

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

January 2, 2018 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by Mark McCarthy.

III. Roll Call of Directors

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

Members Excused: Robert Pelham

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

Others Present: Bruce E. Dolph, Charles Gregory, Supervisor (*Town of Walton*), Tracy Ledder (*NYS Department of Health*), Michael Meyer (*New York City DEP*), Molly Oliver Molly (*Delaware County Watershed Affairs*), and Patrick Palmer (*NYS Department of Health*).

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

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

Voice Vote, carried unanimously

~~~~~

**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of October 31<sup>st</sup>, 2017 was made by James Eisel and seconded by Mark McCarthy.

**Voice Vote, carried unanimously**

~~~~~

Executive Director's Report

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

Committee Schedule

Committee Meeting Minutes

VI. Public Discussion

Alan Rosa introduced Patrick Palmer who replaced Dr. Pamela Young at New York State Department of Health. Patrick noted that the Filtration Avoidance Determination was issued Thursday of last week. He asked that if anyone has questions, to speak with him after the meeting.

Presentation of Resolutions

~~~~~

**Septic Reimbursement Over \$25,000 – Carmine Cafiero – Tab 6**

A motion to approve Resolution No. 3208 was made by Wayne Marshfield and seconded by Tina Molé.

January 2, 2018

**RESOLUTION NO. 3208**

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

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

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

**WHEREAS**, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Nine Thousand Nine Hundred Ninety Two Dollars (\$29,992.00); and

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

**WHEREAS**, the CWC staff have determined the contractor’s quote of Twenty-Nine Thousand Nine Hundred Ninety-Two Dollars (\$29,992.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Twenty-Nine Thousand Nine Hundred Ninety-Two Dollars (\$29,992.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Nine Thousand Nine Hundred Ninety-Two Dollars (\$29,992.00).

**Carmine Cafiero Backup**

Ms. Cafiero'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 \$29,992.00. This system is for a four bedroom house. The major components for this system include one 1250 gallon septic tank, one syphon chamber, 340 lineal feet of 4" gravity piping, one distribution box, 285 cubic yards of absorption fill material, one effluent filter, 275 lineal feet of absorption trench, 125 lineal feet of curtain drain, 2 cleanouts, 225 lineal feet of swale, temporary access road and site restoration. We received a quote from a contractor for \$29,992.00. The quote is below our estimated cost of construction. The quote does not exceed the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$29,992.00.

**Voice Vote, carried unanimously**

~~~~~

Septic Reimbursement Over \$25,000 – Thomas Cashin – Tab 7

A motion to approve Resolution No. 3209 was made by Anthony Van Glad and seconded by Tina Molé.

January 2, 2018

RESOLUTION NO. 3209

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

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

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

WHEREAS, CWC staff has reviewed a construction quote submitted by a contractor for the septic system repair in the amount of Twenty-Nine Thousand Five Hundred Seventy-Nine Dollars and Fifty Cents (29,579.50); and

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

WHEREAS, the CWC staff have determined the contractor's quote of Twenty-Nine Thousand Five Hundred Seventy-Nine Dollars and Fifty Cents (29,579.50) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the contractor's quote of Twenty-Nine Thousand Five Hundred Seventy-Nine Dollars and Fifty Cents (29,579.50) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Nine Thousand Five Hundred Seventy-Nine Dollars and Fifty Cents (29,579.50).

Thomas Cashin Backup

Mr. Cashin's property is located in the Town of Middletown, Delaware County. The home currently has three bedrooms. The homeowner wants to add a bedroom in the future and requested quotes for a system designed for four bedrooms. CWC septic program cannot pay for portion of cost attributable to the additional bedroom. CWC reviewed the quote of \$32,850.00 and prorated the cost for a three bedroom system for \$29,579.50. The major components for this system include 1000 gallon septic tank, one syphon chamber, 87 lineal feet of 4" gravity piping, one distribution box, 452 cubic yards of absorption fill material, one effluent filter, 330 lineal feet of absorption trench, 105 lineal feet curtain drain, tree removal, temporary access road, 45 lineal feet of outlet (non-perforated) piping for the curtain drain, and extensive site restoration. The quote does not exceed the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$29,579.50.

