

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

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

I. Call to Order

II. Pledge of Allegiance: Led by John Schwartz.

III. Roll Call of Directors

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

Members Excused: Wayne Marshfield.

Staff Members Present: Samantha Costa, Timothy Cox, Diane Galusha, Lynn Kavanagh, Leo LaBuda, James Martin, Sonia Martinez, John Mathiesen, Jason Merwin, Barbara Puglisi, Alan L. Rosa, Philip Sireci, and Frieda Suess.

Others Present: Bruce E. Dolph, Chairman (*Coalition of Watershed Towns*), Michael Meyer (*New York City DEP*), Thomas Stalter (*New York City DEP*), Matt Gianetta (*New York City DEP*).

IV. Review and Approval of September 5, 2017 Board Meeting Minutes

A motion to approve the minutes from the September 5, 2017 board meeting was made by James Eisel and seconded by Anthony Van Glad.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of July 30, 2017 was made by James Eisel and seconded by Anthony Van Glad.

*Voice Vote, carried unanimously*

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Executive Director's Report

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

Committee Schedule

Committee Meeting Minutes

VI. Public Discussion

Diane Galusha highlighted the new art exhibit work by Esther de Jong and her partner Michael Guilmet. Information regarding about their gallery and their work is on on display as well and all the works are for sale. Diane also noted that Arm of the Sea Theater Production will be at Face of the Catskills Festival in Delhi on Sunday at 2 pm October 8th. In addition, the following weekend Saturday October 14th at 1 pm, CWC, in partnership with the NYC Department of Environmental Protection are co-sponsoring performance by Arm of the Sea Theater of “City That Drinks the Mountain Sky, Part Two” at the Ashokan Reservoir fountains, 2389 Route 28A in Olivebridge. Sunday is the raindate and all Board members are invited to come.

VII. Presentation of Resolutions

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**Septic Reimbursement Over \$25,000 – Barbara Einstein – Tab 6**

A motion to approve Resolution No. 3149 was made by Anthony Van Glad and seconded by Tina Mole.

October 3, 2017

**RESOLUTION NO. 3149**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:  
BARBARA EINSTEIN**

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

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

**WHEREAS**, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Eight Thousand One Hundred Dollars (\$28,100.00); and

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

**WHEREAS**, the CWC staff have determined the contractor’s quote of Twenty-Eight Thousand One Hundred Dollars (\$28,100.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Twenty-Eight Thousand One Hundred Dollars (\$28,100.00) 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 One Hundred Dollars (\$28,100.00).

**Barbara Einstein Backup**

Ms. Einstein’s property is located in the Town of Stamford, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$28,100.00. This system is for a two bedroom house. The major components for this system include a 1,000 gallon septic tank, 285 lineal feet of 4” gravity piping, one distribution box, 214 cubic yards of absorption fill material, one effluent filter, 160 lineal feet of absorption trench, 140 lineal feet of curtain drain, one clean out, 55 lineal feet of curtain drain outlet, temporary access road, tree removal, and complete site restoration. The quote is within 10% of the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$28,100.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – Baiba Hulsizer – Tab 7

A motion to approve Resolution No. 3150 was made by James Sofranko and seconded by Tina Mole.

October 3, 2017

RESOLUTION NO.3150

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:
BAIBA HULSIZER**

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

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

WHEREAS, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Eight Thousand Nine Hundred Dollars (\$28,900.00); and

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

WHEREAS, the CWC staff have determined the contractor’s quote of Twenty-Eight Thousand Nine Hundred Dollars (\$28,900.00) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Twenty-Eight Thousand Nine Hundred Dollars (\$28,900.00) 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 Nine Hundred Dollars (\$28,900.00).

Baiba Hulsizer’s Backup

Ms. Hulsizer’s property is located in the Town of Olive, Ulster County. Homeowner and CWC staff received a quote from a contractor in the amount of \$28,900.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, one pump chamber, 15 lineal feet of 4” gravity piping, 25 lineal feet of forcemain, one distribution box, 135 cubic yards of absorption fill material, one effluent filter, 260 lineal feet of absorption trench, temporary access road, very large tree removal, and total site restoration. The quote is within 10% of the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$28,900.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Cesar Nieves – Tab 8**

A motion to approve Resolution No. 3151 was made by Anthony Van Glad and seconded by Tina Mole.

October 3, 2017

**RESOLUTION NO.3151**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:  
CESAR NIEVES**

**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-Six Thousand Nine Hundred Dollars (\$26,900.00); 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-Six Thousand Nine Hundred Dollars (\$26,900.00) 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-Six Thousand Nine Hundred Dollars (\$26,900.00) 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-Six Thousand Nine Hundred Dollars (\$26,900.00).

**Cesar Nieves' Backup**

Mr. Nieves' property is located in the Town of Kortright, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$26,900.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, 20 lineal feet of gravity piping, 70 lineal feet of forcemain, three peat modules, 50 lineal feet of curtain drain, 7 cubic yards of C-33 sand, temporary access, and 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 \$26,900.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – Nadia Steinzor – Tab 9

A motion to approve Resolution No. 3152 was made by Anthony Van Glad and seconded by James Sofranko.

October 3, 2017

RESOLUTION NO.3152

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:
NADIA STEINZOR**

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 Thirty-Four Dollars and Thirty-Six Cents (\$29,934.36); 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 Thirty-Four Dollars and Thirty-Six Cents (\$29,934.36) 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 Thirty-Four Dollars and Thirty-Six Cents (\$29,934.36) 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 Thirty-Four Dollars and Thirty-Six Cents (\$29,934.36).

Nadia Steinzor's Backup

Ms. Steinzor's property is located in the Town of Woodstock, Ulster County. Homeowner and CWC staff received a quote from a contractor in the amount of \$29,934.36. This system is for a six bedroom house. The major components for this system include a 1,000 gallon septic tank, a 1,250 gallon septic tank, one syphon chamber, 190 lineal feet of 4" gravity piping, one distribution box, 200 cubic yards of absorption fill material, 450 lineal feet of absorption trench, tree removal, temporary access, 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 \$29,934.36.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Eric Van Tyle – Tab 10**

A motion to approve Resolution No. 3153 was made by Tina Mole and seconded by Richard Parete.

