

CATSKILL WATERSHED CORPORATION

Board of Directors Meeting

MINUTES

January 1, 2010 @ 1:00 p.m.

I. Call to Order

II. Pledge of Allegiance: Led by Michael Flaherty.

III. Roll Call of Directors

Members Present: Donald Brandow, Deborah Meyer DeWan, Paul R. Dibbell, Martin Donnelly, James Eisel, Michael Flaherty, Jeff Graf (*New York City DEP*), Thomas Hynes, Berndt Leifeld, Georgianna Lepke, Wayne Marshfield, Tina Molé, Michael Shultis, Thomas Snow (*New York State DEC*) and Leonard Utter.

Members Excused: None

Staff Members Present: Timothy Cox, Nate Hendricks, Diane Galusha, Leo LaBuda, James Martin, Barbara Puglisi, Alan L. Rosa, Frieda Suess, and Michael Triolo.

Others Present: Michael Meyer (*New York City DEP*), Paul Cerosaletti (*Cornell Cooperative Extension of Delaware County*), Gerry Russtow (*Cornell Cooperative Extension of Delaware County*), Molly Mason (*The Ashokan Center*), and Holly Perofsky.

IV. Review and Approval of December 1, 2009 Board Meeting Minutes

A motion to approve the minutes from the December 1, 2009 board meeting was made by Berndt Leifeld and seconded by Martin Donnelly.

Voice Vote, carried unanimously

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**V. Presentation of Communication**

**Finance Report**

A motion to approve the financial reports as of November 30, 2009 was made by James Eisel and seconded by Michael Shultis.

**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.

Alan Rosa recognized Deborah DeWan, who introduced Molly Mason, of Ashokan Foundation and The Ashokan Center. Deborah also noted that Molly is also a regional musician and co-founder of the Ashokan Center. Molly thanked the Board for allowing her to attend to meeting. Alan then recognized Michael Triolo, who introduced Paul Cerosaletti and Gerry Russtow of the Cornell Cooperative Extension to provide an update to the Grass Pellet Study funded by the CWC Catskill Fund for the Future. Paul gave a power-point presentation, reporting progress of the Grass Bio-energy Project. He highlighted the objectives of the project, grass pellet production (where we are today), the combustion technology, the demonstration site set-up, experiences to-date, and outreach efforts. A copy of the power point presentation highlights is attached.

Alan then noted that the new NYCDEP Commissioner, Caswell Holloway IV, met with him at CWC on Wednesday, December 30, 2009, and he had a very positive outlook for what CWC does and looks forward to working with CWC.

Presentation of News Articles

Committee Schedule

Committee Meeting Minutes

VI. Public Discussion

Ms. Holly Perofsky addressed the Board concerning the Hitching Post building in Grand Gorge (Town of Roxbury). She presented a letter to each Board member. Holly stated that she had made an offer on the building, and after that the Board took it away. She continued that she doesn't understand why after putting a bid on it, it would be taken away. Georgianna Lepke asked Timothy Cox to explain what had occurred to date. Tim explained that CWC had received a bid offer on the building in December, 2009. Ms. Perofsky's bid came in after the last Board meeting. The individual who presented their bid before the December Board meeting complained that they thought their offer should have been accepted and hired counsel. After speaking with CWC's outside counsel and talking with Georgie, CWC determined that the best thing to do was to put the property out to public bid with legal notices in all five official newspapers. Picture ads were also placed in three of the local papers. Tim finished by noting that sealed bids are due Friday, January 8th at 3:00 pm. Holly responded that the process was unprofessional, after going through a lot of work and presenting the offer several different times. Georgianna Lepke responded that the CWC Board does have the final say in this matter. She explained that CWC staff had spoken with her and the Board felt that the best way to do this was to put the building out to public bid. The Board is sorry if she is disappointed, but believed that this course of action was best in this situation.

VII. Presentation of Resolutions

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**Septic Reimbursement Over \$20,000 – Betty Clayton - Tab 7**

A motion to approve Resolution No. 1656 was made by James Eisel and seconded by Berndt Leifeld.

January 5, 2010

**RESOLUTION NO. 1656**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
BETTY CLAYTON**

**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), 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-Nine Thousand Three Hundred Dollars (\$39,300.00); and

**WHEREAS**, the contractor’s quote for this system is more than Thirty Thousand Dollars (\$30,000); and

**WHEREAS**, the CWC staff have determined the contractor’s quote of Thirty-Nine Thousand Three Hundred Dollars (\$39,300.00) 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-Nine Thousand Three Hundred Dollars (\$39,300.00) 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-Nine Thousand Three Hundred Dollars (\$39,300.00).