Voice Vote, carried unanimously

~~~~~

**Septic Reimbursement Over \$25,000 – Michael Gogins – Tab 8**

A motion to approve Resolution No. 3210 was made by Wayne Marshfield and seconded by Anthony Van Glad.

January 2, 2018

**RESOLUTION NO. 3210**

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

**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-Two Thousand Three Hundred Thirty-Five Dollars and Nineteen Cents (\$32,335.19); 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-Two Thousand Three Hundred Thirty-Five Dollars and Nineteen Cents (\$32,335.19) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor's quote of Thirty-Two Thousand Three Hundred Thirty-Five Dollars and Nineteen Cents (\$32,335.19) 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-Two Thousand Three Hundred Thirty-Five Dollars and Nineteen Cents (\$32,335.19).

**Michael Gogins Backup**

Mr. Gogins property is located in the Town of Bovina, Delaware County. Homeowner and CWC staff received three quotes from unrelated contractors for \$40,965.14, \$35,300.00, and \$32,335.19. This system is for a five bedroom house. The major components for this system include, one 1500 gallon septic tank, 288 lineal feet of gravity piping, one distribution box, 209 cubic yards of absorption fill material, one effluent filter, 360 lineal feet of Presby system piping, 60 cubic yards of c-33 sand, 65 lineal feet of vent piping, temporary access road, 2 clean outs and extensive 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 \$32,335.19.

***Voice Vote, carried unanimously***

~~~~~

Septic Reimbursement Over \$25,000 – Christine Place – Tab 9

A motion to approve Resolution No. 3211 was made by Wayne Marshfield and seconded by David Warne.

January 2, 2018

RESOLUTION NO. 3211

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

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 Seven Hundred Seventy-One Dollars (\$27,771.00); and

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

WHEREAS, the CWC staff have determined the contractor’s quote of Twenty-Seven Thousand Seven Hundred Seventy-One Dollars (\$27,771.00) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the contractor’s quote of Twenty-Seven Thousand Seven Hundred Seventy-One Dollars (\$27,771.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Seven Thousand Seven Hundred Seventy-One Dollars (\$27,771.00).

Christine Place Backup

Ms. Place’s property is located in the Town of Meredith Delaware County. Homeowner and CWC staff received a quote from a contractor in the amount of \$27,771.00. This system is for a four bedroom house. The major components for this system include 1250 gallon septic tank, one flout chamber, 48 lineal feet of 4” gravity piping, one distribution box, 238 c.y. of absorption fill material, one effluent filter, 336 square feet of elgin in-drain units, 21 c.y. of C-33 sand, 100 lineal feet of curtain drain, access road, 50 lineal feet of curtain drain outlet piping, and extensive site restoration. The quote does not exceed the CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$27,771.00.

Voice Vote, carried unanimously

~~~~~

**Septic Reimbursement Over \$25,000 – Additional Costs – Steven Cohen – Tab 10**

A motion to approve Resolution No. 3212 was made by Anthony Van Glad and was seconded by Tina Molé.

**RESOLUTION NO. 3212**

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

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

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

**WHEREAS**, on August 1, 2017, by Resolution Number 3115, the CWC Board approved reimbursement to Steven Cohen in an amount not to exceed Twenty-Nine Thousand Nine Hundred Ninety Dollars (\$29,990); 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 Thousand Five Hundred Dollars (\$5,500.00); 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 Thousand Five Hundred Dollars (\$5,500.00); and

**WHEREAS**, CWC staff have determined that Thirty-Five Thousand Four Hundred Ninety Dollars (\$35,490.00) 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-Five Thousand Four Hundred Ninety Dollars (\$35,490.00) 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-Five Thousand Four Hundred Ninety Dollars (\$35,490.00).

**Steven CohenBackup**

Mr. Cohen’s property is located in the Town of Hunter, Greene County. CWC Board of Directors previously approved reimbursement for this project at \$29,990.00. During the construction phase the project engineer notes that the existing septic tank was leaking and

directed the contractor to replace the existing tank with a 1250 gallon septic tank. It was notes that the tank was well over five feet deep. A tank that deep could require a load bearing tank. Removing some of the material from over the tank is cost effective, avoiding the need of a load bearing tank. Removing this material also made future maintenance much easier. The additional cost for installing the tank and relocating the material and additional restoration is \$5,500.00. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$5,500.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$5,500.00, for total reimbursement not to exceed \$35,490.00.

**Voice Vote, carried unanimously**

