

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

December 1, 2015 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by Martin Donnelly.

III. Roll Call of Directors

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

Members Excused: Deborah Meyer DeWan.

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: Alicia Terry (*Schoharie County Planning & Development*).

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

A motion to approve the minutes from the November 3, 2015 board meeting was made by Martin Donnelly and seconded by James Eisel.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of September 30, 2015 was made by James Eisel and seconded by Wayne Marshfield.

**Voice Vote, carried unanimously**

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Executive Director's Report

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

Presentation of News Articles

Wayne Marshfield stated that he preferred that the news clips be presented separate from the rest of the board book.

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 Robert Pelham and seconded by Tina Molé.*

**Voice Vote, carried unanimously**

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Handout Resolution – Stormwater Retrofit – Additional Costs – Margaretville Central School

A motion to approve Resolution No. 2769 was made by Thomas Snow and seconded by James Eisel.

December 1, 2015

RESOLUTION NO. 2769

**BOARD REVIEW OF STORMWATER RETROFIT PROGRAM APPLICATION
FOR MARGARETVILLE CENTRAL SCHOOL
ADDITIONAL FUNDING**

WHEREAS, Paragraph 125 of the 1997 New York City Watershed Memorandum of Agreement (“MOA”) directs the Catskill Watershed Corporation (“CWC”) to establish a program to pay the costs to design, permit, maintain, implement and construct Stormwater Best Management Practices (BMP’s) to address existing stormwater runoff in concentrated areas of impervious surface in West of Hudson Watershed to the extent such BMP’s are necessary to correct or reduce existing erosion and/or pollutant loading; and

WHEREAS, by Resolution Number 265, the CWC Board of Directors established the Stormwater Retrofit Program “Program” Rules that provides for payment of eligible project costs; 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, by Resolution Number 2383, the CWC Board of Directors approved funding in an amount not to exceed Forty-Six Thousand Dollars (\$46,000.00) for redesign of a previously installed stormwater control and waived the requirement for local match; and

WHEREAS, by Resolution Number 2416, the CWC Board of Directors approved coordinating the redesign and construction of the project, including hiring an engineer to undertake the redesign on behalf of Margaretville Central School; and

WHEREAS, by Resolution Number 2644, the CWC Board of Directors approved One Hundred Ninety-Seven Thousand Nine Hundred Forty-Five Dollars (\$197,945.00) for construction of the stormwater system at Margaretville Central School; and

WHEREAS, LaFever Excavating has requested additional funds due to changes requested by NYC DEP and NYS DEC in the amount of Thirty-Eight Thousand Eight Hundred Twenty-Eight Dollars and Sixty-Three Cents (\$38,828.63); and

WHEREAS, Lamont Engineers, PC has requested additional funds due to design changes required by NYS DEC in the amount of Six Thousand Dollars (\$6,000.00); and

WHEREAS, the CWC Wastewater Committee recommends that the CWC Board of Directors approve additional funds in the not to exceed amount of Forty-Four Thousand Eight Hundred Twenty-Eight Dollars and Sixty-Three Cents (\$44,828.63) for the design and construction of the stormwater system at Margaretville Central School.

NOW, THEREFORE, LET IT BE RESOLVED, the CWC Board of Directors approves funding as per the attached funding limits not to exceed the amended total of Two Hundred Eighty-Eight Thousand Seven Hundred Seventy-Three Dollars and Sixty-Three Cents (\$288,773.63) and waives the requirement for a local match.

NOW, THEREFORE BE IT FURTHER RESOLVED, approval of grants 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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**Handout Resolution – Stormwater Retrofit – Waiver of Stormwater Retrofit Program Rules to Provide Additional Time for NYCEDP Review of Applications**

A motion to approve Resolution No. 2770 was made by Wayne Marshfield and seconded by Innes Kasanof.

**RESOLUTION NO. 2770**

**WAIVER OF STORMWATER RETROFIT PROGRAM RULES TO PROVIDE  
ADDITIONAL TIME FOR NYCDEP REVIEW OF APPLICATIONS**

**WHEREAS**, Paragraph 125 of the 1997 New York City Watershed Memorandum of Agreement (“MOA”) directs the Catskill Watershed Corporation (“CWC”) to establish a program to pay the costs to design, permit, maintain, implement and construct Stormwater Best Management Practices (BMP’s) to address existing stormwater runoff in concentrated areas of impervious surface in West of Hudson Watershed to the extent such BMP’s are necessary to correct or reduce existing erosion and/or pollutant loading; and

**WHEREAS**, by Resolution Number 265, the CWC Board of Directors established the Stormwater Retrofits Program (Program) Rules that provides for payment of eligible project costs; and

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

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

**WHEREAS**, pursuant to the 2007 FAD Part II, CWC shall continue to implement the Stormwater Retrofit I Program, including the Community-Wide Stormwater Infrastructure Assessment and Planning Program; and

**WHEREAS**, the SW Retrofit II Program Agreement provides that CW Corp. jointly with DEP shall review and approve funding for projects in areas which receive runoff from concentrations of impervious surfaces based on the severity of water quality problems associated with stormwater runoff from impervious sites, the extent of erosion problems currently existing at sites, and the amount and type of pollutant loadings from sites;