October 3, 2017

**RESOLUTION NO. 3153**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:  
ERIC VAN TYLE**

**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 received one construction quote in the amount of Thirty-Four Thousand Eight Hundred Dollars (\$34,800.00) and

**WHEREAS**, CWC staff recommend waiving the requirement for three separate quotes from unrelated contractors because the property is subject to a long standing notice of failure from NYCDEP, construction could potentially be completed this year, and the construction quote is below the CWC Schedule of Values; and

**WHEREAS**, the CWC staff have determined the contractor’s quote of Thirty-Four Thousand Eight Hundred Dollars (\$34,800.00) 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 Thirty-Four Thousand Eight Hundred Dollars (\$34,800.00) 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 Thirty-Four Thousand Eight Hundred Dollars (\$34,800.00).

**Eric Van Tyle’s Backup**

Mr. Van Tyle’s property is located in the Town of Walton, Delaware County. This system is for a five bedroom house. The major components for this system include a 1,000 gallon tank, one syphon chamber, 65 lineal feet of 4” gravity piping, one distribution box, 530 cubic yards of absorption fill material, one effluent filter, 534 lineal feet of absorption trench, one clean out, temporary silt mound and fence, and extensive site restoration.

The property has an outstanding notice of failure issued by NYCDEP for this septic dated May 20, 1998. CWC staff and the Septic Committee recommend waiving the requirement for two additional quotes to resolve this outstanding NOF and potentially complete construction this year, considering that 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 \$34,800.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – Additional Cost – James Tolisano – Tab 11

A motion to approve Resolution No. 3154 was made by Richard Parete and seconded by Anthony Van Glad.

October 3, 2017

RESOLUTION NO. 3154

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

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 May 2, 2017, by Resolution Number 3046, the CWC Board approved reimbursement to James Tolisano in an amount not to exceed Thirty-Three Thousand Nine Hundred Dollars (\$33,900.00); 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 Seven Thousand Seven Dollars and Sixty-Two Cents (\$7,007.62); 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 Seven Thousand Seven Dollars and Sixty-Two Cents (\$7,007.62); and

WHEREAS, CWC staff have determined that Forty Thousand Nine Hundred Seven Dollars and Sixty-Two Cents (\$40,907.62) 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 Forty Thousand Nine Hundred Seven Dollars and Sixty-Two Cents (\$40,907.62) 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 Forty Thousand Nine Hundred Seven Dollars and Sixty-Two Cents (\$40,907.62).

James Tolisano Backup

Mr. Tolisano’s property is located in the Town of Woodstock, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$33,900.00. During construction the project engineer requested that the contractor install an additional 29 cubic yards of absorption fill material to ensure proper distribution of the effluent from the closing chamber. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$7,007.62. The Septic Committee recommends that the Board approves an additional reimbursement of \$7,007.62, for total reimbursement not to exceed \$40,907.62.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Additional Cost – Vincent Wojciechowski – Tab 12**

A motion to approve Resolution No. 3155 was made by Anthony Van Glad and seconded by Robert Pelham.

October 3, 2017

**RESOLUTION NO. 3155**

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

**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 Vincent Wojciechowski in the amount of Three Thousand Four Hundred Eighty-Nine Dollars (\$3,489.00); and

**WHEREAS**, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Thirty-Two Thousand Nine Hundred Fifty-Seven Dollars (\$32,957.00); 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 Thirty-Two Thousand Nine Hundred Fifty-Seven Dollars (\$32,957.00) 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-Two Thousand Nine Hundred Fifty-Seven Dollars (\$32,957.00) 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-Six Thousand Four Hundred Forty-Six Dollars (\$36,446.00).

**Vincent Wojciechowski Backup**

Mr. Wojciechowski’s property is located in the Town of Stamford, Delaware County. Homeowner and CWC staff received three quotes from unrelated contractors for \$33,800.00, \$34,300.00, and \$32,957.00. A 1,500 gallon septic tank was previously installed on an emergency basis at a cost of \$3,489.00. This cost was not included in the quote received from the contractor in the amount of \$32,957.00. The major components for this system include 80 lineal feet of 4” gravity piping, 220 lineal feet of forcemain, 60 cubic yards of absorption fill material, 12 cubic yards of C-33 sand, one effluent filter, five peat modules, 50 lineal feet of curtain drain, 20 lineal feet of 6” Schedule 80 sleeve, temporary access road, 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 additional reimbursement for construction in an amount of \$32,957.00, with total reimbursement not to exceed \$36,446.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$25,000 – Additional Cost – Sonia Yudell – Tab 13

A motion to approve Resolution No. 3156 was made by Anthony Van Glad and seconded by Robert Pelham.

October 3, 2015

RESOLUTION NO. 3156

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

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 Sonia Yudell in the amount of Twenty-Four Thousand Three Hundred Ninety Dollars (\$24,390.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for the septic system repair in the amount of Three Thousand Two Hundred Dollars (\$3,200.00); 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-Seven Thousand Five Hundred Ninety Dollars (\$27,590.00) 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-Seven Thousand Five Hundred Ninety Dollars (\$27,590.00) 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 Ninety Dollars (\$27,590.00).

Sonia Yudell's Backup

Ms. Yudell's property is located in the Town of Hunter, Greene County. CWC staff previously approved reimbursement in the amount of \$24,390.00. The original engineer's plan did not include replacing the septic tank or the piping from the house to the tank. During construction it was determined that the tank was leaking considerably. The contractor was directed by the engineer to replace the tank and the appropriate piping. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$3,200.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$3,200.00, for total reimbursement not to exceed \$27,590.00.

Voice Vote, carried unanimously

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**Future Stormwater – Community Bank - Additional Funds – Tab 14**

A motion to approve Resolution No. 3157 was made by Innes Kasanof and seconded by Martin Donnelly.

**RESOLUTION NO.3157**

**BOARD REVIEW OF ADDITIONAL FUNDING FOR THE COMMUNITY BANK  
(FLEISCHMANN'S BRANCH) FUTURE STORMWATER PROJECT**

**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**, on March 7, 2017, by Resolution Number 3015, the CWC Board of Directors approved an application by Community Bank for funding of eligible design and implementation costs in the not-to-exceed amount of Sixteen Thousand Seven Hundred Ninety-Five Dollars (\$16,795.00); and

**WHEREAS**, on June 6, 2017, by Resolution Number 3092, the CWC Board of Directors approved additional funds to Community Bank for eligible implementation costs in the amount of Four Thousand Seven Hundred Ninety Dollars (\$4,790.00), for a total not-to-exceed amount of Twenty-One Thousand Five Hundred Eighty-Five Dollars (\$21,585.00); and

**WHEREAS**, during construction it was discovered that the building previously located on the property had been buried on site, the material is not usable to back fill, and it poses a settling problem which will eventually cause the parking lot to settle and the stormwater runoff to no longer reach the stormwater treatment ; and

