

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

June 2, 2015 @ 1:15 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by Martin Donnelly.

III. Roll Call of Directors

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

Members Excused: Deborah Meyer DeWan and Thomas Hynes.

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:

IV. Review and Approval of January 6, 2015 Board Meeting Minutes

A motion to approve the minutes from the May 5, 2015 board meeting was made by Berndt Leifeld and seconded by James Eisel.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of March 31, 2015 was made by James Eisel and seconded by Tina Molé.

**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

Michael Triolo thanked Diane Galusha for organizing a presentation of Smart Growth Funds grant awards by NYSDEC Commissioner Joe Martens prior to the Board meeting.

Diane announced the new art exhibit of photographs entitled, “My Foto Garden”, by Howard Harrison of Highmount, NY.

VII. Presentation of Resolutions

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*A motion to waive Rule 14 for five handout resolutions was made by Wayne Marshfield and seconded by Richard Parete.*

**Voice Vote, carried unanimously**

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Handout Resolution – Septic Reimbursement and Waiver of Ineligible Costs – John Kenny

A motion to approve Resolution No. 2681 was made by Jeffrey Graf and seconded by Wayne Marshfield.

June 2, 2015

RESOLUTION NO. 2681

BOARD APPROVAL OF SEPTIC REIMBURSEMENT AND WAIVER OF INELIGIBLE COSTS: JOHN KENNY

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, property in the Town of Windham owned by John Kenny is eligible for the CWC Septic Program and CWC staff have determined that a full replacement of the existing failed septic system; and

WHEREAS, CWC staff recommend that the property owned by John Kenny be connected as an out of district user to the Windham Wastewater Treatment Plant because the lateral and connection is more cost effective than constructing a new onsite septic system; and

WHEREAS, the Town of Windham Sewer Use Law provides that all out of district users must pay a one-time connection fee in the amount of Five Thousand Dollars (\$5,000.00)

WHEREAS, pursuant to section 2:01:04 of the of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A (CWC Septic Program Rules), government permit fees are a cost not eligible for reimbursement by CWC; and

WHEREAS, pursuant to section 2:01:10 of the CWC Septic Program Rules, the CWC Board of Directors may find special circumstances merit reimbursement not otherwise allowed by the CWC Septic Program Rules; and

WHEREAS, CWC Septic Committee recommends that the CWC Board of Directors authorize the reimbursement of the Town of Windham Out Of District User Connection Fee in the amount of Five Thousand Dollars (\$5,000.00) because of special circumstances.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves as eligible cost, the reimbursement of Five Thousand Dollars (\$5,000.00) for Town of Windham Out of District User Connection Fee due to special circumstances.

John Kenny Backup

Mr. Kenny’s property is located in the Town of Windham, Greene County. The property is located near but outside of the Windham Sewer District. The Town of Windham charges all out of district users a one-time connection fee of \$5,000.00.

CWC staff believes that an onsite system would be several times more expensive than construction of a sewer lateral to connect the property to the Town of Windham wastewater treatment plant, even including the connection fee. The CWC Septic Program Rules prohibit the reimbursement of government permit fees but the Board can authorize reimbursement based upon special circumstances. The CWC Septic Committee recommends the Board find special circumstances exist for reimbursement of the connection fee.

Voice Vote, carried unanimously

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**Handout Resolution – Small Business Septic Program Eligibility – Robert Cronk**

A motion to approve Resolution No. 2682 was made by Jeffrey Graf and seconded by Wayne Marshfield.

June 2, 2015

**RESOLUTION NO. 2682**

**BOARD APPROVAL OF SMALL BUSINESS SEPTIC PROGRAM ELIGIBILITY:**  
**ROBERT CRONK**

**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 Small Business Septic Program and implement the Small Business Septic Program consistent with the terms of said contracts; and

**WHEREAS**, property in the hamlet of Grand Gorge in Town of Roxbury owned by Robert Cronk may otherwise be eligible for the CWC Small Business Septic Program but is located in

an area excluded from eligibility pursuant to the CWC Small Business Septic Program Rules, Article 13, Section 13:01:06 (2); and

**WHEREAS**, a prior owner declined an environmental review required by the City of New in order to allow City funding of construction of a lateral from the previous business to a collection line; and