~~~~~

Septic Reimbursement Over \$25,000 – Additional Costs – Vanessa Jacobs – Tab 11

A motion to approve Resolution No. 3213 was made by James Sofranko and was seconded by Martin Donnelly.

January 2, 2018

RESOLUTION NO. 3213

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

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

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

WHEREAS, on September 5, 2017, by Resolution Number 3130, the CWC Board approved reimbursement to Vanessa Jacobs in an amount not to exceed Twenty-Eight Thousand Twenty-Eight Dollars (\$28,028.00); 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 Eighty-Four Dollars (\$3,584.00); 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 Three Thousand Five Hundred Eighty-Four Dollars (\$3,584.00); and

WHEREAS, CWC staff have determined that Thirty-One Thousand Six Hundred Twelve Dollars (\$31,612.00) 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 Six Hundred Twelve Dollars (\$31,612.00) 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 Six Hundred Twelve Dollars (\$31,612.00).

Vanessa Jacobs Backup

Ms. Jacobs's property is located in the Town of Woodstock, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$28,028.00. During construction rock was encountered in the area of the septic tank and pump chamber. In addition, clean fill was required around the septic tank and pump chamber. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$3,584.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$3,584.00, for total reimbursement not to exceed \$31,612.00.

Voice Vote, carried unanimously

~~~~~

**Septic Reimbursement Over \$25,000 – Additional Costs – Maureen Knipper – Tab 12**

A motion to approve Resolution No. 3214 was made by Anthony Van Glad and was seconded by Innes Kasanof.

January 2, 2018

**RESOLUTION NO. 3214**

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

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

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

**WHEREAS**, on June 7, 2016, by Resolution Number 2883, the CWC Board approved reimbursement to Maureen Knipper in an amount not to exceed Twenty-Nine Thousand Eighty-Four Dollars and Eighty-Five Cents(\$29,084.85); 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 Two-Thousand Four Hundred Fifty Dollars (\$2,450.00); 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 Two-Thousand Four Hundred Fifty Dollars (\$2,450.00); and

**WHEREAS**, CWC staff have determined that Thirty-One Thousand Five Hundred Thirty-Four Dollars and Eighty-Five Cents (\$31,534.85) 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 Five Hundred Thirty Four Dollars and Eighty-Five Cents (\$31,534.85) 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 Five Hundred Thirty-Four Dollars and Eighty-Five Cents (\$31,534.85).

**Maureen Knipper Backup**

Ms. Knipper’s property is located in the Town of Kortright, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$29,084.85. During the construction phase of the project rock was encountered in the area of the septic tank and flout chamber. A “rock” tank was utilized for a septic tank to minimize the amount of rock that had to be hammered. The rock removal resulted in some additional restoration due to the staging required to hammer and removal of the rock. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$2,450.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$2,450.00, for total reimbursement not to exceed \$31,534.85.

***Voice Vote, carried unanimously***

~~~~~

Septic Reimbursement Over \$25,000 – Additional Costs – Beverly Thayer – Tab 13

A motion to approve Resolution No. 3215 was made by Wayne Marshfield and was seconded by Tina Mole.

