

**CATSKILL WATERSHED CORPORATION**

**Board of Directors Meeting**

**MINUTES**

**March 7, 2017 @ 1:00 p.m.**

**I. Call to Order**

**II. Pledge of Allegiance:** Led by Wayne Marshfield.

**III. Roll Call of Directors**

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

**Members Excused:** Mark McCarthy

**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:** Michael Meyer (*New York City DEP*), Thomas Stalter (*New York City DEP*) and David Warne (*New York City DEP*).

*A moment of silence was observed in memory of James Brown, former CWC Secretary and Gilboa Town Supervisor.*

**IV. Review and Approval of February 7, 2017 Board Meeting Minutes**

A motion to approve the minutes from the February 7, 2017 board meeting was made by James Eisel and seconded by Robert Pelham.

**Voice Vote, carried unanimously**

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of December 31, 2016 was made by James Eisel and seconded by Thomas Hynes.

**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**

*John Mathiesen gave an update on the progress of the new CWC headquarters building site in Arkville, including a draft floor plan.*

**VII. Presentation of Resolutions**

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**Septic Reimbursement Over \$25,000 – Jeanine Figiel – Tab 6**

A motion to approve Resolution No. 3011 was made by Wayne Marshfield and seconded by Tina Molé.

March 7, 2017

**RESOLUTION NO. 3011**

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

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

**WHEREAS**, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than Thirty Thousand Dollars (\$30,000.00), the homeowner shall supply detailed quotes from three unrelated contractors, and CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, CWC staff has reviewed three construction quotes, including the lowest quote for the septic system repair in the amount of Thirty-Eight Thousand Eight Hundred Sixty Dollars (\$38,860.00); and

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

**WHEREAS**, the CWC staff have determined the contractor’s quote of Thirty-Eight Thousand Eight Hundred Sixty Dollars (\$38,860.00) 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-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).

**Jeanine Figiel Backup**

Ms. Figiel's property is located in the Town of Jewett, Greene County. Homeowner and CWC staff received four quotes from unrelated contractors for \$43,500.00, \$43,000.00, \$39,990.00, and \$38,860.00. This system is for a four bedroom house. The major components for this system include a 1,250 gallon septic tank, one dosing chamber, 90 lineal feet of 4" gravity piping, one distribution box, 534 cubic yards of absorption fill material, one effluent filter, 315 lineal feet of absorption trench, 140 lineal feet of swale, tree and stump removal, temporary access road, and total site restoration. The lowest quote is within 10% of the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$38,860.00.

**Voice Vote, carried unanimously**

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**Septic Reimbursement Over \$25,000 – Joseph Haskin – Tab 7**

A motion to approve Resolution No. 3012 was made by Wayne Marshfield and seconded by Tina Molé.

March 7, 2017

**RESOLUTION NO. 3012**

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

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

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

**WHEREAS**, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Five Thousand Five Hundred Twenty-One Dollars (\$25,521.00); and

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

**WHEREAS**, the CWC staff have determined the contractor's quote of Twenty-Five Thousand Five Hundred Twenty-One Dollars (\$25,521.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Twenty-Five Thousand Five Hundred Twenty-One Dollars (\$25,521.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Five Thousand Five Hundred Twenty-One Dollars (\$25,521.00).

**Joseph Haskin Backup**

Mr. Haskin’s property is located in the Town of Conesville, Schoharie County. Homeowner and CWC staff received a quote from a contractor in the amount of \$25,521.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, one dosing chamber, 155 lineal feet of 4” gravity piping, one distribution box, 339 cubic yards of absorption fill material, 225 lineal feet of absorption trench, 105 lineal feet of curtain drain, tree removal, 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 \$25,521.00.

**Voice Vote, carried unanimously**

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**Septic Reimbursement Over \$25,000 – Shelley Rosenblum– Tab 8**

A motion to approve Resolution No. 3013 was made by Wayne Marshfield and seconded by Tina Molé.

March 7, 2017

**RESOLUTION NO. 3013**

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

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

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

**WHEREAS**, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Seven Thousand Four Hundred Forty-Three Dollars and Thirty Cents (\$27,443.30); and

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

**WHEREAS**, the CWC staff have determined the contractor’s quote of Twenty-Seven Thousand Four Hundred Forty-Three Dollars and Thirty Cents (\$27,443.30) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Twenty-Seven Thousand Four Hundred Forty-Three Dollars and Thirty Cents (\$27,443.30) 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 Four Hundred Forty-Three Dollars and Thirty Cents (\$27,443.30).

**Shelley Rosenblum Backup**

Ms. Rosenblum’s property is located in the Town of Conesville, Schoharie County. Homeowner and CWC staff received a quote from a contractor in the amount of \$27,443.30. This system is for a two bedroom house. The major components for this system include a 1,000 gallon septic tank, 200 lineal feet of 4” gravity piping, one distribution box, 360 cubic yards of absorption fill material, one effluent filter, 200 lineal feet of absorption trench, 245 lineal feet of swale, tree removal, and site restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$27,443.30.

***Voice Vote, carried unanimously***

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**Septic Appeal – Cathy Foley – Tab 9**

A motion to approve Resolution No. 3014 and deny additional reimbursement was made by Martin Donnelly and seconded by Wayne Marshfield.

