

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

September 6, 2016 @ 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, Martin Donnelly, James Eisel, Thomas Hynes, Berndt Leifeld, Wayne Marshfield, Mark McCarthy, Tina Molé, Richard Parete, Robert Pelham, Thomas Snow (*New York State DEC*), Michael Triolo and Michael Meyer (*New York City DEP*).

Members Excused: Innes Kasanof

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

Others Present: Bruce Dolph, Chair (*Coalition of Watershed Towns*), John Schwartz (*New York City DEP*), and Thomas Stalter (*New York City DEP*).

IV. Review and Approval of August 2, 2016 Board Meeting Minutes

A motion to approve the minutes from the August 2, 2016 board meeting was made by Martin Donnelly and seconded by James Eisel.

Voice Vote, carried unanimously

V. Presentation of Communication

Finance Report

A motion to approve the financial reports as of June 30, 2016 was made by Mark McCarthy and seconded by Richard Parete.

Voice Vote, carried unanimously

Executive Director's Report

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

Committee Schedule

Committee Meeting Minutes

VI. Public Discussion

VII. Presentation of Resolutions

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*A motion to waive Rule 14 was made by Mark McCarthy and seconded by Wayne Marshfield.*

**Voice Vote, carried unanimously**

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Handout Resolution – Change Order for CWC Building Roof Replacement

A motion to approve Resolution No. 2929 was made by James Eisel and seconded by Martin Donnelly.

September 6, 2016

RESOLUTION NO. 2929
CHANGE ORDER FOR CWC BUILDING ROOF REPLACEMENT

WHEREAS, the Catskill Watershed Corporation (CWC) Board of Directors, on January 2, 1998, by Resolution Number 99, authorized the purchase of 905 Main Street in the Village of Margaretville to be used as the corporate offices; and

WHEREAS, the flat roof on 905 Main Street has experienced leaks, is at the end of its useful life, and now needs to be replaced; and

WHEREAS, CWC staff requested responses to a request for proposal to replace the roof; and

WHEREAS, on August 2, 2016, by Resolution Number 2924, the CWC Board of Directors approved a bid from Aktor Corporation, as the lowest responsible bidder, in the amount of Forty-Four Thousand Two Hundred Dollars (\$44,200.00) to replace the roof at 905 Main Street and provide a twenty-year warranty on the new roof and authorized the Executive Director to execute a contract with Aktor Corporation; and

WHEREAS, after removal of the roof, Aktor Corporation discovered rotted homasote and pitted metal decking that required immediate attention before the new roof was installed; and

WHEREAS, repair of roof decking was not within the original scope of work and was not included in Aktor Corporation's bid; and

WHEREAS, the CWC Executive Director confirmed the deteriorated condition of the homasote and the need for immediate replacement with plywood to provide structural integrity for the new roof; and

WHEREAS, the plywood has been installed and work on the new roof is complete; and

WHEREAS, the cost for plywood and installation is Five Thousand Two Hundred Thirty-Nine Dollars and Thirty Cents (\$5,239.30); and

WHEREAS, CWC staff recommend that the CWC Board of Directors approve a change order with Aktor Corporation for an additional Five Thousand Two Hundred Thirty-Nine Dollars and Thirty Cents (\$5,239.30), for a contract total of Forty-Nine Thousand Four Hundred Thirty-Nine Dollars and Thirty Cents (\$49,439.30).

NOW THEREFORE BE IT RESOLVED, the CWC Board of Directors authorizes the Executive Director to execute an amended contract with Aktor Corporation in the total amount of Forty-Nine Thousand Four Hundred Thirty-Nine Dollars and Thirty Cents (\$49,439.30).

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Ralph Castilli – Tab 6**

A motion to approve Resolution No. 2930 was made by Wayne Marshfield and seconded by Tina Molé.

September 6, 2016

**RESOLUTION NO. 2930**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:  
RALPH CASTELLI**

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

**WHEREAS**, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty-Five Thousand Dollars (\$25,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Seven Thousand Three Hundred Ninety-Five Dollars (\$27,395.00); 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-Seven Thousand Three Hundred Ninety-Five Dollars (\$27,395.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Twenty-Seven Thousand Three Hundred Ninety-Five Dollars (\$27,395.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Seven Thousand Three Hundred Ninety-Five Dollars (\$27,395.00).