**Betty Clayton Backup**

Ms Clayton’s property is located in the Town of Olive, Ulster County. Homeowner and CWC staff received four quotes from contractors, the lowest being \$39,300.00. This system is for a five bedroom house. The major components for this system include a 1,500 gallon septic tank, a dosing chamber, 57 lineal feet of gravity piping, 750 cubic

yards of absorption fill material, 416 lineal feet of absorption trench, and 156 lineal feet of curtain drain. The quote does not exceed CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$39,300.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$20,000 - Michael Ploennigs - Tab 8

A motion to approve Resolution No. 1657 was made by James Eisel and seconded by Berndt Leifeld.

January 5, 2010

RESOLUTION NO. 1657

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:
MICHAEL PLOENNIGS**

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 Thousand Dollars (\$20,000) 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 the contractor for the septic system repair in the amount of Twenty Thousand Nine Hundred Ninety-Three Dollars and Fifty Cents (\$20,993.50); and

WHEREAS, the contractor’s quote for this system is more than Twenty Thousand Dollars (\$20,000); and

WHEREAS, the CWC staff have determined the contractor’s quote of Twenty Thousand Nine Hundred Ninety-Three Dollars and Fifty Cents (\$20,993.50) 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 Thousand Nine Hundred Ninety-Three Dollars and Fifty Cents (\$20,993.50) 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 Thousand Nine Hundred Ninety-Three Dollars and Fifty Cents (\$20,993.50).

Michael Ploennigs Backup

Mr. Ploennigs' property is located in the Town of Olive, Ulster County. Homeowner and CWC staff received a quote from a contractor for \$20,993.00. This system is for a three bedroom house. The major components for this system include a pump station, 23 lineal feet of force main, 375 cubic yards of absorption fill material, 236 lineal feet of absorption trench and extensive restoration due to difficult site access. The quote does not exceed CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$20,993.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Mario Polo - Tab 9**

A motion to approve Resolution No. 1658 was made by James Eisel and seconded by Berndt Leifeld.

January 5, 2009

**RESOLUTION NO. 1658**

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:  
MARIO POLO**

**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 Thousand Dollars (\$20,000) 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 the contractor for the septic system repair in the amount of Twenty-Three Thousand Two Hundred Seventy-Nine Dollars (\$23,279.00); and

**WHEREAS**, the contractor's quote for this system is more than Twenty Thousand Dollars (\$20,000); and

**WHEREAS**, the CWC staff have determined the contractor's quote of Twenty-Three Thousand Two Hundred Seventy-Nine Dollars (\$23,279.00) 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-Three Thousand Two Hundred Seventy-Nine Dollars (\$23,279.00) 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-Three Thousand Two Hundred Seventy-Nine Dollars (\$23,279.00).

**Mario Polo Backup**

Mr. Polo's property is located in the Town of Woodstock, Ulster County. Homeowner and CWC staff received a quote from a contractor for \$23,279.00. This system is for a three bedroom house. The major components for this system include a 1,000 gallon septic tank, a 750 gallon dosing chamber, 80 lineal feet of gravity main, 315 cubic yards of absorption fill material, and 7,500 square feet of site restoration. The quote is within 10% of CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$23,279.00.

**Voice Vote, carried unanimously**

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Septic Reimbursement Over \$20,000 - Saverio Prisco - Tab 10

A motion to approve Resolution No.1659 was made by James Eisel and seconded by Berndt Leifeld.

January 5, 2010

RESOLUTION NO. 1659

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE OVER \$20,000:
SAVERIO PRISCO**

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 Thousand Dollars (\$20,000) 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 the contractor for the septic system repair in the amount of Twenty-Four Thousand Five Hundred Sixty-Nine Dollars (\$24,569.00); and

WHEREAS, the contractor's quote for this system is more than Twenty Thousand Dollars (\$20,000); and

WHEREAS, the CWC staff have determined the contractor's quote of Twenty-Four Thousand Five Hundred Sixty-Nine Dollars (\$24,569.00) 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-Four Thousand Five Hundred Sixty-Nine Dollars (\$24,569.00) 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-Four Thousand Five Hundred Sixty-Nine Dollars (\$24,569.00).

Saverio Prisco Backup

Mr. Prisco's property is located in the Town of Meredith, Delaware County. Homeowner and CWC staff received a quote from a contractor for \$24,569.00. This system is for a four bedroom house. The major components for this system include a 1,250 gallon septic tank, 23 lineal feet of gravity piping, four peat modules, 75 lineal feet of force main, 158 lineal feet of curtain drain and extensive site restoration. The quote does not exceed CWC Schedule of Values. The Septic Committee recommends that the Board of Directors approve reimbursement in an amount not to exceed \$24,569.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Additional Costs – Anita Anderson - Tab 11**

A motion to approve Resolution No. 1660 was made by Berndt Leifeld and seconded by Michael Shultis.