March 7, 2017

**RESOLUTION NO. 3014**

**SEPTIC PROGRAM APPEAL – CATHY FOLEY**

**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 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 reimbursement from Cathy Foley for costs to replace a septic system serving a residence in the Town of Hunter under the CWC Septic Program; and

**WHEREAS**, CWC staff reviewed the application and determined that the additional costs are not eligible for the Septic Program because the costs exceed the Schedule of Values for that program; 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**, Cathy Foley timely submitted a letter appealing the determination of ineligibility; 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 Cathy Foley’s Appeal pursuant to the criteria and procedure established by the CWC Article 2-A, 2:01:10; and

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

Denies the Appeal

Grants the Appeal

**Cathy Foley Septic Appeal**

Ms. Foley owns a residence in the Town of Hunter, Greene County. In 2016, she hired a local contractor to replace her septic tank. She thereafter applied to the CWC Septic Program under the reimbursement program for repairs completed prior to December 31, 2016. The home is not her primary residence, and therefore she is eligible for 60% reimbursement of eligible costs.

Ms. Foley submitted bills totaling \$4,356.48, including costs for septic tank replacement with pump-out (\$3,000.00), two septic pump outs (\$324.00 each for total of \$648.00), and one invoice for mini excavator to locate the septic tank at \$708.48. Only the septic tank replacement and one pump-out are eligible costs. Additional pump-outs and septic tank location are not eligible costs under the CWC Septic Program.

CWC provided reimbursement to Ms. Foley in the amount of \$1,800.00. She then filed the attached appeal requesting 100% reimbursement of all costs submitted to CWC.

***Voice Vote, carried unanimously***

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**Future Stormwater – Community Bank – Tab 10**

A motion to approve Resolution No. 3015 was made by Thomas Snow and seconded by Thomas Hynes.

March 7, 2017

**RESOLUTION NO. 3015**

**BOARD REVIEW OF FUTURE STORMWATER PROGRAM APPLICATION FOR  
COMMUNITY BANK FLEISCHMANN'S BRANCH  
STORMWATER CONTROLS**

**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**, the Community Bank has applied for funding of eligible project costs in the amount of Sixteen Thousand Seven Hundred Ninety-Five Dollars (\$16,795.00) for design and construction of new stormwater controls related to the paving of a parking lot; and

**WHEREAS**, the CWC share of stormwater funding is 100% of the eligible costs for this project because Community Bank is a large 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 recommendations; and

**WHEREAS**, CWC staff recommended reimbursement of eligible stormwater costs for a total not-to-exceed amount of Sixteen Thousand Seven Hundred Ninety-Five Dollars (\$16,795.00); and

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

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the attached application, staff recommendation and supporting documentation and approves payment of Sixteen Thousand Seven Hundred Ninety-Five Dollars (\$16,795.00).

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of funding 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.

**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 is required to design and construct new stormwater control measures to control stormwater runoff for a new parking lot.

The bank was required to comply with the Watershed Rules and Regulations enforced by the NYCDEP. The NYCDEP Stormwater Pollution Prevention Plan (SWPPP) approval was issued on October 18, 2016.

CWC staff recommended reimbursement of eligible stormwater costs to the CWC Wastewater/Stormwater Committee. The CWC Wastewater/Stormwater Committee recommends reimbursement of \$16,795.00 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 – Delhi River Walk Phase 2 – Tab 11**

A motion to approve Resolution No. 3016 was made by Wayne Marshfield and seconded by Robert Pelham.

March 7, 2017

**RESOLUTION NO. 3016**

**BOARD REVIEW OF FUTURE STORMWATER PROGRAM APPLICATION FOR THE VILLAGE OF DELHI RIVER WALK PHASE 2 STORMWATER CONTROLS**

**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**, the Village of Delhi has requested funding in the amount of One Hundred Fifty-Six Thousand One Hundred Forty-One Dollars (\$156,141.00) for new stormwater controls related to the construction of Phase 2 related to the river walk; 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 recommendations; and

**WHEREAS**, CWC staff recommended reimbursement of eligible stormwater construction costs for a total not-to-exceed amount of One Hundred Fifty-Six Thousand One Hundred Forty-One Dollars (\$156,141.00); and

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

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the attached application, staff recommendation and supporting documentation and approves the funding request in an amount not to exceed One Hundred Fifty-Six Thousand One Hundred Forty-One Dollars (\$156,141.00).

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of funding 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.

**CWC Future Stormwater Program Application - Village of Delhi – Phase 2 River Walk**

The Village of Delhi is constructing a river walk in Delhi, Delaware County. The disturbance is less than 1 acre and within 100 feet of a watercourse. Only NYCDEP stormwater requirements come into play. The voucher method has been requested. Per the CWC Future Stormwater Program Rules a retainage will be held until Construction Acceptance is received from NYCDEP.

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

Total Eligible Construction Costs (Not to Exceed)	\$156,141.00
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**Voice Vote, carried unanimously**

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**Future Stormwater – Town of Prattsville Medical Clinic – Tab 12**

A motion to approve Resolution No. 3017 was made by James Eisel and seconded by Richard Parete.

