

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

March 3, 2015 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by Thomas Snow.

III. Roll Call of Directors

Members Present: Donald Brandow, Deborah Meyer DeWan, Martin Donnelly, James Eisel, Jeffrey Graf (*New York City DEP*), Thomas Hynes, Berndt Leifeld, Wayne Marshfield, Mark McCarthy, Tina Molé, Richard Parete, Robert Pelham, Thomas Snow (*New York State DEC*), and Michael Triolo.

Members Excused: Innes Kasanof

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

Others Present: David Burns (*New York City DEP Stream Management Program*), Jeffrey Flack (*Greene County Soil and Water Conservation District*), Michael Meyer (*New York City DEP*), and Thomas Stalter (*New York City DEP*).

IV. Review and Approval of February 3, 2015 Board Meeting Minutes

A motion to approve the minutes from the February 3, 2015 board meeting was made by Robert Pelham and seconded by Thomas Snow.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of December 31, 2014 was made by James Eisel and seconded by Martin Donnelly.

**Voice Vote, carried unanimously**

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Executive Director's Report

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

Presentation of News Articles

Committee Schedule

Committee Meeting Minutes

VI. Public Discussion

Jeffrey Graf introduced David Burns of the NYCDEP and Jeff Flack of the Schoharie County Soil and Water Conservation District, who jointly presented an update on the Schoharie Basin Stream Management Program. Copy of the power point is attached.

Thomas Snow inquired about the size of culvert being installed to mitigate the issue on the South Gilboa Road site. Dave replied it is a 6 foot by 4 foot 3-sided concrete structure, so it's significantly bigger than the pre-existing 4 foot round culvert.

Mark McCarthy asked in regards to the Stone Clove project the length of the project where the streambed was narrowed and dug deeper, making the point that this process is basically dredging, and that this procedure is said to historically not be effective.

Dave said that he agreed with Mark's statement, but that this section of this particular project is approximately 900 ft., and that dredging was the most effective solution here due to major sediment issues both above and below this section that are also being dealt with.

Jeff Flack stated that sediment transport is now a major factor considered in the modeling of these projects, which was not considered in years prior to Hurricane Irene.

VII. Presentation of Resolutions

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#### **Septic Reimbursement Over \$25,000 – Robert Huhem – Tab 7**

A motion to approve Resolution No. 2627 was made by Tina Molé and seconded by Wayne Marshfield.

March 3, 2015

#### **RESOLUTION NO. 2627**

#### **BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000: ROBERT HUHEM**

**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**, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Nine Thousand Eight Hundred Dollars (\$29,800.00); and

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

**WHEREAS**, the CWC staff have determined the contractor's quote of Twenty-Nine Thousand Eight Hundred Dollars (\$29,800.00) 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 Eight Hundred Dollars (\$29,800.00) 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 Eight Hundred Dollars (\$29,800.00).

**Robert Huhem Backup**

Mr. Huhem's property is located in the Town of Roxbury, Delaware County, and he applied to CWC for reimbursement for a repair/replacement completed on or before December 31, 2014. Homeowner submitted paid receipts from a contractor in the amount of \$29,800.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, a siphon chamber, 160 lineal feet of 4" gravity piping, one distribution box, 285 cubic yards of absorption fill material, one effluent filter, 184 lineal feet of absorption trench in-fill material, 80 lineal feet of curtain drain, temporary access road, tree removal, and rock removal. The total of the paid receipts is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement to the homeowner in an amount not to exceed \$29,800.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$25,000 – Andrew Neimanis – Tab 8

A motion to approve Resolution No. 2628 was made by Tina Molé and seconded by Wayne Marshfield.

March 3, 2015

RESOLUTION NO. 2628

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

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-Three Thousand Nine Hundred Fifty Dollars (\$33,950.00); 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-Three Thousand Nine Hundred Fifty Dollars (\$33,950.00) 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 Thirty-Three Thousand Nine Hundred Fifty Dollars (\$33,950.00) 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 Thirty-Three Thousand Nine Hundred Fifty Dollars (\$33,950.00).