**WHEREAS**, the SW Retrofit Program Rules section 7:00:04 further provides that applications must be submitted by October 1<sup>st</sup>, and further provides that the CWC Board must review applications on the first Tuesday in December; and

**WHEREAS**, the Town of Windham and the Village of Fleischmanns submitted Planning and Assessment applications prior to October 1, 2015; and

**WHEREAS**, NYCDEP requested and received additional information from the applicants and NYCDEP has not had enough time to review; and

**WHEREAS**, the CWC Stormwater/Wastewater Committee desires that the applications of the Town of Windham and Village of Fleischmanns be considered by the CWC Board of Directors at their regular meeting on January 5, 2016 and recommends that the CWC Board of Directors waive the requirement that applications must be reviewed by the CWC Board on the first Tuesday in December.

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors waive the requirement that applications must be reviewed by the CWC Board on the first Tuesday in December for the planning and assessment grant applications submitted by the Town of Windham and Village of Fleischmanns.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – Peter Diamond – Tab 7

A motion to approve Resolution No. 2771 was made by Wayne Marshfield and seconded by Tina Molé.

December 1, 2015

RESOLUTION NO. 2771

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$25,000:
PETER DIAMOND**

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 Two Hundred Sixty-Two Dollars (\$26,262.00); 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 Two Hundred Sixty-Two Dollars (\$26,262.00) 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 Two Hundred Sixty-Two Dollars (\$26,262.00) 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 Two Hundred Sixty-Two Dollars (\$26,262.00).

Peter Diamond Backup

Mr. Diamond's property is located in the Town of Prattsville, Greene County. Homeowner and CWC staff received a quote from a contractor in the amount of \$26,262.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, 15 lineal feet of 4" gravity piping, 145 lineal feet of forcemain, 80 cubic yards of absorption fill material, one effluent filter, 3 peat modules, stone retaining wall, an electric subpanel, 15 lineal feet of Schedule 80 sleeve, and extensive site restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$26,262.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Stacey Heston – Tab 8**

A motion to approve Resolution No. 2772 was made by Wayne Marshfield and seconded by Tina Molé.

December 1, 2015

**RESOLUTION NO. 2772**

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

**STACEY HESTON**

**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 Six Hundred Ninety-One Dollars (\$28,691.00); 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 Six Hundred Ninety-One Dollars (\$28,691.00) 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 Six Hundred Ninety-One Dollars (\$28,691.00) 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 Six Hundred Ninety-One Dollars (\$28,691.00).

**Stacey Heston Backup**

Ms. Heston's property is located in the Town of Walton, Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$28,691.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, one pump station, 45 lineal feet of 4" gravity piping, 250 lineal feet of forcemain, one distribution box, 225 cubic yards of absorption fill material, one effluent filter, 150 lineal feet of absorption trench, 90 lineal feet of curtain drain, an electrical subpanel, temporary access road, and extensive site restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$28,691.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – Additional Cost – Leo Gilmore – Tab 9

A motion to approve Resolution No. 2773 was made by Mark McCarthy and seconded by Thomas Snow.

December 1, 2015

RESOLUTION NO. 2773

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

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 Leo Gilmore in the amount of Twenty-Two Thousand Four Hundred Ninety Dollars (\$22,490.00); 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 Four Thousand Two Hundred Dollars (\$4,200.00); 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-Six Thousand Six Hundred Ninety Dollars (\$26,690.00) 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-Six Thousand Six Hundred Ninety Dollars (\$26,690.00) 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 Six Hundred Ninety Dollars (\$26,690.00).

Leo Gilmore Backup

Mr. Gilmore’s property is located in the Town of Hunter, Greene County. CWC staff previously approved reimbursement for replacement of the septic system at \$22,490.00. During construction there were several unforeseen conditions. Rock was encountered and required use of a hammer to insure positive drainage flow for the curtain drain, and a low profile septic tank was utilized to avoid additional rock removal. Also, at direction of the engineer, approximately 127 lineal feet of Orangeburg piping was replaced with SDR 35 PVC piping. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$4,200.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$4,200.00, for total reimbursement not to exceed \$26,690.00.

Voice Vote, carried - 11 aye, 1 abstained

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**Septic Reimbursement Over \$25,000 – Additional Cost – Florence Hamling – Tab 10**

A motion to approve Resolution No. 2774 was made by Mark McCarthy and seconded by Thomas Snow.

December 1, 2015

**RESOLUTION NO. 2774**

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

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

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

**WHEREAS**, by Resolution Number 2639, the CWC Board approved reimbursement to Florence Hamling in an amount not to exceed Twenty-Nine Thousand Two Hundred Ninety-Eight Dollars (\$29,298.00); 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 Eight Hundred Two Dollars (\$1,802.00); 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 Eight Hundred Two Dollars (\$1,802.00); and

**WHEREAS**, CWC staff have determined that Thirty-One Thousand One Hundred Dollars (\$31,100.00) 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 One Hundred Dollars (\$31,100.00) 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 Thirty-One Thousand One Hundred Dollars (\$31,100.00).