March 7, 2017

**RESOLUTION NO. 3017**

**BOARD REVIEW OF FUTURE STORMWATER PROGRAM APPLICATION FOR  
TOWN OF PRATTSVILLE (MEDICAL CLINIC)  
STORMWATER CONTROLS**

**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**, the Town of Prattsville has applied for a not-to-exceed amount of Sixty-Two Thousand Four Hundred Forty-Four Dollars and Six Cents (\$62,444.06) for design and construction of new stormwater controls related to the new construction of a medical building being owned by the Town and leased to Bassett Hospital and the project requires a NYS stormwater pollution prevention plan (SWPPP) and a New York City Department of Environmental Protection (NYCDEP) approved SWPPP; and

**WHEREAS**, the CWC Future Stormwater Program Rules provide that for a project where both a State/federal SWPPP is required to be prepared and a Notice of Intent is required to be filed, and a NYCDEP SWPPP approval is also required, eligible costs shall be fifty percent (50%) of all reasonable and eligible stormwater costs; 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 recommendations; and

**WHEREAS**, CWC staff recommended reimbursement of eligible stormwater design and construction costs for a total not-to-exceed amount of Sixty-Two Thousand Four Hundred Forty-Four Dollars and Six Cents (\$62,444.06); 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 payment in a total amount not to exceed Sixty-Two Thousand Four Hundred Forty-Four Dollars and Six Cents (\$62,444.06).

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of funding 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.

**CWC Future Stormwater Program Application – Town of Prattsville (Medical Clinic),  
Greene County**

Town of Prattsville has applied for design and construction funding. The Town is building a new medical building and leasing it to Bassett Hospital. The site required a SWPPP under the New

York State general stormwater permit and NYC DEP SWPPP with additional requirements above and beyond State and Federal Regulations. This project is eligible for one half of the stormwater design and construction costs.

Total Stormwater Costs: \$124,888.12  
Total Recommended CWC Funding: **\$62,444.06**

Recommended CWC funding is one half of eligible SWPPP design and construction costs  
\$62,444.06

**Voice Vote, carried unanimously**

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**Future Stormwater – Additional Funds – Nick Bove – Tab 13**

A motion to approve Resolution No. 3018 was made by Wayne Marshfield and seconded by Innes Kasanof.

March 7, 2017

**RESOLUTION NO. 3018**

**BOARD REVIEW OF ADDITIONAL FUNDS FOR NICK BOVE ENTERPRISES, 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**, on February 2, 2016, by Resolution Number 2810, the CWC Board of Directors approved an application by Nick Bove Enterprises, LLC in the amount of Three Thousand Two Hundred Seventy-Five Dollars (\$3,275.00) for design of new stormwater controls related to an addition to an existing building within 100 feet of a watercourse; and

**WHEREAS**, Nick Bove Enterprises, LLC has applied for additional funding for implementation costs in the amount of Seven Thousand Four Hundred Ninety-Four Dollars and Fifty Cents (\$7,494.50) for implementation of new stormwater controls; and

**WHEREAS**, the CWC share of stormwater funding is 50% of the eligible costs for this project because Nick Bove Enterprises, 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 Seven Thousand Four Hundred Ninety-Four Dollars and Fifty Cents (\$7,494.50); and

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

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the attached application, staff recommendation and supporting documentation and approves additional funding for implementation costs in the amount of Seven Thousand Four Hundred Ninety-Four Dollars and Fifty Cents (\$7,494.50) for total reimbursement of Ten Thousand Seven Hundred Sixty-Nine Dollars and Fifty Cents (\$10,769.50).

**Future Stormwater Program Application – Nick Bove Enterprises, LLC**

Nick Bove Enterprises, LLC has property in the Town of Hunter, Greene County. The applicant constructed an addition on an existing building within 100 feet of a watercourse which required a SWPPP with NYC DEP. Nick Bove Enterprises, 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%.

Construction Acceptance has been received from NYCDEP.

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

Total Eligible Costs	\$14,989.00
NYCDEP 50% Share	\$7,494.50

Recommended CWC funding 50% of eligible SWPPP costs \$7,494.50  
Total approved CWC funding amount \$10,769.50

Nick Bove Enterprises, LLC is also eligible to apply to NYCDEP to seek reimbursement for up to 50% of these costs.

**Voice Vote, carried unanimously**

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**Stormwater Retrofit – Delaware Academy – Tab 14**

A motion to approve Resolution No. 3019 was made by James Eisel and seconded by Tina Molé.

March 7, 2017

**RESOLUTION NO. 3019**

**BOARD REVIEW OF STORMWATER RETROFIT PROGRAM APPLICATION  
FOR DELAWARE ACADEMY**

**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**, CWC and NYCDEP staff have jointly reviewed and recommend the Delaware Academy Stormwater Retrofit application for design funding as detailed in the application dated December 9, 2016 to develop a scope of work and design phase costs requesting Forty-Three Thousand Five Hundred Dollars (\$43,500.00) and have presented their recommendations to the CWC Wastewater Committee; and

**WHEREAS**, the CWC Wastewater Committee has reviewed and recommended the proposal as detailed in the application dated December 9, 2016 provided that Ten Thousand Dollars (\$10,000.00) be available immediately and the remainder available upon CWC and NYCDEP approval of scope and conceptual design; 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 Forty-Three Thousand Five Hundred Dollars (\$43,500.00) with Ten Thousand Dollars (\$10,000.00) available immediately and the remainder available upon CWC and NYCDEP approval of scope and conceptual design.

