out. Additional site restoration was also necessary. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$844.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$844.00, for total reimbursement not to exceed \$25,744.00.

Voice Vote, carried unanimously

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**Stormwater Retrofit Program Rules Amendment – Application Acceptance – Tab 8**

A motion to approve Resolution No. 3003 was made by Thomas Snow and seconded by James Eisel.

February 7, 2017

**RESOLUTION NO. 3003**

**CWC BOARD APPROVAL OF**

**STORMWATER RETROFIT PROGRAM RULES CHANGE**

**WHEREAS**, the Catskill Watershed Corporation (CWC) is a not-for-profit corporation established to administer Watershed Protection and Partnership Programs as more fully described herein; and

**WHEREAS**, ninety percent of the City’s water supply originates from the West of Hudson portion of the watershed of the New York City water supply (the “West of Hudson Watershed”), which spans over 1,600 square miles and portions of five counties, forty-one towns, and nine villages; and

**WHEREAS**, on January 21, 1997, the City of New York (City) entered into a Memorandum of Agreement regarding the City’s watershed protection program by and among the City, the State of New York, the United States Environmental Protection Agency, the Coalition of Watershed Towns, CW Corp., Putnam County, Westchester County, certain watershed counties, towns and villages, and certain environmental groups (“the Watershed MOA”); and

**WHEREAS**, as set forth in the Watershed MOA Paragraph 125, CWC agreed to serve as program manager for the Stormwater Retrofit Program and to identify projects and allocate and disburse program funds to each project in accordance with the Watershed MOA and the 1997 DEP- CW Corp. Agreement and agreements with each identified recipient of the funds; and

**WHEREAS**, as a condition of the 2007 Filtration Avoidance Determination (FAD) City agreed to provide Four Million Six Hundred Fifty Thousand Dollars (\$4,650,000.00) under the first five years of the 2007 FAD which is a ten (10) year FAD that expires in 2017 (“2007 FAD Part I”); and

**WHEREAS**, the 2010 Water Supply Permit issued by New York State Department of Environmental Conservation requires the City to continue to fund the Stormwater Retrofit Program to allow the Program to continue at a level of activity that has been maintained since the inception of the Program, consistent with the processes set forth in CWC’s Stormwater Retrofit Program Rules, as revised October 6, 2009, provided CWC demonstrates the need for such funding continues; and

**WHEREAS**, as a further condition of the 2007 FAD and pursuant to the 2010 Water Supply Permit, DEP agreed to provide additional funding to the Stormwater Retrofit Program for the second five years (2012-2017) of the 2007 FAD; and

**WHEREAS**, by Resolution Number 2241, the CWC Board of Directors approved the Stormwater Retrofit II Program Agreement, a continuation of the Stormwater Retrofit Program created pursuant to Paragraph 125 of the Watershed MOA, the 2002 and 2007 FADs; and

**WHEREAS**, by Resolution Number 2620, the CWC Board of Directors approved revisions to the Stormwater Retrofit Program Rules; and

**WHEREAS**, the CWC Wastewater Committee recommends revisions to the Stormwater Retrofit Program Rules as described in Attachment A to provide for the acceptance of applications on a rolling basis.

**NOW, THEREFORE BE IT RESOLVED**, that the CWC Board of Directors adopts the attached revision to the Stormwater Retrofit Program Rules (Attachment A), as per the Committee’s recommendation.

**Voice Vote, carried unanimously**

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Extension of Stormwater Retrofit Program Agreement – Capital & Maintenance – Tab 9

A motion to approve Resolution No. 3004 was made by Mark McCarthy and seconded by Innes Kasanof.

February 7, 2017

RESOLUTION NO. 3004

EXTENSION OF STORMWATER RETROFIT PROGRAM AGREEMENT

WHEREAS, pursuant to Paragraph 125 of the 1997 New York City Watershed Memorandum of Agreement, the Catskill Watershed Corporation (CWC) is the program management for the Stormwater Retrofit Program; and

WHEREAS, the original Program Agreement for both capital costs and operation and maintenance costs expired on April 23, 2007; and

WHEREAS, on February 27, 2007, the Program Agreement was amended to extend the term for an additional five (5) years until April 23, 2012, and on February 27 2012, a Program Agreement amendment extended the term for an additional five (5) years until April 23, 2017; and

WHEREAS, the CWC Wastewater Committee recommends the CWC Board of Directors authorize the Executive Director and/or President to execute an amendment to the Stormwater Retrofit Program Agreement, to extend the term of said agreement to April 23, 2022.