**WHEREAS**, the current owner requested CWC to inspect the property to determine if he could receive reimbursement to replace the existing septic system with a lateral to the collection line; and

**WHEREAS**, pursuant to section 13:01:10 of the CWC Small Business Septic Program Rules, the CWC Board of Directors may find special circumstances merit eligibility not otherwise allowed by the CWC Small Business Septic Program Rules; and

**WHEREAS**, CWC Septic Committee recommends that the CWC Board of Directors find that property owned by Robert Cronk in the hamlet of Grand Gorge, Town of Roxbury, be eligible for the CWC Small Business Septic Program (conditioned upon CWC staff finding a septic failure) because of special circumstances.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors determines that property owned by Robert Cronk in the hamlet of Grand Gorge, Town of Roxbury, be eligible for the CWC Small Business Septic Program (conditioned upon CWC staff finding a septic failure) because of special circumstances.

**Robert Cronk Small Business Backup**

Robert Cronk owns Grand Gorge Tire located in the Town of Roxbury. The property is located in the Grand Gorge Sewer Extension area. The previous owner of the business declined to allow an environmental review of the property, and as a result the property was never connected to the new collection line. A stub was installed in the mainline to allow for a connection in the future. After Mr. Cronk purchased the property, he expressed an interest in hooking up the property to the mainline.

CWC Small Business Septic Program Rules state that “some small businesses within the watershed shall not be eligible to be included in the Small Business Septic Program because another MOA program will potentially alleviate the need for a functioning septic system at that business”. That section goes on to provide that properties located in the hamlet of Grand Gorge are excluded from this program. CWC staff notes that Mr. Cronk had no role in the decision not to hook up to the sewer extension. CWC staff has not yet inspected the septic system serving this business due to the question of its eligibility for the CWC Small Business Septic Program.

CWC Septic Committee recommends that CWC Board approve the property as eligible for the CWC Small Business Septic Program, provided that CWC staff determine the septic system is in failure

***Voice Vote, carried unanimously***

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A motion to approve Resolution No. 2683 was made by Thomas Snow and seconded by James Eisel.

June 2, 2015

RESOLUTION NO. 2683

CWC INSURANCE PREMIUM

WHEREAS, the Board of Directors must approve an expense greater than Ten Thousand Dollars (\$10,000.00); and

WHEREAS, the Finance Department has received a Thirty-Three Thousand Six Hundred Eighty-Four Dollars (\$33,684.00) premium for the General Liability, Automobile insurance, Directors & Officers, Professional Liability and Excess Liability insurance.

NOW, THEREFORE BE IT RESOLVED, the Board of Director’s approves the Executive Director to pay the insurance premium of Thirty-Three Thousand Six Hundred Eighty-Four Dollars (\$33,684.00).

Voice Vote, carried unanimously

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**Handout Resolution – 2015 CWC Forced Place Insurance Premium**

A motion to approve Resolution No. 2684 was made by Innes Kasanof and seconded by James Eisel.

June 2, 2015

**RESOLUTION NO. 2684**

**CWC INSURANCE PREMIUM**

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

**WHEREAS, the Finance Department received a Thirteen Thousand Two Hundred Seventy-Five Dollars (\$13,275.00) premium for Forced Place (General Liability & Property) insurance.**

**NOW, THEREFORE BE IT RESOLVED, the Board of Director’s approves the Executive Director to pay the insurance premium of Thirteen Thousand Two Hundred Seventy-Five Dollars (\$13,275.00).**

***Voice Vote, carried unanimously***

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Handout Resolution – CFF REDI Loan – Kirkside Retirement Home

A motion to approve Resolution No. 2685 was made by Martin Donnelly and seconded by Tina Molé.

RESOLUTION NO. 2685

APPROVAL OF CFF LOAN TO KIRKSIDE RETIREMENT HOME

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 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, the Kirkside Retirement Home submitted a grant application to New York Consolidated Funding for services and expenses; and

WHEREAS, on or about May 8, 2015, Kirkside Retirement Home received a letter from Senator James L. Seward, advising that the 2015-2016 Aid to Localities, State Budget, under the, Department of Health Local Assistance Account, includes One Hundred Fifty Thousand Dollars (\$150,000.00) for Kirkside Retirement Home and was signed into law by the Governor on April 13, 2015; and