**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.

### **CWC Stormwater Retrofit Program - Delaware Academy Application**

Delaware Academy, with assistance from Appel Osborne, proposes to implement a Stormwater Retrofit Project to improve stormwater drainage on the Delaware Academy Campus. The campus is 177 acres in the Town of Delhi, Delaware County. This application will be focusing on approximately 84 acres with 21 acres of that area being impervious.

The CWC Wastewater/Stormwater Committee recommends approving the application with a total not-to-exceed amount of \$43,500.00. DEP staff requested that only that only \$10,000.00 be

released to develop a scope and a conceptual design for review by NYCDEP and CWC staff. The remainder will be released upon CWC and NYCDEP staff approval of the scope and conceptual design.

The CWC Wastewater/Stormwater Committee recommends approving the application to develop a scope and design phase costs for a not-to-exceed amount of \$43,500.00.

**Voice Vote, carried unanimously**

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**Stormwater Retrofit – Delhi River Walk Phase 2 – Tab 15**

A motion to approve Resolution No. 3020 was made by Thomas Hynes and seconded by Berndt Leifeld.

March 7, 2017

**RESOLUTION NO. 3020**

**BOARD REVIEW OF THE  
VILLAGE OF DELHI RIVERWALK PHASE 2  
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**, 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 funding for the Village of Delhi Riverwalk Phase 2 Stormwater Project as detailed in the application dated February 16, 2017 for a not-to-exceed amount of Two Hundred Forty-Seven Thousand Six Hundred Eighty-Two Dollars (\$247,682.00) 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 February 16, 2017; 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 Delhi Riverwalk Phase 2 Stormwater Project as per the attached funding limits totaling a not-to-exceed amount of Two Hundred Forty-Seven Thousand Six Hundred Eighty-Two Dollars (\$247,682.00).

**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.

**CWC Stormwater Retrofit Program - Village of Delhi Riverwalk Phase 2, Delaware County**

The Village of Delhi did a SWPPP for the Village of Delhi Riverwalk where they were required by the NYC DEP to include their future plans for Retrofit Projects in the nearby vicinity of the Riverwalk. The Retrofit project will be constructed concurrently with the Future Stormwater Project. The estimated cost for construction is \$247,682.00.

CWC Wastewater Committee recommends funding in a not-to-exceed amount of \$247,682.00.

**Voice Vote, carried unanimously**

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**Stormwater Retrofit – Additional Funds – Delaware County Vac Truck – Tab 16**

A motion to approve Resolution No. 3021 was made by James Eisel and seconded by Martin Donnelly.

March 7, 2017

**RESOLUTION NO. 3021**

**BOARD REVIEW OF THE  
DELAWARE COUNTY DPW VAC TRUCK - ADDITIONAL FUNDS  
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**, 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**, on December 6, 2016, by Resolution Number 2985, the CWC Board of Directors approved a funding application by Delaware County DPW in an amount not to exceed Two Hundred Sixty Thousand Dollars (\$260,000.00); and

**WHEREAS**, Delaware County DPW has provided documentation supporting the original request of Five Hundred Thousand Dollars (\$500,000.00) and has requested CWC approve the full amount of the original application; and

**WHEREAS**, Delaware County DPW has agreed to return to CWC the money made on selling the existing truck at auction; and

**WHEREAS**, CWC and NYCDEP staff have jointly reviewed and recommend approving the additional Two Hundred Forty Thousand Dollars (\$240,000.00) for a total not-to-exceed amount of Five Hundred Thousand Dollars (\$500,000.00); and have presented their recommendations to the CWC Wastewater Committee; and

**NOW, THEREFORE, LET IT BE RESOLVED**, the CWC Board of Directors approves additional funding for Delaware County DPW in an amount not to exceed Two Hundred Forty Thousand Dollars (\$240,000.00), for a total not-to-exceed amount of Five Hundred Thousand Dollars (\$500,000.00).

**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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**Stormwater Retrofit – O&M Costs – Delaware Valley Hospital & Town of Lexington – Tab 17**

A motion to approve Resolution No. 3022 was made by Thomas Hynes and seconded by Wayne Marshfield.

March 7, 2017

**RESOLUTION NO. 3022**

**BOARD REVIEW OF OPERATION & MAINTENANCE FUNDS  
FOR COMPLETED STORMWATER RETROFITS PROJECT**

**WHEREAS**, Paragraph 125 of the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA) authorizes 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 to the extent such BMP's are necessary to correct or reduce existing erosion and/or pollutant loading; and

**WHEREAS**, the CWC Board of Directors previously approved Stormwater Retrofit Projects as described in Attachment A; and

**WHEREAS**, pursuant to the CWC Program rules as adopted by the CWC Board of Directors, Stormwater Retrofit Projects are eligible for maintenance funds totaling 17.6% of the CWC Stormwater Retrofit grant funds actually utilized, for regular periodic inspections, additional inspections before and after heavy storm events, periodic removal of debris and excavation of sediment from BMPs, and necessary repairs as needed to preserve the function of the BMPs; and

**WHEREAS**, pursuant to the Program Rules, upon completion of the project and prior to receipt of maintenance funds, the project sponsor must finalize the maintenance manual in consultation with CWC, DEP, local code enforcement officers and local planning personnel; and