**Florence Hamling Backup**

Ms. Hamling's property is located in the Town of Middletown, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$29,298.00. During construction a drain line was encountered, relocated, and extended beyond the absorption field. 46 cubic yards of absorption fill material was used to complete the system. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$1,802.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,802.00, for total reimbursement not to exceed \$31,100.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – Additional Cost – Lisa Hatfield – Tab 11

A motion to approve Resolution No. 2775 was made by Mark McCarthy and seconded by Thomas Snow.

December 1, 2015

RESOLUTION NO. 2775

BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE

OVER \$25,000 – ADDITIONAL COSTS:

LISA HATFIELD

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 Lisa Hatfield in the amount of Twenty-Four Thousand Nine Hundred Ninety-Seven Dollars (\$24,997.00); 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 One Thousand One Hundred Thirty-Eight Dollars (\$1,138.00); and

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

WHEREAS, the CWC staff have determined the contractor's total invoices of Twenty-Six Thousand One Hundred Thirty-Five Dollars (\$26,135.00) 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-Six Thousand One Hundred Thirty-Five Dollars (\$26,135.00) 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 One Hundred Thirty-Five Dollars (\$26,135.00).

Lisa Hatfield Backup

Ms. Hatfield's property is located in the Town of Hunter, Greene County. CWC staff previously approved reimbursement for replacement of the septic system at \$24,997.00. During construction the project engineer required installation of an additional 40 cubic yards of absorption fill material to insure the proper operation of the system. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$1,138.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,138.00, for total reimbursement not to exceed \$26,135.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Additional Cost – Donald Martin – Tab 12**

A motion to approve Resolution No. 2776 was made by Mark McCarthy and seconded by Thomas Snow.

December 1, 2015

**RESOLUTION NO. 2776**

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

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

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

**WHEREAS**, by Resolution Number 2548, the CWC Board approved reimbursement to Donald Martin in an amount not to exceed Thirty-Eight Thousand Three Hundred Sixty Dollars (\$38,360.00); 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 Five Hundred Dollars (\$500.00); 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 Five Hundred Dollars (\$500.00); and

**WHEREAS**, CWC staff have determined that Thirty-Eight Thousand Eight Hundred Sixty Dollars (\$38,860.00) 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-Eight Thousand Eight Hundred Sixty Dollars (\$38,860.00) 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-Eight Thousand Eight Hundred Sixty Dollars (\$38,860.00).

**Donald Martin Backup**

Mr. Martin’s property is located in the Town of Kortright, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$38,360.00. During construction the electrician informed the engineer that an electric subpanel would be necessary to ensure compliance. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$500.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$500.00, for total reimbursement not to exceed \$38,860.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$25,000 – Additional Cost – Ted Randazzo – Tab 13

A motion to approve Resolution No. 2777 was made by Mark McCarthy and seconded by Thomas Snow.

December 1, 2015

RESOLUTION NO. 2777

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

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

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

WHEREAS, by Resolution Number 2643, the CWC Board approved reimbursement to Ted Randazzo in an amount not to exceed Twenty-Nine Thousand Nine Hundred Ninety-Four Dollars (\$29,994.00); 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 Three Thousand Five Hundred Sixteen Dollars and Forty-Four Cents (\$3,516.44); 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 Three Thousand Five Hundred Sixteen Dollars and Forty-Four Cents (\$3,516.44); and

WHEREAS, CWC staff have determined that Thirty-Three Thousand Nine Hundred Fifty-One Dollars and Forty-Four Cents (\$33,951.44) 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-Three Thousand Nine Hundred Fifty-One Dollars and Forty-Four Cents (\$33,951.44) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Thirty-Three Thousand Nine Hundred Fifty-One Dollars and Forty-Four Cents (\$33,951.44).

Ted Randazzo Backup

Mr. Randazzo's property is located in the Town of Halcott, Greene County. CWC Board of Directors previously approved reimbursement for this project at \$29,994.00. During construction several large boulders were removed from the curtain drain area, requiring stone to be used to fill voids. Additional restoration was required due to disturbance of approximately 101x58 additional feet onsite due to wet conditions. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$3,957.44. The Septic Committee recommends that the Board approves an additional reimbursement of \$3,957.44, for total reimbursement not to exceed \$33,951.44.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Additional Cost – Erika Wei – Tab 14**

A motion to approve Resolution No. 2778 was made by Mark McCarthy and seconded by Thomas Snow.

December 1, 2015

**RESOLUTION NO. 2778**

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

**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 Erika Wei in the amount of Twenty Thousand Seven Hundred Eighteen Dollars and Ninety-Four Cents (\$20,718.94); 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 Five Thousand Three Hundred Forty-Six Dollars (\$5,346.00); and

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

**WHEREAS**, the CWC staff have determined the contractor's total invoices of Twenty-Six Thousand Sixty-Four Dollars and Ninety-Four Cents (\$26,064.94) 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-Six Thousand Sixty-Four Dollars and Ninety-Four Cents (\$26,064.94) 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 Sixty-Four Dollars and Ninety-Four Cents (\$26,064.94).