WHEREAS, the New York Consolidated Funding grant would be a reimbursement grant and Kirkside Retirement Home does not have sufficient resources to outlay funds that would be later reimbursed under the grant; and

WHEREAS, Kirkside Retirement Home requests, that CWC Board consider providing funds for services and expenses within the scope of the grant in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00) that would be later reimbursed by Kirkside Retirement Home once grant funds are received; and

WHEREAS, the CWC Economic Development Committee recommends that the CWC Board of Directors approve a loan to Kirkside Retirement Home at a rate of zero percent (0.0%), to be paid upon receipt of reimbursement from the State of New York and that the outstanding principal is fully paid on the fifth (5th) anniversary date of the closing, for costs eligible for reimbursement under a grant with New York State.

NOW THEREFORE BE IT RESOLVED, that the CWC Board of Directors approve a loan to Kirkside Retirement Home at a rate of zero percent (0.0%), to be paid upon receipt of reimbursement from the State of New York and that the outstanding principal is fully paid on the fifth (5th) anniversary date of the closing, for costs eligible for reimbursement under a grant with New York State for support of services and expenses eligible for reimbursement under a grant with New York State.

NOW, THEREFORE BE IT FURTHER RESOLVED, that 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, and the right of objection and staff is directed to develop the loan agreement, promissory notes and other documentation necessary to effectuate this loan in a form agreed upon.

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

NOW, THEREFORE BE IT FURTHER RESOLVED, that 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 Kirkside Retirement Home

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Kirkside Retirement Home located in the Town of Roxbury, 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 53865 State Highway 30, Roxbury, NY, to be owned by Kirkside Retirement Home, 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 53865 State Highway 30, Roxbury, NY, to be owned by Kirkside Retirement Home, 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) Kirkside Retirement Home will utilize the funds for services and expenses.
 - (ii) The project is located in the Town of Roxbury.
 - (iii) The project will utilize a municipal sewage system.
 - (iv) The project appears to present no threat to water quality.
 - (v) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
 - (vi) Based on NYCDEP the project is not in the 60 day travel time.
 - (vii) There is no impact on Federal or State wetlands.
- (b) The project maintains the character of the Town of Roxbury.
 - (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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**Septic Reimbursement Over \$25,000 – Steve Koutsodontis – Tab 7**

A motion to approve Resolution No. 2686 was made by Wayne Marshfield and seconded by Robert Pelham.

June 2, 2015

**RESOLUTION NO. 2686**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:  
STEVE KOUTSODONTIS**

**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-Five Thousand Nine Hundred Eighty-Two Dollars (\$25,982.00); 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-Five Thousand Nine Hundred Eighty-Two Dollars (\$25,982.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Twenty-Five Thousand Nine Hundred Eighty-Two Dollars (\$25,982.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Five Thousand Nine Hundred Eighty-Two Dollars (\$25,982.00).

**Steve Koutsodontis Backup**

Mr. Koutsodontis' property is located in the Town of Colchester, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$25,982.00. This system is for a four bedroom house. The major components for this system include a 1,250 gallon septic tank, 75 lineal feet of 4" gravity piping, 120 lineal feet of forcemain, 19 cubic yards of absorption fill material, 10 cubic yards of random fill material, one effluent filter, four peat modules, one pump station, one cleanout, and site restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$25,982.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$25,000 – Margaret Owen – Tab 8

A motion to approve Resolution No. 2687 was made by Wayne Marshfield and seconded by Robert Pelham.

June 2, 2015

RESOLUTION NO. 2687

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:
MARGARET OWEN**

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 Thousand Four Hundred Fifty-One Dollars (\$30,451.00); 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 Thousand Four Hundred Fifty-One Dollars (\$30,451.00) 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 Thousand Four Hundred Fifty-One Dollars (\$30,451.00) 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 Thousand Four Hundred Fifty-One Dollars (\$30,451.00).

Margaret Owen Backup

Ms. Owen’s property is located in the Town of Olive, Ulster County. Homeowner and CWC staff received three quotes from unrelated contractors for \$33,280.00, \$31,250.00, and \$30,451.00. This system is for a two bedroom house. The major components for this system include a 1,000 gallon septic tank, one syphon chamber, 100 lineal feet of 4” gravity piping, one distribution box, 400 cubic yards of absorption fill material, 65 cubic yards of random fill material, one effluent filter, 750 square feet of absorption bed, 95 lineal feet of curtain drain, tree removal, and site restoration. The lowest quote does not exceed the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$30,451.00.