January 5, 2010

**RESOLUTION NO. 1660**

**BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC  
CONSTRUCTION OVER \$20,000:  
ANITA ANDERSON**

**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 Thousand Dollars (\$20,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, by Resolution Number 1430, the CWC Board approved reimbursement to Anita Anderson in an amount not to exceed Twenty-Eight Thousand Seven Hundred Fifty Dollars (\$28,750.00); 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 Six Hundred Dollars (\$600.00); and

**WHEREAS**, the total contractor's invoices for this system is more than Twenty Thousand Dollars (\$20,000); and

**WHEREAS**, the CWC have determined the contractor's total invoices of Twenty-Nine Thousand Nine Hundred Fifty Dollars (\$29,950.00) 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 contractor's invoice of Twenty-Nine Thousand Nine Hundred Fifty Dollars (\$29,950.00) 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 Fifty Dollars (\$29,950.00).

**Anita Anderson Name Backup**

Ms. Anderson's property is located in the Town of Olive, Ulster County. CWC Board of Directors previously approved reimbursement for this project at \$28,750.00. During construction it was determined that additional 23 tons of stone would be necessary to properly complete the project. A fair and reasonable cost for the stone is \$600.00. The Septic Committee recommends that the Board approve the additional cost of \$600.00 for total reimbursement not to exceed \$29,950.00.

***Voice Vote, carried unanimously***

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Septic Reimbursement Over \$20,000 – Additional Costs – Wanda D’Orta - Tab 12

A motion to approve Resolution No. 1661 was made by Berndt Leifeld and seconded by Michael Shultis.

January 5, 2010

RESOLUTION NO. 1661

**BOARD APPROVAL OF SEPTIC CONSTRUCTION ESTIMATE
OVER \$20,000 – ADDITIONAL COSTS:
WANDA D'ORTA**

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 Thousand Dollars (\$20,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

WHEREAS, CWC Staff approved Septic Program reimbursement for Wanda D’Orta in the amount of Nineteen Thousand One Hundred Fifty Dollars (\$19,150.00); 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 Five Hundred Fifty-Four Dollars (\$1,554.00); and

WHEREAS, the total contractor’s invoices for this system is more than Twenty Thousand Dollars (\$20,000); and

WHEREAS, the CWC staff have determined the contractor’s total invoices of Twenty Thousand Seven Hundred and Four Dollars (\$20,704.00) 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 total invoice of Twenty Thousand Seven Hundred and Four Dollars (\$20,704.00) 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 Thousand Seven Hundred and Four Dollars (\$20,704.00).

Wanda D’Orta Backup

Mr. D’Orta’s property is located in the Town of Roxbury, Delaware County. The original quote received for this system was \$19,150.00. During construction, Ms. D’Orta’s engineer requested a curtain drain be incorporated. A fair and reasonable cost for the curtain drain is \$1,554.00. The Septic Committee recommends that the Board of

Directors approves an additional reimbursement of \$1,554.00, for a total not-to-exceed amount of \$20,704.00.

Voice Vote, carried unanimously

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**Septic Reimbursement Over \$20,000 – Additional Costs – Michael Johnan - Tab 13**

A motion to approve Resolution No. 1662 was made by Berndt Leifeld and seconded by Michael Shultis.

January 5, 2010

**RESOLUTION NO. 1662**

**BOARD APPROVAL OF ADDITIONAL FUNDS FOR SEPTIC  
CONSTRUCTION OVER \$20,000:  
MICHAEL JOHMAN**

**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 Thousand Dollars (\$20,000) CWC staff shall forward the design with recommendation to the CWC Board for approval; and

**WHEREAS**, by Resolution Number 1522, the CWC Board approved reimbursement to Michael Johnan in an amount not to exceed of Twenty-Six Thousand Seven Hundred Dollars (\$26,700.00); and

**WHEREAS**, CWC staff has reviewed an additional construction invoice of costs incurred submitted by the contractor for the septic system repair in the amount of Four Thousand and Six Dollars (\$4,006.00); and

**WHEREAS**, the total contractor’s invoices for this system is more than Twenty Thousand Dollars (\$20,000); and

**WHEREAS**, the CWC have determined the contractor’s total invoices of Thirty Thousand Seven Hundred and Six Dollars (\$30,706.00) 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 contractor's invoice of Thirty Thousand Seven Hundred and Six Dollars (\$30,706.00) 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 Seven Hundred and Six Dollars (\$30,706.00).

