

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

December 5, 2017 @ 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, Robert Pelham, Thomas Snow (*New York State DEC*), James Sofranko, Michael Triolo, John Schwartz (*New York City DEP*), and Anthony Van Glad.

Members Excused:

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

Others Present: Bruce E. Dolph, Chairman (*Coalition of Watershed Towns*), Tracy Ledder (*NYS Department of Health*), Michael Meyer (*New York City DEP*).

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

A motion to approve the minutes from the November 7, 2017 board meeting was made by James Eisel and seconded by Anthony Van Glad.

Voice Vote, carried unanimously

V. Presentation of Communication

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**Finance Report**

A motion to approve the financial reports as of September 30th, 2017 was made by James Eisel and seconded by Martin Donnelly.

**Voice Vote, carried unanimously**

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Executive Director's Report

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

Committee Schedule

Committee Meeting Minutes

VI. Public Discussion –

Diane Galusha described the new photography exhibit in the board room by Mark Loete. Mr. Loete is a professional photographer who lives in Chichester. This exhibit is titled “Resource, From Mountain to Tap” showing New York City’s drinking water supply at the source and when it gets to Hell’s Kitchen in Manhattan. The photographs are for sale, and available in smaller sizes. Diane noted that Mr. Loete is also an avid angler who is very involved with the fly fishing museum at the Phoenicia library. He also has a macrophotography exhibit here of handmade fly’s which are on the exhibit there and was hoping that maybe in the spring we could have an exhibit here.

VII. Presentation of Resolutions

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**Septic Reimbursement Over \$25,000 – Maurizio Randazzo – Tab 6**

A motion to approve Resolution No. 3191 was made by Anthony Wayne Marshfield and seconded by Tina Molé.

December 5, 2017

**RESOLUTION NO. 3191**

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

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

**WHEREAS**, pursuant to section 2:01:09 of the CWC Septic Rehabilitation and Replacement Program Rules Article 2A, if the total amount requested for reimbursement is more than 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-Four Thousand Dollars (\$34,000.00); 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-Four Thousand Dollars (\$34,000.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the contractor's quote of Thirty-Four Thousand Dollars (\$34,000.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Thirty-Four Thousand Dollars (\$34,000.00).

**Maurizio Randazzo Backup**

Mr. Randazzo's property is located in the Town of Lexington, Greene County. Homeowner and CWC staff received numerous quotes from unrelated contractors of \$48,200, \$48,000.00, \$46,950.00, \$45,685.00, and \$41,750.00. These quotes exceeded CWC schedule of values. CWC staff informed Mr. Randazzo in writing that all the quotes were above CWC's current Schedule of Values and requested that he seek additional quotes or at his option, he could pay the difference. In November, 2017 CWC received an additional quote for \$34,000.00 for this system, which is within 10% of CWC's schedule of values.

This septic system is for a five bedroom house. The major components include a 1500 gallon load bearing septic tank, one pump station, 18 lineal feet of gravity piping, 38 lineal feet of forcemain, one distribution box, 48 cubic yards of absorption fill material, 360 lineal feet of Presby piping, 43 cubic yards of C-33 sand, 120 lineal feet of swale, steel sleeve under driveway, removal of a concrete slab, tree removal, and topsoil, seed and mulch in disturbed areas. 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 \$34,000.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$25,000 – Additional Costs – Marion Dekoever – Tab 7

A motion to approve Resolution No. 3192 was made by Richard Parete seconded by Anthony Van Glad.

December 5, 2017

RESOLUTION NO. 3192

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

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 December 6, 2016, by Resolution Number 2968, the CWC Board approved reimbursement to Marion Dekoeyer in an amount not to exceed Twenty-Eight Thousand Nine Hundred Eighty-Six Dollars (\$28,986.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the homeowner for the septic system repair in the amount of One Thousand Four Hundred Dollars (\$1,400.00); and

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

WHEREAS, CWC staff have determined the total reasonable cost of the additional work according to CWC Schedule of Values to be One Thousand Four Hundred Dollars (\$1,400.00); and

WHEREAS, CWC staff have determined that Thirty Thousand Three Hundred Eighty-Six Dollars (\$30,386.00) 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 Thousand Three Hundred Eighty-Six Dollars (\$30,386.00) 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 Thousand Three Hundred Eighty-Six Dollars (\$30,386.00).

Marion Dekoeyer Backup

Mr. Dekoeyer's property is located in the Town of Hamden, Delaware County. CWC Board of Directors previously approved reimbursement for this project at \$28,986.00. The Project Engineer requested an additional 48 cubic yards of absorption fill material be added to the project. A reasonable and just cost for the additional work according to the CWC Schedule of Values is \$1,400.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,400.00, for total reimbursement not to exceed \$30,386.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Additional Costs – Glenda McEntee – Tab 8**

A motion to approve Resolution No. 3193 was made by Tina Molè and seconded by Robert Pelham.