**WHEREAS**, any required operation and maintenance cost not covered by CWC funding shall be the responsibility of the project owner and/or project sponsor; and

**WHEREAS**, the CWC Stormwater/Wastewater Committee anticipate that the applicants in Attachment A will request funding for operation and maintenance costs from CWC; and

**WHEREAS**, the CWC Stormwater/Wastewater Committee recommends that the CWC Board of Directors authorize the President and/or Executive Director to enter into individual contracts with the applicants described in Attachment A, or the municipalities where such projects are located, for the amount equal to 17.6% of stormwater retrofit funds provided by CWC, for a total of all

such contracts not to exceed Seventy-Eight Thousand Eighty-Five Dollars and Seventy-Seven Cents (\$78,085.77); and

**WHEREAS**, pursuant to the CWC Program Rules, the CWC Board of Directors has reviewed the request.

**NOW, THEREFORE, LET IT BE FURTHER RESOLVED**, the CWC Board authorizes the President and/or Executive Director to execute Maintenance Contracts with the applicants and in the amounts described in Attachment A or the municipality where a project is located for a total amount not to exceed Seventy-Eight Thousand Eighty-Five Dollars and Seventy-Seven Cents (\$78,085.77).

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of an application by the Board 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.

**ATTACHMENT A**

The following stormwater retrofit projects are completed and eligible for additional funding for operation and maintenance costs.

Applicant	Total CWC Funding	Maximum O&M Reimbursement
Town of Lexington– Lexington SSIP	\$177,719.64	\$31,278.66
Delaware Valley Hospital	\$265,949.50	\$46,807.11

**OPERATION AND MAINTENANCE TOTAL: \$78,085.77**

***Voice Vote, carried unanimously***

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**FHMIP – Hazard Assessment Lead Contract – Chazen Companies – Tab 18**

A motion to approve Resolution No. 3023 was made by Thomas Snow and seconded by Innes Kasanof.

March 7, 2017

**RESOLUTION NO. 3023**

**BOARD APPROVAL OF FLOOD HAZARD MITIGATION IMPLEMENTATION PROGRAM – ENGINEERING CONSULTANT, ASSESSMENT LEAD SERVICES**

**WHEREAS**, the Catskill Watershed Corporation (CWC) is a not-for-profit corporation established to administer Watershed Protection and Partnership Programs as more fully described herein; and

**WHEREAS**, ninety percent of New York City’s water supply originates in the Catskill Mountain region from an area commonly referred to as the West of Hudson portion of the watershed of the New York City water supply (the “West of Hudson Watershed” or “Watershed”), which spans over 1,600 square miles and portions of five counties, forty-one towns, and eight villages; and

**WHEREAS**, the CWC, City of New York (City), all municipalities in the West of Hudson Watershed, New York State, the federal Environmental Protection Agency, and several environmental organizations recognized that the goals of drinking water protection and economic vitality within the West of Hudson Watershed communities are not inconsistent and under the 1997 New York City Watershed Memorandum of Agreement (“Watershed MOA”) agreed to cooperate in the development and implementation of watershed protection programs that maintain and enhance the quality of the City’s drinking water supply system and the economic and social character of the West of Hudson Watershed communities; and

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

**WHEREAS**, as a condition of the 2014 Mid-Term Filtration Avoidance Determination Review, New York City Department of Environmental Protection (NYCDEP) has agreed to fund a Flood Hazard Mitigation Implementation Program to reduce repetitive flood losses that also pose a threat to water quality during storm events, and assistance in the City funded Flood Buyout Program (City FBO); and

**WHEREAS**, on March 4, 2014, by Resolution Number 2439, the CWC Board of Directors agreed to serve as program manager of such a program to be referred to as the CWC Flood Hazard Mitigation Implementation Program (the “Program”) and approved a Program Agreement with the City; and

**WHEREAS**, Greene County Soil and Water Conservation District has been designated as both an outreach lead and an assessment lead in the Towns of Jewett and Hunter; and

**WHEREAS**, CWC has received a request from Greene County Soil and Water Conservation District for funding to hire an engineering consultant because they do not have the technical expertise to evaluate eligibility of a property for acquisition of the City FBO under the erosion hazard category; and

**WHEREAS**, CWC anticipates additional funding requests and issued a request for proposal for engineering services for evaluation of potential flood buyout properties, including evaluation of potential inundation hazards and erosion hazards; and

**WHEREAS**, CWC and DEP staff evaluated the proposals received and recommend the CWC Board approve entering into a contract with Chazen Companies for a not-to-exceed amount of Fifty Thousand Dollars (\$50,000.00) at rates described in Attachment A for a term of two years; and

**WHEREAS**, the CWC Wastewater Committee, having reviewed the responses received, recommends the CWC Board authorize a contract with Chazen Companies for a not-to-exceed amount of Fifty Thousand Dollars (\$50,000.00) at rates described in Attachment A for a term of two years for evaluation of potential flood buyout properties, including evaluation of potential inundation hazards and erosion hazards.

**NOW THEREFORE BE IT RESOLVED**, the CWC Board of Directors authorizes the President and/or Executive Director to execute a contract with Chazen Companies for an amount not to exceed Fifty Thousand Dollars (\$50,000.00) at rates described in Attachment A for a term of two years for evaluation of potential flood buyout properties, including evaluation of potential inundation hazards and erosion hazards.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of funding 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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**LTAP – Town of Roxbury Change in Scope – Tab 19**

A motion to approve Resolution No. 3024 was made by James Eisel and seconded by Robert Pelham.