**WHEREAS**, additional funding has been requested for removal of the construction and demolition debris and replacement of useable material in an amount not to exceed Ten Thousand Nine Hundred Eighty-One Dollars and Fifty Cents (\$10,981.50), for an amended total not-to-exceed amount of Thirty-Two Thousand Five Hundred Sixty-Six Dollars and Fifty Cents (\$32,566.50); and

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

**WHEREAS**, upon review of the information and staff recommendation, the CWC Wastewater/Stormwater Committee recommends that the CWC Board of Directors approve an amended not-to-exceed amount of Thirty-Two Thousand Five Hundred Sixty-Six Dollars and Fifty Cents (\$32,566.50) for the Community Bank Fleischmann's Branch Future Stormwater Project.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the attached application, staff recommendation and supporting documentation and approves additional funding in the amount of Ten Thousand Nine Hundred Eighty-One Dollars and Fifty Cents (\$10,981.50), for a total not-to-exceed amount of Thirty-Two Thousand Five Hundred Sixty-Six Dollars and Fifty Cents (\$32,566.50).

**CWC Future Stormwater Program Application - Community Bank, Town of Middletown, Village of Fleischmanns, Delaware County, New York**

The Community Bank is located on Main Street in the Village of Fleischmanns, Delaware County. The Bank desires to construct a new parking lot for employees and customers.

Under the Watershed Regulations, the bank was required to prepare a stormwater pollution prevention plan (SWPPP). NYCDEP approval of the SWPPP was issued on October 18, 2016. No State SWPPP was required.

CWC Board of Directors previously approved reimbursement in an amount not to exceed \$21,585.00. During construction, the contractor discovered that a previously demolished building had been disposed of onsite in the area designated for the new parking lot. Unfortunately, this area would continue to settle and could not serve as a base and was unsuitable for the approved stormwater practices. The applicant's engineer recommended the demolition debris be removed and disposed of offsite at a permitted facility and appropriate fill material be used.

CWC staff recommend additional reimbursement of \$10,981.50 for eligible stormwater costs to the CWC Wastewater/Stormwater Committee. The CWC Wastewater/Stormwater Committee recommends additional reimbursement of \$10,981.50 for a total project cost of \$32,566.50 to Community Bank for its SWPPP costs solely attributable to the Watershed Regulations and not otherwise required by State or federal law.

***Voice Vote, carried unanimously***

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Future Stormwater – Conestoga Investments, LLC - Additional Funds – Tab 15

A motion to approve Resolution No. 3158 was made by Thomas Hynes and seconded by James Eisel.

October 3, 2017

RESOLUTION NO.3158

**BOARD REVIEW OF ADDITIONAL FUNDS FOR
CONESTOGA INVESTMENTS, LLC**

FUTURE STORMWATER PROGRAM APPLICATION FOR REIMBURSEMENT

WHEREAS, the 1997 New York City Watershed Memorandum of Agreement (“Watershed MOA”) paragraph 128 (“Future Stormwater Program”) 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 costs required solely by the New York

City Department of Environmental Protection (“NYCDEP”) and not otherwise required by State or federal law; and

WHEREAS, June 6, 2017, by Resolution Number 3089, the CWC Board of Directors approved an application by Conestoga Investments, LLC in the amount of Forty-Three Thousand Three Hundred Thirty-Three Dollars and Ninety Cents (\$43,333.90) for design of stormwater controls required solely by NYCDEP Watershed Regulations at property located in the Town of Olive; and

WHEREAS, Conestoga Investments, LLC has requested additional funding of eligible implementation costs in the amount of One Hundred Seventy-Six Thousand Five Hundred Five Dollars and Thirteen Cents (\$176,505.13) for implementation of new stormwater controls related to a building being converted to 3 residential units, the expansion of an existing building and the construction of a new building within 100 feet of a watercourse; and

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

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

WHEREAS, CWC staff recommended reimbursement of additional eligible stormwater implementation costs in a not-to-exceed amount of One Hundred Seventy-Six Thousand Five Hundred Five Dollars and Thirteen Cents (\$176,505.13); and

WHEREAS, the CWC Wastewater/Stormwater Committee recommends 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 additional funding for implementation costs in the not-to-exceed amount of One Hundred Seventy-Six Thousand Five Hundred Five Dollars and Thirteen Cents (\$176,505.13), for a total not-to-exceed amount of Two Hundred Nineteen Thousand Eight Hundred Thirty-Nine Dollars and Three Cents (\$219,839.03).

CWC Future Stormwater Controls Program - Conestoga Investments, LLC – Village of Hunter, Greene County

Conestoga Investments, LLC owns property in the Village of Hunter, Greene County. The applicant is converting an existing building to 3 residential units, including expansion of an existing building and the disturbance of land is within 100 feet of a watercourse. Pursuant to the Watershed Regulations, the construction of the new building (an impervious surface) requires a SWPPP approved by NYC DEP. In addition, the approved NYC DEP stormwater practices required the disturbance area of an over an acre, the threshold for New York State stormwater requirements. Given that the NYC DEP stormwater requirements increasing the disturbance area to over the State threshold for SWPPP requirements, 100% of eligible costs related to the SWPPP can be reimbursed by CWC and NYC DEP. Conestoga Investments, LLC is a small

business therefore they are eligible for 50% reimbursement of eligible costs from the CWC and are eligible to apply to the NYC DEP for the remaining 50%.

An estimate was provided for the implementation of the SWPPP with a total amount of \$354,010.00. However, this estimate included \$23,000 (inclusive of contingency) for a walkway bridge. No detail was given in the SWPPP for this bridge and it is not a SWPPP requirement. CWC staff has therefore designated that amount as ineligible.

The contractor must provide itemized billing when construction takes place prior to reimbursement by CWC. Kaaterskill Engineering has also provided an estimate to provide construction observation and as-built drawings in the amount of \$22,000.00.

Total Eligible Costs	\$353,010.25
NYCDEP 50% Share	\$176,505.13

Recommended CWC funding 50% of eligible SWPPP costs **\$176,505.13**

Voice Vote, carried unanimously

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**Future Stormwater – Roxbury Barn, LLC - Additional Funds – Tab 16**

A motion to approve Resolution No. 3159 was made by James Eisel and seconded by Thomas Hynes.