**Ralph Castelli Backup**

Mr. Castelli's property is located in the Town of Neversink, Sullivan County. Homeowner and CWC staff received a quote from a contractor in the amount of \$27,395.00. This system is for a two bedroom house. The major components for this system include a 1,000 gallon septic tank, one syphon chamber, 45 lineal feet of 4" gravity piping, one distribution box, 400 cubic yards of absorption fill material, one effluent filter, 250 lineal feet of absorption trench, tree and brush removal, temporary access road, and extensive site restoration. The quote does not exceed the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$27,395.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – Anne Huiwen Chang - Tab 7

A motion to approve Resolution No. 2931 was made by Wayne Marshfield and seconded by Tina Molé.

September 6, 2016

RESOLUTION NO. 2931

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:
ANNE HUIWEN CHANG**

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 Thirteen Dollars and Eighty Cents (\$33,913.80); and

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

WHEREAS, the CWC staff have determined the contractor's quote of Thirty-Three Thousand Nine Hundred Thirteen Dollars and Eighty Cents (\$33,913.80) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Thirty-Three Thousand Nine Hundred Thirteen Dollars and Eighty Cents (\$33,913.80) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Thirty-Three Thousand Nine Hundred Thirteen Dollars and Eighty Cents (\$33,913.80).

Anne Huiwen Chang Backup

Ms. Huiwen Chang’s property is located in the Town of Woodstock, Ulster County. Homeowner and CWC staff received three quotes from unrelated contractors for \$34,613.50, \$34,221.80, and \$33,913.80. This system is for a two bedroom house. The major components for this system include a 1,000 gallon septic tank, 130 lineal feet of 4” gravity piping, 45 lineal feet of forcemain, one distribution box, 481 cubic yards of absorption fill material, one effluent filter, 160 lineal feet of absorption trench, 115 lineal feet of curtain drain, 2 cleanouts, 10 lineal feet of 8” sleeve, tree removal, riprap stone outlet for the curtain drain, and complete site 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 \$33,913.80.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Joseph Vazquez – Tab 8**

A motion to approve Resolution No. 2932 was made by Wayne Marshfield and seconded by Tina Molé.

September 6, 2016

**RESOLUTION NO. 2932**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:  
JOSEPH VAZQUEZ**

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

**WHEREAS**, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty-Five Thousand Dollars (\$25,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Seven Thousand Five Hundred Twenty-Seven Dollars (\$27,527.00); 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-Seven Thousand Five Hundred Twenty-Seven Dollars (\$27,527.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Twenty-Seven Thousand Five Hundred Twenty-Seven Dollars (\$27,527.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Seven Thousand Five Hundred Twenty-Seven Dollars (\$27,527.00).

**Joseph Vazquez Backup**

Mr. Vazquez’s property is located in the Town of Middletown, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$27,527.00. This system is for a three bedroom house. The major components for this system include one syphon chamber, 95 lineal feet of 4” gravity piping, one distribution box, 275 cubic yards of absorption fill material, one effluent filter, 250 lineal feet of absorption trench, 120 lineal feet of curtain drain, 100 feet of temporary access road, tree removal, and extensive site restoration. The quote is within 10% of the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$27,527.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$25,000 – Additional Cost – Claire Davis – Tab 9

A motion to approve Resolution No. 2933 was made by Mark McCarthy and seconded by Richard Parete.

September 6, 2016

RESOLUTION NO. 2933

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

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

WHEREAS, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Twenty-Five Thousand Dollars (\$25,000.00) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

WHEREAS, on June 7, 2016, by Resolution Number 2882, the CWC Board approved reimbursement to Claire Davis in an amount not to exceed Twenty-Nine Thousand Nine Hundred Fifty Dollars (\$29,950.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for the septic system repair in the amount of One Thousand Seven Hundred Fifty Dollars (\$1,750.00); 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 Seven Hundred Fifty Dollars (\$1,750.00); and

WHEREAS, CWC staff have determined that Thirty-One Thousand Seven Hundred Dollars (\$31,700.00) 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 Seven Hundred Dollars (\$31,700.00) 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 Seven Hundred Dollars (\$31,700.00).

Claire Davis Backup

Ms. Davis's property is located in the Town of Windham, Greene County. CWC Board of Directors previously approved reimbursement for this project at \$29,950.00. During construction the project engineer instructed the contractor to remove two very large spruce trees due to their possible impact on the new septic system. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$1,750.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,750.00, for total reimbursement not to exceed \$31,700.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Additional Cost – Zbigniew Sliowski – Tab 10**

A motion to approve Resolution No. 2934 was made by Mark McCarthy and seconded by Richard Parete.