Voice Vote, *carried unanimously*

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**Septic Reimbursement Over \$25,000 – James Peters – Tab 9**

A motion to approve Resolution No. 2688 was made by Wayne Marshfield and seconded by Robert Pelham.

June 2, 2015

**RESOLUTION NO. 2688**

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

**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-Nine Thousand Nine Hundred Ninety-Five Dollars (\$29,995.00); 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-Nine Thousand Nine Hundred Ninety-Five Dollars (\$29,995.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor's quote of Twenty-Nine Thousand Nine Hundred Ninety-Five Dollars (\$29,995.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Nine Thousand Nine Hundred Ninety-Five Dollars (\$29,995.00).

**James Peters Backup**

Mr. Peters' property is located in the Town of Roxbury, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$29,995.00. This system is for a four bedroom house. The major components for this system include a 1,250 gallon septic tank, one pump chamber, 15 lineal feet of 4" gravity piping, 180 lineal feet of forcemain, one distribution box, 300 cubic yards of absorption fill material, one effluent filter, 315 lineal feet of absorption trench, 190 lineal feet of swale, and extensive site restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$29,995.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$25,000 – Additional Funds – Sofia Vasilikos – Tab 10

A motion to approve Resolution No. 2689 was made by Wayne Marshfield and seconded by Tina Molé.

June 2, 2015

RESOLUTION NO. 2689

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

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 Sofia Vasilikos in the amount of Two Thousand Nine Hundred Eighty-Nine Dollars and Eighty-Four Cents (\$2,989.84); 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 Twenty-Six Thousand Nine Hundred Ninety-Seven Dollars (\$26,997.00); 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-Six Thousand Nine Hundred Ninety-Seven Dollars (\$26,997.00) 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-Nine Thousand Nine Hundred Eighty-Six Dollars and Eighty-Four Cents (\$29,986.84) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Nine Thousand Nine Hundred Eighty-Six Dollars and Eighty-Four Cents (\$29,986.84).

Sofia Vasilikos Backup

Ms. Vasilikos' property is located in the Town of Halcott, Greene County. CWC staff previously provided reimbursement for tank replacement at \$2,989.84. The major components for this system include one syphon chamber, 65 lineal feet of 4" gravity piping, one distribution box, 345 cubic yards of absorption fill material, 250 lineal feet of absorption trench, 140 lineal feet of curtain drain, 180 lineal feet of swale, temporary access, and site restoration. CWC staff received a quote from the contractor for the additional work in the amount of \$26,997.00. This quote does not exceed CWC Schedule of Values. The Septic Committee recommends that the Board approves an additional reimbursement of \$26,997.00, for total reimbursement not to exceed \$29,986.84.

Voice Vote, carried unanimously

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**Future Stormwater – Andrew Penson – Tab 11**

A motion to approve Resolution No. 2690 was made by James Eisel and was seconded by Robert Pelham.

June 2, 2015

**RESOLUTION NO. 2690**

**BOARD REVIEW OF ANDREW PENSON FUTURE STORMWATER PROGRAM  
APPLICATION FOR REIMBURSEMENT**

**WHEREAS**, the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA”) paragraph 128 directs the Catskill Watershed Corporation (CWC) to establish a program to pay for the reasonable and proper cost to design, implement, permit, construct and maintain new stormwater measures pursuant to stormwater pollution prevention plans solely required by the 18-39(b)(3) and 18-39(e) of the watershed regulations and not otherwise required by State or federal law; and

**WHEREAS**, Andrew Penson has applied for funding of eligible design costs in the not-to-exceed amount of Seven Thousand Seven Hundred Sixteen Dollars and Seventy-Five Cents (\$7,716.75) for the design of an eligible project; and

**WHEREAS**, the Program Rules require that the CWC Board shall review and approve each application, with attached documentation and staff recommendations; and

**WHEREAS**, recommended eligible costs equal a not-to-exceed amount of Seven Thousand Seven Hundred Sixteen Dollars and Seventy-Five Cents (\$7,716.75); and

**WHEREAS**, the CWC Wastewater Committee recommended that the application be approved by the CWC Board.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the attached application, staff recommendation and supporting documentation and approves funding in a total not-to-exceed amount of Seven Thousand Seven Hundred Sixteen Dollars and Seventy-Five Cents (\$7,716.75).