December 5, 2017

**RESOLUTION NO. 3193**

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

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

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

**WHEREAS**, CWC staff previously approved Septic Program reimbursement for Glenda McEntee in the amount of Twenty-Four Thousand Nine Hundred Ninety Six Dollars Eighteen Cents(\$24,996.18); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for the septic system repair in the amount of Two Thousand Nine Hundred Seventy Dollars (\$2,970.00); and

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

**WHEREAS**, the CWC staff have determined the contractor’s total invoices of Twenty-Seven Thousand Nine Hundred Sixty Six Dollars Eighteen Cents (\$27,966.18) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the total reimbursement of Twenty-Seven Thousand Nine Hundred Sixty Six Dollars Eighteen Cents (\$27,966.18) 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 Nine Hundred Sixty Six Dollars Eighteen Cents (\$27,966.18).

**McEntee’s Backup**

Ms. McEntee’s property is located in the Town of Walton, Delaware County. CWC staff previously approved reimbursement at \$24,996.18. During construction the 1000 gallon septic tank had to be relocated at a higher elevation to avoid unforeseen conditions (rock and buried debris). This resulted in an additional 120 cubic yards of fill hauled to the site to insure the proper cover over the septic tank and pipe line to the distribution box. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$2,970.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$2,970.00, for total reimbursement not to exceed \$27,966.18.

*Voice Vote, carried unanimously*

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Septic Reimbursement Over \$25,000 – Additional Costs – Christopher Medina – Tab 9

A motion to approve Resolution No. 3194 was made by James Sofranko and seconded by Anthony Van Glad.

December 5, 2017

RESOLUTION NO. 3194

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

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

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

WHEREAS, CWC staff previously approved Septic Program reimbursement for Christopher Medina in the amount of Twenty-Four Thousand Nine Hundred Ninety Dollars (\$24,990.00); and

WHEREAS, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for the septic system repair in the amount of One Thousand Six Hundred Dollars (\$1,600.00); and

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

WHEREAS, the CWC staff have determined the contractor’s total invoices of Twenty-Six Thousand Five Hundred Ninety Dollars (\$26,590.00) to be a reasonable cost for this system in accordance with our schedule of values; and

WHEREAS, the Septic Committee has reviewed the documentation and recommend approving the total reimbursement of Twenty-Six Thousand Five Hundred Ninety Dollars (\$26,590.00) as it is in substantial agreement with our schedule of values.

NOW, THEREFORE LET IT BE RESOLVED, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Six Thousand Five Hundred Ninety Dollars (\$26,590.00).

Medina’s Backup

Mr. Medina’s property is located in the Town of Woodstock, Ulster County. CWC staff previously approved reimbursement at \$24,990.00. During construction rock was encountered in the area of the septic tank. The contractor is requesting \$1,600.00 for rock removal. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$1,600.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,600.00, for total reimbursement not to exceed \$26,590.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$25,000 – Additional Costs – Austin Williams – Tab 10**

A motion to approve Resolution No. 3195 was made by Anthony Van Glad and was seconded by Tina Molé.

December 5, 2017

**RESOLUTION NO. 3195**

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

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

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

**WHEREAS**, CWC staff previously approved Septic Program reimbursement for Austin Williams in the amount of Twenty-Four Thousand Nine Hundred Ninety-Five Dollars (\$24,995.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for the septic system repair in the amount of One Thousand Three Hundred Nine Dollars (\$1,309.00); and

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

**WHEREAS**, the CWC staff have determined the contractor's total invoices of Twenty-Six Thousand Three Hundred Four Dollars (\$26,304.00) to be a reasonable cost for this system in accordance with our schedule of values; and

**WHEREAS**, the Septic Committee has reviewed the documentation and recommend approving the total reimbursement of Twenty-Six Thousand Three Hundred Four Dollars (\$26,304.00) as it is in substantial agreement with our schedule of values.

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the eligible cost of this system for reimbursement to be the total not-to-exceed amount of Twenty-Six Thousand Three Hundred Four Dollars (\$26,304.00).

**Williams Backup**

Mr. Williams' property is located in the Town of Walton, Delaware County. CWC staff previously approved reimbursement at \$24,995.00. During construction the Project Engineer relocated the design configuration to accommodate the existing location of the piping. The additional cost in 60 l.f. of schedule 80 piping and additional restoration. A reasonable and just cost for the additional work according to CWC Schedule of Values is \$1,309.00. The Septic Committee recommends that the Board approves an additional reimbursement of \$1,309.00, for total reimbursement not to exceed \$26,304.00.

***Voice Vote, carried unanimously***

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Future Stormwater – Full Moon Resort – Tab 11

A motion to approve Resolution No. 3196 was made by James Sofranko and seconded by Thomas Hynes.