ASeptember 6, 2016

**RESOLUTION NO. 2934**

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

**ESTIMATE OVER \$25,000:**

**ZBIGNIEW SLIWOWSKI**

**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**, CWC staff previously approved Septic Program reimbursement for Zbigniew Sliwowski for an emergency tank replacement for the amount of Three Thousand Nine Hundred Twenty-Three Dollars and Seventy Cents (\$3,923.70); 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-Four Thousand Six Hundred Dollars (\$24,600.00); 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-Four Thousand Six Hundred Dollars (\$24,600.00) 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-Four Thousand Six Hundred Dollars (\$24,600.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Eight Thousand Five Hundred Twenty-Three Dollars and Seventy Cents (\$28,523.70).

**Zbigniew Sliwowski Backup**

Mr. Sliwowski’s property is located in the Town of Kortright, Delaware County. This system is for a four bedroom house. A 1,250 gallon septic tank was previously installed on an emergency basis at a cost of \$3,923.70. This cost was not included in the quote received from the contractor in the amount of \$24,600.00. The major components for this system include a 45 lineal feet of 4” gravity piping, 30 lineal feet of forcemain, 50 cubic yards of absorption fill material, 55 cubic yards of mason sand, 4 peat modules, 40 lineal feet of swale, and site restoration. The quote is within 10% of the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve additional reimbursement for construction in an amount of \$24,600.00, with total reimbursement not to exceed \$28,523.70.



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Future Stormwater – Cannie D’s – Change of Legal Name – Tab 11

A motion to approve Resolution No. 2935 was made by Thomas Snow and seconded by Robert Pelham.

September 6, 2016

RESOLUTION NO. 2935

TRANSFER OF CANNIE D’S CORNER CORPORATION

FUTURE STORMWATER MAINTENANCE AGREEMENT TO FOUR GOATS, LLC

WHEREAS, pursuant to Paragraph 128 of the 1997 New York City Watershed (“Watershed MOA”), the Catskill Watershed Corporation (“CWC”) is the program manager for the Future Stormwater Program; and

WHEREAS, the Future Stormwater Program is intended to reimburse applicants for costs associated solely from requirements of New York City Department of Environmental Protection Watershed Regulations that are not also State or Federal requirements; and

WHEREAS, interest from earnings on Future Stormwater Funds can be used to reimburse applicants for maintenance costs associated with previously approved applications; and

WHEREAS, on January 25, 2005, by Resolution Number 799, the CWC Board of Directors approved the Future Stormwater Application of Cannie D’s Corner Corporation for 50% reimbursement of eligible costs in an amount not to exceed Twenty-Nine Thousand Seven Hundred Seventy-Two Dollars and Twenty-Nine Cents (\$29,772.29) (the “Cannie D’s Future Stormwater Project”); and

WHEREAS, by Resolution Numbers 1052, 1485, and 1900, the CWC Board of Directors approved operation and maintenance costs for Cannie D’s Corner Corporation for 50% reimbursement of eligible costs with total contract reimbursement not to exceed a total of Sixty Thousand Dollars (\$60,000); and

WHEREAS, Sullivan County Industrial Development Agency has title to the property but all other ownership rights and obligations remained with Cannie D’s Corner Corporation; and

WHEREAS, Cannie D’s Corner Corporation has sold the business to Four Goats, LLC, who entered into a new leaseback agreement with Sullivan County Industrial Development Agency for the property where the Future Stormwater project is located; and

WHEREAS, the sum of Fourteen Thousand Nine Hundred Forty-Eight Dollars (\$14,948.00) remains available in the Cannie D’s Corner Corporation agreement with CWC; and

WHEREAS, Four Goats, LLC has requested the contract with Cannie D’s Corner Corporation be transferred to them; and

WHEREAS, the CWC Wastewater/Stormwater Committee has reviewed the CWC staff recommendation and recommends that the CWC Board of Directors authorize the President and/or Executive Director to enter into a contract with Four Goats, LLC for reimbursement of stormwater maintenance for a total not-to-exceed amount of Fourteen Thousand Nine Hundred Forty-Eight Dollars (\$14,948.00).

NOW THEREFORE BE IT RESOLVED, that the CWC Board of Directors authorizes the President and/or Executive Director to execute a contract with Four Goats, LLC for a total not-to-exceed amount of Fourteen Thousand Nine Hundred Forty-Eight Dollars (\$14,948.00) for maintenance costs associated with the Cannie D's Future Stormwater project.