**Michael Johnan Name Backup**

Mr. Johnan's property is located in the Town of Olive, Ulster. CWC Board of Directors previously approved reimbursement for this project at \$26,700.00. During construction Mr. Johnan's engineer determined that an additional 160 cubic yards of absorption fill material was required. A fair and reasonable cost for the additional fill material is \$4,006.00. The Septic Committee recommends that the Board approve the additional cost of \$4,006.00 for total reimbursement not to exceed \$30,706.00.

***Voice Vote, carried unanimously***

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Septic Program Rule Change – Reimbursements Through December 31, 2009 - Tab 14

A motion to approve Resolution No. 1663 was made by Michael Flaherty and seconded by Paul Dibbell.

January 5, 2010

RESOLUTION NO. 1663

SEPTIC PROGRAM RULE CHANGE FOR REIMBURSEMENT OF PAST REPAIRS OUTSIDE PRIORITY AREAS BEFORE JANUARY 1, 2010

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 1440, the CWC Board of Directors approved a program rule change to Article 2-A providing for reimbursement to homeowners outside of current priority areas who repaired or replaced their septic system prior to January 1, 2009; and

WHEREAS, numerous watershed residents outside of the current CWC Septic Program priority areas have rehabilitated or replaced their septic systems after January 1, 2009; 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 January 1, 2009 and December 31, 2009 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 2, 1999 and December 31, 2009 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 2, 1999 and December 31, 2009 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 of Repaired Failures:

- 1) An eligible septic system will be funded under applicable program rules depending on the date of the inspection of the system resulting in the issuance of a NOV/NOF by NYCDEP and/or the date of repair/replacement as provided below. The applicable rules shall be determined by the following:
 - a) An NOV/NOF issued due to an inspection scheduled before January 1, 1999 will follow Article 2 of the CWC Program Rules. This includes applications for reimbursement for work done between November 2, 1995 and January 21, 1997.
 - b) An NOV/NOF issued due to a inspection scheduled between January 1, 1999 and July 1, 1999 will follow Article 2 of the CWC Program Rules except the Coordinator program will not be available, and the following limits will also apply:
 - i) Any eligible septic system that receives a Notice of Priority List Failure due to inspection scheduled between January 1, 1999 and July 1, 1999 shall be eligible for reimbursement payment in the year 1999 for reasonable costs incurred in response to the Notice of Priority List Failure. The CWC may pay a portion of reasonable and necessary costs of improvements made to such eligible septic system. Section 2:01:05 and 2:01:06 further clarifies eligible costs.

- ii) Any eligible septic system that receives a Notice of Failure due to inspection scheduled between January 1, 1999 and July 1, 1999, that has not been identified as a priority shall be eligible for reimbursement payment of reasonable costs incurred in response to the Notice of Failure. Payment shall not occur before the year 2000. The CWC may pay a portion of reasonable and necessary costs of improvements made to such eligible septic system. Section 2:01:05 and 2:01:06 further clarifies eligible costs.
- c) An eligible system repaired or replaced between July 2, 1999 and December 31, ~~2008~~2009:
 - ± Any eligible system that has not been identified as a priority shall be eligible for reimbursement payment for reasonable costs incurred between July 1, 1999 and December 31, ~~2008~~2009. The CWC, upon receipt of a copy of NYCDEP Final Construction Approval, may pay a portion of reasonable and necessary costs of improvements made to such eligible septic system. Section 2:01:05 and 2:01:06 further clarifies eligible costs.
- f) An eligible system repaired or replaced on or after January 1, ~~2009~~2010 will follow Article 2-A of the CWC program rules, as follows.
- g) The CWC Board may allocate additional funds to reimburse homeowners outside of the priority area(s) under consideration for repair and replacement of septic systems.

Voice Vote, carried unanimously

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**Stormwater Retrofit – Town of Halcott - Tab 15**

A motion to approve Resolution No. 1664 was made by James Eisel and seconded by Michael Shultis.

January 5, 2010

**RESOLUTION NO. 1664**

**BOARD REVIEW OF STORMWATER RETROFIT PROGRAM APPLICATION  
FOR THE TOWN OF HALCOTT  
STORMWATER INFRASTRUCTURE PLANNING & ASSESSMENT PROJECT**

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

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

**WHEREAS**, pursuant to the CWC Program rules as adopted by the CWC Board of Directors, the CWC staff and New York City Department of Environmental Protection (NYCDEP) staff must evaluate grant requests and issue funding recommendations to the CWC Wastewater Committee, which shall issue recommendations to the CWC Board of Directors; and

**WHEREAS**, CWC and NYCDEP staff have jointly reviewed, ranked and recommend the Town of Halcott Stormwater Infrastructure Planning and Assessment Project for funding in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00), with a local match of Fifteen Thousand Five Hundred Dollars (\$15,500.00), for a total project cost of Forty Thousand Five Hundred Dollars (\$40,500.00); and

**WHEREAS**, the CWC Wastewater Committee has reviewed and recommended the proposal as detailed in the application dated August 26, 2009; and

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

**NOW, THEREFORE, LET IT BE RESOLVED**, that the CWC Board of Directors approves funding for the Town of Halcott Stormwater Infrastructure Planning and Assessment Project in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00).