**Future Stormwater Program Application - Andrew Penson**

Andrew Penson’s property is located Tannersville, Greene County. Mr. Penson has applied for design funding. NYC DEP required Mr. Penson to submit a Stormwater Pollution Prevention Plan to NYC DEP for clearing and grubbing of a lot and driveway access resulting in greater than 2 acres of disturbance within 100 feet of a watercourse. Design approval was issued by NYC DEP on September 19, 2014. This will resolve a violation issued by NYCDEP for starting land clearing without first submitting and obtaining approval for a stormwater pollution prevention plan. Since this is not a small business, CWC is providing 100 % reimbursement..

CWC will be reimbursing 100% of eligible costs.

CWC Stormwater/Wastewater Committee recommends funding approval on the following costs:

|                                 | Requested  | Recommend Funding |
|---------------------------------|------------|-------------------|
| SWPPP Design and Implementation | \$7,716.75 | \$7,716.75        |
| Total Recommended Funding       | \$7,716.75 |                   |

**Voice Vote, carried unanimously**

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Future Stormwater – Windham Mountain Retreats – Tab 12

June 2, 2015

RESOLUTION NO. 2691

BOARD REVIEW OF WINDHAM MOUNTAIN RETREATS
FUTURE STORMWATER PROGRAM
APPLICATION FOR REIMBURSEMENT

WHEREAS, the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA”) paragraph 128 directs the Catskill Watershed Corporation (CWC) to establish a program to pay for the reasonable and proper cost to design, implement, permit, construct and maintain new stormwater measures pursuant to stormwater pollution prevention plans required by the 18-39(b)(3) and 18-39(e) of the watershed regulations; and

WHEREAS, Section 145 (ii) of the Watershed MOA and the West of Hudson Future Stormwater Program Rules provides for payment of eligible project cost for small business, (50% by NYC and 50% by CWC); and

WHEREAS, Windham Mountain Retreats has requested funding in the amount of Sixty-Two Thousand Six Hundred Seventy-Seven Dollars and Ninety-Eight Cents (\$62,677.98) for design and construction of new stormwater controls related to a subdivision; and

WHEREAS, the CWC share of stormwater funding is 50% of the eligible costs for this project because Windham Mountain Retreats is a small business under Watershed MOA Paragraph 145; and

WHEREAS, CWC staff has reviewed the application of Windham Mountain Retreats and recommend funding of eligible costs in an amount not-to-exceed Sixty-Two Thousand Six Hundred Seventy-Seven Dollars and Ninety-Eight Cents (\$62,677.98), representing 50% of the total eligible cost; and

WHEREAS, the Program Rules require that the CWC Board shall review and approve each application, with attached documentation and staff recommendations; and

WHEREAS, the CWC Wastewater Committee recommended that the application be approved by the CWC Board.

NOW, THEREFORE, LET IT BE RESOLVED, that the CWC Board of Directors has reviewed the attached application, staff recommendation and supporting documentation and approves funding in a total not-to-exceed amount of Sixty-Two Thousand Six Hundred Seventy-Seven Dollars and Ninety-Eight Cents (\$62,677.98).

Future Stormwater Program Application - Windham Mountain Retreats

Charles Schembri, owner of Windham Mountain Retreats, submitted an application as a small business for 50% funding from CWC for NYC DEP stormwater requirements on his subdivision. This site has stormwater requirements for both City and State. Funding requested is for the increased size of the constructed wetlands, funding for the design time spent on the NYC DEP

portions of the SWPPP, legal fees, and an environmental consultant. Per the CWC Future Stormwater Program Rules a retainage will be held until Construction Acceptance is received from NYCDEP.

CWC Stormwater/Wastewater Committee recommends funding approval on the following costs:

Total Eligible Costs	\$125,355.96
NYCDEP 50% Share	\$62,677.98

Recommended CWC funding 50% of eligible SWPPP costs \$62,677.98

Windham Mountain Retreats is also eligible to apply to NYCDEP to seek reimbursement for up to 50% of these costs.

Voice Vote, carried unanimously

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**TLAP – Town of Marbletown Impoundment Review Consultant Contract – Tab 13**

A motion to approve Resolution No. 2692 was made by Richard Parete and seconded by Thomas Snow.