NOW THEREFORE BE IT RESOLVED, the CWC Board of Directors authorize the Executive Director and/or President to execute an amendment to the Stormwater Retrofit Program Agreement, to extend the term of said agreement to April 23, 2022 in form similar to attachments A and B.

Voice Vote, carried unanimously

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**Stormwater Retrofit – Delaware Academy – Tab 10**

Resolution Withdrawn – Hold for Committee Review in March. No action taken.

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FHMIP Program Rules Amendment – Tank Anchoring Application – Tab 11

A motion to approve Resolution No. 3005 was made by James Eisel and seconded by Richard Parete.

Wayne Marshfield asked how determination would be made if a parcel had a municipal water and/or sewer connection. His concern is the weight of trucks driving over leach fields.

John Mathiesen said that it would be noted on the application if a parcel had a municipal hookup and the location/distance from a private well or septic system will be noted on the application specifically.

February 7, 2017

RESOLUTION NO. 3005

**BOARD APPROVAL OF FLOOD HAZARD MITIGATION PROGRAM RULES
AMENDMENTS – TANK ANCHORING APPLICATIONS**

WHEREAS, the Catskill Watershed Corporation (CWC) is a not-for-profit corporation established to administer Watershed Protection and Partnership Programs as more fully described herein; and

WHEREAS, ninety percent of New York City's water supply originates in the Catskill Mountain region from an area commonly referred to as the West of Hudson portion of the watershed of the New York City water supply (the "West of Hudson Watershed" or "Watershed"), which spans over 1,600 square miles and portions of five counties, forty-one towns, and eight villages; 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; 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, on May 6, 2014, by Resolution Number 2460, the CWC Board of Directors approved program rules for the CWC Flood Hazard Mitigation Program (the "Program Rules"); and

WHEREAS, by Resolution 2893, the CWC Board approved the amendments to the Program Rules to provide that CWC may be an applicant for projects, and also for the eligibility of securing of oil and propane tanks in a floodplain; and

WHEREAS, the CWC Wastewater Committee recommends that the CWC Board of Directors adopts the attached amendments to the Flood Hazard Mitigation Implementation Program rules to simply applications for securing of oil and propane tanks within a floodplain

NOW, THEREFORE BE IT RESOLVED, that the CWC Board of Directors adopts the attached Flood Hazard Mitigation Program Rules as amended (Attachment A), as per the Committee's recommendation.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Flood Hazard Mitigation Program Rules may be amended from time to time by the CWC Board of Directors, in consultation with NYCDEP.

17:01.02 Application Process

1. Except for Emergency Stream Debris Removal Applications, applications will be accepted on an ongoing basis. Emergency Stream Debris Removal applications will be accepted no later than the date(s) established by the Board.
2. Four copies of each completed project application must be submitted to CWC.
3. Except for tank anchoring applications, a complete project application consists of the following items:
 - a. a completed application form provided by CWC;
 - b. a narrative description of the project which also discusses the need for the proposed project as substantiated by an LFA;
 - c. a description of the costs and benefits of the proposed Eligible project;
 - d. a resolution authorizing the application if Applicant is a municipality;
 - e. a site location map, if applicable;
 - f. photos, including aerial photos if applicable and available, drainage area, wetlands, other mapped characteristics as applicable and available;
 - g. a site schematic (or detailed plans) of the project, if applicable;
 - h. a description of the proposed project team and the qualifications and role of each team member;
 - i. except for Anchor Business relocations or Emergency Stream Debris Removal, approval from the Town or Village, where project is located; and
 - j. an affidavit from the record owner of any private property on which work is to be performed as part of the proposed project authorizing such work.
4. For applications to secure oil or propane tanks only, a complete project application consists of the following items:
 - a. a completed application form provided by CWC;
 - b. Property owner, address of parcel, and tax identification number of parcel, whether or not property is in a flood hazard area;
 - c. Name and address of contractor who will be performing the work;
 - e. Estimate of cost of work;
 - f. Location, size, type of tank to be anchored;
 - g. Distance between tank and drinking water well and/or septic on the parcel.
5. CWC may, as it determines necessary, require an Applicant to submit additional information to facilitate the review of the project application.
6. Applicants must demonstrate to CWC's satisfaction that good faith attempts were made to seek other available public funding and that none is available during the same funding cycle.
7. An Applicant or Project Sponsor that has previously received Funding from this or any other program managed by CWC and applies for funding for another project or projects must demonstrate compliance with contract terms of the previously funded project(s) before another application will be considered.