December 5, 2017

RESOLUTION NO. 3196

**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, Creative Environments, LLC has applied for funding of eligible design and implementation costs in the amount of Sixty Thousand One Hundred Seventy-Seven Dollars and Fifty Cents (\$60,177.50) for design and implementation of new stormwater controls related to a concrete slab that was is used for a party tent for weddings within 100 feet of a watercourse; 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, CWC staff recommended reimbursement of eligible stormwater design and implementation costs for a total not-to-exceed amount of Sixty Thousand One Hundred Seventy-Seven Dollars and Fifty Cents (\$60,177.50); 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 payment of Sixty Thousand One Hundred Seventy-Seven Dollars and Fifty Cents (\$60,177.50).

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%.

| | |
|----------------------|--------------|
| Total Eligible Costs | \$120,355.00 |
| NYCDEP 50% Share | \$60,177.50 |

Recommended CWC funding 50% of eligible SWPPP design costs **\$60,177.50**

Voice Vote, carried unanimously

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**Future Stormwater – New York Land & Lakes Development, LLC – Tab 12**

A motion to approve Resolution No. 3197 was made by James Eisel and seconded by Wayne Marshfield.

December 5, 2017

**RESOLUTION NO. 3197**

**BOARD REVIEW OF NEW YORK LAND & LAKES DEVELOPMENT, LLC MAPLE  
RIDGE FARM SUBDIVISION FUTURE STORMWATER PROGRAM  
APPLICATION FOR REIMBURSEMENT**

**WHEREAS**, the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA”) paragraph 128 directs the Catskill Watershed Corporation (CWC) to establish a program to pay for the reasonable and proper cost to design, implement, permit, construct and maintain new stormwater measures pursuant to stormwater pollution prevention plans required by the 18-39(b)(3) and 18-39(e) of the watershed regulations; and

**WHEREAS**, Section 145 (ii) of the Watershed MOA and the West of Hudson Future Stormwater Program Rules provides for payment of eligible project cost for small business, (50% by NYC and 50% by CWC); and

**WHEREAS**, New York Land & Lakes Development, LLC has applied for reimbursement of eligible design costs in the amount of Six Thousand Seven Hundred Twenty Dollars (\$6,720.00) for the design of an eligible project; and

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

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

**WHEREAS**, recommended eligible costs equal a not-to-exceed amount of Five Thousand One Hundred Seventeen Dollars and Fifty Cents (\$3,360.00), represent 50% of the total eligible cost; and

**WHEREAS**, the CWC Wastewater Committee recommended that the application be approved by the CWC Board.

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors has reviewed the attached application, staff recommendation and supporting documentation and approves reimbursement in a total not-to-exceed amount of Three Thousand Three Hundred Sixty Dollars (\$3,360.00)

**Backup**

**New York Land & Lakes Development, LLC**

**Maple Ridge Farm Subdivision**

New York Land & Lakes Development owns property in the Town of Kortright, Delaware County. For plans to create a subdivision, the applicant was required to prepare a stormwater pollution prevention plan that complied with the Watershed Rules and Regulations enforced by the NYCDEP and the State General Permit issued by NYSDEC. The subdivision is 437.36 acre farm subdivided into 35 3+ acre lots all with frontage on existing roadways. Lots are located on Swantak Road, Brownell Road and McMurdy Brook Road within the Town of Kortright. Lots 32 and 34 are currently developed and no new impervious surfaces are proposed. Due to soil limitations lot 27 is not proposed for development. The NYCDEP SWPPP approval was issued on April 19, 2016.

The applicant has elected to be reimbursed based upon actual costs of compliance with the section 18-39 (b) of the Watershed Regulations.

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

|                           |            |
|---------------------------|------------|
| Total Recommended Funding | \$6,720.00 |
| 50%                       | \$3,360.00 |

Recommend funding 50% of eligible SWPPP costs \$3,360.00

As a small business, New York Land & Lakes Development, 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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Future Stormwater – Long Leasing, LLC – Additional Funds – Tab 13

A motion to approve Resolution No. 3198 was made by Wayne Marshfield and seconded by Thomas Hynes.

December 5, 2017

RESOLUTION NO. 3198

**BOARD REVIEW OF FUTURE STORMWATER PROGRAM APPLICATION FOR
LONG LEASING, LLC 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 June 6, 2017, by Resolution Number 3090, the CWC Board of Directors approved an application by Long Leasing, LLC for funding of eligible design and implementation costs in the not-to-exceed amount of Sixteen Thousand Four Hundred Dollars (\$16,400.00); and

WHEREAS, Long Leasing, LLC has requested additional reimbursement of eligible costs in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00), for an amended total not-to-exceed amount of Seventeen Thousand Six Hundred Fifty Dollars (\$17,650.00); and

WHEREAS, the CWC share of stormwater funding is 50% of the eligible costs for this project because Long Leasing, 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 of Seventeen Thousand Six Hundred Fifty Dollars (\$17,650.00) for the Long Leasing, 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 One Thousand Two Hundred Fifty Dollars (\$1,250.00), for a total not-to-exceed amount of Seventeen Thousand Six Hundred Fifty Dollars (\$17,650.00).