**Erika Wei Backup**

Ms. Wei's property is located in the Town of Hurley, Ulster County. CWC staff previously approved reimbursement for replacement of the septic system at \$20,718.94. During construction rock was encountered, requiring use of a low profile tank to reduce the amount of rock excavation. The necessity of the work was corroborated by the design engineer in writing. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$5,346.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$5,346.00, for total reimbursement not to exceed \$26,064.94.

***Voice Vote, carried unanimously***

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Stormwater Retrofit – Greene County Highway Sweeper/Vacuum Truck – Tab 15

A motion to approve Resolution No. 2779 was made by Wayne Marshfield and seconded by Tina Molé.

December 1, 2015

RESOLUTION NO. 2779

**BOARD REVIEW OF THE
GREENE COUNTY HIGHWAY SWEEPER/VACUUM TRUCK
STORMWATER RETROFITS PROGRAM APPLICATION**

WHEREAS, Paragraph 125 of the 1997 New York City Watershed Memorandum of Agreement (“MOA”) directs the Catskill Watershed Corporation (“CWC”) to establish a program to pay the costs to design, permit, maintain, implement and construct Stormwater Best Management Practices (BMP’s) to address existing stormwater runoff in concentrated areas of impervious surface in West of Hudson Watershed to the extent such BMP’s are necessary to correct or reduce existing erosion and/or pollutant loading; and

WHEREAS, by Resolution Number 265, the CWC Board of Directors established the Stormwater Retrofits Program (Program) Rules that provides for payment of eligible project costs; and

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

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

WHEREAS, pursuant to the 2007 FAD Part II, CWC shall continue to implement the Stormwater Retrofit I Program, including the Community-Wide Stormwater Infrastructure Assessment and Planning Program; and

WHEREAS, by Resolution Number 2620, the CWC Board of Directors revised the Program Rules to provide for an annual grant round with applications due on October 1st and applications to be reviewed by the CWC Board on the first Tuesday in December; 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 received applications on or before October 1, 2015 as more fully described in Attachment A; and

WHEREAS, CWC and NYCDEP staff have jointly reviewed and recommend funding for the Greene County Highway Sweeper/Vacuum Truck as detailed in the application dated September 28, 2015 for a not-to-exceed amount of Two Hundred Sixty Thousand Dollars (\$260,000.00) and have presented their recommendations to the CWC Wastewater Committee; and

WHEREAS, the CWC Wastewater Committee has reviewed and recommends the proposal as detailed in the application dated September 28, 2015 on the condition that the Greene County Highway Department provides a local match of Fifty Thousand Dollars (\$50,000.00) for the purchase of the vehicle as proposed in the application, and that the truck be used exclusively and

solely within the watershed in CWC Watershed member towns in Greene County, that the vacuum truck be provided at cost for maintenance of previously funded CWC Stormwater Retrofit and Future Stormwater programs projects, and that Greene County be required to annually report to CWC projects maintained, including description of their condition and work completed, and mileage used thereof, and such funding shall not be released until Greene County confirms in writing that the truck shall be available at cost to maintain previously funded CWC Stormwater Retrofit and Future Stormwater projects on private property; and

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 as per the attached funding limits totaling Two Hundred Sixty Thousand Dollars (\$260,000.00).

NOW THEREFORE, LET IT BE FURTHER RESOLVED, that the CWC Board approves such funding on the condition that the Greene County Highway Department provide a local match of Fifty Thousand Dollars (\$50,000.00) for the purchase of the vehicle as proposed in the application, that the truck be used exclusively and solely within the watershed in CWC Watershed member towns in Greene County, that the vacuum truck be provided at cost for maintenance of previously funded CWC Stormwater Retrofit and Future Stormwater programs projects, and that Greene County be required to annually report to CWC projects maintained including description of their condition and work completed, and mileage used thereof, and no funding shall be released until Greene County confirms in writing that the truck shall be available at cost to maintain previously funded CWC Stormwater Retrofit and Future Stormwater projects on private property.

NOW, THEREFORE BE IT FURTHER RESOLVED, approval of grants 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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**Stormwater Retrofit – The Onteora Club Design – Tab 16**

A motion to approve Resolution No. 2780 was made by Thomas Hynes and seconded by Mark McCarthy.

December 1, 2015

**RESOLUTION NO. 2780**

**BOARD REVIEW OF THE**  
**THE ONTEORA CLUB**

## **STORMWATER RETROFITS PROGRAM APPLICATION**

**WHEREAS**, Paragraph 125 of the 1997 New York City Watershed Memorandum of Agreement (“MOA”) directs the Catskill Watershed Corporation (“CWC”) to establish a program to pay the costs to design, permit, maintain, implement and construct Stormwater Best Management Practices (BMP’s) to address existing stormwater runoff in concentrated areas of impervious surface in West of Hudson Watershed to the extent such BMP’s are necessary to correct or reduce existing erosion and/or pollutant loading; and

**WHEREAS**, by Resolution Number 265, the CWC Board of Directors established the Stormwater Retrofits Program (Program) Rules that provides for payment of eligible project costs; and

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

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

**WHEREAS**, pursuant to the 2007 FAD Part II, CWC shall continue to implement the Stormwater Retrofit I Program, including the Community-Wide Stormwater Infrastructure Assessment and Planning Program; and