8. Any applicant or Project Sponsor that is in default of any CWC contract may be denied further consideration under the Program by CWC.

Voice Vote, carried unanimously

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**TLAP – Town of Marbletown Consultant – Additional Funds – Tab 12**

A motion to approve Resolution No. 3006 was made by Richard Parete and seconded by Mark McCarthy.

*Timothy Cox explained that the valuation report is finished. The Town of Marbletown has requested the attendance of Sansoucy, LLP at review meetings with the City regarding the Town.*

February 7, 2017

**RESOLUTION NO. 3006**

**BOARD APPROVAL OF TLAP CONSULTANT (IMPOUNDMENT) FOR  
TOWN OF MARBLETOWN ADDITIONAL FUNDING REQUEST - SETTLEMENT**

**DISCUSSIONS**

**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**, on August 2, 2011, 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 (DEP); 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**, on December 4, 2012, by Resolution Number 2224, the CWC Board of Directors approved the Town of Marbletown’s application to participate in TLAP; and

**WHEREAS**, by requests for proposal, CWC solicited the services of consultants to review both a land valuation report and impoundment valuation report based upon the relevant generic templates; and

**WHEREAS**, March 1, 2016, by Resolution Number 2826, the CWC Board of Directors approved an amended agreement with George E. Sansoucy, PE, LLC in an amount not to exceed

Thirty Thousand Dollars (\$30,000.00) for a valuation report of the improvements on New York City owned land in the Town of Mabletown; and

**WHEREAS**, George E. Sansoucy, PE, LLC has completed the report and the Town of Marbletown requested that CWC fund the attendance of George E. Sansoucy, PE, LLC at settlement discussions between the Town and New York City; and

**WHEREAS**, the CWC Land Committee recommends the CWC Board of Directors authorize CWC President or Executive Director to execute an amended agreement with George E. Sansoucy, PE, LLC for an additional amount not to exceed Fifteen Thousand Dollars (\$15,000.00) for total contract amount not exceed Forty-Five Thousand Dollars (\$45,000.00) for review of TLAP valuation report pursuant to applicable generic template and attendance at settlement discussions as requested by the Town of Marbletown.

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors authorizes CWC President or Executive Director to execute an amended agreement with George E. Sansoucy, PE, LLC for an additional amount not to exceed Fifteen Thousand Dollars (\$15,000.00) for total contract amount not exceed Forty-Five Thousand Dollars (\$45,000.00) for review of TLAP valuation report pursuant to applicable generic template and attendance at settlement discussions as requested by the Town of Marbletown.

**Voice Vote, carried unanimously**

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Establishment of 2017 Annual Meeting for CWC Member Towns – Tab 13

A motion to approve Resolution No. 3007 was made by James Eisel and seconded by Robert Pelham.

February 7, 2017

RESOLUTION NO. 3007

ESTABLISHMENT OF 2017 ANNUAL MEETING FOR CWC MEMBER TOWNS

WHEREAS, pursuant to Article II, Section 3 of the Catskill Watershed Corporation (CWC) By-Laws, Annual meetings of members shall be held on such a date and at such a time as shall be designated from time to time by the Board of Directors; and

WHEREAS, the CWC Policy Committee recommends the 2017 annual membership meeting be held on Tuesday, April 4, 2017 at Hanah Mountainside Resort & Country Club, 576 W Hubbell Hill Rd, Margaretville, NY 12455, at 1:00 pm and the regular monthly meeting of the CWC Board of Directors to immediately commence after the conclusion of the annual meeting.