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

**CWC Stormwater Retrofit Program  
Town of Halcott  
Stormwater Infrastructure Planning & Assessment Project**

The Town of Halcott proposes to implement a Stormwater Infrastructure Planning & Assessment Project for the Town of Halcott.

The project is intended to map, conduct hydraulic models and capacity analyses on culverts and bridges. A detailed list of “hot spots” throughout the town with recommendations on how to address each will be provided.

The estimated total project cost is \$40,500.00. The CWC Stormwater Retrofit Program Rules require a 15% local match, limited to data collection work. CWC staff recommends funding a not-to-exceed amount of \$25,000.00 with a local match of \$15,500.00 which is \$11,750.00 more than the \$3,750.00 required by the program rules. The CWC Wastewater/Stormwater Committee recommends approving the application for funding.

***Voice Vote, carried unanimously***

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LTAP Program Rule Change - Round 5 Applications - Tab 16

A motion to approve Resolution No. 1665 was made by Michael Flaherty and seconded by Tina Molé.

January 5, 2010

RESOLUTION NO. 1665

APPROVAL OF LOCAL TECHNICAL ASSISTANCE PROGRAM RULE

CHANGE – LTAP GRANT APPLICATIONS 2010

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

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

WHEREAS, CWC staff has recommended a program rule change to the CWC Wastewater/Stormwater Committee for the 2010 Round of LTAP funding as described in Attachment A; and

WHEREAS, the CWC Wastewater/Stormwater Committee recommends adoption of the Local Technical Assistance Program Rule Change (Attachment A); and

NOW, THEREFORE BE IT RESOLVED, that the CWC Board of Directors adopts the attached Local Technical Assistance Program Rule Change, as per the Committee’s recommendation.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Local Technical Assistance Program Rules may be amended from time to time by the CWC Board of Directors after consultation with and approval of NYCDEP.

ATTACHMENT A

11:00:07. Program Milestones

A. Local Technical Assistance Program
Description of Implementation Milestone

	<u>Est. Date</u>
a. Finalize program rules, milestones and prioritization.	Month 1
b. Develop standard program contract.	Month 1
c. Implement initial round of application process (see section 11:02:02)	Month 1
d. Prioritize and select projects, estimate budget	Month 4

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|---|--------------------------|
| e. Repeat process for any additionally selected projects. | Annually |
| f. The CWC Board shall annually allocate funds for the Program. | Annually |
| g. Applications available | <u>*December 1, 2009</u> |
| h. Applications due for Local Technical Assistance Grant Program | <u>*January 29, 2010</u> |
| i. Applications submitted to CWC Board for approval. | <u>*April 6, 2010</u> |
| j. Issue contracts on approved projects. | <u>*May 2010</u> |
| 1. This program shall terminate 10 years after the start-up date. | 6/28/2015 |
- (*Application availability and due dates, and CWC approval and contract dates will be set annually by the Board through a program rule change.)

Voice Vote, carried unanimously

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**Appointments to WPPC - Tab 17**

A motion to approve Resolution No. 1666 was made by James Eisel and seconded by Michael Shultis.

January 5, 2010

**RESOLUTION NO. 1666**

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

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

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

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

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

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

**WHEREAS**, the watershed community members of the CWC Policy committee recommend that Alan Rosa, Executive Director of the CWC, be reappointed to the WPPC



Executive Committee for an additional term which would expire on October 23, 2013;  
and

**WHEREAS**, the watershed community members of the CWC Policy Committee recommend that Dean Frazier, Commissioner of Delaware County Watershed Affairs, be reappointed to the WPPC Technical Advisory Committee.

**NOW, THEREFORE BE IT RESOLVED**, that the watershed community members of the CWC Board appoint Alan Rosa to the WPPC Executive Committee for a four year term expiring on October 23, 2013.

**NOW, THEREFORE BE IT RESOLVED**, that the watershed community members of the CWC Board appoint Dean Frazier to the WPPC Technical Advisory Committee for a four year term expiring on October 23, 2013.

**Voice Vote, carried unanimously**

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

Voice Vote, carried unanimously

A motion to resume the regular meeting was made by Michael Flaherty and seconded by James Eisel.

Voice Vote, carried unanimously

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**CFF REDI Loan – Catskill Mountain Foundation - Tab 18**

A motion to approve Resolution No. 1667 was made by Berndt Leifeld and seconded by Paul Dibbell.