Andrew Neimanis Backup

Mr. Neimanis' property is located in the Town of Windham, Greene County. Homeowner and CWC staff received three quotes from unrelated contractors for \$48,000.00, \$37,374.53, and \$33,950.00. This system is for a six bedroom house. The major components for this system include two 1,000 gallon septic tanks, one pump station, 15 lineal feet of 4" gravity piping, 215 lineal feet of 2" forcemain, one distribution box, 450 cubic yards of absorption fill material, one effluent filter, 474 lineal feet of absorption trench, tree removal, relocation of buried electric wiring, and restoration. The lowest 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 \$33,950.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Additional Cost – Betty Lohman – Tab 9**

A motion to approve Resolution No. 2629 was made by Mark McCarthy and seconded by Wayne Marshfield.

March 3, 2015

**RESOLUTION NO. 2629**

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

**BETTY LOHMAN**

**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**, by Resolution Number 2580, the CWC Board approved reimbursement to Betty Lohman in an amount not to exceed Twenty-Nine Thousand Nine Hundred Ninety Dollars (\$29,990.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for inclusion of a spoil area due to unsuitable excavated material in the amount of One Thousand Four Hundred Fifty Dollars (\$1,450.00); 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 Four Hundred Fifty Dollars (\$1,450.00); and

**WHEREAS**, CWC staff have determined that Thirty-One Thousand Four Hundred Forty Dollars (\$31,440.00) 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-One Thousand Four Hundred Forty Dollars (\$31,440.00) 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-One Thousand Four Hundred Forty Dollars (\$31,440.00).

**Betty Lohman Backup**

Ms. Lohman’s property is located in the Town of Windham, Greene County. CWC Board of Directors previously approved reimbursement for this project at \$29,990.00. During construction due to the amount of unsuitable excavated material from the raised bed and the curtain drain, the addition of a spoil area was required. The spoil area required restoration. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$1,450.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,450.00, for total reimbursement not to exceed \$31,440.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$25,000 – Additional Cost – Warren Post – Tab 10

Tabled at Committee. No motion.

Voice Vote, *carried unanimously*

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**FHMIP 2015 Application Deadline – Tab 11**

A motion to approve Resolution No. 2630 was made by Tina Molé and seconded by Robert Pelham.

March 3, 2015

**RESOLUTION NO. 2630**

**BOARD DESIGNATION OF 2015 APPLICATION CYCLE FOR THE CWC FLOOD HAZARD MITIGATION IMPLEMENTATION PROGRAM**

**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 through funding certain recommendations of local flood analyses separate funding under the NYCDEP Stream Management Program; and

**WHEREAS**, by Resolution Number 2439, on March 4, 2014, 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**, by Resolution Number 2460, on May 6, 2014, the CWC Board of Directors approved program rules for the Program; and

**WHEREAS**, by Resolution Number 2524, on August 5, 2014, the CWC Board of Directors approved amendments to the Program Rules that defined eligible costs for relocation assistance; and

**WHEREAS**, by Resolution Number 2574, on October 7, 2014, the CWC Board of Directors approved amendments to the Program Rules that expanded the scope of eligible relocation assistance to include properties purchased under a City Flood Buyout Program; and

**WHEREAS**, by Resolution Number 2575, on October 7, 2014, the CWC Board of Directors approved the transfer of up to One Million Dollars (\$1,000,000) from the Future Stormwater Program to the CWC Flood Hazard Mitigation Implementation Program for the purpose of funding eligible projects as approved by the CWC Board, to be reimbursed by the CWC Flood Hazard Mitigation Implementation Program when funding is received from the City of New York and such contract has not yet been received from the City of New York; and

**WHEREAS**, several communities are scheduled to complete local flood analyses in winter and spring of 2015 and such analyses will contain recommendations for projects, some of which may be eligible for funding under the CWC Flood Hazard Mitigation Implementation Program; and

**WHEREAS**, the Program Rules provide that there will be one annual application cycle and that applications “must be postmarked or delivered on a date and time to be determined by the Board;” and

**WHEREAS**, CWC Wastewater/Stormwater Committee recommends that the CWC Board opens the CWC Flood Hazard Mitigation Implementation Program for calendar year 2015 for applications delivered to CWC on or before 4:30 pm on Monday, June 1, 2015.