NOW, THEREFORE BE IT RESOLVED, that Tuesday, April 4, 2017 shall be the date of the annual membership meeting, to be held at 1:00 pm at the Hanah Mountainside Resort & Country Club, 576 W Hubbell Hill Rd, Margaretville, NY 12455, and the regular April meeting of the CWC Board of Directors shall commence immediately after the conclusion of the annual meeting.

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**2017 Funding for the Expanded Boating Program for the Pepacton, Neversink & Schoharie Reservoirs – Tab 14**

A motion to approve Resolution No. 3008 was made by Wayne Marshfield and seconded by Richard Parete.

*Barbara Puglisi noted that this also includes the Cannonsville Reservoir, which serves as the pilot program site, and that while annually this program utilizes approximately \$19,000, there is a cushion built into the approved amount for additional expenditures should the need arise, i.e. purchasing of boat racks.*

February 7, 2017

**RESOLUTION NO. 3008**

**APPROVAL OF CATSKILL WATERSHED CORPORATION FUNDING FOR THE EXPANDED BOATING PROGRAM FOR THE PEPACTON, NEVERSINK, AND SCHOHARIE RESERVOIRS**

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

**WHEREAS**, the New York City Department of Environmental Protection (NYCDEP) has collaborated with local municipal governments, environmental organizations, Chambers of Commerce and others and developed an Expanded Boating Pilot Program for the Cannonsville Reservoir in order to improve regional recreational opportunities for watershed residents and visitors and promote environmentally sound economic development by allowing certain new types of reservoir recreational boating that is compatible with water quality protection; and

**WHEREAS**, by Resolution Number 1486, the CWC Board of Directors approved funding of up to One Hundred Fifty Thousand Dollars (\$150,000.00) over three (3) years to fund the Cannonsville Reservoir Expanded Boating Pilot Program in collaboration with NYCDEP, Delaware County Economic Development and the Delaware County Chamber of Commerce; and

**WHEREAS**, the three (3) year Cannonsville Reservoir Expanded Boating Pilot Program has been completed and NYCDEP desires to expand the Boating Program to non-terminal reservoirs in the West of Hudson Watershed, including the Pepacton, Neversink, and Schoharie Reservoirs; and

**WHEREAS**, by Resolution Number 2046, the CWC Board of Directors approved funding of up to Sixty-Five Thousand Dollars (\$65,000.00) for costs for the first year of the Boating Program at non-terminal reservoirs, including steam cleaning equipment, kiosk and flag pole materials, portable restrooms, program brochures, and road; and

**WHEREAS**, by Resolution Number 2271, the CWC Board of Directors approved funding of up to Sixty-Five Thousand Dollars (\$65,000.00) for costs for the second year of the Boating Program at non-terminal reservoirs, including steam cleaning equipment, kiosk and flag pole materials, portable restrooms, program brochures, boat racks and road signs; and

**WHEREAS**, by Resolution Numbers 2437, 2631, and 2818 the CWC Board of Directors approved funding of up to Thirty Thousand Dollars (\$30,000.00) for costs for the third and fourth year of the Boating Program at non-terminal reservoirs, including steam cleaning equipment, kiosk and flag pole materials, portable restrooms, program brochures, and road signs; and

**WHEREAS**, the CWC Economic Development Committee recommends that CWC Board of Directors approve funding of up to Thirty Thousand Dollars (\$30,000.00) for costs for the fifth year of the Boating Program at non-terminal reservoirs, portable restrooms, program brochures, and their distribution, road signs and other miscellaneous; and

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

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

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board authorizes the President and/or the Executive Director to execute contracts for up to Thirty Thousand Dollars (\$30,000.00) for the 2017 Expanded Boating Program.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, the CWC staff is authorized and directed to issue a letter informing the CWC of its intention to provide funds for the second year of the Expanded Boating Program, 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, and the right of objection, and staff is directed to develop an agreement and other documentation necessary to effectuate this funding.