October 3, 2017

**RESOLUTION NO.3159**

**BOARD REVIEW OF ADDITIONAL FUNDS FOR  
THE ROXBURY BARN, LLC**

**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**, on November 3, 2015, by Resolution Number 2765, the CWC Board of Directors approved an application by The Roxbury Barn, LLC in the amount of Six Thousand Dollars (\$6,000.00) for design of stormwater controls required solely by NYCDEP Watershed Regulations at property located in the Town of Roxbury; and

**WHEREAS**, on July 5, 2016, by Resolution Number 2912, the CWC Board of Directors approved additional funds for The Roxbury Barn, LLC in the amount of Fifteen Thousand Nine Hundred Nine Dollars (\$15,909.00) for implementation of stormwater controls required solely by NYCDEP Watershed Regulation; and

**WHEREAS**, The Roxbury Barn, LLC has requested additional implementation funding in the amount of Two Thousand Two Hundred Five Dollars and Twenty-Three Cents (\$2,205.23), representing 50% of the total cost of New York City Department of Environmental Protection's requirements for implementation of new stormwater controls; and

**WHEREAS**, the CWC share of stormwater funding is 50% of the eligible costs for this project because The Roxbury Barn, LLC is a small business under Watershed MOA Paragraph 145; and

**WHEREAS**, CWC staff has reviewed the application of The Roxbury Barn, LLC and recommend the additional funding of eligible costs in an amount not to exceed Two Thousand Two Hundred Five Dollars and Twenty-Three Cents (\$2,205.23), 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 additional funding for implementation costs in the amount of Two Thousand Two Hundred Five Dollars and Twenty-Three Cents (\$2,205.23), for total reimbursement in the not-to-exceed amount of Twenty-Four Thousand One Hundred Fourteen Dollars and Twenty-Three Cents (\$24,114.23).

**Future Stormwater Program Application – The Roxbury Barn, LLC**

The Roxbury Barn, LLC is a wedding venue in the Town of Roxbury, Delaware County. The corporation completed an addition to the barn that is located within 100 feet of a watercourse. NYC DEP issued a NOV on May 28, 2014. Since the total disturbance is under 1 acre, there are no State SWPPP requirements, only a NYC DEP approved SWPPP. The Roxbury Barn, LLC is a small business therefore they are eligible for 50% reimbursement of eligible costs from the CWC and are eligible to apply to NYC DEP for the remaining 50%.

During construction of the stormwater practices underground electric needed to be relocated and several trees were removed to accommodate a raingarden.

|                                 |            |
|---------------------------------|------------|
| Total Additional Eligible Costs | \$4,410.46 |
| NYCDEP 50% Share                | \$2,205.23 |

Recommended CWC funding 50% of additional eligible SWPPP costs **\$2,205.23**

The Roxbury Barn, LLC is also eligible to apply to NYC DEP to seek reimbursement for up to 50% of these costs.



*Voice Vote, carried unanimously*

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Future Stormwater – Chris Barber – O&M – Tab 17

A motion to approve Resolution No. 3160 was made by Thomas Hynes and seconded by James Eisel.

October 3, 2017

RESOLUTION NO.3160

CHRISTOPHER BARBER

FUTURE STORMWATER OPERATION AND MAINTENANCE

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 February 2, 2016, by Resolution Number 2803, the CWC Board of Directors approved an application by Christopher Barber for funding of eligible 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, on May 3, 2016, by Resolution Number 2847, the CWC Board of Directors approved an application by Christopher Barber for additional funding of eligible costs in the not-to-exceed amount of Seven Thousand Six Hundred Dollars (\$7,600.00), for total reimbursement of Thirty-Seven Thousand One Hundred Seventy-Two Dollars (\$37,172.00), for the design and implementation of an eligible project; and

WHEREAS, on September 6, 2016, by Resolution Number 2936, the CWC Board of Directors approved an application by Christopher Barber for additional funding of eligible 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); and

WHEREAS, on October 4, 2016, by Resolution Number 2949, the CWC Board of Directors approved an application by Christopher Barber for additional funding of eligible costs in the not-to-exceed amount of One Thousand Five Hundred Dollars (\$1,500.00), for total reimbursement of Forty Thousand Eighty-Five Dollars and Twenty-Seven Cents (\$40,085.27); and

WHEREAS, 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 a contract with Christopher Barber for reimbursement of stormwater operation and maintenance costs in an amount not to exceed Five Thousand Dollars (\$5,000.00) for a period of up to two years.

NOW THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors authorizes the President and/or Executive Director to execute a contract with Christopher Barber in an amount not to exceed Five Thousand Dollars (\$5,000.00) for maintenance costs associated with the Future Stormwater project for a period of up to two years.

BACKGROUND

Christopher Barber's Property

Christopher Barber's property is located on Laurel Lane in the Town of Windham, Greene County. The Stormwater project completed on this property consisted of two rain gardens and gutters. Mr. Barber was required to comply with the Watershed Rules and Regulations enforced by the NYCDEP. No State stormwater requirements applied to the project. NYC DEP paid 50% of design and CWC paid 50% of design. CWC reimbursed 100% of eligible implementation costs due to change in ownership.

The CWC Wastewater/Stormwater Committee recommends a Future Stormwater Reimbursement contract for operation and maintenance of this project for an amount not to exceed Five Thousand Dollars (\$5,000.00) for a period of up to two years. This contract can be revised if and when additional funds are required.

Voice Vote, carried unanimously

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**CWPM – Hamlet of Claryville (Neversink) Block Grant – Tab 18**

A motion to approve Resolution No. 3161 was made by Innes Kasanof and seconded by Robert Pelham.

October 3, 2017

**RESOLUTION NO. 3161**

**COMMUNITY WASTEWATER MANAGEMENT PROGRAM**  
**PRE-CONSTRUCTION PHASE AND BLOCK GRANT APPROVAL**  
**FOR THE HAMLET OF CLARYVILLE (TOWN OF NEVERSINK)**

**WHEREAS**, on January 8, 2013, by Resolution Number 2242, the Catskill Watershed Corporation (CWC) Board of Directors authorized the President to execute the Community Wastewater Management III Program (CWMP III) Contract with New York City Department of Environmental Protection (NYCDEP); and

**WHEREAS**, the hamlet of Claryville, which is an eligible community for the CWMP III, is located in the Town of Denning in Ulster County and the Town of Neversink in Sullivan County, and under the CWMP III Program Agreement, each Town would be provided a separate block grant for the portion of the hamlet within their municipal boundaries; and

**WHEREAS**, the Town of Neversink Town Board agreed to participate in the study phase of the CWMP for the portion of the hamlet of Claryville that is in the Town of Neversink; and

**WHEREAS**, Lamont Engineers, PC completed the Study Phase as outlined in their Contract with CWC and recommends a total block grant for the Hamlet of Claryville in the Town of Neversink of Four Million Eight Hundred Ninety-Five Thousand Dollars (\$4,895,000) to provide for a septic maintenance district; and