**WHEREAS**, by Resolution Number 2620, the CWC Board of Directors revised the Program Rules to provide for an annual grant round with applications due on October 1<sup>st</sup> and applications to be reviewed by the CWC Board on the first Tuesday in December; 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 received applications on or before October 1, 2015 as more fully described in Attachment A; and

**WHEREAS**, CWC and NYCDEP staff have jointly reviewed and recommend funding for the Onteora Club Stormwater Design as detailed in the application dated October 1, 2015 for a not-to-exceed amount of Two Hundred Thirty-Six Thousand Three Hundred Sixty-Six Dollars (\$236,366.00) and have presented their recommendations to the CWC Wastewater Committee; and

**WHEREAS**, the CWC Wastewater Committee has reviewed and recommends the proposal as detailed in the application dated October 1, 2015; and

**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 for the Onteora Club Stormwater Design as per the attached design funding application for not to exceed amount of Two Hundred Thirty-Six Thousand Three Hundred Sixty-Six Dollars (\$236,366.00).

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of grants 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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Stormwater Retrofit – Village of Margaretville Main Street Design – Tab 17

A motion to approve Resolution No. 2781 was made by James Eisel and seconded by Thomas Snow.

December 1, 2015

RESOLUTION NO. 2781

**BOARD REVIEW OF THE
VILLAGE OF MARGARETVILE MAIN STREET
STORMWATER RETROFITS PROGRAM APPLICATION**

WHEREAS, Paragraph 125 of the 1997 New York City Watershed Memorandum of Agreement (“MOA”) directs the Catskill Watershed Corporation (“CWC”) to establish a program to pay the costs to design, permit, maintain, implement and construct Stormwater Best Management Practices (BMP’s) to address existing stormwater runoff in concentrated areas of impervious surface in West of Hudson Watershed to the extent such BMP’s are necessary to correct or reduce existing erosion and/or pollutant loading; and

WHEREAS, by Resolution Number 265, the CWC Board of Directors established the Stormwater Retrofits Program (Program) Rules that provides for payment of eligible project costs; and

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

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

WHEREAS, pursuant to the 2007 FAD Part II, CWC shall continue to implement the Stormwater Retrofit I Program, including the Community-Wide Stormwater Infrastructure Assessment and Planning Program; and

WHEREAS, by Resolution Number 2620, the CWC Board of Directors revised the Program Rules to provide for an annual grant round with applications due on October 1st and applications to be reviewed by the CWC Board on the first Tuesday in December; 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 received applications on or before October 1, 2015 as more fully described in Attachment A; and

WHEREAS, CWC and NYCDEP staff have jointly reviewed and recommend funding for the Village of Margaretville Main Street Stormwater Design as detailed in the application dated October 1, 2015 for a not-to-exceed amount of Ninety-Nine Thousand Dollars (\$99,000.00) and have presented their recommendations to the CWC Wastewater Committee; and

WHEREAS, the CWC Wastewater Committee has reviewed and recommends the proposal as detailed in the application dated October 1, 2015; and

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 for the Village of Margaretville Main Street Stormwater Design as per the attached design funding limits totaling Ninety-Nine Thousand Dollars (\$99,000.00)

NOW, THEREFORE BE IT FURTHER RESOLVED, approval of grants 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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**CWMP III Change Order – Lamont Engineers – Additional Funds – Study Phase – Tab 18**

A motion to approve Resolution No. 2782 was made by Tina Molé and seconded by Wayne Marshfield.

December 1, 2015

**RESOLUTION NO. 2782**

**COMMUNITY WASTEWATER MANAGEMENT PROGRAM III**  
**ADDITIONAL SERVICES FOR STUDY PHASE**

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

**WHEREAS**, the CWMP III Contract provides Twenty Nine Million Five Hundred Thousand Dollars (\$29,500,000) to fund the design and construction of community septic systems, and/or the creation of septic maintenance districts, or design and construction of a new wastewater treatment plant only upon NYCDEP approval, in consultation with CWC, if community septic systems or septic maintenance districts are not practicable due to site conditions, and there is a demonstrable water quality problem due to failing septic systems, in up to five communities listed in paragraph 122(c) of the 1997 New York City Watershed Memorandum of Agreement (“Watershed MOA”); and

**WHEREAS**, the Towns of Shandaken, Conesville, Denning, Neversink, and Middletown agreed participate in the CWMP III for the respective Hamlets of Shandaken, West Conesville, Claryville, Halcottsville, and Middletown; and

**WHEREAS**, by Resolution Number 2733, the CWC Board of Directors approved the transfer of an additional Three Hundred Fifty Thousand Dollars (\$350,000.00) from the CWC Future Stormwater Program to the CWC CWMP III for the purposes of study phase and administrative costs, such that all funds received from NYCDEP under the CWMP III Agreement will be allocated to project block grants; and