January 5, 2010

**RESOLUTION NO. 1667**

**APPROVAL OF CATSKILL MOUNTAIN FOUNDATION**

**BUSINESS LOAN**

**WHEREAS**, the Catskill Watershed Corporation (CWC) established the REDI Fund Loan Program for the purpose of providing low interest loans to qualified economic

development projects in the West of Hudson Watershed to be administered by the CWC in accordance with the Catskill Fund for the Future (CFF) Program Rules; and

**WHEREAS**, Catskill Mountain Foundation, has applied for an Eight-Hundred Fifty Thousand Dollar (\$850,000.00) loan for a term of five (5) years, at a rate of four percent (4.0%), to be amortized based on a payment of principal schedule as follows:

\$100,000 on the anniversary of the first day of the twenty-fifth month;

\$100,000 on the anniversary of the first day of the thirty-seventh month;

\$200,000 on the first day of the forty-ninth month; and

\$450,000 on the last day of the sixtieth month, with interest payments on the entire loan to be deferred until the final payment such that the outstanding principal is fully paid on the last payment date, and furthermore provided that all principal payments are made timely, the purpose of which is to complete the renovations to the Orpheum Theater on Main Street, Tannersville, NY; and

**WHEREAS**, the Orpheum Theater will be a destination performing arts center that will provide a venue for off-Broadway theatrical events, local theatrical and musical events, enhance the economy and livability of Tannersville and the Mountain Top area of Greene County, and provide a hands-on educational experience for local students interested in the performing arts: and

**WHEREAS**, because of the educational opportunities to be offered by the Orpheum Theater, the destination aspect of the project that will improve the economy of Tannersville and the surrounding area, and the expected boost to the local businesses offered by a theater that can provide an adequate stage and venue for off-Broadway shows and other musical and theatrical acts, the CWC Loan Committee recommends, provided that all principal payments are made timely, that the CWC Board of Directors waive the interest on the Catskill Mountain Foundation mortgage; and

**WHEREAS**, the CWC Loan Committee also recommends that if any scheduled payment is not made on the appropriate date that all interest and late fees be assessed on the entire loan; and

**WHEREAS**, the Catskill Mountain Foundation has invested approximately Fifteen Million Dollars (\$15,000,000.00) to remove and renovate dilapidated and underutilized properties, substantially improving both the looks and economy of the greater Hunter area; and

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

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

**WHEREAS**, the CWC Loan Committee has recommended approval of the CWC Loan application from Catskill Mountain Foundation; 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 that the Catskill Mountain Foundation loan application meets the CWC CFF qualified economic development criteria and approves of the loan application, the purpose of which is to complete the renovations to the Orpheum Theater on Main Street, Tannersville, NY, for Eight-Hundred Fifty Thousand Dollars (\$850,000.00), for a term of five (5) years, at a rate of four percent (4.0%), to be amortized based on a payment of principal schedule as follows:

- \$100,000 on the anniversary of the first day of the twenty-fifth month;
- \$100,000 on the anniversary of the first day of the thirty-seventh month;
- \$200,000 on the first day of the forty-ninth month; and
- \$450,000 on the last day of the sixtieth month, with interest payments on the entire loan to be deferred until the final payment, however, provided that if all prior principal payments have been timely made, then the loan documents shall provide that the CWC Board of Directors shall have waived the accrued interest on the Catskill Mountain Foundation mortgage; and provided further that if any scheduled principal payment has not been made on the due date, then such interest waiver shall be revoked and all interest accruing from the first date of the loan along with any late fees shall be deemed due and owing on the last day of the sixtieth month of the loan.

**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 NYSEFC.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that upon said approval of loan documentation CWC, in conjunction with NYSEFC, is authorized to close on said loan

and NYSEFC is authorized to disburse proceeds thereof in accordance with the loan documents.

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

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

#### **Purpose: To review the CWC Loan Application of Catskill Mountain Foundation**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Catskill Mountain Foundation located in the Town of Hunter, Village of Tannersville, NY. Evaluation is based on the Evaluation Criteria established in the Catskill Fund for the Future Program Rules, approved on August 22, 2001 by the CWC Board of Directors.