January 2, 2018

RESOLUTION NO. 3215

BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC CONSTRUCTION
OVER \$25,000:
BEVERLY THAYER

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

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

WHEREAS, on August 1, 2017, by Resolution Number 3119, the CWC Board approved reimbursement to Beverly Thayer in an amount not to exceed Twenty-Seven Thousand Dollars (\$27,000.00); 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 Eight Hundred Fifty Dollars (\$850.00); 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 Eight Hundred Fifty Dollars (\$850.00); and

WHEREAS, CWC staff have determined that Twenty-Seven Thousand Eight Hundred Fifty Dollars (\$27,850.00) 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 Twenty-Seven Thousand Eight Hundred Fifty Dollars (\$27,850.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Seven Thousand Eight Hundred Fifty Dollars (\$27,850.00).

Beverly Thayer Backup

Ms. Thayer’s property is located in the Town of Meredith, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$27,000.00. During construction rock was encountered. A rock tank was utilized to replace a standard tank to avoid rock hammering. The project engineer requested that additional stone be added to the curtain drain to insure proper operation. The contractor has requested an additional \$400.00 for the rock tank and \$450 for additional stone in the curtain drain. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$850.00. The Septic Committee recommends that

the Board approves an additional reimbursement of \$850.00, for total reimbursement not to exceed \$27,850.00.

Voice Vote, carried unanimously

~~~~~

**Septic Reimbursement Over \$25,000 – Additional Costs – Eric Van Tyle – Tab 14**

A motion to approve Resolution No. 3216 was made by Tina Mole and was seconded by James Sofranko.

January 2, 2018

**RESOLUTION NO. 3216**

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

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

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

**WHEREAS**, on October 3, 2017, by Resolution Number 3153, the CWC Board approved reimbursement to Eric Van Tyle in an amount not to exceed Thirty-Four Thousand Eight Hundred Dollars (\$34,800.00); 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 Six Thousand Eight Hundred Ninety-Two Dollars (\$6,892.00); 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 Six Thousand Eight Hundred Ninety-Two Dollars (\$6,892.00); and

**WHEREAS**, CWC staff have determined that Forty-One Thousand Six Hundred Ninety-Two Dollars (\$41,692.00) 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 Forty-One Thousand Six Hundred Ninety-Two Dollars (\$41,692.00) 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 Forty-One Thousand Six Hundred Ninety-Two Dollars (\$41,692.00).

**Eric Van Tyle's Backup**

Mr. Van Tyle's property is located in the Town of Walton, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$34,800.00. During construction it was discovered that a gravity flow system would be infeasible. A pump station had to be added to make the system workable. In addition, an electrical subpanel had to be added to supply electric to the property. The contractor installed the pump station and the electrical panel in accordance with our schedule of values for a total price of \$6,892.00. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$6,892.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$6,892.00, for total reimbursement not to exceed \$41,692.00.

**Voice Vote, carried unanimously**

~~~~~

Septic Program Rule Change – Reimbursement Program Rule Extension – Tab 15

A motion to approve Resolution No. 3217 was made by Martin Donnelly and seconded by Innes Kasanof.

January 2, 2018

RESOLUTION NO. 3217

**SEPTIC PROGRAM RULE CHANGE FOR REIMBURSEMENT OF PAST REPAIRS
OUTSIDE PRIORITY AREAS BEFORE DECEMBER 31, 2017**

WHEREAS, pursuant to the 1997 Watershed Memorandum of Agreement (Paragraph 124) and the Septic System Rehabilitations and Replacements Program Contract (the "Septic Program") with NYCDEP, the CWC shall act as program manager for the Septic Program and implement the Septic Program consistent with the terms of said contract and CWC's Septic Program Rules; and; and

WHEREAS, the CWC Septic Program Rules (Article 2-A) established priority areas for the CWC Septic Program, effective on July 1, 1999; and

WHEREAS, by Resolution Number 2994, the CWC Board of Directors approved a program rule change to Article 2-A to provide for reimbursement to homeowners outside of current priority areas who repaired or replaced their septic system prior to December 31, 2016; and