CWC Future Stormwater Controls Program - Long Leasing, LLC – Town of Andes, Delaware County

Long Leasing, LLC has property in the Town of Andes, Delaware County. The applicant demolished an existing building and constructed a new building within 100 feet of a watercourse. A new impervious surface, such as a building, within a 100 feet from a watercourse required a SWPPP approval from NYC DEP. The small size of the work did not trigger the requirements of the NYS General Stormwater Permit. Long Leasing, 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%.

| | |
|---------------------------------|------------|
| Total Eligible Additional Costs | \$2,500.00 |
| NYCDEP 50% Share | \$1,250.00 |

Recommended Additional CWC funding 50% of eligible SWPPP costs **\$1,250.00**

Voice Vote, carried unanimously

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**CWMP III – Block Grant Hamlet of West Conesville – Tab 14**

A motion to approve Resolution No. 3179 was made by Wayne Marshfield and seconded by Anthony Van Glad.

December 5, 2017

**RESOLUTION NO. 3199**

**COMMUNITY WASTEWATER MANAGEMENT PROGRAM**  
**PRE-CONSTRUCTION PHASE AND BLOCK GRANT APPROVAL**  
**FOR THE HAMLET OF WEST CONESVILLE**

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

**WHEREAS**, the hamlet of West Conesville, which is an eligible community for the CWMP III, is located in the Town of Conesville and under the CWMP III Program Agreement; and

**WHEREAS**, the Town of Conesville Town Board agreed to participate in the study phase of the CWMP for the portion of the hamlet of West Conesville; and

**WHEREAS**, Lamont Engineers, PC completed the Study Phase as outlined in their Contract with CWC and recommends a total block grant for the Hamlet of West Conesville of Eight

Million Four Hundred Eleven Thousand Dollars (\$8,411,000.00) for construction of a community septic system; and

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

**WHEREAS**, NYCDEP has agreed to the proposed project and block grant amount of Eight Million Four Hundred Eleven Thousand Dollars (\$8,411,000.00); and

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

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

**WHEREAS**, CWC is satisfied with Lamont Engineers, PC's work and completion of the Study Phase for the project in the Hamlet of West Conesville, and desires to issue a change order to Lamont Engineers, PC for the Pre-Construction Phase that includes final design, sewer district formation, sewer use law, bidding the project and development of operation and maintenance plans and contracts, as well as other necessary actions, for an additional not-to-exceed amount of Nine Hundred Thirty Thousand Dollars (\$930,000.00), as well as additional costs incurred during the Study Phase for the Hamlet of West Conesville for an additional Sixty-Five Thousand One Hundred Ninety-Five Dollars and Ninety-Five Cents (\$65,195.95); and

**WHEREAS**, the CWC Wastewater Committee recommends that the CWC Board of Directors approve the project and block grant amount of Eight Million Four Hundred Eleven Thousand Dollars (\$8,411,000.00) for the Hamlet of West Conesville Project; and

**WHEREAS**, the CWC Wastewater Committee has reviewed the documentation and recommends approving the change order to Lamont Engineers, PC to include the Pre-Construction Phase for the Hamlet of West Conesville to their existing contract as described in Attachment A for an additional not to exceed amount of Nine Hundred Thirty Thousand Dollars (\$930,000.00), as well as additional costs incurred during the Study Phase for the Hamlet of West Conesville in the Town of Conesville for an additional Sixty-Five Thousand One Hundred Ninety-Five Dollars and Ninety-Five Cents (\$65,195.95); and

**NOW, THEREFORE LET IT BE RESOLVED**, that the CWC Board of Directors approves the project and block grant amount for the Hamlet of West Conesville in the amount of Eight Million Four Hundred Eleven Thousand Dollars (\$8,411,000.00).

**NOW, THEREFORE LET IT BE FURTHER RESOLVED**, that the CWC Board of Directors approves the change order to Lamont Engineers, PC to include the Pre-Construction Phase for the Hamlet of West Conesville to their existing CWMP contract in an amount not to exceed an additional not to exceed amount of Nine Hundred Thirty Thousand Dollars (\$930,000.00), as well as additional costs incurred during the Study Phase for the Hamlet of

West Conesville in the Town of Conesville for an additional Sixty-Five Thousand One Hundred Ninety-Five Dollars and Ninety-Five Cents (\$65,195.95).

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

**Voice Vote, carried unanimously**

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CWMP III – South Kortright Construction Phase - Additional – Tab 15

A motion to approve Resolution No. 3200 was made by Martin Donnelly and seconded by James Eisel.