June 2, 2015

**RESOLUTION NO. 2692**

**BOARD APPROVAL OF TLAP CONSULTANT (IMPOUNDMENT) FOR TOWN OF MARBLETOWN**

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

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

**WHEREAS**, by Resolution Number 1968, on August 2, 2011, 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**, by Resolution Number 2224, on December 4, 2012, 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**, by Resolution 2605, on December 2, 2014, the CWC Board of Directors approved an agreement with Industrial Valuation Consultants in an amount not to exceed Twelve Thousand Five Hundred Dollars (\$12,500.00); and

**WHEREAS**, no responses were received for two separate requests for proposals for an impoundment valuation consultant; and

**WHEREAS**, CWC staff sought proposals directly and on May 14, 2015 received a proposal from George E. Sansoucy, PE, LLC to review an impoundment valuation report for an amount not to exceed Twenty Thousand Dollars (\$20,000); and

**WHEREAS**, the CWC Land Committee recommends that CWC Board of Directors approve an agreement with George E. Sansoucy, PE, LLC in an amount not to exceed Twenty Thousand Dollars (\$20,000.00).

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors authorizes the President and/or Executive Director to execute an agreement with George E. Sansoucy, PE, LLC in an amount not to exceed Twenty Thousand Dollars (\$20,000.00) to review a TLAP valuation report pursuant to applicable generic template.

**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 Tina Molé and seconded by James Eisel.

Voice Vote, carried unanimously

A motion to resume the regular meeting was made by James Eisel and seconded by Robert Pelham.

Voice Vote, carried unanimously

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**CFF REDI Loan – Walton Big M Plaza, LLC – Tab 14**

A motion to approve Resolution No. 2693 was made by Berndt Leifeld and seconded by Robert Pelham.

June 2, 2015

**RESOLUTION NO. 2693**  
**APPROVAL OF ONTEORA FARMS LLC d/b/a GREENHEART FARMS**  
**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**, Onteora Farms LLC d/b/a Greenheart Farms and Alfred Higley Jr., as co-borrower, have applied for a One Hundred Thousand Dollar (\$100,000.00) loan for a term of ten (10) years, at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, to be amortized in equal monthly payments, such that the outstanding principal is fully paid on the last payment date, for leasehold improvements, equipment inventory, working capital and soft costs; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Staff has reviewed a completed CWC Loan application for Onteora Farms LLC d/b/a Greenheart Farms and Alfred Higley Jr.; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for Onteora Farms LLC d/b/a Greenheart Farms and Alfred Higley Jr.; and

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from Onteora Farms LLC d/b/a Greenheart Farms and Alfred Higley Jr.; and

**WHEREAS**, CWC staff recommend waiving the requirement of a participating lender pursuant to CFF Program Rules § 1:05:02 (g) because due to the nature of the collateral, 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**, the CWC Board of Directors agrees to waive rule 1:05:02 Participating Lender; and

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

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

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board determines that the Onteora Farms LLC d/b/a Greenheart Farms and Alfred Higley Jr. application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of One Hundred Thousand Dollars (\$100,000.00) for a term of ten (10) years, at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, to be amortized in

equal monthly payments, such that the outstanding principal is fully paid on the last payment date and waives the requirement of a participating lender pursuant to CFF Program Rules § 1:05:02.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, the CWC staff is authorized and directed to issue a commitment letter informing the borrower of its intention to issue the loan subject to compliance with all applicable provisions of the New York City Watershed regulations as well as other applicable laws, rules and regulations, completion of the necessary documents, the right of objection and staff is directed to develop the loan agreement, promissory notes and other documentation necessary to effectuate this loan in a form agreed upon.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that upon said approval of loan documentation CWC is authorized to close on said loan and 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 Onteora Farms LLC d/b/a Greenheart Farms and Alfred Higley Jr.**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to **Onteora Farms LLC d/b/a Greenheart Farms** 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 2808 Route 28, Shokan, NY, leased by Onteora Farms LLC d/b/a Greenheart Farms, will be brought into compliance with all applicable environmental statutes and regulations, prior to closing or will utilize the proceeds of the loan for same, including the removal of a curtain drain from the septic system and the installation of holding tank for the donut making.
2. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the property at 2808 Route 28, Shokan, NY, leased by Onteora Farms LLC d/b/a Greenheart Farms, 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) Onteora Farms LLC d/b/a Greenheart Farms will use the proceeds of the loan for leasehold improvements (including any and all actions required for the septic system to be in compliance and the installation of a holding tank), inventory, working capital and soft costs.
  - (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 materials with the potential to degrade water quality therefore said materials will be diverted to a holding tank which will be pumped and hauled as needed.