WHEREAS, numerous watershed residents outside of the current CWC Septic Program priority areas have rehabilitated or replaced their septic systems after December 31, 2016; and

WHEREAS, the repair or replacement of these septic systems has been and will continue to benefit the water quality in the West of Hudson Watershed; and

WHEREAS, the CWC Septic Committee and CWC staff estimate that there is adequate funding and personnel to reimburse those residents who repaired or replaced their septic system between December 31, 2016 and December 31, 2017 regardless of whether or not those systems are located in an existing priority area; and

WHEREAS, the CWC Septic Committee recommends that the CWC Board of Directors approve the attached program rule change to reimburse individuals who have repaired or replaced a failed system between July 21, 2008 and December 31, 2017 outside of the existing priority areas.

NOW, THEREFORE BE IT RESOLVED, that the CWC Board approves the attached amendment of Article 2A of the CWC Septic Program Rules as described in Attachment A to provide for the reasonable and necessary reimbursement to individuals who repaired or replaced failed septic systems between July 21, 2008 and December 31, 2017 in areas within the West of Hudson Watershed but outside the CWC Septic Program priority areas.

ATTACHMENT A

Proposed changes are **underlined**.

Proposed deletions are **~~struck out~~**.

2:00:02:01 Reimbursement for Past Completed Repairs

1. The property owner of an eligible septic system within or outside current priority areas can be reimbursed under applicable program rules for eligible costs for repairs/replacement completed on or before ~~December 19, 2015~~**December 31, 2017** and as provided below. For reimbursements under this section only, CWC staff need not determine if the system was in failure or reasonably likely to fail prior to the repair/replacement.
 - a. For reimbursement requests received on or after March 2, 2010, an eligible system must have been repaired or replaced between July 21, 2008 and ~~December 27, 2015~~**December 31, 2017**. To be eligible for reimbursement, all homeowners must either:
 - i. Provide copy of NYCDEP Final Construction Approval; or
 - ii. For repairs/replacement that under the Watershed Regulations do not require NYCDEP Construction approval, such as in-kind septic tank replacements, either:
 1. Notify CWC within a reasonable time prior to such repair/replacement. CWC must witness the installation of repairs/replacements for which reimbursement is requested; or
 2. Submit the following to the CWC Board for approval:

- a. Sufficient documentation, including invoices and canceled checks, demonstrating that such repair/replacement was completed and paid for; and
- b. Affidavits signed by the homeowner and contractor, notarized by a notary public, attesting that:
 - i. The work for which reimbursement is requested was completed as described; and
 - ii. Payment was provided to the contractor as described in the documentation.

Upon receipt of all necessary documentation, and any required CWC Board approval, the CWC may pay a portion of reasonable and necessary costs of improvements made to such eligible septic system.

2. An eligible system repaired or replaced after ~~December 28, 2015~~ **December 31, 2017** will follow Section 2:00:02:03.
3. Every property owner requesting reimbursement under the Septic Program must execute a program participation agreement.