December 5, 2017

RESOLUTION NO. 3200

COMMUNITY WASTEWATER MANAGEMENT PROGRAM
AMENDMENT TO AGREEMENT WITH LAMONT ENGINEERS FOR ADDITIONAL
SOUTH KORTRIGHT CONSTRUCTION PHASE SERVICES

WHEREAS, by Resolution Number 617, on August 26, 2003 the Catskill Watershed Corporation (CWC) Board of Directors authorized the President to execute the Community Wastewater Management Program (CWMP) Contract with New York City Department of Environmental Protection (NYCDEP); and

WHEREAS, by Resolution Number 969, on February 28, 2006, the CWC Board of Directors approved a Change Order with NYCDEP to the CWMP (CWMP Change Order) to provide, in part, an additional Two Million Dollars (\$2,000,000.00) for inclusion of a sixth community in the Program pursuant to the order provided in the Watershed MOA Paragraph 122 (c); and

WHEREAS, by Resolution Number 1249, on November 27, 2007, the CWC Board of Directors approved the CWMP II Contract to provide an additional Thirty-Seven Million Two Hundred Thousand Dollars (\$37,200,000.00) to provide for full funding for a project in three additional communities; and

WHEREAS, the Town of Stamford agreed to participate in the Study Phase of the CWMP for the Hamlet of South Kortright as the seventeenth community; and

WHEREAS, by Resolution Number 1859, on January 4, 2011, the CWC Board of Directors approved the project and total block grant for the Hamlet of South Kortright for Four Million Nine Hundred Thousand Dollars (\$4,900,000.00) to provide for the design and construction to pump to the Village of Hobart Wastewater Treatment Plant; and

WHEREAS, by Resolution Number 2018, on December 6, 2011, the CWC Board of Directors approved an amendment with Lamont Engineers for Preconstruction Phase Engineering Services for the South Kortright CWMP Project for a not-to-exceed amount of Six Hundred Fifty-Two Thousand Eighty-Two Dollars (\$652,082.00); and

WHEREAS, by Resolution 2595, the CWC Board of Directors approves amendment with Lamont Engineers, PC to include additional Preconstruction Phase Engineering Services and Construction Phase Engineering Services for the Hamlet of South Kortright to their existing CWMP contract in an amount not to exceed One Million Two Hundred Eighty-One Thousand Two Hundred Twelve Dollars and Sixty-Three Cents (\$1,281,212.63).

WHEREAS, Lamont Engineers submitted request for reimbursement of additional services provided during the construction phase of the CWMP South Kortright in an amount not to exceed Ninety Three Thousand One Hundred Eighteen Dollars and Twenty-Seven Cents (\$93,118.27) as described in Attachment A;

WHEREAS, the CWC Wastewater Committee recommends the CWC Board of Directors approves an amendment to the agreement with Lamont Engineers for additional construction phase services in an amount not to exceed \$93,118.27.

NOW THEREFORE BE IT RESOLVED, the CWC Board of Directors approves an amendment to the agreement with Lamont Engineers for additional construction phase services for the CWMP South Kortright Project in an amount not to exceed Ninety Three Thousand One Hundred Eighteen Dollars and Twenty-Seven Cents (\$93,118.27).

Voice Vote, carried unanimously

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**FHMIP – La Cabaña Restaurant – Tab 16**

A motion to approve Resolution No. 3201 was made by Innes Kasanof and seconded by Tina Molè.

December 5, 2017

**RESOLUTION NO. 3201**

**REIMBURSEMENT FOR ANCHORING OF PROPANE TANK OF  
GREATER THAN 420 GALLONS – LA CABAÑA RESTAURANT**

**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

**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**, on May 6, 2014, by Resolution Number 2460, the CWC Board of Directors approved program rules for the CWC Flood Hazard Mitigation Program (the “Program Rules”); and

**WHEREAS**, on June 7, 2016, by Resolution Number 2893, the CWC Board of Directors approved amendments to the Program Rules to provide that CWC may be an applicant for projects, and also for the eligibility of securing of oil and propane tanks in a floodplain and within a town that has completed a local flood analysis, even if the property is outside of the local flood analysis study area; and

**WHEREAS**, pursuant to the Program Rules, staff reimbursement approval was limited to oil tanks 330 gallons or less, and propane tanks 420 gallons or less; and

**WHEREAS**, CWC staff received an application from La Cabana Restaurant in Fleischmanns for reimbursement of the costs to secure two propane tanks, one 500 gallon tank and one 250 gallon tank for a total amount not to exceed Four Thousand Eight Hundred Fifty Dollars (\$4,850.00); and

**WHEREAS**, CWC Stormwater Committee recommends the CWC Board approve the reimbursement application of La Cabana Restaurant for the costs to secure two 500 gallon

propane tanks in a total amount not to exceed Four Thousand Eight Hundred Fifty Dollars (\$4,850.00).

**NOW, THEREFORE BE IT RESOLVED**, that the CWC Board of Directors the CWC Board approve the reimbursement application of La Cabana Restaurant for the costs to secure two 500 gallon propane tanks at a total not-to-exceed amount of Four Thousand Eight Hundred Fifty Dollars (\$4,850.00).

**NOW, THEREFORE BE IT FURTHER RESOLVED**, approval of FHMIP 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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FHMIP – Town of Olive Highway Garage – Tab 17

A motion to approve Resolution No. 3202 was made by James Sofranko and seconded by Richard Parete.