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors opens the CWC Flood Hazard Mitigation Implementation Program for calendar year 2015 and that applications must be received by CWC no later than 4:30 pm on Monday, June 1, 2015.

**Voice Vote, carried unanimously**

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A motion to approve Resolution No. 2631 was made by Martin Donnelly and seconded by Thomas Hynes.

March 3, 2015

RESOLUTION NO. 2631

**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 signs; 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 Number 2437, the CWC Board of Directors approved funding of up to Thirty Thousand Dollars (\$30,000.00) for costs for the third 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 third year of the Boating Program at non-terminal reservoirs, including kiosk and flag pole materials, portable restrooms, program brochures printing and distribution, and road signs; 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 third year of the 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 Reservoirs 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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**Main Street Conference Funding – Tab 13**

A motion to approve Resolution No. 2632 was made by Martin Donnelly and seconded by Thomas Hynes.

March 3, 2015

**RESOLUTION NO. 2632**

**BOARD APPROVAL TO SPONSOR M-ARK PROJECT  
2015 REGIONAL MAIN STREET BOOT CAMP CONFERENCE**

**WHEREAS**, the Catskill Watershed Corporation (CWC) is a not for profit local development corporation whose purposes include reducing and relieving adult unemployment in the West of Hudson (WOH) 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

**WHEREAS**, for many years, CWC sponsored Local Government Day to provide training and support for local governmental officials, business owners, and interested individuals in WOH Watershed Communities; and

**WHEREAS**, following Hurricane Irene and Tropical Storm Lee, CWC scaled back Local Government Day due to staff demands in responding to community needs following the storms; and

**WHEREAS**, the M-ARK Project, a not for profit rural development corporation, is hosting a Regional Main Street Boot Camp conference on March 23 and 24, 2015, open to municipal officials, Main Street shop owners, community organizations and anyone else interested in the health and vitality of our “downtowns”; and

**WHEREAS**, the Regional Main Street Boot Camp conference will include agenda topics of Preserving the Historic Character and Charm of a Community, Transportation Issues, and Filling Vacant Storefronts; and

**WHEREAS**, M-ARK Project notes that the conference will be open to officials from CWC member watershed towns and could be replicated in other WOH Communities; and

**WHEREAS**, the M-ARK Project requested CWC provide Five Thousand Dollars (\$5,000.00) of the Twelve Thousand Dollars (\$12,000.00) cost of the conference; and

**WHEREAS**, the Economic Development Committee recommends that CWC Board of Directors approve sponsoring the 2015 Regional Main Street Boot Camp conference in the amount of Five Thousand Dollars (\$5,000.00).

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors approves the Executive Director and/or President entering into an agreement with the M-ARK Project in an amount of Five Thousand Dollars (\$5,000.00) to sponsor the 2015 Regional Main Street Boot Camp conference.

*Jeff Graf recommended that funding for this project be provided through the Catskill Fund for the Future Program. No objection was made.*

**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 Donald Brandow and seconded by Martin Donnelly.

Voice Vote, carried unanimously

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**CFF Municipal Assistance Loan – Town of Andes – Tab 14**

A motion to approve Resolution No. 2633 was made by James Eisel and seconded by Tina Molé.

**March 3, 2015**

**RESOLUTION NO. 2633**

**APPROVAL OF TOWN OF ANDES**

**CATSKILL MUNICIPAL ASSISTANCE LOAN PROGRAM**

**WHEREAS**, the CWC established the “Catskill Municipal Assistance Loan Program” for the purpose of providing low interest bonds to qualified economic development projects in the West of Hudson Watershed which program is administered by the CWC in accordance with the Catskill Fund for the Future (“CFF”) Program Rules; and