**WHEREAS**, by Resolution Number 2513, and following review of responses to a request for proposal, the CWC Board of Directors approved the retention of Lamont Engineers, P.C. for a not-to-exceed amount of Two Hundred Thirteen Thousand Nine Hundred Fifty-Five Dollars (\$213,955.00) representing proposed Study Phase costs in the amount of Forty Thousand One Hundred Thirty-Five Dollars (\$40,135.00) for Shandaken, Forty-Three Thousand Four Hundred Ten Dollars (\$43,410.00) for West Conesville, Fifty Thousand One Hundred Nineteen Dollars (\$50,119.00) for Claryville, Thirty-Nine Thousand One Hundred Fifty-Four Dollars (\$39,154.00) for Halcottsville, and Forty-One Thousand One Hundred Thirty-Seven Dollars (\$41,137.00) for New Kingston; and

**WHEREAS**, Lamont Engineers, PC as provided in Attachment A requested additional funds of Forty Thousand Two Hundred Forty Dollars (\$40,240.00) for services outside of the scope of the agreement, including full evaluation of two options (a septic maintenance district and community septic system,) in said communities as follows: Shandaken in the amount of Three Thousand Four Hundred Forty-Two Dollars (\$3,422.00), West Conesville in the amount of Eleven Thousand Four Hundred Twenty Dollars (\$11,420.00), Halcottsville in the amount of Thirteen Thousand Nine Hundred Seventy-Eight Dollars (\$13,978.00), and New Kingston in the amount of Eleven Thousand Four Hundred Twenty Dollars (\$11,420.00), and

**WHEREAS**, the CWC Stormwater/Wastewater Committee recommends that the CWC Board of Directors approve the request of Lamont Engineers for additional funds for additional out of scope CWMP III study phase services in the total amount of Forty Thousand Two Hundred Forty Dollars (\$40,240.00).

**NOW, THEREFORE LET BE IT BE RESOLVED**, that the CWC Board of Directors authorizes the President and/or Executive Director to execute a contract(s) with Lamont Engineers, P.C. in an additional amount of Forty Thousand Two Hundred Forty Dollars (\$40,240.00) for a total not to exceed of Two Hundred Fifty-Four Thousand Two Hundred Thirty Five Dollars (\$254,235.00) for Study Phase Engineering Services for Community Wastewater Management Program III.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, authorization to enter into the contract(s) by the CWC Board of Directors constitutes a preliminary decision under the Watershed MOA and the decision will become final without any further action by the Board unless an objection is timely filed with the Watershed Protection and Partnership Council.

**Voice Vote, carried unanimously**

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2016 – 2017 Cleaning Services – Tab 19

A motion to approve Resolution No. 2783 was made by Richard Parete and seconded by Innes Kasanof.

December 1, 2015

RESOLUTION NO. 2783

CATSKILL WATERSHED CORPORATION CLEANING SERVICES

WHEREAS, the CWC Policies and Procedures requires that the CWC Board of Directors must approve an expense greater than Ten Thousand Dollars (\$10,000); and

WHEREAS, the Finance Committee recommends the CWC Board to approve a contract not to exceed Twenty-Three Thousand Six Hundred Dollars (\$23,600.00) for cleaning & landscaping services for two years, beginning January 1, 2016 and ending December 31, 2017.

NOW, THEREFORE BE IT RESOLVED, the CWC Board of Directors approves the cleaning and landscaping services contract not to exceed Twenty-Three Thousand Six Hundred Dollars (\$23,600.00).

Voice Vote, carried unanimously

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**CFF Loan Budget Increase Amendment for Fiscal Year 2015 – Tab 20**

A motion to approve Resolution No. 2784 was made by Wayne Marshfield and seconded by Thomas Hynes.

December 1, 2015

**RESOLUTION NO. 2784**

**ADOPTION OF CFF LOAN BUDGET INCREASE AMENDMENT  
FOR FISCAL YEAR 2015**

**WHEREAS**, pursuant to Resolution Number 2588, adoption of the 2015 budget for Catskill Watershed Corporation (CWC) expenses for the fiscal year 2015, the transferring of appropriations from the individual budget categories and budget amendments requires Board of Directors approval; and

**WHEREAS**, the Economic Development Committee and the Finance Committee have reviewed and recommend for Board approval the following budget amendment, as noted below; and

**WHEREAS**, the Capital Expenditure Budget will be increased by One Million Dollars (\$1,000,000.00) for Catskill Fund for the Future’s Loan Program.

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board approves the budget amendment.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, the CWC Board authorizes the Finance Department to increase the Capital Expenditure Budget by One Million Dollars (\$1,000,000.00) to a total of Six Million Dollars (\$6,000,000.00) for the Catskill Fund for the Future’s Loan Program.

**Voice Vote, carried unanimously**

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2016 CWC Closing Counsel – Tab 21

A motion to approve Resolution No. 2785 was made by James Eisel and seconded by Mark McCarthy.