December 5, 2017

RESOLUTION NO. 3202

**REIMBURSEMENT FOR ANCHORING OF PROPANE TANK OF
GREATER THAN 420 GALLONS – TOWN OF OLIVE HIGHWAY GARAGE**

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

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, on May 6, 2014, by Resolution Number 2460, the CWC Board of Directors approved program rules for the CWC Flood Hazard Mitigation Program (the “Program Rules”); and

WHEREAS, on June 7, 2016, by Resolution Number 2893, the CWC Board of Directors approved amendments to the Program Rules to provide that CWC may be an applicant for projects, and also for the eligibility of securing of oil and propane tanks in a floodplain and within a town that has completed a local flood analysis, even if the property is outside of the local flood analysis study area; and

WHEREAS, pursuant to the Program Rules, staff reimbursement approval was limited to oil tanks 330 gallons or less, and propane tanks 420 gallons or less; and

WHEREAS, CWC staff received an application from Town of Olive Highway Garage for reimbursement of the costs to secure a 1,000 gallon propane tank for a total amount not to exceed Two Thousand Fifteen Dollars (\$2,015.00); and

WHEREAS, CWC Stormwater Committee recommends the CWC Board approve the reimbursement application of Town of Olive Highway Garage for the costs to secure a 1,000 gallon propane tank in a total amount not to exceed Two Thousand Fifteen Dollars (\$2,015.00).

NOW, THEREFORE BE IT RESOLVED, that the CWC Board of Directors the CWC Board approve the reimbursement application of Town of Olive Highway Garage for the costs to secure a 1,000 gallon propane tank at a total not-to-exceed amount of Two Thousand Fifteen Dollars (\$2,015.00).

NOW, THEREFORE BE IT FURTHER RESOLVED, approval of FHMIP 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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**2017 Audit & Tax Services Contract – Tab 18**

A motion to approve Resolution No. 3203 was made by James Eisel and seconded by Tina Molè.

December 5, 2017

**RESOLUTION NO. 3203**

**CATSKILL WATERSHED CORPORATION EXTERNAL AUDIT FIRM**

**WHEREAS**, the Catskill Watershed Corporation (CWC) is required by contracts to submit financial statements audited by an independent certified public accountant for the preceding fiscal year to the New York City Department of Environmental Protection within ninety (90) days of the end of the CWC fiscal year; and

**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 Department has received an engagement letter from Sickler, Torchia, Allen & Churchill, CPAs, P.C. for [external & investment] audit & tax services for the year ending December 31, 2017 totaling Nineteen Thousand Seven Hundred Fifty-Five Dollars (\$19,755.00); and

**WHEREAS**, the Finance Committee recommends the CWC Board to approve a contract not to exceed Nineteen Thousand Seven Hundred Fifty-Five Dollars (\$19,755.00), for external/investment audit & tax services for the year ending December 31, 2017.

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board of Directors approves the Executive Director to contract with Sickler, Torchia, Allen & Churchill, CPAs, P.C. for external/investment audit & tax services not to exceed Nineteen Thousand Seven Hundred Fifty-Five Dollars (\$19,755.00).

***Voice Vote, carried unanimously***

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Approval of Third Supplemental Side Agreement – Tab 19

A motion to approve Resolution No. 3204 was made by Tina Molè and seconded by Innes Kasanof.

December 5, 2017

RESOLUTION NO. 3204

CWC BOARD APPROVAL OF THIRD SUPPLEMENTAL SIDE AGREEMENT

WHEREAS, on January 21, 1997, the Catskill Watershed Corporation, the Coalition of Watershed Towns, Environmental Protection Agency, New York State, New York City, watershed municipalities and several environmental organizations entered into the Watershed Memorandum of Agreement (“Watershed MOA” or “MOA”), which established a partnership in which the parties agreed “to cooperate in the development and implementation of a Watershed Protection Program that maintains and enhances the quality of the New York City drinking water supply system and the economic vitality and social character of the Watershed communities” (“MOA Objectives”); and

WHEREAS, a purpose of the Catskill Watershed Corporation (CWC) is to administer Watershed Protection and Partnership Programs which are “necessary to maintain and enhance water quality in the West of Hudson Watershed and the economic and social character of the Watershed communities, and that benefit the West of Hudson Watershed;” and

WHEREAS, a further purpose of the CWC is to make decisions on funding and implementation of the Watershed Protection and Partnership Programs consistent with the 1997 New York City Watershed Memorandum of Agreement (Watershed MOA); and

WHEREAS, among the programs the Parties agreed to in the Watershed MOA is a program for DEP to acquire land in the Watershed for watershed protection (“Land Acquisition Program”), subject to the terms of the Watershed MOA and of the water supply permit issued by the New York State Department of Environmental Conservation (“NYSDEC”) on January 21, 1997 (“1997 Water Supply Permit”); and