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

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

**QEDP Evaluation and CWC Staff Recommendation**

**Purpose: to review the Funding for the Expanded Boating Pilot Program for the Cannonsville Reservoir**

The Executive Director of the CWC makes the following evaluation concerning a Catskills Studies Funding Program Grant to CWC located on the Cannonsville Reservoir in the Towns of

Deposit, Tompkins and Walton, N.Y. Evaluation is based on the Evaluation Criteria established in the Catskill Fund for the Future Program Rules, approved on August 22, 2001 and revised on May 24, 2005 by the CWC Board of Directors.

1. Based on due inquiry to the NYS DEC, the NYC DEP and to the best of CWC's knowledge, the proposed Expanded Boating Pilot Program for the Cannonsville, Neversink, Pepacton and Schoharie Reservoir is presently in compliance with all applicable environmental statutes and regulations.
2. Based on due inquiry to the NYS DEC, the NYC DEP, and to the best of CWC's knowledge, the Expanded Boating Pilot Program for the Cannonsville, Neversink Pepacton, and Schoharie Reservoirs 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) CWC will use the funds to pay for porta-johns at eight (8) launch sites, steam cleaning of boats at five (5) vendor locations and a consultant to determine the effect of the program on water quality and economic activity.
  - (ii) The project is located in the Towns of Andes, Colchester, Deposit, Gilboa, Middletown, Neversink, Prattsville, Tompkins and Walton.
  - (iii) The project will utilize portable toilets.
  - (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 pre-treated prior to release.
  - (vi) Based upon NYC DEP, the project is in the 60-day travel time zone.
  - (vii) There is no impact on Federal or New York State Wetlands.(b) The project maintains the character of the Towns of Andes, Colchester, Deposit, Gilboa, Middletown, Neversink, Prattsville, Tompkins and Walton
  - (i) The project is consistent with current zoning in the Towns of Andes, Colchester, Deposit, Gilboa, Middletown, Neversink, Prattsville, Tompkins and Walton.
  - (ii) The project is compatible with surrounding land uses.
  - (iii) The project will not generate excessive traffic.
  - (iv) The project as described is of such magnitude, that it does not appear likely to promote secondary growth and therefore requires no additional review of land use plans or infrastructure.
4. The project is consistent with the West-of-Hudson Economic Development Study, which has been completed.
5. Not applicable.

**Voice Vote, carried unanimously**

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Approval of the Greater Catskill Park Recreation Plan Consultant Agreement – Alta Planning & Design – Tab 15

A motion to approve Resolution No. 3009 was made by Martin Donnelly and seconded by Innes Kasanof.

Barbara Puglisi explained that the plan was reviewed by the appointed committee in January and subsequently an RFP was issued to obtain quotes for an administrator of the plan. A budget of \$160,000 was established by the committee. Alta Planning & Design was the only firm to submit a plan that addressed all of the requirements and remained within reasonable proximity to the budget. The plan will be financed initially from the Catskill Fund for the Future and will be reimbursed by the State with grant monies once available.

February 7, 2017

RESOLUTION NO. 3009

**APPROVAL OF CONSULTANT FOR IMPLEMENTATION OF THE GREATER
CATSKILL PARK RECREATION PLAN**

WHEREAS, the Catskill Watershed Corporation (CWC) is a not for profit local development corporation whose purpose is, in part, “aiding that part of the Watershed of the City of New York located West of the Hudson River (the ‘West of Hudson Watershed’) by attracting new commerce and industry to such area and by encouraging the development of, or retention of, commerce and industry in such area, and lessening the burdens of government and acting in the public interest and all other lawful functions all in a manner which seeks to protect water quality in the West of Hudson Watershed”; and

WHEREAS, CWC administers the Catskill Fund for the Future (CFF) Grant Program for the purpose of providing financial assistance to qualified economic development projects in the portion of the New York City Watershed West of the Hudson River (WOH Watershed) in accordance with the CFF Program rules; and

WHEREAS, a large portion of the WOH Watershed, including numerous CWC member towns, are located within the Catskill State Park; and

WHEREAS, the enacted 2015-2016 New York State Budget includes Five Hundred Thousand Dollars (\$500,000.00) to New York State Department of Environmental Conservation under Aid to Localities for the Catskill Master Plan Stewardship and Planning; and

WHEREAS, by Resolution 3048, the New York State Senate resolved that the Catskill Master Plan Stewardship and Planning funds be apportioned to the Catskill Watershed Corporation for their administration; and