Voice Vote, carried unanimously

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**Future Stormwater – Chris Barber – Construction Costs – Tab 12**

A motion to approve Resolution No. 2936 was made by Richard Parete and seconded by Mark McCarthy.

September 6, 2016

**RESOLUTION NO. 2936**

**BOARD REVIEW OF CHRIS BARBER FUTURE STORMWATER PROGRAM**

**APPLICATION FOR ADDITIONAL 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**, by Resolution Number 2803, the CWC Board of Directors previously approved a reimbursement application by Chris Barber for funding of eligible design costs in the not-to-exceed amount of Twenty-Nine Thousand Five Hundred Seventy-Two Dollars (\$29,572.00) for the design and implementation of an eligible project; and

**WHEREAS**, by Resolution Number 2847, the CWC Board of Directors previously approved additional reimbursement to Chris Barber for funding of eligible costs in the not-to-exceed amount of Seven Thousand Six Hundred Dollars (\$7,600.00) for the design and implementation of an eligible project; and

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

**WHEREAS**, Chris Barber has applied for additional funding of eligible construction costs in the not-to-exceed amount of One Thousand Four Hundred Thirteen Dollars and Twenty-Seven Cents (\$1,413.27), for total reimbursement of Thirty-Eight Thousand Five Hundred Eighty-Five

Dollars and Twenty-Seven Cents (\$38,585.27) for the design and implementation of an approved SWPPP; and

**WHEREAS**, the CWC Wastewater/Stormwater Committee recommended that the application be approved by the CWC Board of Directors.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the attached application, staff recommendation and supporting documentation and approves reimbursement in a total not-to-exceed amount of Thirty-Eight Thousand Five Hundred Eighty-Five Dollars and Twenty-Seven Cents (\$38,585.27).

**Future Stormwater Program Application - Chris Barber additional funds**

Chris Barber's property is located Windham, Greene County. The developer who sold the property to Mr. Barber submitted a SWPPP to NYC DEP and was approved December 28, 2012. The developer built the homes but did not install the stormwater practices. The developer sold the homes, including one to Mr. Barber. CWC Board previously approved design and construction costs. Mr. Barber implemented the SWPPP and received construction approval on June 1, 2016 and has applied to CWC for additional funding for extra costs during construction. The new owner is not a small business and is therefore eligible for 100% funding by CWC.

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

|                           | Requested          | Recommend Funding |
|---------------------------|--------------------|-------------------|
| SWPPP Construction        | \$1,413.27         | \$1,413.27        |
| Total Recommended Funding | <b>\$38,585.27</b> |                   |

**Voice Vote, carried unanimously**

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FHMIP – T. of Shandaken Relocation Feasibility Study - Phoenicia – Tab 13

A motion to approve Resolution No. 2937 was made by James Eisel and seconded by Thomas Snow.

September 6, 2016

RESOLUTION NO. 2937

CWC REVIEW OF FLOOD HAZARD MITIGATION PROGRAM APPLICATION FOR THE TOWN OF SHANDAKEN– FEASIBILITY STUDY FOR RELOCATION OF BUSINESS

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

WHEREAS, the CWC, City of New York (City), all municipalities in the West of Hudson Watershed, New York State, the federal Environmental Protection Agency, and several environmental organizations recognized that the goals of drinking water protection and economic

vitality within the West of Hudson Watershed communities are not inconsistent and under the 1997 New York City Watershed Memorandum of Agreement (“Watershed MOA”) agreed to cooperate in the development and implementation of watershed protection programs that maintain and enhance the quality of the City’s drinking water supply system and the economic and social character of the West of Hudson Watershed communities; and

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

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

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

WHEREAS, the Town of Shandaken completed a local flood analysis for the hamlet of Phoenicia and submitted an application to CWC for funding of a feasibility study for relocation of a business as recommended in the local flood analysis; and

WHEREAS, upon review of the information and staff recommendation, the CWC Wastewater/Stormwater Committee recommends that the CWC Board of Directors approves an amount not to exceed Fifteen Thousand Dollars (\$15,000.00) for the Business Relocation Feasibility Study for the Town of Shandaken.

NOW, THEREFORE, LET IT BE RESOLVED, that the CWC Board of Directors has reviewed the application, staff recommendation and supporting documentation and approves funding for the Relocation Feasibility Study for the Town of Shandaken in an amount not to exceed Fifteen Thousand Dollars (\$15,000.00).

Relocation Feasibility for Town of Shandaken.

The Town of Shandaken submitted an application requesting \$15,000 for Relocation Feasibility for a business in the hamlet of Phoenicia. It is recommended by the completed local flood analysis for the hamlet of Phoenicia.