WHEREAS, by Resolution Number 1683, the CWC Board of Directors authorized the Executive Director and/or his representatives as deemed necessary to participate in discussions including West of Hudson communities, environmental groups, the federal Environmental Protection Agency, State agencies, as well as NYCDEP (the “Parties”), regarding the terms and conditions of a Water Supply Permit that would authorize purchases of land by NYCDEP in the West of Hudson Watershed until 2022; and

WHEREAS, based on extensive negotiations, the Parties and/or their representatives, among other entities, reached agreement on the successor to the 1997 Water Supply Permit (the “2010 Water Supply Permit”), which established the terms and conditions for DEP’s continuation of the Land Acquisition Program through December 23, 2025

WHEREAS, by Resolution 1845, on December 7, 2010, the CWC Board of Directors approved an agreement among certain Watershed MOA signatory parties, including CWC, NYCDEP, the Coalition of Watershed Towns, Delaware County, Town of Hamden, Town of Roxbury, Riverkeeper, New York Public Interest Research Group, Open Space Institute, and Catskill Center for Conservation and Development, agreeing to a reissued Water Supply Permit and its enforceability by all signatories to the Watershed MOA; and

WHEREAS, following Hurricane Irene and Tropical Storm Lee in August and September 2011, many of the parties to the 2010 LAP Agreement, among other stakeholders, reached further agreements (“2013 Supplemental LAP Agreements”) in connection with an overall plan to work together to focus existing watershed protection programs on issues relating to severe flooding. The 2013 Supplemental LAP Agreements memorialized the Parties’ agreement to modifications of Special Condition 7(b) of the 2010 Water Supply Permit to facilitate the Hurricane Irene Buyout Program.

WHEREAS, the May 2014 Midterm Revisions to the City’s 2007 Filtration Avoidance Determination required DEP to commit \$15 million to a New York City-funded flood buyout program (“NYCFFBO Program”), which required further modifications to the 2010 Water Supply Permit, as amended. The Parties agreed to those modifications, which incorporate a process for evaluation and selection of properties for the NYCFFBO Program, in the “July 2016 Supplemental Agreement.”

WHEREAS, the July 2016 Supplemental Agreement also established a framework for negotiations concerning certain proposed modifications and enhancements to the MOA’s Watershed Protection and Partnership Programs (“Supplemental Partnership Programs”) and other issues including, but not limited to, proposed modifications to the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources*, Rules of the City of New York, Title 15, Chapter 18 (“Watershed Regulations”).

WHEREAS, in accordance with the July 2016 Supplemental Agreement, the Parties discussed the Supplemental Partnership Programs and amendments to the Watershed Regulations and reached a number of resolutions, through a Third Supplemental Side Agreement, including expansion of several CWC programs; and

WHEREAS, the CWC Policy Committee recommends the CWC Board of Directors authorize the President and/or Executive Director to execute the Third Supplement to the December 2010 Agreement in a form substantially similar to Exhibit B.

NOW THEREFORE BE IT RESOLVED, the CWC Board of Directors authorizes the President or Executive Director to execute the Third Supplement to the Agreement among certain Watershed MOA signatory parties, including CWC, NYCDEP, the Coalition of Watershed Towns, Delaware County, Town of Hamden, Town of Roxbury, Riverkeeper, New York Public Interest Research Group, Open Space Institute, and Catskill Center for Conservation and Development, agreeing to the proposed amendment to the 2010 Water Supply Permit and its enforceability by all signatories to the Watershed MOA.

Voice Vote, carried unanimously

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**CFF Program Rule Change – Tab 20**

A motion to approve Resolution No. 3205 was made by James Eisel and seconded by Thomas Hynes.

December 5, 2017

**RESOLUTION NO. 3205**

**CFF PROGRAM RULE CHANGE**

**WHEREAS**, pursuant to Resolution 591, on May 27, 2003, the Catskill Watershed Corporation (CWC) Board of Directors established the Catskills Hospital/Health Care Industry Loan Program and allocated Five Million Dollars (\$5,000,000.00) from the Catskill Fund for the Future to provide eligible for low interest loans to hospital and health Care facilities in watershed towns; and

**WHEREAS**, since 2003, the CWC Board of Directors approved six (6) loans from the Catskills Hospital/Health Care Industry Loan and an approximate balance of Four Million Four Hundred Ninety-Nine Thousand Five Hundred Forty-Eight Dollars and Sixty-Eight Cents (\$4,499,548.68) remains available in such restricted allocation; and

**WHEREAS**, the CWC Economic Development Committee recommends discontinuing the Hospital/Health Care Industry Loan and allocation, removing section 1:15 from the CFF Program Rules, and returning the allocation and future payments and interest to the Catskill Fund for the Future with potential borrowers remaining eligible to apply for a REDI loan from the Catskill Fund for the Future.

**NOW THEREFORE BE IT RESOLVED**, that the CWC Board of Directors discontinues the Hospital/Health Care Industry Loan Program, removes section 1:15 from the Catskill Fund for the Future Program Rules, and directs that the unused allocation and any future payments from current borrowers be returned to the Catskill Fund for the Future.