**WHEREAS**, pursuant to the CWMP III, CWC and NYCDEP must agree upon the block grant amount for each participating community; and

**WHEREAS**, NYCDEP has agreed to the proposed project and block grant amount of Four Million Eight Hundred Ninety-Five Thousand Dollars (\$4,895,000); and

**WHEREAS**, pursuant to the CWMP III Program Agreement and the participating community agreement between CWC and the Town of Neversink, to continue with the CWMP III project, the Town must pass a resolution within ninety (90) days of the receipt of the Study Phase Report confirming the Town's agreement to continue with the proposed project; and

**WHEREAS**, within ninety days of receipt of the Study Phase Report and Block Grant Determination, the Town of Neversink Town Board by resolution agreed to the proposed project and to continue in the CWMP Pre-Construction Phase; and

**WHEREAS**, CWC is satisfied with Lamont Engineers, PC's work and completion of the Study Phase for the project in the Hamlet of Claryville in the Town of Neversink, and desires to issue a change order to Lamont Engineers, PC for the Pre-Construction Phase that includes final design, sewer district formation, sewer use law, bidding the project and development of operation and maintenance plans and contracts, as well as other necessary actions, for an additional not-to-exceed amount of Two Hundred Seventy-Six Thousand Two Hundred Seventy-Nine Dollars (\$276,279.00), as well as additional costs incurred during the Study Phase for the Hamlet of Claryville in the Town of Neversink for an additional Eight Thousand Eight Hundred Seventy-Six Dollars (\$8,876.00); and

**WHEREAS**, the CWC Wastewater Committee recommends that the CWC Board of Directors approve the project and block grant amount of Four Million Eight Hundred Ninety-Five Thousand Dollars (\$4,895,000) for the Hamlet of Claryville (Town of Neversink) Project; and

**WHEREAS**, the CWC Wastewater Committee has reviewed the documentation and recommends approving the change order to Lamont Engineers, PC to include the Pre-Construction Phase for the Hamlet of Claryville (Town of Neversink) to their existing contract as described in Attachment A for an additional not to exceed amount of Two Hundred Seventy-Six Thousand Two Hundred Seventy-Nine Dollars (\$276,279.00), as well as additional costs incurred during the Study Phase for the Hamlet of Claryville in the Town of Neversink for an additional Eight Thousand Eight Hundred Seventy-Six Dollars (\$8,876.00); and

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the project and block grant amount for the Hamlet of Claryville (Town of Neversink) in the amount of Four Million Eight Hundred Ninety-Five Thousand Dollars (\$4,895,000).

**NOW, THEREFORE LET IT BE FURTHER RESOLVED**, that the CWC Board of Directors approves the change order to Lamont Engineers, PC to include the Pre-Construction Phase for the Hamlet of Claryville (Town of Neversink) to their existing CWMP contract in an amount not to exceed an additional not to exceed amount of Two Hundred Seventy-Six Thousand Two Hundred Seventy-Nine Dollars (\$276,279.00), as well as additional costs incurred during the Study Phase for the Hamlet of Claryville in the Town of Neversink for an additional Eight Thousand Eight Hundred Seventy-Six Dollars (\$8,876.00).

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

**Voice Vote, carried unanimously**

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FHMIP – Tank Anchoring – T. Of Olive Highway Garage - Tab 19

Tab 19 was not acted upon.

Voice Vote, carried unanimously

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**Approval of FY 2018 Operating/ Program Budget – Tab 20**

A motion to approve Resolution No. 3162 was made by James Eisel and seconded by Innes Kasanof.

October 3, 2017

**RESOLUTION NO. 3162**

**ADOPTION OF CATSKILL WATERSHED CORPORATION  
OPERATING/PROGRAM BUDGET  
FOR FISCAL YEAR 2018**

**WHEREAS**, the Finance Committee has prepared a budget for Catskill Watershed Corporation (CWC) for the period commencing January 1, 2018 through December 31, 2018; and

**WHEREAS**, the Finance Committee recommends for adoption the proposed budget to the full Board of Directors; and

**WHEREAS**, the total budgeted appropriations have been allocated to the various programs, such as Operating, Septic Program IV, etc., by category as indicated below; and

**WHEREAS**, the appropriations to the following budget categories may be transferred between the categories as indicated below without prior Board approval:

Program Expenses, Occupancy Expenses, Advertising & Printing, Office Supplies, Communications, Grants & Reimbursements, Travel, Conferences & Seminars, Insurance, Repairs & Maintenance, Subscriptions & Publications, Professional Fees, Administration Allocation, Depreciation, Dues, Licenses, & Memberships, Miscellaneous Expense, Contingency, Loan/Fixed Assets.

**NOW, THEREFORE LET IT BE RESOLVED** that the CWC Board of Directors approves the 2018 fiscal year budget of Twenty-Seven Million Five Hundred Forty-Five Thousand Eight Hundred Forty-Two Dollars (\$27,545,842.00) as presented.

**NOW THEREFORE LET IT BE FURTHER RESOLVED**, that the CWC Board of Directors authorized the Executive Director, in accordance with all other CWC policies and procedures, to incur expenses up to the amount set forth in the attached budget.

**NOW THEREFORE LET IT BE FURTHER RESOLVED**, that the CWC Board of Directors authorizes the Executive Director to reallocate funds between specific budgets and categories but may not exceed the total approved budget amount without prior Board approval.

**Voice Vote, carried unanimously**

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Approval of FY 2018 Tax Consulting Budget – Tab 21

A motion to approve Resolution No. 3163 was made by James Eisel and seconded by Thomas Hynes.

October 3, 2017

RESOLUTION NO.3163

**ADOPTION OF CATSKILL WATERSHED CORPORATION
TAX CONSULTING BUDGET
FOR FISCAL 2018**

WHEREAS, the Finance Committee of the Catskill Watershed Corporation (CWC) has prepared a projected budget for CWC’s Tax Consulting program expenditures from January 1, 2018 through December 31, 2018; and

WHEREAS, the Finance Committee recommends for adoption the projected Tax Consulting program budget of One Hundred Eighty-Two Thousand Five Hundred Fifty-Two Dollars (\$182,552.00) to the full Board of Directors.

NOW, THEREFORE LET IT BE RESOLVED that the CWC Board of Directors approves the 2018 projected Tax Consulting program budget as presented.

NOW, THEREFORE LET IT FURTHER RESOLVED, that the CWC Board of Directors authorized the Executive Director, in accordance with all other CWC policies and procedures, to incur expenses up to the projected program budget amounts.