**WHEREAS**, the Town of Andes, has applied for a One Hundred Ninety Two Thousand Five Hundred Seventy Eight Dollars (\$192,578) bond anticipation note for a term of one (1) year renewable for up to a maximum of five (5) years, at a rate of two per cent (2%) to be amortized in one annual payments such that the outstanding principal is fully paid on the last payment date, for the purchase of a 2015 Volvo G930C Motor Grader as provided for by Chapter 1:24 Catskill Municipal Assistance Loan Program; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Staff has reviewed a completed Catskill Municipal Assistance Loan Program Bond application and prepared an underwriting report for the Town of Andes; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Loan Committee has reviewed the underwriting report for the Town of Andes Catskill Municipal Assistance Loan Program application; and

**WHEREAS**, the CWC Loan Committee recommends the Catskill Municipal Assistance Loan Program application from the Town of Andes; and

**WHEREAS**, the CWC staff has reviewed and processed this application and submitted a Catskill Municipal Assistance Loan Program application report to the Board of Directors, attached hereto; and

**WHEREAS**, the Executive Director, pursuant to the NYCDEP CFF Program Contract and the CFF Program rules, has evaluated and determined that this bond anticipation note meets the criteria for a qualified economic development project, which 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 regulatory 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 approves the application of the Town of Andes of up to One Hundred Ninety-Two Thousand Five Hundred Seventy-Eight Dollars (\$192,578.00) repayable under a bond anticipation note for a term of one (1) year, renewable for up to a maximum of five (5) years, at a rate of two per cent (2%) to be amortized in one annual payments such that the outstanding principal is fully paid on the last payment date, for the purchase of a 2015 Volvo G930C Motor Grader;

**NOW, THEREFORE BE IT FURTHER RESOLVED**, the CWC staff is authorized and directed to issue a commitment letter informing the applicant of its intention to issue the loan subject to applicant's 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 the bond anticipation note, funding agreement, attorney opinion, and other documentation necessary to effectuate this bond in a form agreed upon by CWC;

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that upon said approval of bond documentation, the CWC is authorized to close on said loan and 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 Catskills Municipal Assistance Loan Program Application of the Town of Andes**

The Executive Director of the CWC makes the following evaluation concerning a Catskills Municipal Assistance Loan Program Application for the Town of Andes, located in Andes, NY. Evaluation is based on the Evaluation Criteria established in the Catskill Fund for the Future Program Rules.

1. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the Town of Andes 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 Town of Andes 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) Town of Andes is purchasing a 2015 Volvo G930C Motor Grader.
  - (ii) The project is located in the Town of Andes.
  - (iii) The project does not require a 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.
  - (vi) Based on NYCDEP map delineating the 60-day travel time zone, the project is not in a 60-day travel time zone.
  - (vii) There is no impact on Federal or State wetlands.
- (b) The project maintains the character of the Town of Andes.
- (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) To the best of CWC's knowledge, the project will not promote secondary growth.
4. The project is consistent with the West of Hudson Economic Development Study, which has been completed.
5. Not applicable.

*Martin Donnelly (Supervisor, Town of Andes) abstained.*

**Voice Vote, carried 13 aye, one absent, one abstain**

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CFF REDI Loan – Foxfire Mountain House, LLC – Tab 15

A motion to approve Resolution No. 2634 was made by Martin Donnelly and seconded by Thomas Hynes.

March 3, 2015

RESOLUTION NO. 2634

APPROVAL OF FOXFIRE MOUNTAIN HOUSE, 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, Foxfire Mountain House, LLC has applied for a Two Hundred Fifty-Five Thousand Dollar (\$255,000.00) loan for a term of fifteen (15) years, with an amortization of twenty (20) years, at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, such that the outstanding principal is fully paid on the one hundred and eightieth (180th) payment date, for eligible refinance, renovation, working capital, equipment and soft costs associated with the improvements made to the property at 72 Andrew Lane, Mt. Tremper, NY; and

WHEREAS, CWC has been asked to enter into a pari-passu participation with the Bank of Greene County which will be the lead agency and provide a loan of an additional Two Hundred Fifty-Five Thousand Dollars (\$255,000.00) for a term of twenty (20) years, at a rate of five and three quarters percent (5.75%), adjustable every five years, such that the outstanding principal is fully paid on the two hundred and fortieth (240th) payment date, for eligible refinancing; and