WHEREAS, the CWC Economic Development Committee recommends that the CWC Board of Directors authorize the President and/or Executive Director to execute an agreement with the New York State Department of Environmental Conservation for CWC to administer the Catskill Master Plan Stewardship and Planning funds provided for in the 2015-2016 New York State Budget; and

WHEREAS, CWC issued a request for proposal for a consultant to prepare a Recreation Plan for the Greater Catskills; and

WHEREAS, CWC Economic Development Committee reviewed the recommendation from the steering committee on the bids received on December 15, 2016 and recommends that CWC

Board of Directors approve the retention of Alta Planning and Design in an amount not to exceed One Hundred Fifty-Nine Thousand Nine Hundred Twenty-Eight Dollars (\$159,928.00) from the Catskill Fund for the Future.

NOW THEREFORE BE IT RESOLVED, that the CWC Board of Directors authorizes the Executive Director to enter into an agreement with the Alta Planning and Design in an amount not to exceed One Hundred Fifty-Nine Thousand Nine Hundred Twenty-Eight Dollars (\$159,928.00) for the Preparation of the Greater Catskill Park Recreation Plan.

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 Mark McCarthy and seconded by Thomas Snow.

**Voice Vote, carried unanimously**

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

**Voice Vote, carried unanimously**

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CFF REDI Loan – Heart of the Catskills Communications d/b/a MTC Cable – Collateral Change – Tab 16

A motion to approve Resolution No. 3010 was made by James Eisel and seconded by Martin Donnelly.

February 7, 2017

RESOLUTION NO. 3010

**APPROVAL OF COLLATERAL CHANGE FOR
HEART OF THE CATSKILLS COMMUNICATIONS D/B/A MTC CABLE**

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

WHEREAS, to foster the goals of environmentally sound development and increased employment the CWC will from time to time enter into demonstration projects and alliances with other organizations with similar goals that can be replicated throughout the WOH with funding from the Catskill Fund for the Future (CFF); and

WHEREAS, the CWC Economic Development Committee has recognized the need to extend broadband internet service to as much of the watershed area as practical to foster economic development, improve educational opportunities and improve the quality of life; and

WHEREAS, Margaretville Telephone Company (MTC) has successfully implemented and maintained Direct Subscriber Lines (DSL) and Cable broadband service in over 90% of its service area; and

WHEREAS, the deployment of broadband service in un-served and underserved areas has the potential to increase adult employment, improve educational opportunities and improve the quality of life in the watershed community; and

WHEREAS, on August 4, 2009, by Resolution Number 1575, the CWC Board of Directors approved an alliance with MTC and M-ARK Project in an amount up to Two Hundred Fifty Thousand Dollars (\$250,000.00) for expansion of broadband internet service to un-served and underserved areas of Schoharie and Delaware Counties; and

WHEREAS, on April 6, 2010, by Resolution Number 1721, the CWC Board of Directors under the Catskills Studies Funding Program approved Twenty-Four Thousand Seven Hundred Fifty Dollars (\$24,750.00) to fund environmental, market development feasibility and engineering studies by MTC Cable for the extension of broadband services to the un-served Schoharie County Towns of Gilboa and Conesville, the purpose of which is to improve job opportunities and local employment while protecting the environment; and

WHEREAS, on September 3, 2013, by Resolution Number 2372, the CWC Board of Directors, under the Catskills Studies Funding Program, approved MTC's request for a letter of support from the CWC for the MTC Wireless Broadband Project and matching funds from CWC to strengthen their application in the amount of Ten Thousand Dollars (\$10,000.00); and

WHEREAS, on July 1, 2014, by Resolution Number 2516, the CWC Board of Directors, under the Catskills Studies Funding Program, approved Delaware County Broadband Initiative (DCBI) request for a letter of support from the CWC for the MTC Wireless Broadband Project and matching funds from CWC to provide broadband to un-served and underserved residences and businesses in Delaware County and strengthen their application in the amount of Twenty-Five Thousand Dollars (\$25,000.00); and