March 7, 2017

**RESOLUTION NO. 3024**

**BOARD REVIEW OF LOCAL TECHNICAL ASSISTANCE PROGRAM**  
**TOWN OF ROXBURY GEIS – CHANGE OF SCOPE**

**WHEREAS**, the Catskill Watershed Corporation (CWC) and New York City Department of Environmental Protection (NYCDEP) recognize that the goals of drinking water protection and economic vitality within the West of Hudson Watershed communities are not inconsistent and it is the intention of the Parties to continue the partnership created by the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA) to cooperate in the development and implementation of watershed protection programs that maintain and enhance the quality of the City’s drinking water supply system and the economic and social character of the West of Hudson Watershed communities; and

**WHEREAS**, in connection therewith, the City agreed to fund a Local Technical Assistance Program to provide support for community planning efforts designed to improve water-quality and enhance the quality of life in the West of Hudson Watershed; and

**WHEREAS**, CWC has agreed to serve as program manager of a Local Technical Assistance Program and to identify projects and allocate and disburse program funds to each project in accordance with this Agreement and agreements with each identified recipient of the funds; and

**WHEREAS**, by Resolution Number 900, the CWC Board of Directors established the CWC Local Technical Assistance 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 1210, the CWC Board of Directors approved funding for the Town of Roxbury Comprehensive Plan & GEIS in an amount not to exceed Eighty-Four thousand Dollars (\$84,000.00); and

**WHEREAS**, by Resolution 1353, the CWC Board of Directors approved an additional funding by the Town of Roxbury for the Roxbury Comprehensive Plan & GEIS in the amount of Nine Thousand Two Hundred Dollars (\$9,200.00); and

**WHEREAS**, the Town of Roxbury requested that the scope of the grant noting that the comprehensive plan was funded with other funds, and requested the scope of the CWC LTAP grant be amended to provide as part of the GEIS the preparation of detailed flood maps in the Hamlet of Grand Gorge to better inform on flood mitigation measures for that portion of the Town; and

**WHEREAS**, CWC and NYCDEP staff have jointly reviewed and recommend additional funding for the Roxbury Comprehensive Plan & GEIS and have presented their recommendations to the CWC Wastewater/Stormwater Committee; and

**WHEREAS**, the CWC Wastewater/Stormwater Committee has reviewed and recommended for the Roxbury GEIS; 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 the change of scope requested by the Town of Roxbury for the LTAP Comprehensive Plan and GEIS grant and authorizes the President and/or Executive Director to execute amended contract with the Town of Roxbury.

**CWC Local Technical Assistance Program (LTAP)  
Roxbury Comprehensive Plan & GEIS  
Change in Scope**

In 2007, funding was distributed to applicants in the Schoharie Basin under the 2007 Schoharie Basin GEIS Funding Round. This funding was awarded to municipalities in Schoharie Basin to conduct Generic Environmental Impact Statements (GEIS). Under this funding round, the Town of Roxbury applied for a total of \$93,200 to fund a Comprehensive Plan and GEIS. The Town of Roxbury was awarded \$84,000 under this round, leaving a shortfall of \$9,200. The Town thereafter requested and was approved by the CWC Board for total funding of \$93,200.

The Town received other funding to complete the update of the Comprehensive Plan. In reviewing mitigation measures for future development in the GEIS, the Town identified a need for detailed flood maps for the hamlet of Grand Gorge. The Town is therefore requesting the scope of the LTAP grant be revised to provide for funding of preparation of detailed flood maps in the hamlet of Grand Gorge as part of a GEIS for the Town of Roxbury. No additional funds are requested.

**Voice Vote, carried unanimously**

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

**Voice Vote, carried unanimously**

A motion to resume the regular meeting was made by Donald Brandow and seconded by Tina Molé.

**Voice Vote, carried unanimously**

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**CFF REDI Loan – Catskill Seasons Ltd. – Tab 20**

A motion to approve Resolution No. 3025 was made by James Eisel and seconded by Innes Kasanof.

March 7, 2017

**RESOLUTION NO. 3025**

**APPROVAL OF CATSKILL SEASONS LTD**

**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**, Catskill Seasons LTD has applied for a Sixty Thousand Dollar (\$60,000.00) loan for a term of five (5) years, at a rate of four percent (4.0%), such that the outstanding principal is fully paid on the sixtieth (60<sup>th</sup>) payment date, for the purchase of inventory, furniture, fixtures and equipment, and for working capital; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Staff has reviewed a completed CWC Loan application for Catskill Seasons LTD; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for Catskill Seasons LTD; and

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from Catskill Seasons LTD, 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 Catskill Seasons LTD's application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of Sixty Thousand Dollars (\$60,000.00) for a term of five (5) years, at a rate of four percent (4.0%), such that the outstanding principal is fully paid on the sixtieth (60<sup>th</sup>) payment date and further waives the requirement of a participating lender pursuant to CFF Program Rule § 1:05:02.