Voice Vote, carried unanimously by West of Hudson members

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**WPPC Appointments – Tab 22**

A motion to approve Resolution No. 3164 was made by James Eisel and seconded by Thomas Hynes.

October 3, 2017

**RESOLUTION NO.3164**

**APPOINTMENT OF MEMBERS TO  
THE WATERSHED PARTNERSHIP AND PROTECTION COUNCIL EXECUTIVE  
COMMITTEE AND TECHNICAL ADVISORY COMMITTEE**

**WHEREAS**, The New York City Watershed Memorandum of Agreement (“MOA”) provides for the establishment of the Watershed Protection and Partnership Council (“WPPC”), to aid in the protection of drinking water quality and the economic vitality of Watershed communities; and

**WHEREAS**, Governor Pataki, pursuant to Executive Order Number 57, established the Watershed Partnership and Protection and Partnership Council; and

**WHEREAS**, pursuant to the terms of the MOA, within the Council a sixteen member Executive Committee was established, three members of which were to be chosen by the watershed community members of the Catskill Watershed Corporation (“CWC”) Board; and

**WHEREAS**, there are no restrictions or qualifications on members appointed by the CWC watershed community members, however there can only be one member from a county; and

**WHEREAS**, members of the WPPC Executive Committee serve four-year terms; and

**WHEREAS**, the watershed community members of the CWC Policy committee recommend that Alan Rosa, Executive Director of the CWC, be reappointed to the WPPC Executive Committee for an additional term which would expire on October 23, 2021; and

**WHEREAS**, the watershed community members of the CWC Policy Committee recommend that Dean Frazier, Commissioner of Delaware County Watershed Affairs, be reappointed to the WPPC Technical Advisory Committee for an additional term which would expire on October 23, 2021.

**NOW, THEREFORE LET IT BE RESOLVED**, that the watershed community members of the CWC Board appoint Alan Rosa to the WPPC Executive Committee for a four year term expiring on October 23, 2021.

**NOW, THEREFORE LET IT BE RESOLVED**, that the watershed community members of the CWC Board appoint Dean Frazier to the WPPC Technical Advisory Committee for a four year term expiring on October 23, 2021.

**Tim Cox noted that only West of Hudson board members could vote on this resolution. Voice Vote, carried unanimously by West of Hudson members.**

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Keystone – Design and Construction Observation – Tab 23

A motion to approve Resolution No. 3165 was made by Innes Kasanof and seconded by James Eisel.

October 3, 2017

RESOLUTION NO.3165
CWC NEW HEADQUARTERS BUILDING CONSULTANT –
CONSTRUCTION DESIGN

WHEREAS, the Catskill Watershed Corporation (CWC) is a not for profit local development corporation located in Margaretville in the Town of Middletown, Delaware County; and

WHEREAS, CWC’s Certificate of Incorporation requires that CWC’s office be located in the Town of Middletown, the geographic center of the West of Hudson Watershed; and

WHEREAS, CWC is reviewing the possibility of constructing a new headquarters building in the Town of Middletown to be shared with regulatory staff from New York City Department of Environmental Protection (NYCDEP), the Water Discovery Center, and possible additional tenants; and

WHEREAS, CWC issued a request for proposal for architectural, engineering and space planning services with the scope of work to include interviewing CWC, NYCDEP, and the Water Discovery Center regarding their individual space needs, designing a building to meet those needs, and also completion of a stormwater pollution prevention plan for the design; and

WHEREAS, after interviewing several bidders, CWC Board President, CWC staff, and attorneys from Whiteman, Osterman, and Hanna recommended that CWC retain Keystone Associates in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) for architectural, engineering and space planning services for the proposed new CWC headquarters; and

WHEREAS, on November 1, 2016, by Resolution Number 2961, CWC Board of Directors authorized the retention of Keystone Associates in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) for architectural, engineering and space planning services for the proposed new CWC headquarters; and

WHEREAS, Keystone Associates is nearing completion of the preliminary design and stormwater pollution prevention plan and CWC desires to continue with Keystone for the construction design of the building, as well as construction related services; and

WHEREAS, Keystone Associates, CWC, and attorneys from Whiteman, Osterman and Hanna reviewed the attached scope of services and contract amendment from Keystone and recommend its adoption; and

WHEREAS, CWC and the CWC Finance Officer request authority to transfer funds from Catskill Fund for the Future to Operating as needed to provide payment for Keystone Associates; and

WHEREAS, the CWC Policy Committee recommends the CWC Board of Directors authorizes a contract amendment with Keystone Associates for additional services for construction design and construction management of the new CWC headquarters building.

NOW THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors authorizes the President and/or Executive Director to execute a contract amendment with Keystone Associates in an additional amount not to exceed Eight Hundred Ninety-Two Thousand Dollars (\$892,000.00) for construction design and construction management for new CWC headquarters building.

Voice Vote, carried unanimously

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A motion to waive Rule 14 for four resolutions was made Thomas Snow and seconded by James Eisel. Voice vote, carried unanimously

**Handout Resolution - Approval of T. of Olive Application LTAP – Sustainable Communities**

A motion to approve Resolution No. 3166 was made by James Sofranko and seconded by Robert Pelham.

October 3, 20117

**RESOLUTION NO.3166**

**APPROVAL OF TOWN OF OLIVE APPLICATION**

**LOCAL TECHNICAL ASSISTANCE PROGRAM– SUSTAINABLE COMMUNITIES**

**WHEREAS**, the Catskill Watershed Corporation (“CWC”) has agreed to serve as program manager of a Local Technical Assistance Program (“LTAP”) and to identify projects and allocate and disburse program funds; and

**WHEREAS**, the CWC Board of Directors passed Resolution Number 900 approving the CWC LTAP Program Rules; and

**WHEREAS**, as a condition of the 2013 Filtration Avoidance Determination Modification, New York City Department of Environmental Protection (DEP) agreed to fund a Flood Hazard Mitigation Program consisting of funding through the Stream Management Program to undertake a Local Flood Analysis (LFA) to identify the causes of flooding and recommend possible mitigation projects, as well as funding the Flood Hazard Mitigation Implementation Program (FHMIP) at CWC to provide grants to undertake certain categories of projects ; and



**WHEREAS**, as a condition to the 2013 Filtration Avoidance Determination Modification, DEP agreed to fund a flood buyout program (DEP Flood Buyout Program) to acquire improved properties that were not eligible or did not participate in the federal or State flood buyout program, but if vacated and returned to a natural floodplain would help mitigate flooding in other areas, or otherwise protect water quality; and