One of the alternatives which was identified in the LFA was to enhance the floodplain of the Stony Clove before it joins the Esopus Creek. The LFA indicates that removing fill from this

area will reduce flood elevations within the hamlet. The replacement of the Bridge Street Bridge as part of the floodplain restoration would further reduce flood elevations. The building to be studied actually overhangs the Stony Clove. Feasibility and cost estimates would be provided as part of the Feasibility study.

CWC staff, in consultation with DEP staff, recommend the CWC Stormwater/Wastewater Committee refer the application to the Board for approval of funding at the requested amount of \$15,000.00.

Voice Vote, carried unanimously

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A motion to enter into Executive Session with Alan L. Rosa, Timothy Cox, Barbara Puglisi, and Phil Sireci to discuss CFF delinquent loans and new loan applicant financials was made by James Eisel and seconded by Tina Molé.

**Voice Vote, carried unanimously**

A motion to resume the regular meeting was made by Berndt Leifeld and seconded by Robert Pelham.

**Voice Vote, carried unanimously**

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CFF REDI Loan – Black Bear Lodge, LLC – Tab 14

A motion to approve Resolution No. 2938 was made by Wayne Marshfield and seconded by Robert Pelham.

September 6, 2016

RESOLUTION NO. 2938
APPROVAL OF BLACK BEAR LODGE, 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 April 1, 2014, by Resolution Number 2453, Black Bear Lodge, LLC was approved for a One Hundred Seventy-Five Thousand Eight Hundred Two Dollar (\$175,802.00) 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 purchase and renovation of 11985 State Route 23A, Lexington; and

WHEREAS, on December 2, 2014, by Resolution Number 2607, Black Bear Lodge, LLC was approved for an additional loan in the amount of Sixty-Four Thousand Two Hundred Forty-Eight Dollars and Ninety-Six Cents (\$64,248.96) to be consolidated with the original loan in order to bring their total principal balance to Two Hundred Thirty-Five Thousand Dollars (\$235,000.00) to be reamortized 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 cost overruns to complete renovations at the property; and

WHEREAS, Black Bear Lodge, LLC has applied for a third loan in the amount of Thirty-Six Thousand Dollars (\$36,000.00) to be consolidated with their current loan for a total loan not to exceed Two Hundred Fifty-Seven Thousand Dollars (\$257,000.00) to be reamortized 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, to complete renovations at the property; and

WHEREAS, pursuant to the CFF Program rules the CWC Staff has reviewed a completed CWC Loan application for Black Bear Lodge, LLC; and

WHEREAS, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for Black Bear Lodge, LLC; and

WHEREAS, the CWC Loan Committee has recommended approval of the CWC Loan application from Black Bear Lodge, LLC, contingent on making multiple drawdowns of funds based on completed work listed in a construction schedule; and

WHEREAS, the CWC loan Committee recommends that the CWC Board waive the need for a participating lender due to CWC currently holding a first mortgage on the property and the desire keep the first mortgage position; and

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, the CWC Board determines that the Black Bear Lodge, LLC application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of Thirty-Six Thousand Dollars (\$36,000.00) to be consolidated with their current loan for a total loan of Two Hundred Fifty-Seven Thousand Dollars (\$257,000.00) to be reamortized 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.

NOW, THEREFORE BE IT FURTHER RESOLVED, that upon said approval of loan documentation CWC is authorized to close on said loan and 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 Black Bear Lodge, LLC

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Black Bear Lodge, LLC located at 11985 State Route 23A, Lexington, 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 11985 State Route 23A, Lexington, NY, to be purchased by Black Bear Lodge, 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 11985 State Route 23A, Lexington, NY, to be purchased by Black Bear Lodge, 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) Black Bear Lodge, LLC will utilize loan funds to renovate the property located at 11985 State Route 23A, Lexington.
 - (ii) The project is located in the Town of Lexington.
 - (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 Lexington.
 - (i) The project will comply with current land use planning in the Town of Lexington and will have planning board approval.
 - (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:**

*The Coalition of Watershed Towns 25<sup>th</sup> Anniversary Celebration will be held Saturday, September 17<sup>th</sup> at the Hannah Country Resort from 11 am to 3 pm. Registration can be done online.*

**IX. Board Member Discussion:**

A motion to adjourn was made by Donald ‘Mike’ Brandow and seconded by Thomas Hynes.

**Voice Vote, carried unanimously**

**X. Adjournment: @ 1:26 p.m.**