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

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

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

**QEDP Evaluation and CWC Staff Recommendation**

**Purpose: To review the CWC Loan Application of Catskill Seasons LTD**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Catskill Seasons LTD located in the Town of Middletown, 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 768 Main Street, Margaretville, to be rented by Catskill Seasons LTD, 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 768 Main Street, Margaretville, to be rented by Catskill Seasons LTD, 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) Catskill Seasons LTD, located 768 Main Street, Margaretville, will be ran as a retail store
  - (ii) The project is located in the Town of Middletown.
  - (iii) The project will utilize a WWTP.
  - (iv) The project appears to present no threat to water quality.
  - (v) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
  - (vi) Based on NYCDEP the project is in the 60 day travel time.
  - (vii) There is no impact on Federal or State wetlands.
- (b) The project maintains the character of the Town of Middletown.
  - (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 – Dutchess Farm Equestrian Community LLC – Easement Purchase with NYCDEP – Tab 21**

A motion to approve Resolution No. 3026 was made by Richard Parete and seconded by Robert Pelham.

March 7, 2017

**RESOLUTION NO. 3026**

**APPROVAL OF DUCHESS FARM EQUESTRIAN COMMUNITY LLC REQUEST TO ENTER INTO AN EASEMENT PURCHASE AGREEMENT WITH NYCEP**

**WHEREAS**, the Catskill Watershed Corporation (CWC) established the REDI Fund Loan Program for the purpose of providing low interest loans to qualified economic development projects in the West of Hudson Watershed to be administered by the CWC in accordance with the Catskill Fund for the Future (CFF) Program Rules; and



**WHEREAS**, On December 4, 2012 by Resolution Number 2227, the CWC Board of Directors approved a loan to Duchess Farm Equestrian Community LLC, in the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) for a term of seven (7) years, at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, to be amortized in equal monthly payments, such that the outstanding principal is fully paid on the last payment date, for the eligible refinance of an equestrian center consisting of a 40 stall horse barn, indoor riding arena and a hay storage barn; and

**WHEREAS**, Duchess Farm Equestrian Community LLC has requested that CWC allow them to enter into a contract with the City of New York for an Easement Purchase Agreement on a portion of the land subject to mortgage of CWC so that the NYCEP may maintain and repair the Catskill Aqueduct under the land; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Staff has reviewed the request from Duchess Farm Equestrian Community LLC, Inc.; and

**WHEREAS**, pursuant to the CFF Program rules the CWC Loan Committee has reviewed said request for Duchess Farm Equestrian Community LLC; and

**WHEREAS**, the CWC Loan Committee has recommended approval of the requested allow Duchess Farm Equestrian Community LLC to enter into an Easement Purchase Agreement with the City of New York; and

**WHEREAS**, the CWC staff has reviewed and processed this request, and submitted the request to the Board of Directors, attached hereto; and

**WHEREAS**, pursuant to the CFF Program rules only the CWC Board of Directors may approve a material change to an approved loan.

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board approves request by Duchess Farm Equestrian Community LLC to enter into an easement with and the City of New York on land subject to a mortgage by the CWC.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, the CWC staff is authorized and directed to issue a letter informing Duchess Farm Equestrian Community LLC of the approved request.

**Voice Vote, carried unanimously**

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*A motion to waive Rule 14 was made by James Eisel and seconded by Wayne Marshfield.*

**Handout Resolution – Heart of the Catskills Communications d/b/a MTC Cable Collateral Change**

A motion to approve Resolution No. 3027 was made by Innes Kasanof and seconded by Thomas Hynes.

March 7, 2017

**RESOLUTION NO. 3027**

**APPROVAL OF COLLATERAL CHANGE FOR  
HEART OF THE CATSKILLS COMMUNICATIONS D/B/A MTC CABLE**

**WHEREAS**, the Catskill Watershed Corporation (CWC) is a not-for-profit local development corporation whose purpose is, in part, to act in the public interest by promoting increased employment and encouraging environmentally sound development within the West of Hudson Watershed (WOH); and

**WHEREAS**, to foster the goals of environmentally sound development and increased employment the CWC will from time to time enter into demonstration projects and alliances with other organizations with similar goals that can be replicated throughout the WOH with funding from the Catskill Fund for the Future (CFF); and

**WHEREAS**, the CWC Economic Development Committee has recognized the need to extend broadband internet service to as much of the watershed area as practical to foster economic development, improve educational opportunities and improve the quality of life; and

**WHEREAS**, Margaretville Telephone Company (MTC) has successfully implemented and maintained Direct Subscriber Lines (DSL) and Cable broadband service in over 90% of its service area; and

**WHEREAS**, the deployment of broadband service in un-served and underserved areas has the potential to increase adult employment, improve educational opportunities and improve the quality of life in the watershed community; and

**WHEREAS**, on August 4, 2009, by Resolution Number 1575, the CWC Board of Directors approved an alliance with MTC and M-ARK Project in an amount up to Two Hundred Fifty Thousand Dollars (\$250,000.00) for expansion of broadband internet service to un-served and underserved areas of Schoharie and Delaware Counties; and

**WHEREAS**, on April 6, 2010, by Resolution Number 1721, the CWC Board of Directors under the Catskills Studies Funding Program approved Twenty-Four Thousand Seven Hundred Fifty Dollars (\$24,750.00) to fund environmental, market development feasibility and engineering studies by MTC Cable for the extension of broadband services to the un-served Schoharie County Towns of Gilboa and Conesville, the purpose of which is to improve job opportunities and local employment while protecting the environment; and