**WHEREAS**, on March 4, 2014, by Resolution Number 2439, the CWC Board of Directors approved the Flood Hazard Mitigation Implementation Program Agreement and between CWC and DEP and agreed to administer such program; and

**WHEREAS**, by Resolution Numbers 2460 and 2524, the CWC Board of Directors approved FHMIP Rules, including providing eligibility for certain costs for relocations of businesses and residences, including those recommended by an LFA; and

**WHEREAS**, on October 7, 2014, by Resolution Number 2574, the CWC Board of Directors approved changes to the FHMIP Rules to accept applications from property owners participating in the DEP Flood Buyout Program, to provide assistance in relocating within the same town outside of areas studies by an LFA; and

**WHEREAS**, on December 2, 2014 by Resolution Number 2603, the CWC Board of Directors approved changes to the Local Technical Assistance Program Rule Change to provide for the Sustainable Communities Program for planning assistance to towns or villages who have completed an LFA to update zoning code or maps, or update that municipality's comprehensive plan to provide for relocations of residences and businesses under the DEP Flood Buyout Program; and

**WHEREAS**, on September 5, 2017, by Resolution 3142, the CWC Board set an application deadline for the Sustainable Communities Program for December 31, 2017; and

**WHEREAS**, pursuant to the CWC Program Rules as adopted by the CWC Board of Directors, the CWC staff and NYCDEP staff must evaluate grant requests and issue funding recommendations to the CWC Wastewater Committee, which shall issue recommendations to the CWC Board of Directors; and

**WHEREAS**, CWC and NYCDEP staff have jointly reviewed and recommend for funding the application of the Town of Olive and as detailed in the application packet received at CWC by August 28, 2017, and have presented this recommendation to the CWC Wastewater Committee; and

**WHEREAS**, the CWC Wastewater Committee has reviewed and recommended funding the proposal of the Town of Olive as described in Attachment A.

**WHEREAS**, pursuant to the CWC Program Rules, the CWC Board of Directors has reviewed the attached recommendation and supporting documentation.

**NOW, THEREFORE LET IT BE RESOLVED**, the CWC Board of Directors approves funding to the Town of Olive of Twenty Thousand Dollars (\$20,000.00) as per Attachment and authorizes the President and/or Executive Director to execute contract with the Town of Olive.

**ATTACHMENT A**

**TOWN OF OLIVE  
SUSTAINABLE COMMUNITIES APPLICATION**

The Town of Olive requested \$20,000.00 for the Boiceville Feasibility Study & Community Planning

The Town of Olive completed a local flood analysis (LFA) for the hamlet of Boiceville in August, 2017. The LFA recognizes Boiceville’s anchor businesses as the supermarket, medical facility, and pharmacy. There is commercially zoned vacant property in the hamlet of Boiceville that is outside of the flood zone. Some of these parcels are within the sewer district and some are not. With funding from the CWC the Town of Olive can engage the services of a professional consultant to help identify new locations for homes and businesses being purchase through the voluntary NYCFBBO, plan for extension of the sewer district for both commercial and residential use, thus providing a permanent solution to the flooding issues in Boiceville.

CWC and DEP staff recommend funding in the not to exceed amount of \$20,000.00

**Voice Vote, *carried unanimously***

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Handout Resolution – Addition to 2016 Legal Services Contract with Whiteman, Osterman & Hanna

A motion to approve Resolution No. 3167 was made by James Eisel and seconded by Tina Mole.

October 3, 2017

RESOLUTION NO.3167

**ADDITION TO 2016 LEGAL SERVICES CONTRACT
WITH WHITEMAN, OSTERMAN & HANNA**

WHEREAS, pursuant to the Catskill Watershed Corporation (“CWC “) procurement policy personal service contracts likely to exceed Twenty-Five Thousand Dollars (\$25,000.00), shall be made on a competitive basis unless specifically exempted by the procurement policies; and

WHEREAS, the CWC Policy committee has reviewed response(s) to a request for proposal for outside counsel to the CWC; and

WHEREAS, Whiteman, Osterman & Hanna has represented CWC as outside counsel since 1996; and

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

WHEREAS, on January 3, 2017, by Resolution Number 2997, the Board of Directors approved the firm of Whiteman, Osterman & Hanna as external legal firm for the CWC for a term of one year, commencing on January 1, 2017 and terminating on December 31, 2017 for an amount not to exceed One Hundred Thousand Dollars (\$100,000.00); and

WHEREAS, since January, 2016, CWC has actively been engaged in negotiations with New York City Department of Environmental Protection, New York State Departments of Environmental Conservation and Health regarding the now proposed 2017 Filtration Avoidance Determination; and

WHEREAS, CWC has sought the advice of and attendance by Whiteman, Osterman, and Hanna at negotiations as well as review and comment to proposed changes to CWC programs and New York City Watershed Regulations, as well as the new CWC headquarters building; and

WHEREAS, the amount allocated by Resolution Number 2997 is expected to be exhausted by the September invoice from Whiteman, Osterman and Hanna; and

WHEREAS, the CWC Policy Committee recommends the additional contract amount of Twenty-Five Thousand Dollars (\$25,000.00), for total contract not to exceed One Hundred Twenty-Five Thousand Dollars (\$125,000.00).

NOW, THEREFORE LET IT FURTHER RESOLVED, that the Board of Directors approves and authorizes the Executive Director and/or the President to retain Whiteman, Osterman & Hanna for legal services in an amount not to exceed One Hundred Twenty-Five Thousand Dollars (\$125,000.00).

Voice Vote, carried unanimously

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**Handout Resolution – Septic Program Appeal – Lara Bowen**

A motion to approve Resolution No. 3168 was made by Richard Parete and seconded by Robert Pelham.