Voice Vote, carried unanimously

~~~~~

**Future Stormwater – Additional Cost – Full Moon Resort – Tab 16**

A motion to approve Resolution No. 3218 was made by James Sofranko and seconded by Innes Kasanof.

January 2, 2018

**RESOLUTION NO. 3218**

**BOARD REVIEW OF FUTURE STORMWATER PROGRAM APPLICATION FOR CREATIVE ENVIRONMENTS, LLC (FULL MOON RESORT) 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**, on December 5, 2017, by Resolution Number 3196, the CWC Board of Directors approved an application by Creative Environments, LLC for funding of eligible design and implementation costs in the not-to-exceed amount of Sixty Thousand One Hundred Seventy-Seven Dollars and Fifty Cents (\$60,177.50); and

**WHEREAS**, Creative Environments, LLC has requested additional reimbursement of eligible costs in the amount of Thirty-Six Thousand Four Hundred Eighty-Seven Dollars and Seventy-Eight Cents (\$36,487.78), for an amended total not-to-exceed amount of Ninety-Six Thousand Six Hundred Sixty-Five Dollars and Twenty-Eight Cents (\$96,665.28); and

**WHEREAS**, the CWC share of stormwater funding is 50% of the eligible costs for this project because Creative Environments, 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 recommendations; and

**WHEREAS**, upon review of the information and staff recommendation, the CWC Wastewater/Stormwater Committee recommends that the CWC Board of Directors approve an amended not-to-exceed amount Ninety-Six Thousand Six Hundred Sixty-Five Dollars and Twenty-Eight Cents (\$96,665.28) for the Creative Environments, LLC Future Stormwater Project.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the attached application, staff recommendation and supporting documentation and approves additional funding in the amount of Thirty-Six Thousand Four Hundred Eighty-Seven Dollars and Seventy-Eight Cents (\$36,487.78), for a total not-to-exceed amount of Ninety-Six Thousand Six Hundred Sixty-Five Dollars and Twenty-Eight Cents (\$96,665.28).

### **CWC Future Stormwater Controls Program**

#### **Creative Environments, LLC (Full Moon Resort) – Town of Shandaken, Ulster County**

Creative Environments, LLC is a wedding venue in the Town of Shandaken, Ulster County. The applicant constructed a concrete slab for a large party tent to accommodate weddings. The concrete slab, an impervious surface, is located within 100 feet of a watercourse. NYC DEP issued a notice of violation on January 6, 2016 against the applicant for its failure to prepare a SWPPP prior to the construction. The total disturbance is under an acre and only requires a NYCDEP stormwater pollution prevention plan. No State stormwater requirements apply to this project. Creative Environments, 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%.

The Owner has since decided to build a permanent pavilion on the concrete slab and add a kitchen, bathrooms and a dressing room on a new slab. The contractor provided estimates for the increase in size to the rain garden and additional piping needed along with curtain drains around bluestone patios near the pavilion. Additionally the contractor provided estimates for the swale and culvert that were originally on the plan but it wasn't determined that they were required until the preconstruction meeting.



|                                 |             |
|---------------------------------|-------------|
| Total Eligible Additional Costs | \$72,975.55 |
| NYCDEP 50% Share                | \$36,478.77 |

Recommended CWC funding 50% of eligible SWPPP design costs **\$36,487.78**

**Voice Vote, carried unanimously**

~~~~~

FHMIP – Mt. Pleasant Bridge Demolition Engineering – Tab 17

A motion to approve Resolution No. 3219 was made by James Sofranko and seconded by Innes Kasanof.

January 2, 2018

RESOLUTION NO. 3219

ENGINEERING SERVICES FOR MT. PLEASANT BRIDGE REMOVAL

WHEREAS, the Catskill Watershed Corporation (CWC) is a non-profit local development program established in part to administer Watershed protections and partnership programs in the West of Hudson Watershed; and

WHEREAS, the “Mt. Pleasant Bridge” is a Parker pony truss bridge built in 1934 over the Esopus Creek on Mount Pleasant Road in the Mount Tremper area of the Town of Shandaken, located in Ulster County, New York (the “Property”); and

WHEREAS, over time the Mt. Pleasant Bridge (the “Bridge”) became dilapidated and dangerous to cross and was eventually closed off from traffic by its owner, Ulster County, and is no longer in use; and

WHEREAS, the removal of the Bridge is recommended in a completed flood analysis for the Mount Tremper Area; and

WHEREAS, on May 2, 2017, by Resolution Number 3048, the CWC Board of Directors approved a Flood Hazard Mitigation Implementation Program application by Ulster County in an amount not to exceed Nine Hundred Thousand Dollars (\$900,000.00) for the removal of the Bridge; and

WHEREAS, on August 1, 2017 by Resolution 3126, the CWC Board of Directors, at Ulster County’s request, approved the execution of a license agreement with Ulster County to allow CWC to serve as the project sponsor for the removal of the Bridge; and

WHEREAS, on December 6, 2017, CWC released a request for proposal for engineering services for the demolition of the bridge and responses were due on December 28, 2017 at 4:00 pm; and

WHEREAS, after review of all timely and complete responses, CWC Wastewater Committee recommends CWC Board authorize entering into an agreement with Brinnier and Larios, P.C. in an amount not to exceed Forty-Four Thousand Five Hundred Dollars (\$44,500.00) for engineering services for proposed removal of the Mount Pleasant Bridge (BIN 3347070) in the Town of Shandaken.