1. Based on due inquiry to the NYSDEC, the NYCDEP, and to the best of CWC's knowledge, the property at Main Street Tannersville, NY, owned by the Catskill Mountain Foundation and known as the Orpheum Theater, and currently being renovated, is presently in compliance with all applicable environmental statutes and regulations.
2. Based on due inquiry to the NYSDEC, the NYCDEP, and to the best of CWC's knowledge, the property at Main Street, Tannersville, NY, known as the Orpheum Theater, owned by the Catskill Mountain Foundation, is not subject to any enforcement actions by any regulatory agency.
3. (a) To the best of CWC's knowledge, the project is consistent with historic land use patterns, available infrastructure and sensitivity to the need for water quality protection.
  - (i) Catskill Mountain Foundation will renovate the building known as the Orpheum Theater at Main Street, Tannersville, NY.
  - (ii) The project is located in the Town of Hunter.
  - (iii) The project will utilize the Tannersville, NY WWTP.
  - (iv) The project appears to present no threat to water quality.
  - (v) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
  - (vi) Based on NYCDEP the project is not in the 60 day travel time.
  - (vii) There is no impact on Federal or State wetlands.
- (b) The project maintains the character of the Town of Hunter.
  - (i) The project is consistent with current zoning.
  - (ii) The project is compatible with surrounding land uses.
  - (iii) The project will not generate excessive traffic.
  - (iv) The project as described is of such magnitude that it does not appear likely to promote secondary growth and therefore requires not additional review of land use plans or infrastructure.
4. The project is consistent with the West of Hudson Economic Development Study, which has been completed.

5. Not applicable.

***Voice Vote, carried 13 for, 2 opposed (Wayne Marshfield and Tina Molé)***

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CFF REDI Loan – WB Delhi - Tab 19

A motion to approve Resolution No. 1668 was made by Martin Donnelly and seconded by Michael Shultis.

January 5, 2010

RESOLUTION NO. 1668
APPROVAL OF WB DELHI, LLC
BUSINESS LOAN

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

WHEREAS, WB Delhi, LLC. has applied for a One Million One Hundred Thousand Dollars (\$1,100,000.00) loan at a rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, to be amortized in two hundred forty (240) equal monthly payments, with the one hundred and twentieth (120th) payment being a balloon payment such that the outstanding principal is fully paid on the one hundred and twentieth (120th) payment date, to be used to convert an existing purchase mortgage and construction loan to permanent financing, with the property to be utilized as a retail farm supply store; and

WHEREAS, pursuant to the CFF Program rules the CWC Staff has reviewed a completed CWC Loan application for WB Delhi, LLC.; and

WHEREAS, pursuant to the CFF Program rules the CWC Loan Committee has reviewed an underwriting report for WB Delhi, LLC.; and

WHEREAS, the CWC Loan Committee has recommended approval of the CWC Loan application from WB Delhi, LLC.; 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 that the application from WB Delhi, LLC, Inc. meets the CWC CFF qualified economic development criteria and approves of the loan application in the amount of One Million One Hundred Thousand Dollars (\$1,100,000.00) loan at an interest rate of four percent (4.0%), adjustable every five years to the CWC rate in effect at that time, to be amortized in two hundred forty (240) equal monthly payments, with the one hundred and twentieth (120th) payment being a balloon payment, such that the outstanding principal is fully paid on the one hundred and 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 NYSEFC.

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

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

QEDP Evaluation and CWC Staff Recommendation

Purpose: to review the CWC Loan Application of WB Delhi, LLC

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to WB Delhi, LLC, located in the Town of Delhi, NY. Evaluation is based on the Evaluation Criteria established in the Catskill Fund for the Future Program Rules, approved on August 22, 2001 by the CWC Board of Directors.

1. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the WB Delhi, LLC property located at 69 Main St. located in the Village of Delhi, NY, to be used as collateral for the loan, is presently in compliance with all applicable environmental statutes and regulations.
2. Based on due inquiry to the NYSDEC, the NYCDEP and to the best of CWC's knowledge, the WB Delhi, LLC property located in the Village of Delhi, NY, owned by WB Delhi, LLC and to be used as collateral for the loan, is not subject to any enforcement actions by any regulatory agency.
3. (a) To the best of CWC's knowledge, the project is consistent with historic land use patterns, available infrastructure and sensitivity to the need for water quality protection.
 - (i) WB Delhi, LLC will mortgage the property at 69 Main St., Delhi, NY, and use the proceeds to re-finance an existing mortgage and construction loan to a permanent mortgage, with the property to be used as a retail ranch and farm supply store.
 - (ii) The project is located in the Town of Delhi but will serve multiple towns in the watershed.
 - (iii) The project will utilize the Village of Delhi WWTP.
 - (iv) The project appears to present no threat to water quality.
 - (v) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
 - (vi) Based on NYCDEP the project is not in the 60 day travel time.
 - (vii) There is no impact on Federal or State wetlands.
- (b) The project maintains the character of the Village of Delhi.
 - (i) The project is consistent with current zoning with variances.
 - (ii) The project is compatible with surrounding land uses.
 - (iii) The project will not generate excessive traffic.
 - (iv) The project as described is of such magnitude that it does not appear likely to promote secondary growth and therefore requires no additional review of land use plans or infrastructure.
4. The project is consistent with the West of Hudson Economic Development Study, which has been completed.
5. Not applicable.