December 1, 2015

RESOLUTION NO. 2785
CWC CLOSING COUNSEL

WHEREAS, the Catskill Watershed Corporation (CWC), pursuant to the 1997 New York City Watershed Memorandum of Agreement, administers the Catskill Fund for the Future (CFF) to provide funding for qualified economic development projects within West of Hudson Watershed towns; and

WHEREAS, since 1997, the Environmental Facilities Corporation (EFC) has provided representation of CWC in the closing of CFF loans, including drafting and ensuring proper execution of all necessary documents; and

WHEREAS, EFC services under the CFF Program Agreement between CWC, EFC and NYCDEP terminated on April 12, 2012; and

WHEREAS, after issuance of a Request for Proposal and review of responses, by Resolution Number 1795, CWC Board of Directors approved the retention of Hodgson Russ LLP to provide representation of CWC for closings of CFF Loans for the remainder of the year 2012; and

WHEREAS, by Resolution Numbers 2225, 2415 and 2623 CWC Board of Directors approved the retention of Hodgson Russ LLP to provide representation of CWC for closings of CFF Loans for the years 2013, 2014 and 2015 consecutively; and

WHEREAS, the CWC Economic Development Committee recommend the CWC Board of Directors authorize the President and/or Executive Director to execute an agreement with Hodgson Russ, LLC in an amount not to exceed Seventy Thousand Dollars (\$70,000.00) at the rates specified in Schedule A attached hereto, unchanged from 2013, to provide representation of CWC for closings of CFF loans.

NOW THEREFORE BE IT RESOLVED, that the CWC Board of Directors authorize the President and/or Executive Director to execute an agreement with Hodgson Russ LLP in an amount not to exceed Seventy Thousand Dollars (\$70,000.00) at the rates provided in Schedule A attached hereto, to provide representation of CWC for closings of CFF loans.

Voice Vote, carried unanimously

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**Appointment of Members to the Watershed Partnership and Protection Council and the Technical Advisory Committee – Tab 22**

A motion to approve Resolution No. 2786 was made by Richard Parete and seconded by Robert Pelham.

December 1, 2015

**RESOLUTION NO. 2786**

**APPOINTMENT OF MEMBERS**  
**TO THE WATERSHED PARTNERSHIP AND PROTECTION COUNCIL EXECUTIVE**  
**COMMITTEE AND THE 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 as well as the creation of a Technical Advisory Committee (“TAC”) to the WPPC; 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 West of Hudson members, however there can only be one member from a county; and

**WHEREAS**, the West of Hudson members of the CWC may appoint three members to the TAC, while there are no membership restrictions for the appointees, appropriate scientific or technical expertise is preferred; and

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

**WHEREAS**, the West of Hudson members of the CWC Policy committee recommend that Michael Flaherty be reappointed to the WPPC Executive Committee for an additional term which would expire on October 23, 2019; and

**WHEREAS**, the watershed community members of the CWC Policy Committee recommend that Dean Palen, former commissioner of Ulster County Health Department be appointed to the TAC for a term which would expire on October 23, 2019.

**NOW, THEREFORE BE IT RESOLVED**, that the watershed community members of the CWC Board appoint Michael Flaherty to the WPPC Executive Committee for a four year term expiring on October 23, 2019.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the watershed community members of the CWC Board appoint Dean Palen to the TAC for a four year term expiring on October 23, 2019.

**Voice Vote, carried unanimously (West of Hudson Only)**

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

Voice Vote, carried unanimously

A motion to resume the regular meeting was made by Thomas Hynes and seconded by Berndt Leifeld.

Voice Vote, carried unanimously

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**CFF REDI Loan – Ploennigs Holding LLC – Tab 23**

A motion to approve Resolution No. 2787 was made by Berndt Leifeld and seconded by Innes Kasanof.

December 1, 2015

**RESOLUTION NO. 2787**  
**APPROVAL OF PLOENNIGS HOLDING 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**, Ploennigs Holding LLC has applied for a Two Hundred Sixty-One Thousand Dollar (\$261,000.00) loan for a term of fifteen (15) years, with, at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, such that the outstanding principal is fully paid on the one hundred and eightieth (180<sup>th</sup>) payment date, for the purchase of the property at 1007 Route 28, Kingston NY; and

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

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

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from Ploennigs Holding LLC, waiving the participating lender requirement; and

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

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board determines Ploennigs Holding LLC's application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount Two Hundred Sixty-One Thousand Dollars (\$261,000.00) for a term of fifteen (15) years, at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, such that the outstanding principal is fully paid on the one hundred and eightieth (180<sup>th</sup>) payment date.

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

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

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

#### **QEDP Evaluation and CWC Staff Recommendation**

**Purpose: To review the CWC Loan Application of Ploennigs Holding LLC**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Ploennigs Holding LLC, located in the Town of Kingston, 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 1007 Route 28, Kingston, NY, to be purchased by Ploennigs Holding 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 1007 Route 28, Kingston, NY, to be purchased by Ploennigs Holding 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) Ploennigs Holding LLC, located 1007 Route 28, Kingston, NY, will maintain its current leased business.
  - (ii) The project is located in the Town of Kingston.
  - (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 Kingston.
  - (i) The project is consistent with current zoning.
  - (ii) The project is compatible with surrounding land uses.
  - (iii) The project will not generate excessive traffic.
  - (iv) The project as described is of such magnitude that it does not appear likely to promote secondary growth and therefore requires not additional review of land use plans or infrastructure.
4. The project is consistent with the West of Hudson Economic Development Study, which has been completed.
5. Not applicable.