NOW THEREFORE BE IT RESOLVED, that the CWC Board of Directors authorizes the President or Executive Director to enter into an agreement with Brinnier and Larios, P.C. in an amount not to exceed Forty-Four Thousand Five Hundred Dollars (\$44,500.00) for engineering services for proposed removal of the Mount Pleasant Bridge (BIN 3347070) in the Town of Shandaken.

Voice Vote, carried unanimously

~~~~~

**2018 Cleaning Service – Tab 18**

A motion to approve Resolution No. 3220 was made by James Eisel and seconded by Mark McCarthy.

January 2, 2018

**RESOLUTION NO. 3220**

**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 (\$10,000.00); 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.

**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**

~~~~~

CWMP III Fund Transfer – Tab 19

A motion to approve Resolution No. 3221 was made by Wayne Marshfield and seconded by Innes Kasanof.

RESOLUTION NO. 3221

**AUTHORIZATION OF FUTURE STORMWATER FUND TRANSFER TO CWMP –
STUDY PHASE/ADMINISTRATION**

WHEREAS, the Catskill Watershed Corporation (CWC) Board of Directors by Resolution 617 authorized the execution of the Community Wastewater Management Program (CWMP) contract with New York City Department of Environmental Protection (NYCDEP); and

WHEREAS, the CWC Board of Directors have transferred money to offset CWC administration and study phase costs; and

WHEREAS, the Finance Committee has recommended transferring an additional (\$250,000.00) Two Hundred Fifty Thousand Dollars from the Future Stormwater Program to the Community Waste Water Program to offset study phase and CWC administration costs for the CWMP II and CWMP III contracts.

NOW THEREFORE BE IT RESOLVED that the CWC Board of Directors authorizes the transfer of (\$250,000.00) Two Hundred Fifty Thousand Dollars from the Future Stormwater Program to the Community Wastewater Program.

Voice Vote, carried unanimously

~~~~~

**2018 Outside Counsel – Whiteman Osterman & Hanna – Tab 20**

A motion to approve Resolution No. 3222 was made by James Eisel and seconded by James Sofranko.

January 2, 2018

**RESOLUTION NO. 3222**

**APPROVAL OF LEGAL SERVICES CONTRACT  
WITH WHITEMAN, OSTERMAN & HANNA**

**WHEREAS**, pursuant to the Catskill Watershed Corporation (“CWC”) procurement policy personal service contracts likely to exceed Twenty-Five Thousand Dollars (\$25,000), shall be made on a competitive basis unless specifically exempted by the procurement policies; and

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

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

**WHEREAS**, the CWC Policies and Procedures requires the CWC Board of Directors must approve all contracts for services over Ten Thousand Dollars (\$10,000); and

**WHEREAS**, the CWC Policy Committee recommends the CWC Board of Directors enter into a contract for legal services with Whiteman, Osterman & Hanna for a period of one year and that, pursuant to CWC Fiscal Policies 3-10.06-4, the CWC Board waive the requirement that the contract be bid competitively because of the unique experience provided by Whiteman, Osterman & Hanna.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors approves the firm of Whiteman, Osterman & Hanna as external legal firm for the CWC for a term of one year, commencing on January 1, 2018 and terminating on December 31, 2018 for an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) at the rates described in Attachment A and that, pursuant to CWC Fiscal Policies 3-10.06-4, the CWC Board waives the requirement that this contract be competitively bid.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Board of Directors approves and authorizes the Executive Director and/or the President to retain Whiteman, Osterman & Hanna for legal services consistent with the attached proposal.

**WHITEMAN OSTERMAN & HANNA LLP  
Proposal for Legal Services**

WOH has proposed the following fee structure for the period 1/1/2018 to 12/31/2018. This revised rate structure continues to provide a discount for attorneys' time over our Firm's regular hourly billing rates which currently range from \$155 to \$275 for associates and \$275 to \$500 for partners.

General Legal Advice

Partners

|                      |           |
|----------------------|-----------|
| Daniel A. Ruzow      | \$340/hr. |
| Jonathan P. Nye      | \$310/hr. |
| Norma G. Meacham     | \$310/hr. |
| Terresa M. Bakner    | \$310/hr. |
| Michael G. Sterthous | \$310/hr. |

Associates 145-\$235/hr.

Paralegal \$125/hr.

Expenses

|                                     |                  |
|-------------------------------------|------------------|
| Telephone, Postage, Federal Express | Billed at Cost   |
| Mileage                             | Current IRS Rate |
| Photocopies                         | \$.20 per Copy   |

**Voice Vote, carried unanimously**