Voice Vote, carried unanimously

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**Sportsfield Specialties, Inc. – Subordination Request - Tab 20**

A motion to approve Resolution No. 1669 was made by Leonard Utter and seconded by James Eisel.

January 5, 2010

**RESOLUTION NO. 1669**

**APPROVAL OF SPORTSFIELD SPECIALTIES, INC.**

## **LOAN SUBORDINATION**

**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**, by Resolution Number 667, on January 27, 2004 the CWC Board of Directors approved a CFF REDI-Loan to Sportsfield Specialties, Inc. in the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) to purchase machinery and equipment used in the company's production processes; and

**WHEREAS**, by Resolution Number 1500 on April 7, 2009 the CWC Board of Directors approved a subordination in the amount of Two Hundred Twenty-Five Thousand Dollars (\$225,000.00) and said subordination has not been exercised; and

**WHEREAS**, Sportsfield Specialties, Inc. is current in their CFF REDI-Loan obligation; and

**WHEREAS**, Sportsfield Specialties, Inc. has requested a subordination of Three Hundred Seventy-Two Thousand Six Hundred Fifty Dollars (\$372,650.00) to purchase additional equipment for the operation of the company; and

**WHEREAS**, the CWC Staff has reviewed a completed subordination request from Sportsfield Specialties, Inc.; and

**WHEREAS**, the CWC Loan Committee has reviewed an underwriting report for Sportsfield Specialties, Inc.; and

**WHEREAS**, the CWC Loan Committee has recommended approval of the subordination request by Sportsfield Specialties, Inc.; and

**WHEREAS**, the CWC staff has reviewed and processed this request, and submitted a 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 subordination request 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 granting this subordination, 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 approve a subordination request

**NOW, THEREFORE BE IT RESOLVED**, the CWC Board determines that Sportsfield Specialties, Inc. subordination request meets the CWC CFF qualified economic development criteria and approves an additional lien in the amount of Three Hundred Seventy-Two Thousand Six Hundred Fifty Dollars (\$372,650.00), superior to CWC's lien position, to be used to purchase new manufacturing equipment.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, the CWC staff is authorized and directed to inform the borrower, in writing, of the Board's intention to grant the subordination 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 and other documentation necessary to effectuate this subordination in a form agreed upon by NYSEFC.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that upon said approval of subordination documentation CWC, in conjunction with NYSEFC, is authorized to issue said subordination.

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

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

**Purpose: To review the Subordination request by Sportsfield Specialties, Inc.**

The Executive Director of the CWC makes the following evaluation concerning a REDI Fund Loan to Sportsfield Specialties, Inc. located in the Town of Delhi, NY. Evaluation is based on the Evaluation Criteria established in the Catskill Fund for the Future Program Rules, approved on August 22, 2001 by the CWC Board of Directors.

1. Based on due inquiry to the NYSDEC, the NYCDEP, and to the best of CWC's knowledge, the property at 41155 State Route 10, Delhi, NY, owned by Sportsfield Specialties, Inc., is presently in compliance with all applicable environmental statutes and regulations.
2. Based on due inquiry to the NYSDEC, the NYCDEP, and to the best of CWC's knowledge, the property at 41155 State Route 10, Delhi, NY, owned by Sportsfield Specialties, Inc. is not subject to any enforcement actions by any regulatory agency.
3. (a) To the best of CWC's knowledge, the project is consistent with historic land use patterns, available infrastructure and sensitivity to the need for water quality protection.
  - (i) Sportsfield Specialties, Inc. is purchasing equipment for its manufacturing plant in the Town of Delhi, NY.
  - (ii) The project is located in the Town of Delhi.

- (iii) The project will utilize a septic system currently installed.
  - (iv) The project appears to present no threat to water quality.
  - (v) The project appears to generate no materials with the potential to degrade water quality that are not pretreated prior to release.
  - (vi) Based on NYCDEP the project is not in the 60 day travel time.
  - (vii) There is no impact on Federal or State wetlands.
4. (b) The project maintains the character of the Town of Delhi.
- (i) The project is consistent with current zoning.
  - (ii) The project is compatible with surrounding land uses.
  - (iii) The project will not generate excessive traffic.
  - (iv) To the best of CWC's knowledge, the project will not promote secondary growth.
5. The project is consistent with the West of Hudson Economic Development Study, which has been completed.
6. Not applicable.

**Voice Vote, carried unanimously**

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VIII. Announcements from the Chair: None

IX. Board Member Discussion: None

A motion to adjourn was made by Michael Flaherty and seconded by Thomas Snow.

Voice Vote, carried unanimously

X. Adjournment: @ 2:49 p.m.