**Voice Vote, carried unanimously**

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CFF REDI Loan – Six Franklin Road LLC (Otsego Medical Services PC) – Tab 24

A motion to approve Resolution No. 2788 was made by Richard Parete and seconded by Wayne Marshfield.

December 1, 2015

RESOLUTION NO. 2788
APPROVAL OF SIX FRANKLIN ROAD LLC (OTSEGO MEDICAL SERVICES PC)
REFINANCE AND NEW 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, Six Franklin Road LLC has applied for a refinance of Loan 139-01-01, principal balance being Two Hundred Thirty-Nine Thousand Two Hundred Thirty-One Dollars (\$239,231.00), with additional new money of One Hundred Ninety-One Thousand Eight Hundred Dollars (\$191,800.00), for a term of ten (10) years, amortized over fifteen (15) years with balloon, at a rate of four percent (4.0%) and adjustable every five (5) years thereafter 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, pursuant to the REDI-loan program; and

WHEREAS, Six Franklin Road LLC, pursuant to the REDI-Loan Program, wishes to utilize the additional, new money of One Hundred Ninety-One Thousand Eight Hundred Dollars (\$191,800.00) to assist in the purchase of new equipment, a new heating system, and roof repairs and renovation/expansion of the commercial building and real estate located at 6 Franklin Road in the Village of Walton, New York; and

WHEREAS, pursuant to the CFF program rules, the CWC staff has reviewed a completed CWC Loan Application for Six Franklin Road LLC; and

WHEREAS, pursuant to the CFF program rules, the CWC Loan Committee has reviewed an Underwriting Report for Six Franklin Road LLC; and

WHEREAS, the CWC Loan Committee has recommended approval of the CWC Loan Application from Six Franklin Road LLC; 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 of Directors determines that the Six Franklin Road LLC Loan Application meets the CWC CFF Qualified Economic Development Project criteria and approves of the Loan Application for a refinance of Loan 139-01-01, principal balance being Two Hundred Thirty-Nine Thousand Two Hundred Thirty-One

Dollars (\$239,231.00), with additional new money of One Hundred Ninety-One Thousand Eight Hundred Dollars (\$191,800.00), for a term of ten (10) years, amortized over fifteen (15) years with balloon, at a rate of four percent (4.0%) and adjustable every five (5) years thereafter 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, pursuant to the REDI-loan program; and

NOW, THEREFORE BE IT FURTHER RESOLVED that 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; to complete all necessary documents, including the Right of Objection; and staff is further directed to develop the Loan Agreement, Promissory Note(s) 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 the proceeds thereof in accordance with the loan documents.

NOW, THEREFORE BE IT FURTHER RESOLVED, approval of an application by the CWC Board of Directors constitutes a preliminary decision under the MOA. 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.

QEDP Evaluation and CWC Staff Recommendation

Purpose: to review the CWC Loan Application of Six Franklin Road LLC

The Executive Director of the CWC makes the following evaluation concerning a REDI- fund loan to Six Franklin Road LLC, located in the Village of Walton, NY. Evaluation is based on the evaluation criteria established in the Catskill Fund for the Future program rules, approved on August 22, 2001 and revised on April 2, 2013, by the CWC Board of Directors.

1. Based on due inquiry to the NYS DEC, the NYC DEP and to the best of CWC's knowledge, the property at 6 Franklin Road, Walton, NY, owned by Six Franklin Road LLC, is presently in compliance with all applicable environmental statutes and regulations.
2. Based on due inquiry to the NYS DEC, the NYC DEP and to the best of CWC's knowledge, the property at 6 Franklin Road, Walton, NY, owned by Six Franklin Road 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) CWC will refinance its current Loan 139-01-01, principal being \$239,231.00, with the addition of new money of \$191,800.00. Six Franklin Road LLC will utilize the new loan funds to purchase equipment, a new heating system, and for roof repairs and renovation/expansion of the building and real estate located at 6 Franklin Road, Walton, NY.
 - (ii) The project is located in the Village of Walton.

- (iii) The project will utilize a municipal sewage system.
 - (iv) The project appears to present no threat to water quality.
 - (v) The project appears to generate no materials with the potential to degrade water quality that are not pre-treated prior to release.
 - (vi) Based on NYC DEP, the project is not in the sixty (60)-day travel time.
 - (vii) There is no impact on federal or state wetlands.
- (b) The project maintains the character of the Village of Walton.
- (i) The project is consistent with current zoning.
 - (ii) The project is compatible with surrounding land uses.
 - (iii) The project will not generate excessive traffic.
 - (iv) The project as described is of such magnitude that it does not appear likely to promote secondary growth and therefore requires no additional review of land-use plans or infrastructure.
4. The project is consistent with the West-of-Hudson Economic Development Study, which has been completed.
5. Not applicable.

Voice Vote, carried unanimously

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**VIII. Announcements from the Chair: None**

**IX. Board Member Discussion:**

*It was noted by the Board that the 20<sup>th</sup> Anniversary of the establishment of the Catskill Watershed Corporation is coming up next year. There was discussion of ability to fund a celebration of the landmark due to requirements by the NYS Authorities Budget Office.*

*Merry Christmas and well wishes for the Holidays were exchanged.*

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

**Voice Vote, carried unanimously**

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