**Voice Vote, carried unanimously**

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CWC Headquarters Design and Construction Funding – Tab 21

A motion to approve Resolution No. 3206 was made by Innes Kasanof and seconded by Thomas Hynes.

December 5, 2017

RESOLUTION NO. 3206

CWC HEADQUARTERS DESIGN AND CONSTRUCTION FUNDING

WHEREAS, a purpose of the Catskill Watershed Corporation (CWC) is relieving and reducing adult unemployment, promoting and providing for additional and maximum adult employment,

and bettering and maintain adult job opportunities in the West of Hudson New York City Watershed; and

WHEREAS, by Resolution 3165, CWC Board of Directors approved retaining Keystone Architects and Engineers to design a new CWC headquarters building in Arkville, New York; and

WHEREAS, New York City Department of Environmental Protection (NYCDEP) has a main office in Kingston, New York outside of the West of Hudson Watershed; and

WHEREAS, NYCDEP regulatory staff, including staff who are responsible for reviewing and approving wastewater and septic designs and permitting, and stormwater designs and permitting are based at the NYCDEP Kingston office; and

WHEREAS, CWC requested New York City Department of Environmental Protection to employ regulatory staff at the new CWC Headquarters in Arkville, New York will provide for convenient access to regulatory staff for residents and watershed businesses with pending matters before NYCDEP, including pre-application conferences, regulatory permitting, and regulatory questions; and

WHEREAS, CWC hopes and anticipates that NYCDEP regulatory staff based in Arkville, New York will also indirectly contribute to the local economy; and

WHEREAS, NYCDEP has agreed as a condition of the 2017 draft Filtration Avoidance Determination, that by the time the new CWC building is complete and with best efforts by December 31, 2018 sign a binding commitment with CWC to lease office space in Arkville, NY, assign at least 26 NYCDEP staff to new offices in Arkville by December 31, 2020, and by December 31, 2026 assign additional staff, as necessary, to ensure that a total of at least 40 NYCDEP staff are assigned to new offices in Arkville, NY; and

WHEREAS, the CWC Economic Development Committee recommends that up to Five Million Dollars from the Catskill Fund for the Future be allocated for the design and construction

NOW THEREFORE BE IT RESOLVED, the CWC Board consistent with the terms of the MOA and the Program Contract, the West of Hudson Economic Development Study and the Economic Development Committee recommendation authorizes the transfer of funds as needed of up to Five Million Dollars (\$5,000,000.00) from the Catskill Fund for the Future for design and construction costs for the new CWC headquarters building in Arkville, New York.

Voice Vote, carried unanimously

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A motion to enter into Executive Session with Alan L. Rosa, Timothy Cox, Jason Merwin, Lynn Kavanagh, Phil Sireci, and Michael Meyer to discuss CFF delinquent loans and new loan applicant financials was made by Anthony Van Glad and seconded by James Eisel.

**Voice Vote, carried unanimously**



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A motion to resume the regular meeting was made by James Sofranko and seconded by Richard Parete.

Voice Vote, *carried unanimously*

CFF Loan – Sunflower Market, Inc. – Tab 22

A motion to approve Resolution No. 3207 was made by James Sofranko and seconded by Richard Parete.

December 5, 2017

RESOLUTION NO. 3207

APPROVAL OF SUNFLOWER MARKET, Inc.

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, Sunflower Market, Inc. has applied for a Five Hundred Thousand Dollar (\$500,000) loan for a term of ten (10) years, at a rate of four percent (4.0%), interest only for the first six (6) months, adjustable every five years to the CWC rate in effect at that time, to be amortized in one hundred eight (180) equal monthly payments, with the one hundred and twentieth (120th) being a balloon a payment, such that the outstanding principal is fully paid on the one hundred twentieth (120th) payment date, to expand, renovate and equip the real property at 75 Mill Hill Road, Woodstock, NY.; and

WHEREAS, pursuant to the CFF Program rules the CWC Staff has reviewed a completed CWC Loan application for Sunflower Market, Inc.; and

WHEREAS, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for Sunflower Market, Inc.; 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 Sunflower Market, Inc. application meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of Five Hundred Thousand Dollar (\$500,000) for a term of ten (10) years, at a rate of four percent (4.0%), interest only for the first six (6) months, adjustable every five years to the CWC rate in effect at that time, to be amortized in one hundred eighty (180) equal monthly payments, with the one hundred and twentieth (120th) being a balloon a payment, such that the outstanding principal is fully paid on the one hundred twentieth (120th) payment date.

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

NOW, THEREFORE BE IT FURTHER RESOLVED, that upon said approval of loan documentation CWC 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.

Voice Vote, carried unanimously

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**VIII. Announcements from the Chair:**

President Triolo wished everyone Merry Christmas and Happy Holidays.

**IX. Board Member Discussion:**

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

**Voice Vote, carried unanimously**

**X. Adjournment: 1:46 p.m.**