WHEREAS, pursuant to the CFF Program rules the CWC Staff has reviewed a completed CWC Loan application for Foxfire Mountain House, LLC; and

WHEREAS, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for Foxfire Mountain House, LLC; and

WHEREAS, the CWC Loan Committee has recommended approval of the CWC Loan application from Foxfire Mountain House, LLC, contingent on the acceptance of the guarantor's credit report by the Bank of Greene County; and

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, the CWC Board determines Foxfire Mountain House, LLC's application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of Two Hundred Fifty-Five Thousand Dollars (\$255,000.00) for a term of fifteen (15) years, with an amortization of twenty (20) years, at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, such that the outstanding principal is fully paid on the one hundred and eightieth (180th) payment date.

NOW, THEREFORE BE IT RESOLVED, the CWC Board approves the request of a pari-passu participation with the Bank of Greene County, the lead agency on the project.

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 CWC.

NOW, THEREFORE BE IT FURTHER RESOLVED, that upon said approval of loan documentation CWC is authorized to close on said loan and CWC 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 Foxfire Mountain House, LLC

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Foxfire Mountain House, LLC located in the Town of Shandaken, 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 72 Andrew Lane, Mt. Tremper, NY, owned by Foxfire Mountain House, 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 72 Andrew Lane, Mt. Tremper, NY, owned by Foxfire Mountain House, 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) Foxfire Mountain House, LLC, located 72 Andrew Lane, Mt. Tremper, NY will be a hospitality venue.
 - (ii) The project is located in the Town of Shandaken.
 - (iii) The project will utilize a septic 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 Shandaken.
 - (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.

Mark McCarthy inquired about the consistency rate of rental required to meet the monthly debt for this project and if it is sustainable.

Jason Merwin noted that during review of the loan, CWC staff conservatively used a lower number than the applicant had indicated, and consideration was given for the apartment rentals and restaurant, when calculating sustainability of the loan.

Voice Vote, carried unanimously

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A motion to approve Resolution No. 2635 was made by Berndt Leifeld and seconded by Richard Parete.

March 3, 2015

**RESOLUTION NO. 2635**  
**APPROVAL OF WRKC REALTY, 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**, WRKC Realty, LLC has applied for a Seven Hundred Fifty Thousand Dollar (\$750,000.00) loan for a term of fifteen (15) years, with an amortization of twenty (20) years, at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, such that the outstanding principal is fully paid on the one hundred and eightieth (180<sup>th</sup>) payment date, for the purchase of the property at 3144 Route 28, Shokan, NY; and

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

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

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from WRKC Realty, LLC, waiving the participating lender requirement because the nature of the collateral is such that a subordinate position would not adequately protect the interests of CWC; and

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

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board determines WRKC Realty, LLC's application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount Seven Hundred Fifty Thousand Dollars (\$750,000.00) for a term of fifteen (15) years, with an amortization of twenty (20) years, at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, such that the outstanding principal is fully paid on the one hundred and eightieth (180<sup>th</sup>) payment date and further waives the requirement of a participating lender pursuant to CF Program Rule § 1:05:02.

**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 CWC.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that upon said approval of loan documentation CWC is authorized to close on said loan and 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 WRKC Realty, LLC**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to WRKC Realty, LLC located in the Town of Olive, 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 3144 Route 28, Shokan, NY, to be purchased by WRKC Realty, 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 3144 Route 28, Shokan, NY, to be purchased by WRKC Realty, 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) WRKC Realty, LLC, located 3144 Route 28, Shokan, NY, will maintain its current leased businesses and storage units.
  - (ii) The project is located in the Town of Olive.
  - (iii) The project will utilize a septic system.
  - (iv) The project appears to present no threat to water quality.
  - (v) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
  - (vi) Based on NYCDEP the project is in the 60 day travel time.
  - (vii) There is no impact on Federal or State wetlands.
- (b) The project maintains the character of the Town of Olive.

- (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: None

IX. Board Member Discussion: None

A motion to adjourn was made by Donald Brandow and seconded by Berndt Leifeld.

Voice Vote, *carried unanimously*

X. Adjournment: @ 2:10 p.m.