WHEREAS, on September 1, 2015, by Resolution Number 2737, the CWC Board of Directors approved a loan to the Heart of the Catskills Communications, Inc. d/b/a MTC Cable for a One Million One Hundred Thousand Dollar (\$1,100,000.00) for a term of five (5) years, interest only for the first twenty-four months, at a rate of two percent (2.0%), such that the outstanding principal is fully paid on the sixtieth (60th) payment date, for the purpose of fulfilling their grant obligations; and

WHEREAS, on April 5, 2016, by Resolution 2839 the CWC Board of Directors approved a loan to the Heart of the Catskills Communications, Inc. d/b/a MTC Cable for Four Million Three Hundred Twenty Two Thousand Dollar One Hundred Twenty Three Dollars and no cents (\$4,322,123.00) for a term of fifteen (15) years, interest only for the first twenty-four months, at a rate of two percent (2.0%), such that the outstanding principal is fully paid on the one hundred eightieth (180^h) payment date, for the purpose of fulfilling their broadband grant obligations; and

WHEREAS, the Catskill Fund for the Future Program Rules section 1:02:04 require that a material change, including a change in collateral coverage, to a previously approved loan requires CWC Board review and approval; and

WHEREAS, on June 7, 2016, by Resolution 2899, the CWC Board of Directors approved a collateral change to the loan to the Heart of the Catskills Communications, Inc. d/b/a MTC Cable to allow for a shared first position with USDA as originally approved, and also a possible future bank loan of up to Four Million Dollars (\$4,000,000.00) and such bank loan would have to also be approved by USDA and the Public Service Commission, and such request if approved will result in a change to the collateral coverage of the loan; and

WHEREAS, the USDA had rejected the application of Heart of the Catskills Communications, Inc. d/b/a MTC Cable; and

WHEREAS, Heart of the Catskills Communications, Inc. d/b/a MTC Cable requests that the terms of the loan allow for a shared first position with a lender to replace the loan that was anticipated from USDA, and such bank loan would have to also be approved by the Public Service Commission, and such request if approved will result in a change to the collateral coverage of the loan.

NOW, THEREFORE BE IT RESOLVED, the CWC Board approves the request of Heart of the Catskills Communications, Inc. d/b/a MTC Cable for requested change to the collateral coverage of the loan as described above.

QEDP Evaluation and CWC Staff Recommendation

Purpose: To review the CWC Loan Application of Heart of the Catskills Communications, Inc. d/b/a MTC Cable

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Heart of the Catskills Communications, Inc. d/b/a MTC Cable located in the Village of Margaretville, NY. Evaluation is based on the Evaluation Criteria established in the Catskill Fund for the Future Program Rules, approved on August 22, 2001 by the CWC Board of Directors.

1. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the property at 579 Main Street, Margaretville, NY, owned by Heart of the Catskills Communications, Inc. d/b/a MTC Cable, 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 579 Main Street, Margaretville, NY, owned by Heart of the Catskills Communications, Inc. d/b/a MTC Cable, 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) Heart of the Catskills Communications, Inc. d/b/a MTC Cable will fulfill its broadband grant obligations and provide broadband service to unserved and underserved residents and businesses.
 - (ii) The project is located in the Village of Margaretville.
 - (iii) The project will utilize a municipal waste water treatment system.
 - (iv) The project appears to present no threat to water quality.
 - (v) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
 - (vi) Based on NYCDEP the project is in the 60 day travel time.

- (vii) There is no impact on Federal or State wetlands.
- (b) The project maintains the character of the Village of Margaretville.
 - (i) The project is consistent with current zoning.
 - (ii) The project is compatible with surrounding land uses.
 - (iii) The project will not generate excessive traffic.
 - (iv) The project as described is of such magnitude that it does not appear likely to promote secondary growth and therefore requires not additional review of land use plans or infrastructure.
- 4. The project is consistent with the West of Hudson Economic Development Study, which has been completed.
- 5. Not applicable.

Voice Vote, *carried unanimously*

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**VIII. Announcements from the Chair:**

**IX. Board Member Discussion:**

A motion to adjourn was made by Donald Brandow and seconded by Wayne Marshfield.

**Voice Vote, *carried unanimously***

**X. Adjournment: @ 1:40 p.m.**