~~~~~

NYS Paid Family Leave Insurance – Tab 21

A motion to approve Resolution No. 3223 was made by Wayne Marshfield and seconded by James Sofranko.

January 2, 2018

RESOLUTION NO. 3223

**AMENDMENT OF CWC PERSONNEL POLICIES –
NYS PAID FAMILY LEAVE INSURANCE**

WHEREAS, Board, Personnel and Fiscal Policies and Procedures are necessary for the orderly conduct of the Catskill Watershed Corporation (CWC) and its business affairs; and

WHEREAS, effective January 1, 2018, employers in New York State are required to provide paid family leave insurance to all employees; and

WHEREAS, the Policy Committee has reviewed and recommends the Personnel Policy amendment in Attachment A relating to paid family leave insurance.

NOW, THEREFORE BE IT RESOLVED, that the Board adopts the attached Personnel Policy revision, and that such policies and procedures shall be further amended from time to time based upon experience and information and as the CWC Board deems necessary.

ATTACHMENT A

Proposed Addition is **UNDERLINED**

Article 4 – Compensation Program

18. Paid Family Leave Insurance

All employees are covered under CWC’s Paid Family Leave insurance policy as required by New York State Law. Employees must request a paid family leave application form and instructions from the Executive Director or his/her designee.

Subsequent paragraphs in Article 4 shall be renumbered

Voice Vote, carried unanimously

~~~~~

**2018 Outside Collection Counsel – Ganz Wolkenbreit & Siegfeld LLP – Tab 22**

A motion to approve Resolution No. 3224 was made by Martin Donnelly and seconded by James Eisel.

**RESOLUTION NO. 3224**

**APPROVAL OF LEGAL SERVICES CONTRACT  
WITH GANZ WOLKENBREIT & SIEGFELD LLP**

**WHEREAS**, by Resolution Number 1356, and Resolution Number 1843, CWC Board of Directors approved hiring Ganz Wolkenbreit & Siegfeld LLP as outside collection counsel for the purposes of taking appropriate legal action against borrowers who have defaulted on their Catskill Fund for the Future (CFF) obligations; and

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

**WHEREAS**, CWC Economic Development Committee recommends that CWC Board of Directors authorize a contract with Ganz Wolkenbreit & Siegfeld LLP in an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00) for calendar year 2018.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors approves the firm of Ganz Wolkenbreit & Siegfeld LLP as external legal firm for the CWC for a term commencing January 1, 2018 and terminating on December 31, 2018 for an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00).

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Board of Directors approves and authorizes the Executive Director and/or the President to retain Ganz Wolkenbreit & Siegfeld LLP for legal services.

**Voice Vote, carried unanimously**

~~~~~

VII. Announcements from the Chair:

President Triolo welcomed everyone to 2018 and wished everyone a Happy New Year.

VIII. Board Member Discussion:

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

Voice Vote, carried unanimously

IX. Adjournment: 1:13 p.m.