- (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 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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CFF REDI Loan – Onteora Farms, LLC d/b/a Greenheart Farms – Tab 15

A motion to approve Resolution No. 2694 was made by James Eisel and seconded by Wayne Marshfield.

June 2, 2015

RESOLUTION NO. 2694
APPROVAL OF WALTON BIG M PLAZA, 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, on August 7, 2006, by Resolution Number 1046, the CWC Board of Directors approved a Five Hundred Thousand Dollar (\$500,000.00) REDI Loan to Walton Big M Plaza, LLC to partially refinance a construction/renovation loan, and a Village of Walton Flood Relief Loan Program loan for up to One Million Dollars (\$1,000,000.00) to Groff and Hoyt Enterprises, d/b/a Big M for inventory replacement; and

WHEREAS, on October 23, 2007, by Resolution Number 1231, the CWC Board of Directors approved a Fifty-Eight Thousand Dollar (\$58,000.00) REDI Loan to Walton Big M Plaza, LLC for energy improvements; and

WHEREAS, Walton Big M Plaza, LLC, has applied for a Five Hundred Thousand Dollar (\$500,000.00) loan for a term of fifteen (15) years, at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, to be amortized in equal monthly payments, such that the outstanding principal is fully paid on the last payment date, for the refinance of the two aforementioned CWC loans and their loan with National Bank of Delaware County, and for soft costs and equipment improvements to the Big M located at 204 Delaware Street, Walton, NY; and

WHEREAS, pursuant to the CFF Program rules the CWC Staff has reviewed a completed CWC Loan application for Walton Big M Plaza, LLC; and

WHEREAS, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for Walton Big M Plaza, LLC; and

WHEREAS, the CWC Loan Committee, by unanimous vote, has recommended approval of the CWC Loan application from Walton Big M Plaza, LLC; and

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

WHEREAS, 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, the CWC Board of Directors agrees to waive rules 1:05:02 Participating Lender and 1:05:03 Equity Contribution (REDI Loans); and

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

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

NOW, THEREFORE BE IT RESOLVED, the CWC Board determines that the Walton Big M Plaza, LLC application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of Five Hundred Thousand Dollars (\$500,000.00) for a term of fifteen (15) years, at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, to be amortized in equal monthly payments, such that the outstanding principal is fully paid on the last payment date.

NOW, THEREFORE BE IT FURTHER RESOLVED, the CWC staff is authorized and directed to issue a commitment letter informing the borrower of its intention to issue the loan subject to compliance with all applicable provisions of the New York City Watershed regulations as well as other applicable laws, rules and regulations, completion of the necessary documents, the right of objection and staff is directed to develop the loan agreement, promissory notes and other documentation necessary to effectuate this loan in a form agreed upon.

NOW, THEREFORE BE IT FURTHER RESOLVED, that upon said approval of loan documentation CWC is authorized to close on said loan and 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 Walton Big M Plaza, LLC

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Big M Plaza, LLC, located in the Village of Walton, 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 204 Delaware Street, Walton, NY, owned by Walton Big M Plaza, 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 204 Delaware Street, Walton, NY, owned by Walton Big M Plaza, 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) Walton Big M Plaza, LLC will use the proceeds of the loan to refinance debt, replace or repair equipment, and for soft costs.
 - (ii) The project is located in the Village of Walton.
 - (iii) The project will utilize a municipal sewage system.
 - (iv) The project appears to present no threat to water quality.
 - (v) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
 - (vi) Based on NYCDEP the project is not in the 60 day travel time.
 - (vii) There is no impact on Federal or State wetlands.(b) The project maintains the character of the Village of Walton.
 - (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:**

*Thomas Snow again thanked the Catskill Watershed Corporation for hosting the announcement of the Smart Growth Fund awards prior to the Board meeting.*

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

**Voice Vote, *carried unanimously***

**X. Adjournment: @ 1:50 p.m.**