**WHEREAS**, on September 3, 2013, by Resolution Number 2372, the CWC Board of Directors, under the Catskills Studies Funding Program, approved MTC's request for a letter of support from the CWC for the MTC Wireless Broadband Project and matching funds from CWC to strengthen their application in the amount of Ten Thousand Dollars (\$10,000.00); and

**WHEREAS**, on July 1, 2014, by Resolution Number 2516, the CWC Board of Directors, under the Catskills Studies Funding Program, approved Delaware County Broadband Initiative (DCBI) request for a letter of support from the CWC for the MTC Wireless Broadband Project and matching funds from CWC to provide broadband to un-served and underserved residences and businesses in Delaware County and strengthen their application in the amount of Twenty-Five Thousand Dollars (\$25,000.00); and

**WHEREAS**, on September 1, 2015, by Resolution Number 2737, the CWC Board of Directors approved a loan to the Heart of the Catskills Communications, Inc. d/b/a MTC Cable for a One Million One Hundred Thousand Dollar (\$1,100,000.00) for a term of five (5) years, interest only for the first twenty-four months, at a rate of two percent (2.0%), such that the outstanding principal is fully paid on the sixtieth (60<sup>th</sup>) payment date, for the purpose of fulfilling their grant obligations; and

**WHEREAS**, on April 5, 2016, by Number Resolution 2839, the CWC Board of Directors approved a loan to the Heart of the Catskills Communications, Inc. d/b/a MTC Cable for Four Million Three Hundred Twenty-Two Thousand Dollar One Hundred Twenty Three Dollars (\$4,322,123.00) for a term of fifteen (15) years, interest only for the first twenty-four months, at a rate of two percent (2.0%), such that the outstanding principal is fully paid on the one hundred eightieth (180<sup>h</sup>) payment date, for the purpose of fulfilling their broadband grant obligations; and

**WHEREAS**, the Catskill Fund for the Future Program Rules section 1:02:04 require that a material change, including a change in collateral coverage, to a previously approved loan requires CWC Board review and approval; and

**WHEREAS**, on June 7, 2016, by Number Resolution 2899, the CWC Board of Directors approved a collateral change to the loan to the Heart of the Catskills Communications, Inc. d/b/a MTC Cable to allow for a shared first position with USDA as originally approved, and also a possible future bank loan of up to Four Million Dollars (\$4,000,000.00) and such bank loan would have to also be approved by USDA and the Public Service Commission, and such request if approved will result in a change to the collateral coverage of the loan; and

**WHEREAS**, on February 7, 2017, by Resolution Number 3010, the CWC Board of Directors approved the Heart of the Catskills Communications, Inc. d/b/a MTC Cable request allowing the material change to the terms of the loan for a shared first position with a lender to replace the loan that was anticipated from USDA, and such bank loan would have to also be approved by the Public Service Commission; and

**WHEREAS**, the Heart of the Catskills Communications, Inc. d/b/a MTC Cable has informed CWC that said loans are not subject to the Public Service Commission (PSC) approval because pursuant to Public Service Law § 101, jurisdiction for debt approval by the PSC is limited to telegraph and telephone corporations, and MTC Cable is not a telephone corporation; and

**WHEREAS**, the Heart of the Catskills Communications, Inc. d/b/a MTC Cable has requested that the requirement of Public Service Commission approval be removed.

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board approves the request of Heart of the Catskills Communications, Inc. d/b/a MTC Cable for requested change to remove Public Service Commission approval of the loan as described above.

**QEDP Evaluation and CWC Staff Recommendation**

**Purpose: To review the CWC Loan Application of Heart of the Catskills Communications, Inc. d/b/a MTC Cable**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Heart of the Catskills Communications, Inc. d/b/a MTC Cable located in the Village of

Margaretville, 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 579 Main Street, Margaretville, NY, owned by Heart of the Catskills Communications, Inc. d/b/a MTC Cable, 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 579 Main Street, Margaretville, NY, owned by Heart of the Catskills Communications, Inc. d/b/a MTC Cable, 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) Heart of the Catskills Communications, Inc. d/b/a MTC Cable will fulfill its broadband grant obligations and provide broadband service to un-served and underserved residents and businesses.
  - (ii) The project is located in the Village of Margaretville.
  - (iii) The project will utilize a municipal waste water treatment system.
  - (iv) The project appears to present no threat to water quality.
  - (v) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
  - (vi) Based on NYCDEP the project is in the 60 day travel time.
  - (vii) There is no impact on Federal or State wetlands.(b) The project maintains the character of the Village of Margaretville.
  - (i) The project is consistent with current zoning.
  - (ii) The project is compatible with surrounding land uses.
  - (iii) The project will not generate excessive traffic.
  - (iv) The project as described is of such magnitude that it does not appear likely to promote secondary growth and therefore requires not additional review of land use plans or infrastructure.
4. The project is consistent with the West of Hudson Economic Development Study, which has been completed.
5. Not applicable.

**Voice Vote, carried unanimously**

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**VIII. Announcements from the Chair:**

**IX. Board Member Discussion:**

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

**Voice Vote, carried unanimously**

**X. Adjournment: @ 1:42 p.m.**