October 3, 2017

**RESOLUTION NO.3168**

**SEPTIC PROGRAM APPEAL – LARA BOWEN**

**WHEREAS**, pursuant to 1997 New York City Watershed Memorandum of Agreement (“MOA”) paragraph 124 and Program Contracts with the New York City Department of Environmental Protection (“NYCDEP”), the Catskill Watershed Corporation (“CWC”) established a Septic System Rehabilitation and Replacement Program (“Septic Program”) to replace or repair eligible septic systems, serving existing one or two family residences with less than 1000 gallons per day flow in the New York City Watershed West of the Hudson River; and

**WHEREAS**, the CWC staff reviewed a request for eligibility from Lara Bowen for construction of a new septic under the CWC Septic Program; and

**WHEREAS**, CWC staff reviewed the application and determined the system is not eligible because it will serve a new residence constructed after November 2, 1995; and

**WHEREAS**, the CWC Septic Program rules established an appeals process that permits an applicant to appeal to the CWC Board of Directors when the applicant disputes the CWC staff determination; and

**WHEREAS**, Ms. Bowen submitted an appeal and attached letter requesting the cost of constructing the new septic system be eligible for reimbursement under the CWC Septic Program; and

**WHEREAS**, the Septic Program rules provides that the CWC Board of Directors may reverse the decision to deny reimbursement in whole or in part in the following instances:

- a) The applicant was wrongly deemed ineligible;
- b) The applicant was wrongly denied reimbursement, in whole or in part, based upon an incorrect determination that the work for which reimbursement is sought was not necessary;
- c) The applicant was wrongly denied reimbursement, in whole or in part, based upon an incorrect determination that the cost of the work for which reimbursement is sought is not reasonable;
- d) There are special circumstances involved which warrant eligibility to the program or that warrant reimbursement; and

**WHEREAS**, the CWC Septic Committee has reviewed Ms. Bowen’s Appeal pursuant to the criteria and procedure established by the CWC Article 2-A, 2:01:10 and 2:01:09; and

**WHEREAS**, the Septic Committee recommends that the CWC Board of Directors deny the appeal because pursuant to CWC Septic Program Rules § 2:00:01 (19), residences constructed after November 2, 1995 are not eligible for the CWC Septic Program.

**NOW, THEREFORE LET IT BE FURTHER RESOLVED**, that the CWC Board of Directors has reviewed the Septic Reimbursement Program Appeal for eligibility of the property under the CWC Septic Program and makes the following determination:

Denies the Appeal

Grants the Appeal

**Lara Bowen Septic Appeal:**

Ms. Bowen own property in the Town of Jewett.

At least five years ago, the house on the property was destroyed in a fire and demolished. Ms. Bowen subsequently purchased the land with plans to build a new home on the property. A travel trailer sits on the property at present. Ms. Bowen requested inclusion in the CWC Septic Program. CWC staff denied the request because the new septic system would serve an ineligible residence because the building would be constructed after November, 1995. The property owners then filed the attached appeal.

The CWC Septic Committee recommends the appeal be denied. Pursuant to CWC Septic Program Rules § 2:00:01 (19), the CWC Septic Program is limited to existing residences constructed on or before November 2, 1995. A newly constructed residence is not eligible for the CWC Septic Program.

**Voice Vote, carried unanimously**

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Handout Resolution – Community Wastewater Management Program – Approval for the Hamlet of Shokan (Town of Olive)

A motion to approve Resolution No. 3169 was made by Thomas Snow and seconded by James Sofranko.

October 3, 2017

RESOLUTION NO.3169

COMMUNITY WASTEWATER MANAGEMENT PROGRAM
PRE-CONSTRUCTION PHASE AND BLOCK GRANT APPROVAL
FOR THE HAMLET OF SHOKAN (TOWN OF OLIVE)

WHEREAS, on January 8, 2013, by Resolution Number 2242, the Catskill Watershed Corporation (CWC) Board of Directors authorized the President to execute the Community Wastewater Management III Program (CWMP III) Contract with New York City Department of Environmental Protection (NYCDEP); and

WHEREAS, a condition of the draft 2017 Filtration Avoidance Determination (2017 Draft FAD), NYCDEP agreed to work with CWC to fund an engineering study for a community wastewater system for the hamlet of Shokan; and

WHEREAS, pursuant to the 2017 Draft FAD, the engineering study for Shokan will include a proposed service area to be approved by New York State Department of Health, United States Environmental Protection Agency, and New York State Department of Environmental Conservation; and

WHEREAS, CWC issued a request for proposal to contract with an engineering firm to propose a service area for the hamlet of Shokan (Town of Olive); and

WHEREAS, upon review of timely responses received, CWC staff recommended that the CWC Board of Directors approve an agreement with Chazen Engineering for the preliminary wastewater service area for the hamlet of Shokan in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00); and

WHEREAS, the CWC Wastewater Committee recommends that the CWC Board of Directors approve an agreement with Chazen Engineering for the preliminary wastewater service area for the hamlet of Shokan in an amount of Seven Thousand Five Hundred Dollars (\$7,500.00), from the Catskill Fund for the Future (CFF), to be repaid with interest by the City of New York under future funding agreements.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the contract with Chazen Engineering for the preliminary wastewater service area for the hamlet of Shokan in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00), from the Catskill Fund for the Future (CFF), to be repaid with interest by the City of New York under future funding agreements.

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

Voice Vote, carried unanimously

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**CFF Loan – Town of Olive Bond Anticipation Note – Tab 24**

A motion to approve Resolution No. 3170 was made by Thomas Hynes and seconded by James Sofranko.

October 3, 2017

**RESOLUTION NO.3170**

**APPROVAL OF TOWN OF OLIVE**

**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 Olive has applied for a Fifty-Two Thousand Three Hundred Eighty Dollars and Eighty-Three Cents (\$52,380.83) bond anticipation note for a term of one (1) year

renewable for up to a maximum of five (5) years, at a rate of three per cent (3%) 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 new heating system for their Town Offices located at 45 Watson Hollow Road, West Shokan, NY, 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 Olive; 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 LET IT BE RESOLVED**, the CWC Board approves the application of the Town of Olive for a loan of up to Fifty-Two Thousand Three Hundred Eighty Dollars and Eighty-Three Cents (\$52,380.83), 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 three per cent (3%) 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 new case loader;

**NOW, THEREFORE LET IT BE 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 LET IT BE 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 LET IT BE 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 Olive**

The Executive Director of the CWC makes the following evaluation concerning a Catskills Municipal Assistance Loan Program Application for the Town of Olive, located in Olive, 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 Olive 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 Olive 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 Olive is purchasing a heating system to replace the current system at the town office building in West Shokan.
  - (ii) The project is located in the Town of Olive.
  - (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 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) 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.

***Voice Vote, carried unanimously***

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VIII. Announcements from the Chair:

Michael Triolo mentioned the 3 hurricanes that recently impacted American territory and the shooting in Los Vegas. Mr. Triolo stressed that we really should be thankful for living here and encouraged directors to do whatever we can to help.

Innes Kasanof also mentions that Houston has a lot to learn from the Catskill Watershed in our maintenance of flood hazard mitigation. She noted that they are struggling and are angry with the local reservoir for miss managing the release of water.

IX. Board Member Discussion:

A motion to adjourn was made by Thomas Snow and seconded by Anthony Van Glad.

Voice Vote, carried unanimously

X. Adjournment: 2:20 p.m.